

MC/15/0098

Date Received: 14 January, 2015

Location: Street Farm, Stoke Road, Hoo St Werburgh, Rochester, ME3 9BH

Proposal: Outline application with all matters reserved for redevelopment of former farm site to provide a residential development of up to 50 dwellings (Use Class C3), open space, infrastructure, landscaping and associated works.

Applicant: A C Gotham and Sons

Agent: Mrs Walker Phase 2 Planning & Development Ltd Majesty House
200 Avenue West Skyline 120 Great Notley Braintree, Essex
CM77 7AA

Ward Peninsula

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6 April 2016.

Recommendation - Approval, subject to;

- A) The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure:
- i) The provision of five affordable rent and two shared ownership homes
 - ii) A financial contribution of £375,234.14 in total to be provisionally split in the following ways;
 - £23,122.14 towards off site provision of Outdoor Open Space at Four Wents Road Play area and Open space and Pottery Road Recreation Ground;
 - £45,760 towards Nursery Provision - £8,320 per pupil.
 - £112,320 towards Primary Education - £8,320 per pupil place (assuming accommodation within existing schools) or £11,700 (where accommodation will be provided in a new school);
 - £143,520 towards Secondary Education (including sixth form) - £11,960 per pupil place (assuming accommodation within existing schools);
 - £23,397.50 towards Healthcare – Improvements to local GP Surgeries based on £191 per person;
 - £6, 835.50 towards Community Facilities – £55.80 per person;
 - £9,100 towards Transport for accessibility improvements in the vicinity, including safer routes to school initiatives, public right of way improvements and footway improvements along Stoke Road;
 - £11,179 towards Habitats Regulations (Mitigation against Wintering Birds) £223.58 per unit.

B) And the following conditions:

- 1 Approval of the details of the layout, scale and appearance of the buildings, the means of access thereto and the landscaping (hereinafter called “the reserved matters”) shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no's LP-01, P-01 RevB, P-02 RevB, P-03, P-04, 2955_DR_002, 003-A, 2955/DR/004, received 14 January 2015.

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

- 5 The details submitted pursuant to condition 1 regarding appearance shall include details and samples of all materials to be used on all external faces of all buildings within the development site. The development shall be undertaken in accordance with the approved details.

Reason. To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 6 The details submitted pursuant to condition 1 in relation to the reserved matter for layout shall include a landscape and open space masterplan for the entire application site, which shall address the following:

- i) the overall hard and soft landscape framework for the development;
- ii) the typical landscaping treatment for the highway network within the application site as a whole;
- iii) typical landscaping treatment for the housing areas within the application site as a whole and other use areas within the application site as a whole;

- iv) details of the public right of way improvements/surfacing, including the hard and soft landscaping treatment;
- v) typical landscaping treatments for any open space areas;
- vi) the strategy for the provision of public open spaces, play spaces and amenity areas; and
- vii) details of the bridleway improvements and fencing

The approved landscape and open space masterplan shall be used to inform the reserved matters submission regarding landscaping.

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

- 7 Applications for the approval of reserved matters in relation to landscaping for the development shall include full details of both hard and soft landscape works and any artefacts to be located within the proposed public spaces. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; cycle routes, all paving and external hard surfacing; minor artefacts and structures (play equipment, seating, refuse receptacles, planters, tree grilles, any other decorative feature(s), decking, paving and hardstanding material). Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and implementation programme.

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

- 8 All hard and soft landscape works shall be carried out in accordance with the approved details. All works shall be carried out prior to the first occupation of any part of the development to which it relates or alternatively in accordance with a programme submitted to and approved in writing by the Local Planning Authority.

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

- 9 Any tree, hedge and/or shrub planted pursuant to condition 7 and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of similar size and species to that originally required to be planted.

Reason. In the interests of residential and visual amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 10 The details submitted pursuant to condition 1 relating to landscaping shall include a Landscape Management Plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the attenuation basin, drainage ditches and the Locally Equipped Area of Play, but excluding small, privately owned, domestic gardens. The landscape management plan shall be carried out as approved.

Reason: Pursuant to condition 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 11 No development above first floor slab level of any dwelling shall commence until details and samples, where appropriate, of all boundary walls, railings, gates, fences and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and shall thereafter be retained.

Reason. To ensure a satisfactory external appearance and a satisfactory external relationship with its surroundings in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 12 The details submitted pursuant to condition 1 regarding layout and landscaping shall include a scheme (SuDs Management Plan) showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme.

Those details shall include:

- a timetable for its implementation, and
- a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and to manage the risks of flooding during and post construction and for the lifetime of the development.

- 13 Prior to the commencement of built development on site, details of all external lighting including for open parking courtyard areas, enclosed parking spaces, any individual covered parking area and areas of communal open space, shall be submitted to and approved in writing by the Local Planning Authority. The details of the lighting shall include design, the exact position, light intensity and spillage. The lighting shall be installed in accordance with the approved details prior to the first occupation of any part of the development to which it relates. The approved lighting shall thereafter be retained.

Reason. Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and to ensure a satisfactory external appearance in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 14 No development above first floor slab level shall commence on any dwelling hereby approved until details for the installation of cable TV pre-ducting to serve that dwelling have been submitted to and approved in writing by the Local Planning Authority. The cable TV pre-ducting arrangements shall be installed in accordance with the approved details during the construction phase of development and shall be available for use prior to the first occupation of that part of the development to which it relates.

Reason. To ensure a satisfactory visual appearance in the interests of visual amenity and to mitigate the visual impact of above ground TV apparatus and equipment in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 15 The details submitted pursuant to condition 1 relating to the reserved matters for layout shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented and thereafter retained.

