

MC/25/0371

Date Received: 25 February 2025
Location: Land to the rear of Berengrave Lane, Rainham, Kent ME8 7FG
Proposal: Construction of thirty three dwellings with associated access road, landscaping and car parking.
Applicant Agent: Ms Emilia Harrison
Iceni Projects
Studio 3
44 Saffron Hill
London
EC1N 8FH
Ward: Rainham North
Case Officer: Arron Nicholls
Contact Number: 01634 333184

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24 September 2025.

Recommendation – Approval Subject to:

- A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure:
- i. £7,634.22 to improve equipment and facilities at Rainham Library.
 - ii. £10,741.17 towards Safety and long term protection for the new EV charging ports at Cozenton Leisure Centre.
 - iii. £7,634.22 for the provision, improvement and promotion of waste and recycling services.
 - iv. £112,561.68 towards improvements to open space and outdoor formal sport within the vicinity of the development, including Great Lines Heritage Park, broken down as follows:
 - a. To enhance open space facilities within the vicinity of the development, including Riverside Country Park = £106,933.60
 - b. Medway's Metropolitan park - Great Lines Heritage Park = £5,628.08
 - v. £12,559.47 to contribute towards interpretation at the Guildhall Museum.
 - vi. £60,834.51 for nursery provision within a radius of 2 miles from the development site and/or SEND education within Medway.

- vii. £149,321.37 for primary provision within a radius of 2 miles from the development site and/or SEND education within Medway.
- viii. £118,312.26 for secondary provision within Medway.
- ix. £31,144.08 towards sixth form provision within Medway.
- x. £20,000.00 To assist with development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Shopping Centre and town centre gateways.
- xi. £80,000.00 towards community facilities in Rainham, including but not limited to St Margarets Church, Millenium Centre and the Oast Community Centre.
- xii. £27,897.21 health contribution to support the creation of additional capacity in Health Care premises required as a result of the increase in housing and resulting patient registrations.
- xiii. £12,232.64 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xiv. Meeting the Council's costs.
- xv. Clause to ensure the proposed S278 works proposed as part of Transport statement (Ref; 425.065471.00001) received 25 February 2025 are undertaken prior to the occupation of any units. The works shall include Pedestrian crossing improvements at Chalky Band Road, Berengrave Lane and Station Road; and Wheelchair accessible kissing gates at either end of Berengrave Nature Reserve.

B. The following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 25 February 2025

Proposed site location plan (24.073 10)

Proposed site location plan coloured (24.073 10)

Plots 1, 2 and 3 plans and elevations (24.073 100)

Plot 4 plans and elevations (24.073 101)

Plot 5 plans and elevations (24.073 102)

Plot 6 plans and elevations (24.073 103)

Plot 7 plans and elevations (24.073 104)
 Plot 8 plans and elevations (24.073 105)
 Plots 9 and 10 plans and elevations (24.073 106)
 Plot 11 plans and elevations (24.073 107)
 Plots 12,13,14 and 15 plans and elevations (24.073 108)
 Plots 16,17,18 and 19 plans and elevations (24.073 109)
 Plots 20 and 21 plans and elevations (24.073 110)
 Plots 22 and 23 plans and elevations (24.073 111)
 Plot 24 plans and elevations (24.073 112)
 Plots 25 and 26 plans and elevations (24.073 113)
 Plots 27 and 28 plans and elevations (24.073 114)
 Plots 29 and 33 plans and elevations (24.073 115)
 Plots 30 and 31 plans and elevations (24.073 116)
 Plot 32 plans and elevations (24.073 117)
 Proposed garage and carport plans and elevations (24.073 200)
 Proposed street scene AA, BB, CC and DD (24.073 300)
 Proposed unit mix plan (24.073 50)
 Proposed tenure plan (24.073 51)
 Proposed building heights (24.073 52)
 Proposed parking strategy plan (24.073 53)
 Proposed refuse plan (24.073 54)
 Proposed materials strategy plan (24.073 56)
 Proposed site areas plan (24.073 57)
 Proposed hard and soft landscaping plan (24.073 58)
 Design and access statement

Received 07 April 2025

Proposed boundary treatment (24.073-55 REV-C)

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 4 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are

otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No dwelling hereby approved shall be occupied until the areas shown on drawing number 24.073 53 Proposed parking strategy plan (received 25 February 2025) as vehicle parking spaces and garages have been provided, surfaced, drained and marked out on site. Thereafter those spaces, car ports and garages shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policy T13 of the Medway Local Plan 2003.

- 6 Prior to first occupation of the development, the approved cycle storage facilities, as identified on drawing number 24.073 200 Proposed Garages and Carports floor plans and Elevations (received 25 February 2025) shall be fully implemented. The facilities shall be retained as approved thereafter.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 7 Prior to first occupation of any part of the residential development hereby approved, the refuse storage areas as identified on drawing number 24.073 54 Proposed Refuse Strategy Plan (received 25 February 2025) shall be implemented and thereafter retained for that purpose.

