

Planning Committee – Supplementary agenda

Notice of a Meeting, to be held as a Virtual Meeting in accordance with Regulation 5 of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020

A meeting of the Planning Committee will be held on:

Date: 16 September 2020

Time: 6.30pm

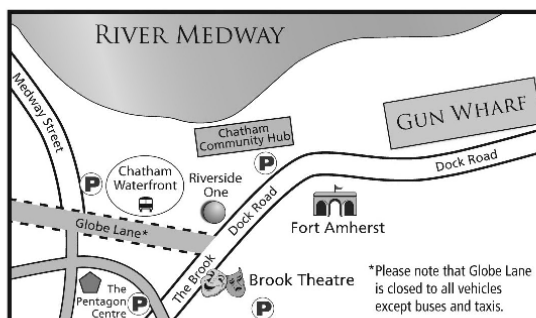
Venue: Virtual Meeting

Items

12 Additional Information - Supplementary agenda advice sheet (Pages 3 - 36)

For further information please contact Michael Turner Democratic Services Officer on Telephone: 01634 332817 or Email: democratic.services@medway.gov.uk

Date: 16 September 2020



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বাংলা	331780	ગુજરાતી	331782	ਪੰਜਾਬੀ	331784	کوردی	331841	اردو	331785	Русский	332374
中文	331781	हिंदी	331783	Polski	332373	ଐଓଓଓଓଓଓଓ	331786	فارسی	331840	Lietuviškai	332372

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Medway Council
PLANNING COMMITTEE – 16 September 2020
Supplementary Agenda Advice

Page 9 Minute 197 25a Frindsbury Road, Strood, Kent

With delegated authority, the Head of Planning agreed the final wording of conditions 12 and 13 with the Chairman, Vice Chairman and Opposition Spokesperson to read as follows:

- 12 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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.

- 13 The under-croft access to the northern side of the building hereby approved on Goddington Road shall not be obstructed and shall remain for purpose of accessing the rear (north/west) of the site 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 access to this area.

Reason: In the interest of ensuring that the under-croft is retained to provide means of access to the rear of the development in accordance with Policy BNE1 of the Medway Local Plan 2003.

**Page 16 MC/19/0287 Land At Town Road, Cliffe Woods,
Rochester**

Recommendation

Delete the second reference to (xii) in the list in section A.

Add the following to the list of contributions:

(xviii) Contribution of £35,000 towards improvement of the local cycle provision.

Add 'Cliffe and...' in front of the words Cliffe Woods Parish Council in subsection (xv) bullet point 4.

Add new condition 30 as follows:

- 30 Details of a cycle path connecting from the application site to Buckland Road shall be provided prior to the occupation of the 50th dwelling. The cycle path shall thereafter be maintained.

Reason: In the interests of highway safety and enhancement of cycle provision and in compliance with Policy T4 of the Medway Local Plan 2003.

Representations

A **letter from SAVE Cliffe Woods Community** has been received and attached in full to this agenda.

A **letter from Higham Parish Council** has been received and attached in full to this agenda.

A **letter from Cliffe and Cliffe Woods Parish Council** has been received and attached in full to this agenda.

A **supplementary note from Gladmans** has also been submitted and attached in full to this agenda.

Gravesend MP Adam Holloway

Has written in support of objections from Gravesend local residents that object to the proposed development.

8 further letters of representations have been received which express concern about the impact of the proposed development on the existing infrastructure, school, doctor surgery, community facilities and capacity of the highway network to cope with additional demand resulting from the future occupiers of the proposed development.

Page 66 MC/19/1875 Land North of Medway Road, Gillingham

Recommendation

Add new condition 26 as follows:

- 26 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) and the Town and Country Planning (Use Classes) Order 1987 (as amended) the development herein approved shall remain in use as a retail until falling within Class A1 – Retail only as defined by the Town and Country Planning (Use Classes) Order 1987 (as amended) prior to 1 September 2020 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 and the impact on the highway, in accordance with Policies T1 and BNE2 of the Medway Local Plan 2003.

**Page 96 MC/19/2836 Land South of View Road, Cliffe Woods
Rochester**

Representations

A further **3 letters of objection** have been received re-iterating concerns relating to design being out of character, inadequate parking, loss of agricultural land, impact on local facilities, and dangerous access.