Reason: In the interests of Security, Crime Prevention and Community Safety and in accordance with Local Plan Policy BNE8 and the Guidance within the Kent Design Initiative (KDI) and Protocol dated April 2013.

- 16 The details submitted pursuant to condition 1 relating to reserved matters for layout shall include a Site Waste Management Plan (SWMP). The details shall include the siting and design for refuse storage and shall make provision for recyclables as well as general waste. No building shall be occupied until the refuse storage arrangements for that building have been implemented in accordance with details approved. The refuse storage arrangements shall be retained thereafter.

Reason. In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation shall not commence until conditions 18 to 21 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 21 has been complied with in relation to that contamination.

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.

- 18 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 20 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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.

- 21 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 18, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 19, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 19 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 20.

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.

- 22 No development shall take place until a Construction Environmental Management Plan (CEMP) has been 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; noise and vibration limitation and monitoring regimes; access points; screening/mitigation; wheel cleaning/chassis cleaning facilities; dust control measures; protection of surface and groundwater resources, including arrangements for the storage of oils, fuels or chemicals; pollution incident control; site illumination including any cowls to be fitted to ensure that light spillage on sensitive areas is avoided; and location of construction compound and offices. The construction works shall thereafter be carried out at all times in accordance with the Construction Environmental Management Plan approved.

Reason. Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and to reduce risk to ecology, in accordance with Policies BNE2, BNE36 and BNE37 of the Medway Local Plan 2003.

- 23 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The development shall be undertaken in accordance with the approved programme.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on potential archaeological interests and to ensure that features of archaeological interest are properly examined and recorded.

- 24 No development above ground floor slab level for any dwelling shall take place on site until full details of the proposed means of foul water sewerage disposal to that dwelling have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the relevant dwelling and retained thereafter.

Reason. Required before commencement of development to avoid irreversible detrimental impact on human health and water courses to prevent pollution of the water environment in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 25 The details submitted pursuant to condition 1 relating to layout shall include a method statement for mitigating the impact of the development on protected species. The content of the method statement shall include the following:

- Purpose and objectives for the proposed works;
- Detailed designs and/or working methods necessary to achieve stated objectives, informed by updated ecology surveys where necessary;
- Extent and location of proposed works shown on appropriate scale maps and plans;
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with

Local Plan Policies BNE33, BNE34, BNE36 and BNE37.

26 The details submitted pursuant to Condition 1 relating to layout shall include a Landscape and Ecological Management Plan (LEMP). The content of the LEMP shall include the following:

- Description and evaluation of features to be managed.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions (including an annual work plan capable of being rolled forward over a five-year period).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long- term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE33, BNE34, BNE35, BNE36 & BNE37.

27 The details submitted pursuant to Condition 1 relating to layout shall include details of pedestrian and cycle routes within the development site, including improvements to Public Right of Way RS112. The approved details shall thereafter be implemented prior to first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority.

Reason: Required prior to commencement of development to avoid irreversible harm to the safety of pedestrians and enabling a safe and convenient means of pedestrian access to the development, in accordance with Policy T3 of the Medway Local Plan.

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

Proposal

The application seeks outline planning permission, with all matters reserved, for the redevelopment of the former Street Farm site to provide a residential development of up to 50 dwellings (Use Class C3), open space, infrastructure, landscaping and associated works.

The proposed development seeks to provide up to 50 dwellings and the indicative schedule of accommodation is as follows:

Dwelling Type	No. of Bedrooms	No. of Units
House	2	19
Apartment	2	2
House	3	26
House	4	3
Total		50

Site Area/Density

Site Area: 01.8 hectares (4.45 acres)

Site Density: 27.7 dph (11.23 dpa)

Relevant Planning History

MC/11/2059	Outline application with some matters reserved (appearance, landscaping, layout and scale) for the proposed demolition of farm and retail unit and construction of 39 houses, 2 bungalows and 8 flats with associated parking Decision: Withdrawn by Applicant Decided 26 September, 2013
MC/06/0033	Change of use of existing retail area to holding and dispatch area, office and canteen (with partial demolition of building). Demolition of workshop and construction of new building associated with retail use of site including cafe Decision Withdrawn by applicant Decided 14/09/2006
MC/04/1467	Construction of a polythene multi-span greenhouse and canopy (removal of workshop) Decision Approval with Conditions Decided 09/11/2004
ME/98/0370	Application for a certificate of lawfulness of the existing use of the packhorse and cold storage chambers for the storage chambers for the storage, package and distribution of produce from street farm and other farms together with an ancillary workshop, bin storage and lorry parking area Decision Approval with Conditions Decided
ME/98/0369	Resubmission of Lawful Development Certificate application for use as a market garden centre and farm shop

Decision Approval with Conditions
Decided

ME/96/0774 Variation of condition 01 of planning, permission me/92/0309 [proposed fruit, storage building] to extend the time, allowed for commencement of development, by a further five years
Decision Approval with Conditions
Decided 20/01/1997

ME/92/0309 Proposed fruit storage building
Decision Approval with Conditions
Decided 30/06/1992

ME/81/263 Details pursuant to outline for the erection of a, pair of detached farm workers houses
Decision Approval with Conditions
Decided 16/03/1982

ME/81/263 Outline application for a farm house and cottage
Decision Approval with Conditions
Decided 10/06/1981

Relevant Planning History at neighbouring sites

Flanders Farm

MC/15/3086 Change of use and creation of an area of hardstanding to provide for the stationing and storage of 6 caravans for rural workers.
Approved 20 January 2016