Reason: To ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 8 No dwelling shall be occupied until details of the boundary treatment for the whole site has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before first occupation of any dwelling and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality and impact on the retained trees, in accordance with Policy BNE1 of the Medway Local Plan 2003.

9 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority. The details shall include:

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of a planting and soil statement that confirms the soil profile / build-up of the landscape proposals and demonstrates its interface with the ground capping layer, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.
- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).
- iii. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping and impact on the retained trees, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

10 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including communal courtyard (except for small, privately owned, domestic gardens). Prior to any hand over from the developer to a management company, there shall be a walk over the site with an appropriate officer from the Local Planning Authority to check compliance with the planting and maintenance plans and any compliance requirements flowing from the site visit shall be undertaken prior to hand over. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 Prior to commencement of works above slab level, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as ISO lux plan(s) showing light spill. It shall be clearly demonstrated that areas to be lit shall not impact protected species or their habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c) and with regard to Policies BNE1, BNE2, BNE5, BNE34 and BNE39 of the Medway Local Plan 2003.

- 12 No development above slab level shall commence until full details of the areas to be set aside for equipped play facilities together with the play equipment and safe surfacing to be provided has been submitted to and approved in writing by the Local Planning Authority. These details shall also include the proposed public open space along with the proposed footpaths. Any play area or areas shall be provided in accordance with the approved scheme of details prior to the first occupation of the residential accommodation and shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory provision of play equipment and public open space are in accordance with Policy L4 of the Medway Local Plan 2003.

- 13 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before the relevant property is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 14 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Travel

Plan which encompasses a range of measures to encourage the use of sustainable and non-car related transport modes. The Plan shall be implemented as approved.

Reason: To demonstrate that all development impacts are assessed in relation to the wider area, in accordance with Policy T1 of the Medway Local Plan 2003.

- 15 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 178 of NPPF.

- 16 Prior to first occupation of the development (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 178 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The approved CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk.

The development shall be undertaken in accordance with the approved details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 178 of NPPF.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A and B of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 21 The development herein approved shall incorporate the measures as set out in the Energy and Sustainability Statement 2114L-06-01-03 Issue-3 (received

25 December 2025). Prior to occupation a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interest of sustainability and to positively address concerns regarding climate change in accordance with paragraph 159 of the National Planning Policy Framework 2023.

- 22 Prior to commencement (including site clearance) details of a Ecological enhancement management plan (EEMP) and a Construction ecological management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority.

The CEMP shall contain full details of the measures outlined in section 4 of PEA report, Updated Interim Bat Activity Report and Badger Monitoring Report associated with Land West of Berengrave Lane. The CEMP shall be based on the following:

- PEA if over two years old and any recommended surveys;
- Completed Bat Activity Surveys;
- Retained tree and hedgerow protection measures in accordance with BS 5837:2012;
- Measures to avoid impacts to onsite habitat, including identification of a construction exclusion zone;
- Specific measures (which may be presented as a series of method statements); to avoid impacts to protected species including bats, badgers, reptiles and dormice;
- The role and responsibilities of an Ecological Clerk of Works (ECoW) or similarly competent person(s).

The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

The EEMP shall include the following:

- A detailed plan and proposed management measures.
- The provision of at least one integrated durable bird or bat boxes per dwelling.
- All existing hedgerows are to be retained, and where feasible, enhanced through gapping up with native species, and managed to achieve a dense, structurally diverse profile with long undergrowth to support bat foraging and commuting and provide refuge and connectivity for reptiles.
- Including native species planting where possible.

The approved plans shall be implemented as described and retained thereafter.

Reason: To avoid an offence under the Wildlife and Countryside Act 1981 and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006 and to be in accordance with paragraphs 180(c) and 185(b) of the NPPF 2023 which require developments to deliver measurable ecological gains.

- 23 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on up-to-date ecology surveys as determined by a suitably qualified ecologist, has been submitted to, and approved in writing by, the local planning authority and including:
- a. a non-technical summary;
 - b. the roles and responsibilities of the people or organisation(s) delivering the HMMP;
 - c. the planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan;
 - d. the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
 - e. the monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with [local policy reference] and Schedule 7A of the Town and Country Planning Act 1990.

- 24 No development shall commence until a scheme for the protection of retained trees (the tree protection plan) and the appropriate working methods of construction and demolition (the arboriculture method statements) have been submitted to and approved in writing by the Local Planning Authority. These measures shall accord with the recommendations contained in British Standard BS5837 Trees in relation to design, demolition and construction - Recommendations or any revision thereof. The approved scheme shall be implemented as approved before any equipment, machinery or materials are brought on to the site for the purposes of the development. No alterations or variations to the approved tree protection scheme or methods of working shall be made without prior written consent of the local planning authority and they shall be maintained until all equipment, machinery and surplus waste or materials have been removed from the site.

Reason: To ensure no irreversible detrimental harm to the existing trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

For the reasons for this recommendation for Approval please see Planning Appraisal Section and Conclusions at the end of this report.