The **applicant's agent** has written making the following comments in support of the application:

- The proposal follows the outline planning permission in terms of density and amount, as shown on the illustrative layout.
- A lower density is not an option when providing a development consisting of primarily bungalows and other single-storey buildings.
- The layout aims to provide convenience for residents with the internal drive and parking located close to the individual front doors. The drive will be lightly trafficked with vehicles travelling slowly and will not provide any impediment to residents crossing this driveway.
- The central amenity area will provide opportunities for residents to sit out and encourage social interaction. It exceeds the minimum amount of open space as set out in the Local Plan Policy L4.
- The density and nature of the development consisting primarily of single-storey buildings limits the space for landscaping to create a transition from the edge of the settlement to the adjacent countryside. Views from the south towards the site are dominated by the development at Englefield Crescent.

- Other developments adjacent to Cliffe Woods have not required a transition between the built development and countryside e.g. Merryboys Road – MC/17/0962.
- Within retirement housing schemes no provision is made for private amenity space as all the land adjacent to the units is managed as part of the overall landscaping of the site. Reference to private amenity space standards is not appropriate to this retirement housing scheme.
- The overall amount of amenity space is greater than the minimum standards set out in the Council's policy and the applicant is committed to making a contribution to open space provision elsewhere as part of the Section 106 agreement.
- The proposal is supported by a SUDS scheme that demonstrates that surface water can be discharged from the site at an acceptable rate.
- Drainage could be conditioned for future consideration to allow investigation of the option of discharging surface water into the farm reservoir to allow its use for irrigating crops on the adjoining farm. This requires some further work, but it would add to the sustainability of the SUDS scheme and it is unreasonable to seek to refuse permission on this basis.
- The internal drive has been designed to latest standards to accommodate occasional use by large vehicles. The junction radii are minimised to reduce speeds to protect vulnerable road users. The applicant is happy to accept a condition to supply an acceptable swept path analysis under these circumstances.
- The scheme is for active older people (not a nursing home). If residents are unable to walk to the mobility scooter storage facility then the scheme is no longer suitable for them and they would need to seek more suitable accommodation elsewhere.
- The location for mobility scooter storage is clearly acceptable to meet the needs of future residents.
- The Council has a shortage of housing land and this development will deliver additional housing. The proposals offer specialist accommodation for the elderly which is currently not being provided within the rural area. The Council are not meeting all needs for the future supply of housing because all of the proposals currently being promoted within this area are for 2 storey family housing.
- The proposals provide a good standard of retirement housing. The objections on drainage and highways matters do not justify a refusal of planning permission and are capable of being resolved.

- The report strikes a wrong balance in assessing the application because it does not properly weigh up the advantages of the scheme.
- Members are therefore requested to consider the bigger picture and help deliver accommodation for a neglected sector of housing need for older people within this area.

Page 114 MC/19/2898

**Land West of Station Road, Rainham
Gillingham**

Recommendation

Amend the reason for Condition 31, as follows

Reason: To mitigate the impact of road transport emissions from the development upon air quality in accordance with Policy BNE24 of the Medway Local Plan 2003.

Page 146 MC/20/1685

10 Medway Road, Gillingham

Recommendation

Amend the wording to condition 3 to read as follows:

- 3 Within one month from the date of this decision, a method statement for the careful removal of the existing finishes (multi-finish plaster, concrete and stud partitioning) and reinstatement of the lime haired plaster finish to the front LHS living room, the front RHS living room, dining room, hallway, utility room, landing, **front LHS bedroom, front RHS bedroom**, middle LHS bedroom, middle RHS bedroom and rear RHS bedroom, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To restore the buildings historic fabric and to comply with Policy BNE17 of the Medway Local Plan 2003.

Add condition 12 to read as follows:

- 12 Within three months, from the date of this permission, the front LHS living room and front RHS living room walls as identified and highlighted on drawing number DHA/13726/103 rev A received on 24 August 2020, shall have the multi finish plaster carefully removed and reinstated with lime haired plaster, in line with details approved under condition 3 of this decision notice. Once reinstated with lime plaster shall be maintained thereafter.

Reason: To restore the buildings historic fabric and to comply with Policy BNE17 of the Medway Local Plan 2003.