MC/14/3063 Construction of a new grading, packing and storage facility with ancillary access, hardstanding, landscaping and relocation of refuelling point.
Decision Approved
Decided 02/04/2015

MC/14/1414 Retention of hardstanding for the storage of agricultural fruit bins
Decision Approved
Decided 12/09/2014

Meresborough Nursery

MC/14/3243 Change of use of land for the creation of a hardstanding to site 12 mobile homes for 52 weeks of the year for the occupation by seasonal agricultural workers along with associated engineering works
Decision Approved

Decided 08/07/2015

Other

- MC/12/1076 Application for a Lawful Development Certificate (existing) for the use of land as a storage area for touring caravans (Class B8)
Decision Approval
Decided 11/07/2012
- MC/10/4400 Details pursuant to conditions 07, 13 and 23 on Appeal Decision APP/A2280/A/04/1148561 (MC/2004/0006) for Outline application for residential development including extension to Doctors Surgery and the provision of public open space
Decision Discharge of Conditions
Decided 11/04/2011
- MC/04/1372 Outline application for residential development including extension to Doctors Surgery and the provision of public open space
Decision Refusal
Decided 01/12/2004
- MC/04/0006 Outline application for residential development including extension to Doctor's Surgery and the provision of public open space
Decision Refusal
Decided 16/06/2004
Appeal UPHELD
Decided 26/09/2006

Representations

The application has been advertised on site and in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Kent County Council Archaeology, Kent County Council Ecology, Hoo St Werburgh Parish Council, Environment Agency, Kent Wildlife Trust, Medway Fire Service, Natural England, Kent Police, RSPB, EDF Energy, Southern Gas Networks, and Southern Water have also been consulted.

Southern Gas Network has no objection to the proposal, however advises of the presence of a Low/Medium/Intermediate Pressure gas main in the proximity of the site. There should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system.

Kent Fire & Rescue advises that access for fire appliances is considered satisfactory using the information from the submitted plans.

KCC Ecology initially requested further work to be carried out in terms of the developments impact on designated sites via a Habitats Regulation Assessment, which has since been submitted and considered acceptable.

In terms of the submitted Ecological Survey, recommendations have been made to enhance the site and it is welcomed that a number of them have been included in the Landscape Plan (use of native species). It is recommended that more can be done to enhance biodiversity including the inclusion of bat bricks/tiles in the new buildings and bird boxes within the hedgerows.

Kent Police has no objections in principle but would encourage the applicant to discuss Secured By Design prior to submission of reserved matters. A suitably worded condition is recommended.

Natural England directed the applicant's attention to the need to address the Habitat Regulations 2010. The applicant has since submitted a Habitats Regulations Assessment, to which Natural England raise no objection.

Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Southern Water requests that should planning permission be granted, that an informative be added to the decision notice, advising that the applicant/developer enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure.

Environment Agency has no objection to the development and is satisfied with the submitted Flood Risk Assessment. The Agency does however recommend that the detailed surface water drainage design is based on SuDs drainage principles.

Hoo St Werburgh Parish Council objects to the planning application and advises that Policy H1 dwelling guideline for Hoo has already exceeded its dwelling forecast. More development outside of these boundary guidelines must be restricted unless a justifiable exception is given. With the site being outside the rural settlement boundary of Hoo and within the countryside, the development is contrary to Local Plan Policy BNE25 (Development in the Countryside). If planning permission is granted, a precedent could be set for any predatory planning application for inappropriate and unwanted housing on any neighbouring parcels of land located in the countryside.

It is the Parish Council's opinion that there is over-development within the Stoke Road vicinity and there would be an impact on health facilities and on existing services.

There are concerns over surface water drainage and foul water drainage as a result of the development.

KCC Archaeology advises that it is possible that the proposed development may impact upon buried archaeological remains. It is therefore requested that provision is made in any forthcoming planning consent for a programme of archaeological works.

Lower Medway IDB advises that the whilst the site subject of this planning application is outside of the Lower Medway IDBs district, it does drain via ordinary watercourses to Abbots Court Drain, which is managed and maintained by IDB. Should planning permission be granted, it is requested that surface water drainage be made the subject of an appropriate condition.

Two letters of representation have been received raising the following objections to the planning application:

- Continued destruction to open land in and around Hoo;
- Detrimental impact on wildlife;
- Erosion of natural beauty of the area, which should be cherished and protected and not built over;
- Harm to many listed buildings which warrant protection;
- There is no justification given to the need for continuous building of new houses. Our land will be covered in concrete with no place for rainfall to be absorbed;
- Once built on, countryside is lost forever;
- There are eight houses proposed to back onto Street Farm Cottages, which would incur adverse impacts on residential amenity in terms of overlooking and privacy;
- Noise from new parking areas in a quite rural area;
- Visual impacts of the development at a high elevation to neighbours, particularly Street Farm Cottages;
- Negative impact on the character of the neighbourhood.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework, 2012 and are considered to conform.

Planning Appraisal

Background

It is considered relevant and necessary to provide background information on the planning history at Flanders Farm and existing and previous activities within the application site itself. There have been a number of activities on site, some of which remain, including the operation of the farm itself, shop and garden centre and fruit packing activities. The former retail farmshop/garden centre at Street Farm ceased trading some years ago, and this part of the site is currently vacant.

However, there are continued fruit operations on site; the existing uses comprise two elements, which are the continued use of the cold stores and the storage of fruit bins. Both operations would be relocated to Flanders Farm and consent already exists by virtue of the planning approval under application reference MC/14/3063 for the construction of new grading/packing and storage facilities at Flanders Farm, whilst permission MC/14/1414 is for the storage of fruit bins.