Proposal

This application seeks full planning permission for the construction of 33 residential units. The housing mix would comprise:

2-bed units – Total of 11

3-bed units – Total of 13

4-bed units – Total of 9

The proposed dwellings would range from 1 to 2 storeys in height and be a mix of bungalows, detached, terraced and semi-detached houses.

The applicants state the scale, design and appearance of the scheme has been designed to be in keeping with the architectural vernacular and character of the surrounding dwellings, and those completed on the earlier phases of the proposed development. Whilst seeking to minimise the visual impact upon the adjacent Area of Local Landscape Importance, through the use of sensitive landscaping.

The proposed vehicular access would utilise the existing access road through the earlier two phases of development. Foot path links are also provided through the earlier phases connecting into the existing footpaths along Berengrave Lane, with improvements made to the pedestrian route towards the train station and town centre.

Site Area/Density

Site Area: 1.52 hectares (3.75 acres)

Site Density: 21.7 dph (8.8 dpa)

Relevant Planning History

MC/18/3186	Construction of nine residential dwellings comprising 6 no. 3 bedroom houses, 2 no. 4 bedroom houses and one 5-bedroom house, with associated access, amenity areas and associated garaging and parking for proposed and existing dwelling. Demolition of the existing garage and outbuildings. Decision: Approval with conditions Decision date: 29 April 2019
MC/20/1319	Construction of four detached chalet dwellings with associated access, vehicle parking/garaging, refuse and cycle storage areas as amended by revised drawings received on 17/09/2020. Decision: Refused

Decision date: 22 October 2022

MC/22/1339

Construction of 8 residential dwellings; detached garages to plots 2, 3 and 8 together with private amenity space, landscaping and associated parking.

Decision: Granted at appeal

Decision date: 09 August 2023

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties, KCC Biodiversity, NHS Medway, UK Power Networks, Southern Gas Networks, Southern Water Services, The Environment Agency, Natural England, Royal Society for the Protection of Birds, Natural England, Kent Wildlife Trust and Kent Police have also been consulted.

10 letters of representation from **10** different addresses have been received objecting to the application for the following reasons

- Loss of green spaces
- Impact on existing infrastructure e.g. Doctors, schools and hospital
- Impact on existing road infrastructure and road safety
- Noise in relation to construction
- Poor condition of surrounding footpaths
- Lack of public transport
- Concerns in relation to drainage, surface water and flooding
- Impacts on archaeology
- Concerns in relation to the proposed pumping station
- Impacts on the character of lower Rainham
- Loss of best and most versatile agricultural land
- Impacts on wildlife and ecology

Kent Police have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). *(The applicant is aware of this and will be discussing this directly with Kent Police).*

The Environment Agency have advised that they raise no objection to the proposed development.

Southern Gas Networks advise that a high pressure pipeline is in the vicinity of the proposed development. The applicant has worked with SGN to ascertain the exact location, which is over 250m away from the site and as a result it would not affect the pipeline.

Natural England originally wrote requesting the submission of additional information to be submitted. This has been submitted. After re-consultation they have written to

raise no objection subject to the securing of an appropriate mitigation for recreational pressures on habitat sites.

Southern Water (SW) have advised that although they do not object to the proposal, they advised that there may be capacity issues in relation to the network capacity. They have also provided guidance on SUDS requirements and details and advise the applicants need to apply for formal for connection to the water supply.

KCC Ecological Advice Service originally wrote to require further details be requested. After reconsulting they have raised no objection subject to the inclusion of conditions requiring the submission of an Enhancement plan, environmental construction environmental management plan (CEMP) and landscape and ecological management plan (LEMP).

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework December 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below. The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications.

Planning Appraisal

Background

As outlined above an application was submitted in 2018, under reference MC/18/3186 and approved in 2019 for the construction of nine residential dwellings with associated access, amenity areas and associated garaging and parking for proposed and existing dwelling.

An application was submitted in 2020, under planning reference MC/20/1319, for the construction of four detached chalet dwellings with associated access, vehicle parking/garaging, refuse and cycle storage areas. This application was recommended for approval by the case officer but due to the number of objections received contrary to the officer's recommendation, the application was determined by the Planning Committee who chose to overturn the officer's recommendation, and the application was refused.

A further application was submitted under planning reference MC/22/1339, for the construction of eight residential dwellings, with associated private amenity space, landscaping, detached garages and associated parking. This application was

recommended for approval by the case officer but due to the number of objections received contrary to the officer's recommendation, the application was determined by the Planning Committee who chose to overturn the officer's recommendation on the grounds of the proposed development on the character and appearance of the area. An appeal was made against the refusal. The Inspector overturned the committee decision and allowed the appeal, citing *that In the light of the shortfall in the District's 5-year housing land supply, the proposed development is an acceptable backland site for development and that the proposed development would not harm the landscape character and function of the Gillingham Riverside ALLI, nor would it materially harm the character or appearance of the area in any other way.*

Principle

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of any defined urban area as designated by the Local Plan and therefore is in a countryside location, an Area of Local Landscape Importance (ALLI) and Lower Rainham Farmland character area from the Medway Landscape Character Assessment 2011.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric, and then strategically sustainable development using a sequential approach to the location. Policy H9 of the Local Plan allows for backland development, subject to certain criteria. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. Policy BNE34 of the Local Plan seeks to prevent development which would materially harm the landscape character and function of the area.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, and the Council does not currently have a five-year housing land supply (paragraph 78 of the NPPF). As such there is non-conformity between the restrictive countryside Policy BNE25 and Policy BNE34 within the Local Plan and the more recent NPPF. Footnote 8 of the NPPF relates to paragraph 11(d) and together set out a presumption in favour of sustainable development where applications involving the provision of housing, and where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78), or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As members will be aware from the HDT Action Plan reported to them in August 2025, the most recent HDT results show that Medway has achieved 72% in the preceding 3 years. There is, therefore, a significant need for new housing in the Medway Area.