Woodpeckers,
Mortimers Avenue,
Cliffe Woods,
Rochester,
Kent.
ME3 8JT
10th.September 2020

Mr. Dave Harris,
Head of Planning,
Medway Council,
Gun Wharf,
Dock Road,
Chatham.
ME4 4TR

Dear Mr. Harris,

**OBJECTION to the revised Planning Application MC/19/0287
Land at Town Road, Cliffe Woods, Rochester, Medway.**

As the Planning Committee have allowed yet another presentation by Gladman Developments about this application, I think that natural justice would also allow any other representations by residents of Cliffe Woods to be given to the committee.

I wish to take issue with the planning officers conclusions and reasons for approval based on interpretation of applicable planning law.

The planning process should have addressed mitigation of damage and harm to the local ecology and open character of the area. The developer of the proposal, causing all the damage and harm, should cover **all** the costs to be incurred. Prior to this part of the process, housing land supply is not required as housing is not needed in this area (see AECOM report on housing need in Cliffe Woods). On a national scale, recent research has shown there is sufficient previously developed land for 1,500,000 dwellings. We should not have to conform to an externally imposed housing land supply created by a flawed algorithm. There should be no development of agricultural land which causes further damage and harm to the environment. That is the problem, the solution is no further development, therefore no harm. The socio-economic harm cannot outweigh the ecological conservation aspect. The Sandford Principle (Environment Act 1995) should be adopted for all green spaces in 2020: "If there is an apparent conflict between conservation and economic provision, then the greater weight must be given to conservation." A major concern is that, in their haste to increase the housing land supply, the LPA appears to have conveniently forgotten the Local Plan (2019-2035) consultation which showed an excellent option to extend the Green Belt from the Gravesham BC boundary to the western boundary of Cliffe Woods. The residents of Cliffe Woods live here because of the open character and visual amenity of the landscape. **Loss of this amenity cannot be mitigated.**

The residents of Cliffe Woods know from bitter experience that the existing settlement is unsustainable in terms of transport and other infrastructure. To this we now have a development of 94 properties being built by Esquire Developments and then a further 225 dwellings if this proposal is approved. The mitigations offered by both these developments are set against a starting point which is **already** unsustainable. The amount of finance for mitigation will never cover the cost of the harm caused by the proposal let alone the backlog of missing infrastructure. The proposal is, therefore, **unsustainable**.

In spite of the above, if the Committee is minded to approve this application, then under the terms of a S106 Agreement:

- Instead of a fixed-term transport mitigation, the developer should provide funds for a bus service at 10-minute intervals during peak periods until such time as Arriva and/or the Local Authority can provide a sustainable service.
- The developer should provide funds for a combined 3m(2m-at-constraints), two-way cycle/pedestrian way (Department of Transport Cycle Infrastructure Design LTN 1/20 July 2020) to the east of Town Road from View Road, Cliffe Woods – Bunters Hill Road, Mockbeggar.
- The developer should offer substantially increased funding for mitigation re. ecological harm calculated in line with current government guidelines.

If large-scale developers make applications which harm and degrade the environment, they should pay for the consequences of the damage. This should **not** be negotiable with the LPA which should carry out the assessment with due diligence. If the developer claims they are unable to fulfil all the S106 agreements, they are at liberty to withdraw the application.

The Secretary of State for Housing, Communities and Local Government is currently consulting on “Planning for The Future”, focussing on land use under three categories - Growth areas suitable for substantial development; Renewal areas suitable for some development; and Protected areas where development is restricted.

I feel certain that, with this in mind, the Planning Committee would, with the local expertise of the Strood Rural Councillors, deem land to the west of Town Road, Cliffe Woods **a Protected area, unsuitable for substantial development** and refuse the revised planning application.

Yours sincerely,

Roger Brown.
Chair, SAVE Cliffe Woods Committee

Higham Parish Council

We refer to the above application of which we have only recently been made aware despite the fact that it abuts our parish, adversely affect the visual environment of the parish and increases the traffic on the roads within the parish and will increase pressure on the car park adjoining Higham Station. We object to this application and ask you to decline it.

Application site

We are uncertain as to the boundary of the Application site. The documents accompanying the application form show the site edged red, which is the same as that attached to the Agenda and officers' report for your Planning Committee meeting of 19 August 2020. On these documents, the whole of the field to the north east of the proposed site of the dwellings, apart for an area to be used for SuDS and an access route to it are edged blue as "other land under the control of the applicant". This is carried forward in other documents which have been submitted by fpcr later in 2019 on behalf of the applicant. By March 2020, the blue area on the plans had approximately halved in size and been re-designated "Land for provision of allotments and potential amenity space".