With regard to the cold stores, these do remain in productive use and the expansion of

fruit production in the wider area is creating a need for fruit storage. Farms generally operate on a collective basis when it comes to storage, rather than each farm being independent and additional capacity in the sub-region is becoming available (for example, a further 10,000 bin storage facility became operational at Howt Green near Sittingbourne last year). However, leaving aside strategic issues of cold storage in the North Kent area, it is relevant to note that in respect of Street Farm, the original permission for the new facility at Flanders Farm was granted, subject to a s106 agreement that required the redevelopment of Street Farm, on the basis that the Council wished to see HGV traffic at Street Farm removed. The application for up to 50 residential units has been submitted in direct response to the previous Council decision to secure precisely that outcome.

With regard to the agricultural workers' homes, there is no longer any fruit production at Street Farm. The strategy is to, where possible, accommodate the harvesting teams in the localities where the fruit picking occurs, ideally in permanent accommodation, but otherwise in temporary accommodation. Of the 35 units situated at Street Farm, 21 are currently occupied and the remainder are currently unoccupied. 12 permanent modern caravans are the subject of a recent permission at Meresborough Farm (ref MC/14/3243) and next season, these can accommodate the majority of the harvest workers still left at Street Farm. There are also a number of staff housed within local dwellings.

There is also the approval for retention of six caravans at Flanders Farm (application MC/15/3086), but this relates to workers directly associated with Flanders Farm's operations and is not connected with Street Farm.

Future accommodation needs for farm workers cannot be predicted, not least because the need can change both over time and on a season to season basis, depending upon harvest requirements. However, the applicant has confirmed that the majority of the current harvest worker accommodation at Street Farm has already been addressed through the Meresborough Farm consent and there is no intention to provide for further accommodation at Flanders Farm.

Housing Supply Position

Paragraph 47 of the NPPF states that local planning authorities "*should boost significantly the supply of housing*" and as such are required to "*identify and update annually the supply of deliverable sites sufficient to provide five years worth of housing against their housing requirement*". For any particular site to be treated as contributing to the deliverable supply it should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

The Council's 2013/14 Annual Monitoring Report (AMR) was published in December 2014. The AMR includes a 'housing land trajectory' which identifies the expected delivery rate for additional housing across a number of years within the Council's area. On the basis of the anticipated trajectory at the end of 2014, Medway's housing land supply was calculated to be equivalent to 5.4 years. It should however be noted that supply figure includes a contribution being made by the new settlement at Lodge Hill, a development that is subject to a committee resolution for approval made on 4 September 2014. The AMR based on the September 2014 committee resolution

envisaged that dwellings at Lodge Hill would start to become available for occupation in 2016/17, i.e. year three of the current five year housing supply period.

However further to the AMR's publication the Secretary of State has called the Lodge Hill application in for his determination (the call-in) following the holding of a public inquiry which is scheduled to last 7 weeks and will open in Spring 2017. Presuming that the Secretary of State grants planning permission it is inevitable that start for any development at Lodge Hill will be delayed, allowing for the time that will elapse: in the lead into the inquiry; during its sitting period; and in post inquiry period when the Inspector will have to prepare and submit a report and the Secretary of State will arrive at a decision. Consequently the earliest delivery of housing at Lodge Hill will be beyond 2017/18.

In addition it is to be noted that the Government published new household projection data in February 2015. This data anticipates a higher than previously expected household formation rate in Medway in the period through to 2037. These represent an update to the 2008-based and 2011-based interim projections, which the Council had used as the basis for its interim housing target of 1,000 dwellings per year, a figure which it resolved to apply from 2011 onwards until a replacement Local Plan is adopted. The household projections were acknowledged to be a starting point for determining an area's objectively assessed housing need (OAN), but because they do not take into account all relevant factors including local factors, they cannot be translated directly into an OAN, or indeed into a local housing target. Nevertheless, the Council acknowledges that the recently published projections will have an impact on the housing target for the area, and this has resulted in the current draft of the Strategic Housing and Economic Development Needs Assessment (SHENA) recommending the increase in the quantum of new housing units required per year to 1,281 compared to the current interim target of 1,000 dwellings per year.

The effect of the Lodge Hill call-in and the availability of the new household projection data is that the housing supply calculations underlying the 5.4 year figure set out in the AMR can no longer be relied upon. Pending a full review of the situation the Council cannot assume that it will be able to successfully demonstrate that within Medway there is a currently available five year housing supply in respect of housing refusals that become subject to planning appeals.

In a recent appeal decision, referred to above, related to Land at Station Road, Rainham (Medway Council Ref: MC/14/0285) the Planning Inspector concluded that the Council "cannot demonstrate a five-year supply of deliverable housing land, as required by paragraph 47 of the National Planning Policy Framework (the Framework)." As such he agreed that "in such circumstances, paragraph 49 of the Framework dictates that relevant policies for the supply of housing should not be considered up-to-date". Paragraph 49 of the NPPF directs Local Planning Authorities to consider all housing applications, where they cannot demonstrate a five-year supply of deliverable housing sites, to be considered in the context of the presumption in favour of sustainable development.

In light of the above it is important to understand the implications of being unable to demonstrate five-years housing land supply by referring to paragraphs 49 and 14 of the NPPF.

Paragraph 49 states “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

Paragraph 14 requires that “*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole ...*”.