The NPPF seeks to pursue sustainable development, including countryside sites where appropriate, in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or if any adverse impacts of granting permission would significantly

and demonstrably outweigh the benefits, as set out in paragraph 8. Paragraph 61 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 83, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Paragraph 73 of the NPPF also supports the development of windfall sites for SME's, which quite often are built out quickly helping to meet the housing needs of the area and contributing to the 5 year housing land supply.

Policy SA10 of the Draft Reg 19 Local Plan relates to Lower Rainham and allocates the site for residential development for up to 33 dwellings. As stated above, this Policy has some weight in the application process as it relates to a regulation 19 final draft plan that has been through a public consultation process, but it does not have the same weight as a policy in a recently adopted plan which is consistent with the NPPF.

In determining whether the principle of this proposal is acceptable, it will be important to assess the matter of sustainability within the planning balance, giving significant weight to the benefits the proposal brings to the delivery of much needed housing to contribute towards the five-year land supply. It is also important to have regard to the current development taking place within the immediate vicinity of this site.

The proposed scheme comprises the development of a residential scheme for 33 units. The NPPF definition in paragraph 8 refers to sustainable development having an economic, social and an environmental role, and these three overarching objectives need to be pursued in mutually supportive ways. The assessments will be in 3 parts as per the NPPF paragraph 8: economic, social, and environmental.

Economic

Paragraph 8 of the NPPF states that the economic aim of the document is to build a 'strong, responsive and competitive economy'. The site is close to local services in Rainham, and increased development will support these. The proposal provides jobs during the construction phase and there is evidence that contractors will support local shops and services. Being an SME development they are also likely to use local contractors and service providers. These economic benefits should be given **Moderate** weight

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a neutral effect. The planning obligations set out in the S106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. They, therefore, do not constitute economic benefits.

Social

The NPPF defines the social role as: 'A social role is supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generation; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and supports communities' health social and cultural wellbeing'. The delivery of new Homes to meet local need should be given **significant** weight.

The site is within a 20 minute walkable distance from Rainham train station and town centre, The application proposes improvements to sustainable infrastructure to improve the existing pedestrian footpaths in the surrounding area.

As highlighted, the Council is in need of housing, the development would deliver up to 33 dwellings towards housing land supply, of which 12 will be provided for affordable housing contributing to the identified need in the Medway area as per policy H3 of Local Plan.

Environmental

The environmental role of the NPPF seeks to: 'protect and enhance our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The site would be development in a green field site in the Countryside contrary to the development plan and a landscape harm is identified. However, the adverse effects would be limited and contained within a relatively small area with the impact declining over time as the proposed additional landscape planting begins to mature.

Landscaping and SUD's are to be secured by condition and will ensure the provision of ecological enhancements and offset the impact of the development and therefore are considered neutral.

The proposed site location is rated as grade 1 (excellent) in relation to the Agricultural Land Classification mapping. However, it is acknowledged by the Council that some agricultural land will have to be released to meet housing need. In addition, the site is not currently in agricultural use and due to its size, the filed configuration and surrounding land uses, is not likely to be brought into agricultural uses.

To conclude, it is considered that the development could be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources, furthermore the weight that can be given to Policies BNE25 and BNE34 is now limited in terms of their intention to control housing supply.

As a result, the development of the site is in principle acceptable in sustainability terms, given the definition in the NPPF, the lack of a 5-year housing land supply, and the balance of the relevant issues, taking into account recent appeal decisions in

Medway, its limited landscape quality/Impact and the location of this site on the edge of Rainham but in close proximity to the town centre.

Design and Layout

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Special attention needs to be paid to the impact on the character and appearance of the countryside and the ALLI and Policies BNE25 and BNE34 of the Local Plan seek to ensure development is sensitive to these areas.

The character of the area, in terms of housing design, is varied with detached bungalows, chalet bungalows and two-storey houses. The proposed dwellings would form a cul-de-sac layout of development at the end of a residential development, which have recently been constructed and were approved under references MC/18/3168 and MC/22/1339.