The Officers' report refers to 'blue' land but this is not identified anywhere in their report. No mention is now made of the remainder of this area – it is not even acknowledged as being under the control of the applicant.

If consent is granted, then the whole of this field should be dedicated as public open space in perpetuity.

Transport

We acknowledge the transport studies undertaken by Prime.

These ignore the affect that any increase in traffic will have on National Cycle routes 1 and 179. Route 1, which runs from the north of Scotland to Dover and is strategically important, comes from lower Higham along the Lower Rochester Road and then via Two Gates Hill to Town Road which is crosses at Mockbeggar and continues along Bunters Hill Road. This crossing of Town Road is difficult enough in a car and even more difficult on a bicycle or on foot. Route 179 runs from Lower Higham along Gore Green Road and then Buckland Road. All these roads, as well as Lillechurch Road are typically 5 metres in width but sometimes as narrow as 3 metres. At various points larger vehicles have eroded the verges/banks so that they can pass. Any increase in traffic on these roads will be to the detriment of cyclists and existing users.

We assume that the scope of the Prime study was agreed with Medway Council Highways and this is the reason that it does not consider the effect of the development on any roads outside their area. As the, now historic 2106 studies show a significant number of vehicles use Lillechurch Road and therefore Higham as either a route to Higham Station or as a 'rat run' to avoid congestion further south on the B2000 (Town Road/Lower Rochester Road). As can be seen from the Prime study, this flow is reversed in the afternoon. The study makes no attempt to address the junction of Town Road with Lower Rochester Road leading to lower Higham. However, it can be inferred that over 70 vehicles, including heavy vehicles turn right

onto the B2000 from Higham at this junction in the AM peak (being the difference between the traffic going south on the B2000 at Lillechurch Road and arriving at the A289). The amount of traffic using the Lower Rochester Road from Higham had, pre Covid 19 increased significantly since 2016. Increasing traffic on the B2000 without upgrading this junction will extend the queues awaiting to exit onto the B2000 and (because the road is only one vehicle wide) stop traffic turning left from the B2000 at this point.

The Lower Rochester Road is a dedicated lorry route to a number of industrial areas within Higham and Shorne, as well as Network Rail's infrastructure maintenance facilities and sidings at Hoo Junction on the Shorne/Higham boundary. Roads through lower Higham are narrow and also congested. They are not capable of taking addition traffic without significant widening and junction improvements. Roads in lower Higham are also used by numerous horse riders and there is already conflict between them and cyclists on the one hand, and motorised traffic, including articulated lorries on the other.

Increasing traffic flows on Lillechurch Road, Gore Green Road, Lower Rochester Road and Buckland Road will have an adverse effect on the residents of these roads and business situated on them.

We are disappointed that some residents of the proposed development, and the 92 (now 94, having been increased in June this year) dwelling development adjoining it, are expected to use Higham Station. The Station car park has now been tarmacadamed with 84 marketed spaces for waiting, and customer and staff parking, plus 5 disabled bays. Pre Covid -19, it was full every weekday, so there is no capacity for additional customer parking.

The study seems to predict additional traffic movements based on national averages. Our experience of developments which have taken place in this parish over the last 10 years is that each dwelling seems to have 2 vehicles, sometimes more, given the need for occupiers to commute and the poor levels of public transport.

We do not believe that the original traffic study, which is about 4 years old, reflects current traffic levels. It should therefore be reassessed and new calculations prepared. The study should reflect that car (and/or van) ownership per household is much higher in rural locations and that the existing projections are therefore too low.

The study should consider traffic movements at the junctions of Town Road with Two Gates Hill and Lower Rochester Road and suggest significant upgrades and improvements to these junctions which should also take account of the requirements of the National Cycle Route. By failing to take account of traffic travelling through Higham the study is incomplete. Roads through Lower Higham are already congested and are not capable of accommodating the projected additional traffic. Although forming part of National Cycle Routes they are too narrow to provide safe routes for the current level of motor traffic (including buses to Cliffe), cyclists and horses.

Higham station car park is not large enough to cater for an increase in rail travellers. The existing situation is such that on-street parking restrictions have been imposed.