Taking the above factors into account, for the purposes of the consideration of this application it should be accepted that the Council cannot currently demonstrate the availability of a five year housing land supply within its area. Paragraph 49 of the NPPF is therefore engaged in this case and therefore under paragraph 14 of the NPPF it is necessary to make an assessment as to whether this development is sustainable, having regard to the definition of sustainability contained in the national policy, i.e. the contents of paragraphs 6 to 7 and 18 to 219 of the NPPF and if the development is deemed to be sustainable to undertake a balancing exercise in respect of the adverse impacts and the benefits, with the refusal of permission only being justified if the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

Saved Policy BNE25

Policy BNE25, Development in Countryside, defines the countryside as “*land outside the urban and rural settlement boundaries defined on the proposals map*”. Policy BNE25 explains that “*development in countryside will only be permitted if it maintains, and wherever possible enhances the character, amenity and functioning of the countryside*”. Whilst the majority of the application site lies within the existing settlement boundary, part of the site falls outside and is thereby subject to BNE25.

In terms of paragraph 49 of the NPPF, it is accepted that the role of Policy BNE25 in defining the boundaries between the urban area and the countryside means that the policy is a policy for the supply of housing within the meaning of paragraph 49. Therefore, given the current position on 5 year housing land supply, the Council accepts that Policy BNE25 is out of date to the extent that it restricts the supply of housing.

However, Policy BNE25 is not simply a policy for the supply of housing; its purpose is protection of the intrinsic character and beauty of the countryside. The Council considers that this element of the policy is consistent with the NPPF, specifically the Core Principles set out at paragraph 17. As such, whilst the Council acknowledges that the geographical extent of the Policy and the boundaries of the area which it covers will need to change in some locations in order to provide for housing land requirements, the policy should still be given weight in the determination of this application.

It is noted that the application site falls upon previously developed land and thereby the impacts upon the countryside may be considered to be limited. Under these

circumstances there would be no conflict with Policy BNE25.

Principle and Sustainable Development

Street Farm is located on the south-eastern side of the village of Hoo St Werburgh.

The general thrust of national and local planning policy is to secure sustainable patterns of development through the efficient re-use of previously developed land, concentrating development at accessible locations.

National planning policy for the purposes of this application is set out in the National Planning Policy Framework (NPPF). Further advice on the application and interpretation of the NPPF is provided in the Planning Policy Guidance (the PPG).

The development plan for this application consists of the saved policies of the Medway Local Plan 2003 (the MLP). The application must therefore be determined in accordance with these policies unless material considerations dictate otherwise, in accordance with Section 38(6) of the Planning & Compulsory Purchase Act 2004.

It is acknowledged that the NPPF is a material consideration to be given significant weight in the decision making process. Given the age of the MLP, the weight attached to policies within it is dependant on the degree to which they are consistent with the NPPF; the closer the policies in the plan to the policies in the NPPF, the greater weight that may be given, in accordance with paragraph 215 of the NPPF.

The consistency of individual policies with the NPPF and therefore the way in which they can be applied to the current proposal was considered in a report to the Council's Planning Committee dated 16 July 2014.

Before assessing the proposals against the requirements of paragraph 14 of the NPPF, it is first necessary to consider whether the proposals are sustainable. It is considered the presumption in favour of sustainable development can, by definition, only apply to development that is sustainable.

Paragraph 7 of the NPPF explains that there are three dimensions to sustainable development: economic, social and environmental. Paragraph 8 of the NPPF explains: *"to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system."*

The proposal is considered to facilitate the achievements of the Development Plan objectives through the re-development of a site, which, despite a small proportion of the site falling outside of the village boundary, constitutes previously developed land and is in an accessible location. The site currently accommodates a number of metal clad stores and workshop/farm buildings, some remain in use for storage/fruit packing purposes. A large area of hard standing surrounds the buildings. The site forms a brownfield site located within a predominantly residential area close to local amenities and services. It is therefore considered that in principle, the application site is well placed for redevelopment to provide residential uses.

It is therefore considered that the proposed development is sustainable; therefore the

presumption in favour of sustainable development would apply. Paragraph 14 of the NPPF states that “*where the development plan is absent, silent or the relevant policies are out-of-date*” permission should be granted unless:

- “*Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted*”

The structures on site are agricultural and workshop buildings. The former Farm Shop and Garden Centre buildings are now vacant, but there are a number of buildings still in use for fruit packing and cold storage purposes. In its current form, the site is not used effectively and efficiently and would be relocated to Flander Farm as a result of the residential development of the site. Local Plan Policy ED3 (Other Employment Sites) states that on existing employment sites, not identified in Policies ED1 and ED2, proposals for the alteration, extension or replacement of existing premises will be permitted where they are not detrimental to local amenity. The Policy does state that redevelopment will be restricted to business (Class B1) uses except where it can be demonstrated that other types of employment uses can be accommodated without detriment to residential amenity. The lawful use of the site is as agricultural, which does not fall within Use Class B1 itself, but nevertheless as the site is surrounded by existing residential development and the area is not industrial in nature or character, it is considered that the site is more suited to residential use in this case. Residential use is less likely to cause harm to residential amenity by way of noise, or other activities associated with a business use.

Paragraph 22 of the NPPF 2012 states that planning policies should avoid the long-term protection of sites for employment where there is no reasonable prospect of a site being used for that purpose. Given previous plans for the business' relocation to Flanders Farm, there would be no associated loss of the business economically on the area. Further to that, in granting planning permission for Flanders Farm the Planning Committee were keen to get a planning gain for the Stoke Road site by removing a non conforming business use in close proximity to residential properties which required the use of large HGV's along relatively narrow rural road. In addition, the above has highlighted that given the absence of a five-year housing land supply in Medway, the application should be determined with reference to the NPPF and the presumption in favour of sustainable development.