The dwellings are proposed to be one and two storeys in height, with pitched roofs (either gable ended, barn hipped or hipped) and are a mix of 2, 3 and 4 bed houses and one 3 bed bungalow which are arranged as a mix of a terrace of houses (plots 1 to 3), semi-detached houses (plots 12 to 23, 25 to 28, 30 and 31), detached houses (plots 4 to 10, 29, 32 and 33) with some having detached or attached garages, alongside one detached bungalow (Plot 11). A public open green space is also proposed in the centre of this parcel. The NPPF promotes access to open spaces (paragraph 103) and recognises the value of access to these open spaces, in providing important physical and mental health benefits. Policy L4 of the Local Plan also encourages proposals which include new community and recreation facilities where they are adequate to meet the needs generated by new proposals.

The design and scale of the proposed units combined with the proposed materials will ensure that the proposal respects the character and appearance of the surrounding area. This includes indicative materials such as mix of brick types, white timber weatherboarding, hung tiles, slate tile roofs and clay tile roofs. The layout of the proposed development would also respond to the adjacent earlier phases of development (MC/18/3168 and MC/22/1339) and is considered to be in keeping with the wider surrounding area.

Taking this into account as well as the presence of the existing buildings on the other side of the northern boundary, the current proposal would not appear or constitute piecemeal development. As such the proposal is in accordance with Policy H9 of the Local Plan.

It is considered that the overall design, scale and layout have been informed by an approach that respects the site constraints, existing pattern of settlement and landscape setting. To ensure the final design is reflected on site, a condition is recommended to secure details of all external materials.

In conclusion subject to the abovementioned condition the application would be in accordance with Policies BNE1, BNE25, BNE34 and H9 of the Local Plan,

paragraphs 131, 135 and 187 of the NPPF and the Medway Landscape Character Assessment.

Affordable Housing

Supported by paragraphs 63 and 65 of the NPPF, Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site is over 0.5ha or 1ha (depending on if rural or urban setting) and the principle of development is acceptable. Policy H3 of the Local Plan also requires a proportion (minimum 25%) of residential developments to be affordable housing where there is an identified need and where the development is of sustainable scale.

In this location the Council would require an affordable housing level of 25% of the total homes built across the proposed development inclusive of the seventeen units already constructed on the earlier two phase (MC/18/3168 and MC/22/1339) to be policy compliant. The proposal as set out with thirty three new homes and seventeen already constructed would require twelve affordable homes to ensure that it is policy compliant.

The developer wants to deliver a scheme on site that includes affordable housing. They recognise that delivery of affordable homes on site is not only consistent with Policy H3 of the Medway Local Plan 2003 and with the aims of the NPPF, but also helps to meet the housing needs of local people and will help provide for a balanced community on site. In line with this the application proposes the provision of twelve affordable homes featuring 11x2 bedroom houses and 1x3 bedroom bungalow which would be considered to be acceptable.

At present registered providers are struggling to make offers on smaller sites particularly in face of financial commitments relating to the maintenance of their existing housing stock. As a result, the developer has not received any offers from any registered provider for the affordable homes on site delivered via the normal S106 route.

They have received an offer from one registered provider (Moat) that if they were to get grant funding from Homes England to deliver the affordable homes that they would take up the affordable homes and deliver them in accordance with Medway Council requirements as set out in the adopted Developer Contribution Guide.

The Planning Committee needs to be aware that Homes England do not offer grant funding to affordable homes secured through S106 or conditions on a planning permission. Therefore, in order to secure affordable homes on this site they would need to be not included within the S106. Letters of commitment from the developer and Moat Housing have been received and this is a current practice that has successfully delivered affordable homes on various sites around Medway where there is a working relationship between the RP/SME and Medway and a proven commitment to delivery of affordable homes. Should the arrangement between the two fall through, the developer has confirmed they will re-engage the Council to explore alternative solutions to deliver the units on site or provide an alternative solution.

Subject to the above affordable housing being removed from the S106 agreement, no objections are raised in relation to the proposal under Policy H3 and H10 of the Local Plan, paragraph 63 and 65 of the NPPF.

Amenity

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties.

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbouring amenity and secondly the living conditions which would be created for the potential occupants of the development itself.

Neighbouring Residential Amenity

The application site is bounded by residential properties to the southeast and the north. The properties to the southeast are located on Queencourt Close which are the two earlier phases of development. The proposed dwelling Plot 11 has been designed as a single storey bungalow in order to mitigate against any mutual overlooking, whilst the other dwellings proposed would sit side on with existing dwellings. To the north the nearest proposed dwelling (Plot 33) would have a separation distance of approx. 40m from its front elevation to the main rear elevation of 612 Lower Rainham Road, other properties along Lower Rainham Road would have a separation distance of approx. 100m. To the south the land makes up long gardens associated with properties along Berengrave Lane. To the northwest is Cherry Orchard Farm a light industrial site which would be approx. 50m away.

Overall, it is considered that sufficient separation distances would be provided between the proposed and existing dwellings to ensure there is no harmful impact in terms of overlooking, loss of sunlight, daylight, outlook or privacy to the surrounding properties. A condition removing permitted development rights is recommended in the interests of amenity.