Overall, the proposal is considered acceptable in principle under the provisions set out under Local Plan Policies H11 and ED3, and the NPPF.

Landscape & Design

Stoke Road is mixed in character, containing a number of different dwelling types and styles. Development Plan Policy and the NPPF place considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

Matters relating to landscaping and overall design and appearance of the scheme have been reserved for consideration at a later date. However, some indicative information has been provided which enable some comments to be made.

The northern section of the proposed development (currently a mobile home site) is situated outside the settlement boundary of Hoo St Werburgh. The mitigating factor is that the site is not situated within open countryside and is fairly well contained by existing planting to the north and east and existing development to the south. It is important that this natural sense of containment is retained. The proposals have considered this and include for:

- The retention of the existing hedge to the east - This provides a reasonable screen but it will be essential to ensure that this hedge is carefully protected during the construction phase of the development and that root systems are not damaged. The space between the proposed road and the retained hedgerow appear to be fairly constrained but the level of detail supplied is not sufficient to assess this. If the scheme is approved then a more detailed assessment would be required. The realignment of the road or no-dig zones may be required.
- Removal of tree planting along the northern edge of the site and replacement with new planting. The space here appears to be very constrained and may not be adequate to enable new planting to establish as proposed. If achieved, then new tree planting could be too close to the road and obstruct higher sided vehicles. There is an existing belt of vegetation, beyond the red line, which may provide some screening from the north. However, additional planting within the site would be recommended to reinforce this planting. Road alignment a couple of metres to the south may be required to achieve this successfully.

The site overall is laid out in a logical and coherent manner. Houses would generally face out towards the street. The alignment of the existing public right of way running through the site has been retained. The site would benefit from a small central open space. There are however no open water SUDs features and no available open space for them. Further discussion relating to drainage is given below.

The indicative layout suggests a development that would be reflective of existing and neighbouring streets in close proximity to the site itself, a mix of 2, 3 and 4 bed houses and apartments, reflective of their village setting. The arrangement of built development on the site includes for parking courtyard areas and open areas, resulting in a less dense character. Whilst this may be subject of change, the principle of details shown on the indicative plans is accepted.

Subject to appropriate detail at reserved matters stage, no objection is raised to the indicative landscape and layout details under the provisions set out under Local Plan Policies BNE1 and BNE6.

Secure by Design

The development has considered crime prevention and attempts to apply the seven attributes to Crime Prevention Through Environmental Design (CPTED). However,

there has been no communication to date with Kent Police and there are a number of other issues which need to be addressed prior to and within any future submission of reserved matters, including a formal application for codes, BREEAM and Secured by Design if appropriate. It is not considered that this is necessary at this outline stage, however, should planning permission be forthcoming, suitably worded conditions will be added to ensure that matters relating to Secure by Design are considered appropriately.

Subject to the above mentioned conditions, the application is considered acceptable under the provisions set out under Local Plan Policy BNE8.

Amenity

All development should secure the amenities of its future occupants and protect those amenities enjoyed by nearby and adjacent properties. According to Local Plan Policy BNE2, the design of the development should have regard to: privacy, daylight and sunlight; noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Any reserved matters application would need to ensure that the amenities of nearby residents and locality as a whole are protected in this regard. Generally, the use of the site for residential development would be less noisy than is the case from the farm use and fruit packing activities currently taking place, attracting less bulking vehicle, such as HGVs and tractors, to the site. The resultant impact would be less onerous than is currently experienced. A condition will be imposed seeking the submission of a Construction Environmental Management Plan (CEMP) prior to commencement of development, which would seek to mitigate against harm to residential and local amenity during the construction phase of the development.

Surface Water & Drainage

Overall, it is considered that the proposed development would offer an improvement over the current situation on site. A number of questions raised in terms of storage of water have been put to the applicant during the planning application process. In response, the applicant has advised that the permeable paving would be designed to store the 1 in 100 year plus climate change event. The depth would need to be confirmed by a site infiltration test, which has not yet been carried out, but it is likely the depth of construction for the structural requirements would exceed the depth required for storage. However, in the unlikely event the soil at shallow depth has a very low infiltration depth; a controlled discharge from the porous media to the main surface water system could be made. The depth of porous material was sufficient to store the 1 in 100 year plus climate change event.

The roof drainage is connected directly to the surface water via sealed downpipes. This would prevent home owners pouring pollutants like white spirit, petrol and oil into the system.

As far as roads are concerned, it is proposed that the use of trapped gullies would be adopted. If a second pollutant removal system is required, an interceptor could be installed. There is no space on the system to introduce other systems such as swales, or infiltration systems. It is believed that most of the highways only have one pollution removal system and that is trapped gullies and these are bound to be a greater risk to

pollution than estate roads.

The applicant would need to confirm that the management company would take responsibility for the site including maintaining any storage tanks and keeping porous paving, not adopted, in a state where water can pass through the blocks to the underlying porous sub base. This could be secured by condition.

The information relating to water quality is accepted. Further information regarding surface water details can be considered via submission pursuant to condition of the planning consent, should planning permission be forthcoming.

Land Contamination

The environmental health issue raised by the application is contaminated land. The applicant has submitted a Desk Study Report and Site Report in support of their application. The Desk Study included a site history, site walkover, information on the geology and hydrology at the site. A conceptual site model has been developed for the site. The Study recommends that a site investigation is undertaken to support the conceptual site model.

The later Site Report has been produced as the desk study is over three years old and the report confirms that the Desk Study is valid.

Overall, the report which has been submitted is considered acceptable and the recommendations made in the report should be implemented by the applicant if planning permission is granted. The report recommends that gas monitoring is undertaken at the site. Notwithstanding the submission of relevant reports in support of this outline planning submission, should Members be minded to permit, land contamination conditions will be required as part of any approval.

Subject to the above mentioned conditions, no objection is raised under the provisions set out in Local Plan Policy BNE23.

Archaeology

The proposed development site lies in an area of archaeological potential relating to various findings of material of Prehistoric, Romano-British and medieval date along the river foreshore and on the higher ground surrounding the village of Hoo St Werburgh. The site also lies close to the line of a Second World War anti-invasion stop-line. Street Farm itself is shown on the First Edition Ordnance Survey map and may have earlier origins. None of the early farm buildings are understood to survive at the site, but there may be associated buried archaeology.

It is possible that the proposed development may impact upon buried archaeological remains. It is therefore considered necessary to request further archaeological work via condition to the planning consent, should planning permission be forthcoming.

Subject to the imposition of the above mentioned condition, no objection is raised to the development under the provisions set out under Local Plan Policy BNE21.

Ecology

The application site is within 1km of the Medway Estuary and Marches SPA and Ramsar sites. In addition, there is a Public Right of Way, which provides direct access from the application site to the designated sites. The proposed development has potential to result in impacts to the Medway Estuary and Marshes and Thames Estuary and Marshes Special Protection Areas and Ramsar sites as a result of increased recreational use of the coastal areas leading to bird disturbance. Mitigation is proposed as a combination of on-site accessible greenspace and an undertaking to contribute to the strategic approach to access and recreation management across the North Kent SPAs. Natural England requires all new housing schemes/applications to be considered against Regulation 61 of the Habitats Regulations, especially where sites are within 6km of Protected Landscape Areas, SSSI or Ramsar sites. Natural England advises that there is a likely significant effect on recreational impact on the over wintering bird interest from new residential development on Special Protection Areas and Ramsar Sites that comprise the North Kent Marshes. All development for new housing within 6km of these protected sites are required to be accompanied by a Habitats Regulations Assessment demonstrating suitable mitigation measures against harm to these areas or provide a financial contribution per unit to enable the impact on wildlife in these areas to be screened out and to provide strategic access management measures across the north Kent marshes. The applicants have agreed to make the required contribution and this is reflected in the S106 section below.

The ecological scoping survey which has been submitted in support of the application provides sufficient information to conclude that the development would have minimal impact on protected species on site, subject to a number of mitigation measures. One of the principles of the NPPF is that '*opportunities to incorporate biodiversity in and around developments should be encouraged*'. The ecological scoping report has made recommendations to enhance the site and a number of these should be included within a landscape scheme for the site (including use of native species). However, it is recommended that more can be done to enhance biodiversity including the inclusion of bat bricks/tiles into the new buildings and bird boxes within the hedgerows.

Subject to the above mentioned conditions, the proposal is considered acceptable under the provisions set out under Local Plan Policies BNE33, BNE34, BNE35, BNE37 & BNE39.

Public Right of Way

There are no objections to the development in terms of the potential impact to the public right of way, which runs through the site from Stoke Road, in to the agricultural field to the north. There is opportunity to enhance the bridleway through the proposed development. It is also advised that the development include for the installation of a horse friendly gate to restrict motorbike access at the north of the development and replacement of fencing either side of the bridge.

These improvements could be incorporated in any future scheme for reserved matters and an appropriately worded condition can be imposed should planning permission be

forthcoming.

Highways

The Transport Statement submitted with the application uses census data and the TRICS database to estimate that the proposed development would generate up to around 361 vehicle trips per day, of which up to around 42 vehicle trips would occur during each peak period. The previous application for the site estimated that the existing uses on the site, comprising farm/pet supplies shop and commercial warehouse storage, generate around 189 trips per day. On this basis, the proposed development may produce a greater number of vehicle movements than the current use. It should be noted, however, that the historic use of the site generated a moderate number of HGV trips that would not occur with a residential development. Stoke Road carries a relatively number of vehicle movements (around 170) during each peak hour. In terms of traffic distribution, it is likely that future residents would access the site from the A228 via Ropers Lane. This road has been subject to significant capacity and safety improvements in recent years, which would accommodate traffic generated by this development. Stoke Road is subject to a 30mph speed limit and has a low accident rate, with only one personal injury accident occurring in the past five years. It is considered that the proposed development would not have a significant material impact on the local network in terms of highway safety and capacity, and therefore no objection is raised in respect of Policy T1 of the Local Plan.

The application is in outline, with all matters reserved for future consideration. However, the application drawings demonstrate that a suitable means of access can be provided. It is expected that a future 'reserved matters' application would include a detailed design for vehicular and pedestrian access, including footway provision along the site frontage and crossing points on to the existing footway on the eastern side of the carriageway. A detailed design for the public right of way that runs through the site should also be provided at that stage.

Section 106 / Planning Obligations

New development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs. The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission a planning obligation (a s106 agreement) may only be taken in to account if the obligation is: -

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

The following obligations were originally requested, which have been calculated based on the quantum and location of the development (as the application seeks outline consent only, the exact contribution amounts are not known but a potential total, based on the indicative mix of units, is shown in brackets under each heading).