In terms of additional vehicle movements generated by the proposal utilising the access from Berengrave Lane, it is not considered that it would result in a detrimental impact on residential amenity and therefore no objection is raised in this regard.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Additionally, the potential for any of the dwellings to be converted to Class C4 small house in multiple occupation (HMO) would cause concern with regard to amenity of the future occupiers of the development itself, the adjacent development and existing residents in the locality due to increased comings and goings from individuals and inconsiderate parking. As such, it is recommended that permitted development rights be removed for the change of use from C3 dwellinghouse to C4 small HMO.

Overall, it is considered that, in principle, the relationship to neighbours will be acceptable and will not cause detrimental harm.

Amenity of Future occupants

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each flat in comparison to the Technical Housing Standards - Nationally Described Space Standard.

Dwelling type	Number of bedrooms and bed spaces	Proposed (m ²)	National Standard (m ²)
Plots 1, 2, 3, 12, 13, 14, 15, 16, 17, 18 and 19	2 bed 4 person	80	79
Plots 9, 20, 21, 22, 23, 24, 25, 26, 27, 28, 30 and 31	3 bed 5 person	101	93
Plots 11	3 bed 5 person	107	86
Plots 5, 8,	4 bed 6 person	126	106
Plots 4, 6, 7, 10, 29, 32 and 33	4 bed 7 person	140	117

As indicated in the table above the gross internal floor areas (GIFA) for each plot have been measured from the submitted floor plans and would exceed the minimum requirements for each plot. In addition, the proposed bedroom sizes exceed the minimum requirements for floor area and width, and all habitable rooms would all be provided with suitable outlook.

With regard to the garden size, in the absence of any technical standards relating to private amenity space within the national standard, the Medway Housing Standards 2011 states that gardens should be 10m in depth and 7m when constraints exist. The proposed private amenity space would be compliant with the guidance.

Overall, subject to the recommended conditions no objection is raised in this regard and the proposal is considered to be in accordance with Policies BNE2 and H9 of the Local Plan and paragraph 135f of the NPPF.

Highways

Policies T1, T2 and T13 of the Local Plan states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. Paragraph 110 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 116 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The development would be accessed via a vehicular access which was granted planning permission under reference MC/18/3168 and extended into MC/22/1339. This access is from Berengrave Lane and therefore no objection is raised in terms of access arrangements and the impact to the highway. In terms of internal layout, the application proposes at least two parking spaces to each property and eight visitor spaces and therefore, would meet the requirements of the adopted Interim Residential Parking Standards.

The application has been supported by the submission of a Transport statement (Ref; 425.065471.00001) received 25 February 2025, which outlines improvements to be made to the pedestrian network around the site to improve connections to Rainham Train station and the Town Centre. The proposed improvements include pedestrian crossing improvements at Chalky Band Road, Berengrave Lane and Station Road, and wheelchair accessible kissing gates at either end of Berengrave Nature Reserve. The proposed works are to be delivered through a S278 agreement and are considered to be acceptable in order to improve the accessibility of the site and support the use of sustainable forms of transport for future and surrounding occupants. A clause is included in the S106 for these works to be completed prior to any occupation.

Overall, it is considered that subject to the S106 clause in relation to the 278 works and suitably worded conditions to secure the provision of cycle storage for each property and the submission of a Construction Management Plan to mitigate the impacts of the development on surrounding residents, no objection is raised in relation to Policies BNE2, T1, T2 and T13 of the Local Plan and paragraphs 110 and 116 of the NPPF.

Landscaping and trees

The Site falls within the Lower Rainham Farmland character area in the 2011 Medway Landscape Character Appraisal. The NPPF paragraph 187 stipulates that, decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic nature and beauty of the countryside'.

A landscape and visual impact assessment by ICENI dated February 2025 and a hard and soft landscape masterplan has been submitted with the application. The report highlights that proposed development will result in fundamental changes to the landscape character from farmland to suburban in nature. But as previously noted, a number of developments have been permitted on two earlier phases adjoining the site to the southwest, between it and the existing urban edge of Rainham and the landscape quality is limited.

The application is supported by an Arboricultural appraisal and Impact Assessment (dha/aiams3/berengravela/25) dated 31st January undertaken by ACS Trees, tree protection plans (TPP1_BL_E) and (TPP1_BL_W) and proposed tree and ground protection. These are considered acceptable. There would be the loss of 2 trees which are a Hawthorn (T10) and one Sycamore in grouping (G13). The landscaping masterplan shows more replacement trees around the site and additional planting to

reinforce the existing buffer planting to replace the lost trees. Appropriate conditions are recommended.

It is considered from the landscape plan submitted that the proposal demonstrates that it is possible to achieve an acceptable degree of landscaping for this area and the number of units proposed. It demonstrates that views from outside of the site from Public Right of Ways would be minimally impacted, and by virtue of the proposed landscaping and two storey nature of the development, over time the harm would be reduced as landscape mitigation matures

Overall, it is considered that the scheme would not result in any unacceptable harm to the landscape, nor the wider countryside. Consequently, and subject to conditions requiring further details of boundary treatments, hard and soft landscape works, lighting and landscape management no objection is raised under policies BNE1, BNE2, BNE6 and BNE25 of the Local Plan and 187 of the NPPF.