- 1) 25% affordable housing;

2) Off site provision of Outdoor Open Space – £777 per person (£84,624.64). Low level play provision is requested on site and a request for off site open space at Four Wents Road Play area and Open space and Pottery Road Recreation Ground and Play Area to allow for improved facilities to cater for the additional population introduced as a result of the development;

3) Great Lines Heritage Park - £102 per person (6,247.50). The Great Lines Heritage Park was identified as a key site for investment to create a municipal park for Medway in the Medway Wildlife, Countryside and Open Space Strategy 2008 - 2016 and as such contributions are requested on all development for this site. The contribution would go towards cost for electricity supply to feature lighting at GLHP, and required 50% on commencement and 50% of first occupation;

4) Nursery Provision - £8, 320 per pupil (£45,760.00). Nursery provision is limited and the contribution would enable the extension and expansion of existing nursery accommodation;

5) Primary Education - £8,320 per pupil place (assuming accommodation within existing schools) or £11,700 (where accommodation will be provided in a new school) (£112, 320.00). The only primary school within 2 miles safe walking distance of the development site are currently full, and forecast to be full every year for the next 5 years. The financial contribution would go towards extending existing primary school accommodation or provision of a new school;

6) Secondary Education (including sixth form) - £11,960 per pupil place (assuming accommodation within existing schools) (£143,520.00). Demand for secondary school places in Medway is due to exceed capacity in 2017. The financial contribution is sought to provide additional accommodation at existing schools;

7) Healthcare – Improvements to local GP Surgeries based on £191 per person (£23.397.50). The Developer Contributions Guide, 2014 advises that planning obligations require developers to make a contribution to healthcare facilities proportional to the impact of the development, taking into account the existing level of supply in the area. This contribution would go towards improvements to two local GP Surgeries. Payment would be on completion of 50% of the houses;

8) Community Facilities – £55.80 per person (£6, 835.50). The contribution is requested to go towards improved community facilities in Chattenden. Payment would be required 50% on commencement of development and 50% on first occupation;

9) Public Realm - (£12,250.00) towards public realm improvements in Strood Town Centre. The contribution has been requested towards public realm improvements to Strood Town Centre, the closest town centre to Hoo. Payment would be on commencement of development;

10) Transport - (£9,100) towards accessibility improvements in the vicinity, including safer routes to school initiatives, public right of way improvements and footway improvements along Stoke Road;

11) Habitats Regulations (Mitigation against Wintering Birds) £223.58 per unit (Total £11179.00). The request is made in accordance with the Habitats Regulations, discussed within the Ecology section above.

The total S106 contributions based on the indicative mix of development would be £455,234.14 (£9,104.68 per residential unit). The payments would be staggered to reflect the phasing of the development. The applicant had originally agreed to pay the requested £455,234.14, but their viability assessment set out that there is no capacity to provide the 25% affordable housing on-site requirement as well.

Members may recall that the application went to Planning Committee on 16 December 2015 (Minute 579) and was deferred for officers to hold further discussions with the applicant on the provision of affordable housing within the proposed development. Members also resolved that if the planning application is resubmitted and recommended for approval, the Section 106 contribution for open space provision be amended to direct such contribution to a site or sites on the Peninsula.

Since the application went before Members in December 2015, the applicant's viability assessment has been examined by a suitable expert and discussions have taken place over the provision of affordable housing and financial contributions. The applicant has now agreed to provide five affordable rent units and two shared ownership units (which would equate to 14% affordable housing provision), as well as £375,234.14 (£80,000 below the total sum listed above). As a result of negotiations and expert advice, officers are satisfied that this is justified in terms of the development's economics.

The NPPF states that in order to ensure viability, development should not be subject to such a scale of obligations that their ability to be developed viably is threatened. In this case, the independent Viability Assessment indicates that the provision of £455,234.14 of S106 contributions and 25% affordable housing would result in an unviable development and therefore officers consider that the proposal for £375,234.14 and six affordable units is compliant with Medway Local Plan Policies H3 and S6 and the NPPF.

Local Finance Considerations

None relevant

Other Matters

The application site is within close proximity to Southern Gas Network's low/medium/intermediate pressure gas main. An informative would be added to the decision notice, should planning permission be forthcoming, advising that there should be no mechanical excavations taking place above or within 0.5m of the low pressure system, 0.5m of the medium pressure system and 3m of the intermediate pressure system.

Southern Water has advised that there is currently inadequate capacity in the local network to provide foul sewerage disposal to service the proposed development. The proposed development would increase flows to the public sewer system and existing

properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, would be required to provide sufficient capacity to service the development.

This is a matter for the Water Authority in liaison with the developer and accordingly an appropriate condition is recommended to ensure that the development does not commence until adequate means of foul sewerage disposal has been secured.

Conclusions and Reasons for Approval

The proposed development would aid social, economic and environmental gains and the development has adequately demonstrated sustainability. There is a presumption in favour of the proposal, contributing towards housing delivery in the area. The relationship with the village of Hoo, of which the majority of the site is within its confines, is acceptable and results in a natural infill and expansion of the village. The required improvements and retention of public rights of way and Bridleway as part of a future reserved matter application would remove an over-reliance on private vehicular movements and further improvements to the proposed landscaping would address the impact on the local landscape character.

Subject to conditions and S106 Agreement, the proposal is considered to comply with the provisions set out under Local Plan Policies S4, S6, BNE1, BNE2, BNE3, BNE8, BNE23, BNE24, BNE25, BNE33, BNE34, BNE35, BNE37, BNE39 and BNE43, H11, L4, T1, T2 and T13 and the provisions set out within the National Planning Policy Framework.

The application would normally be determined under delegated powers but is being referred to committee for determination due to the significance of the proposal and the complexity of the issues involved.

This application was considered by Members at the Planning Committee on the 16 December 2015, when it was determined to defer for further negotiation on viability. The conclusions regarding viability and the implications for S106 matters are set out in the relevant section above.

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://publicaccess.medway.gov.uk/online-applications/>