Open Space and play space provision

The landscape details show an indication of a Local Areas of Play (LAP) with play equipment in the central area of the site alongside an area of open space. An appropriate condition is recommended requiring the submission of detailed plans in relation to the LAP and suitable play provision for all ages is provided in this area.

Overall, it is considered that the play space provision and open space that is incorporated within this scheme work alongside the adjacent approved schemes and connect together and link the parcels in a sympathetic way. Subject to the above condition, no objection is raised in relation to Policy BNE2 of the Local Plan along with Paragraph 96, 98 and 135 (f) of the NPPF.

Biodiversity Net Gain and Ecology

As of 2 April 2024 all sites were subject to Biodiversity Net Gain (BNG) as per the conditions of Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

The application is supported by a Biodiversity net gain report carried out in May 2024, using the Department for Environment Food and Rural Affairs (DEFRA) BNG Statutory Metric. The report states overall will result in a -74.54% loss in habitat biodiversity units and an overall unit deficit of 18.34 on-site. The proposed landscape plans do show the creation of new vegetated garden, mixed scrub, urban trees, other neutral grassland and modified grassland, there are also other potential enhancements such as bat bricks and bird boxes proposed as part of the scheme, which will be secured via a condition. This will see the development providing some biodiversity enhancement in the more general sense on site

Furthermore, and as set out within the submitted Biodiversity Gain Plan, the net loss of habitat units will need to be addressed through the purchase of biodiversity units through a habitat bank, and this will be secured (including implementation and maintenance details), through a legal agreement between the relevant parties to achieve a minimum of 10% BNG for at least 30 years. The applicant has agreed to

purchase the relevant BNG units at the at 'Land at Runhams Farm, Runhams Lane, Harrietsham, ME17 1NH' habitat bank. It is noted that the proposed habitat bank is outside of the Medway area, but at present there are no approved habitat banks set up within Medway to purchase BNG units. It is concluded that this approach is acceptable and no objection is raised in regard to BNG.

Alongside these a number of reports have been undertaken to determine the population and location of animals located on site or accessing the site. A reptile survey has been completed which indicates a low population of grass snakes and common lizards were recorded onsite. With regard to bats, a Bat Activity Survey has been undertaken which found seven different species of bats visiting the site. Although no dormice have been recorded in the area, the site presents good connectivity to local wildlife areas and an opportunity for Hazel dormice to be present on site. Following the discovery of a badger on-site a monitoring survey was conducted, which determined it was in infrequent use by a single badger, the sett onsite is therefore classified as an outlier sett and can closed under license. KCC ecology have recommended the submission of additional details and further survey works, which can be secured through the submission of a biodiversity enhancement plan, landscape and ecological management plan (CEMP), Ecological enhancement management plan (EEMP), sensitive lighting design strategy and Habitat Management and Monitoring Plan (HMMP) conditions are included to secure the submission of these.

Subject to the above conditions no objection is raised regarding Policy BNE37 of the Local Plan and paragraphs 187 and 193 of the NPPF.

Waste and Refuse Storage

Every dwelling has a designated space for waste in the form of a dedicated hardstanding within the rear garden. As with most residential properties, the occupants will be expected to present the waste to the kerbside on collection day. Waste vehicle tracking has been provided showing how refuse vehicles would move within the site. The application is also supported by an operational waste strategy which is considered acceptable. A condition is recommended to ensure the development operates in accordance with it when occupied.

Subject to the abovementioned conditions the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraphs 135 and 187 of the NPPF.

Flooding and Drainage

A flood risk assessment and drainage strategy undertaken by Ardent consulting engineers (ref:2305960), dated December 2023 has been submitted with the application and assessed with regards to Policy CF13 of the Local Plan and paragraphs 174, 181 and 182 of the NPPF.

Paragraph 56 (reference ID:7-056-20220825) of the NPPG presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up

the hierarchy as possible. This is also reiterated within Part H3 (Part H) of the Building Regulations. The options are:

1. Into the ground.
2. To a surface body.
3. To a surface water sewer, highway drain, or another drainage system.
4. To a combined sewer.

A review of the Environment Agency's (EA) online mapping tool has identified that the development site is within Flood Zone 1 and is at a low risk of surface water flooding.

The NPPF requires that a risk based Sequential Test should be applied at all stages of planning with the aim of steering new development to areas at the lowest probability of flooding. The proposed development is located entirely within Flood Zone 1 and as such it is considered to satisfy the Sequential Test.

A review of the British Geology online mapping tool has identified that the development site comprises of the Seaford Chalk Formation. The chalk bedrock is indicated to be overlain by superficial deposits of Head (clay, silt, sand and gravel).

Based upon the results of the infiltration test's, it is likely that the use of infiltration methods will be suitable as a means for discharging surface water runoff from the proposed development. Furthermore, the site layout has been designed to accommodate a flow pathway with a shallow depression or swale feature alongside the use of a Sustainable Urban Drainage system.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any Sustainable Drainage Systems (SuDS), which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Details would need to be submitted showing a plan of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

In view of the above, and subject to the recommended conditions regarding the submission of a suitable SuDS scheme (including details of maintenance), a Construction Surface Water Management Plan (CSWMP) and a verification report the proposed development is in accordance with paragraphs 174, 181 and 182 of the NPPF.

Contamination

Policy BNE23 of the Medway Local Plan 2003 requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

A desk top study by Landmark (368886327 dated 4 February 2025), was submitted with the application. This report was considered to be in line with current guidance

and considered that the risk of contamination, being present, was low. Due to the sensitivity of the proposed end use as residential and the previous known use of the site as part of a nursery, a condition is recommended for a contamination watching brief.

Subject to the recommended condition being imposed no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 187 of the NPPF.

Climate Change and Energy Efficiency

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 125). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

The Energy and Sustainability Statement (received 25 February 2025) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- Installation of either Air Source Heat Pumps or Gas Combination Boilers with Solar PV
- A fabric-first approach to optimise energy efficiency
- A comprehensive overheating strategy to enhance occupant comfort
- Electric vehicle charging points for all dwellings
- A sustainable waste management plan
- High-speed internet infrastructure to support remote working
- A responsible timber procurement policy for construction materials

The proposed application is considered to comply with paragraph 165 of the NPPF and a condition is recommended to secure these measures.

S106 matters

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £337.49 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation). Giving a total contribution of £12,232.64.

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures

have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Other S106 requirements:

- i. Minimum of 25% affordable housing.
- ii. £7,634.22 to improve equipment and facilities at Rainham Library.
- iii. £10,741.17 towards Safety and long term protection for the new EV charging ports at Cozenton Leisure Centre.
- iv. £7,634.22 for the provision, improvement and promotion of waste and recycling services.
- v. £112,561.68 towards improvements to open space and outdoor formal sport within the vicinity of the development, including Great Lines Heritage Park, broken down as follows:
 - a. To enhance open space facilities within the vicinity of the development, including Riverside Country Park = £106,933.60
 - b. Medway's Metropolitan park - Great Lines Heritage Park = £5,628.08
- vi. £12,559.47 To contribute towards interpretation at the Guildhall Museum.
- vii. £60,834.51 for nursery provision, £149,321.37 for primary provision, £118,312.26 for secondary provision and £31,144.08 towards sixth form provision - Total : £359,612.22.
- viii. £20,000 To assist with development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Shopping Centre and town centre gateways.
- ix. £80,000 towards improvements to community facilities.
- x. £27,897.21 health contribution to support the creation of additional capacity in Health Care premises required as a result of the increase in housing and resulting patient registrations.

- xi. £12,232.64 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xii. Clause to ensure the proposed S278 works proposed as part of Transport statement (Ref; 425.065471.00001) received 25 February 2025 are undertaken prior to the occupation of any units. The works shall include Pedestrian crossing improvements at Chalky Band Road, Berengrave Lane and Station Road; and Wheelchair accessible kissing gates at either end of Berengrave Nature Reserve.
- xiii. Meeting the Council's costs.

The applicants have accepted the requested contributions and are in the process of drafting a S106 agreement, subject to the omission of the affordable housing requirement being included within the S106 (see affordable housing section). The S106 package agreed would look to offset the impact of the proposed development on existing infrastructure and services. Consequently, no objection is therefore raised under paragraphs 192 and 193 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

Conclusions and Reasons for Approval

The planning balance of this case must be carefully considered. It is not an allocated housing site and is in the countryside given protection by Policy BNE 25 and 34 of the Local Plan. However, the Council cannot demonstrate a 5 year housing land supply and therefore paragraph 8 of the NPPF is enacted setting out a presumption in favour of sustainable development. The development will provide some economic benefit to the area, will provide much needed Housing, including affordable homes, and will have a limited impact on valued landscape. This is further supported taking into account recent appeal decisions in Medway, and the location of this site on the edge of the town but in close proximity to the town centre.

The proposed development is acceptable in relation to the mix of dwellings, impact on local residential amenity including daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation for the future occupiers.

The proposed 33 dwellings at 21.7dph is in keeping with the density level of the surrounding area. The proposal is considered to be of high-quality design and layout with a satisfactory level of onsite car and cycle provision. The proposal will retain some of the existing hedge and trees and add extensive landscaping to soften the edges of the development when viewed from the adjoining residential properties, recent developments and countryside.

The proposal will deliver a much needed mix of market and policy compliant mix of affordable housing dwellings types required to meet the needs of a mixed community in a quality an attractive environment and will assist in delivering and enhance some infrastructure in the locality.

For all the above reasons, the benefits of the scheme significantly and demonstrably outweigh the disadvantages, the proposal is considered to be partially in compliance with Policies S6 and H3 and full in compliance with Policies S1, S2, S6, BNE1, BNE2, BNE6, BNE23, BNE34, BNE35, H10, H11, T1, T2, T13, and CF13 of the Local Plan, paragraphs 8, 11, 63, 65, 96, 98, 110, 116, 131, 135, 165, 174, 181, 182, 187, 192, and 193 of the NPPF December 2024 and it is recommended for approval subject to the conditions and section 106. contributions as set out in the report.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>