Although we are not sure that it forms part of the application, and therefore capable of being referenced in the section 106 agreement proposed by Officers' in their report, if it is meant to form part of this planning application, we object to the car park accessed from Buckland Road. The allotments should be relocated to the south of this field adjoining the residential development and the car park should be in this location. We assume these allotments are being provided for the residents of Cliffe Woods, it makes no sense for there to be a car park which will necessitate users driving over 1 mile from the entrance to the development to get to the car park. Buckland Road at this point is within Higham Parish and there has been no attempt to liaise with us about this new access, nor we understand Gravesham Borough Council as Planning Authority and Kent County Council Highways as Highways Authority.

No access should be permitted onto Buckland Road, nor should any agreement be made which might lead to the need for such an access without prior approval of Kent Highways, Gravesham Borough Council and this Council.

Public Transport

Our understanding is that the provision has been scaled back significantly since 2017. Public Transport in rural areas is expensive to provide and we note that this developer and that of the adjoining site are proposing some service enhancements for a short period of time. To make a significant difference, bus services should start early in the morning – at least so that the first arrival at Strood station is before 7am and the last bus should leave about 9pm, with a regular service (ie preferably half hourly and certainly not less than hourly) in between. They should provide a bond to ensure that the service can be run for more than 5 years, and preferably until a replacement Cliffe station is provided as part of your proposals to reinstate passenger services on the Hundred of Hoo railway line. A footpath will need to be provided from Cliffe Woods to the station.

The proposals for public transport are too little and any commitment is for an insufficient time period

Landscape, environment, Ecology

The fields which form the subject of this application currently provide a buffer between the Green Belt and Cliffe Woods and are an important adjunct to it for a number of species, as highlighted in the various reports submitted by the applicant. On both sides of Buckland Road (and therefore adjacent to the application site) are fields used for agriculture and for grazing of horses. The ecological studies all seem to date from a period before the field to the north of the site abutting Buckland Road became incorporated into the site. These studies therefore should be redone, as Parts of the Section 106 cannot be implemented as the application and studies do not include them. Just as there has been no apparent attempt to contact the Highways authority concerning the proposed access for this area. Some cases, these studies do not acknowledge or take into account the adjoining development.

The applicant should revise the application and extend and update the relevant studies, including transport and ecological, and the application in order to have the whole of the affected area, including the matters referred to in the section 106 proposals which require consent, considered as a whole. The development as planned will be to the detriment of the adjoining farms and rural businesses within the Green Belt, which rely on an undisturbed environment.

Given the proximity to the Green Belt and ecological sites of national and international importance SSSI, Ramsar, and the Thames Estuary and Marshes Special Protection Area (SPA), there should be no interference with the supporting areas for these wildlife areas, not only the direct feeding areas but the areas which provide food for insects, small mammals, etc., which provide the food for certain species.

The proposed development will provide light pollution and be visible over a wide area at night. Cliffe Woods is already visible from areas to the west of Higham and extending the settlement further to the west will increase this visual intrusion into the rural landscape. Increased lighting, whether from street lights or dwellings will be to the detriment of the Green Belt and the wider area, including the SSSI and Ramsar areas. KCC Ecological Advice Service also highlights the need to protect the hedges, etc., within the site, including from light pollution.

The proposals will lead to unacceptable increase in night time light pollution to the detriment of wild life and the designated Ramsar, SPA and SSSI (and not just to the detriment of bats which is the only matter considered in the officers recommendations).

The significant increase in residents in this location will lead to an increase in the number of people using the marshes and protected areas for recreation. The ecological reports do not seem to take into account how this potential increase in use can be mitigated. The Officers' report for the Committee meeting of 19 August, states that the relevant assessments have not been made by Medway Council. The removal of hedgerows, which form important wildlife corridors is to be deplored. Although the applicant states that they will not develop close to those which are being retained, experience shows that they are usually damaged by use of the surrounding area for leisure purposes and cease to be able to function as before or as originally intended.

Public footpath NS72 /RS72 (the path has a different prefix for the sections within the parishes of Higham, and Cliffe and Cliffe Woods) runs through the site. The nature of this path must be preserved rather than being reduced to a metaled pathway between fences or roadside pavements in order to preserve the nature of the path and its use both by humans and wildlife.

The applicant's proposals will be to the detriment of the local fauna and flora. In addition, it is premature as the ecological surveys do not fully take account of the current proposals and adjoining development and no attempt has been made to identify if any measures are need or capable of being introduced to

adhere to the North Kent Strategic Access Management and Monitoring Strategy for the SPA and Ramsar.

While we appreciate that Medway Council is behind target in the provision of new dwellings, that is not an excuse to allow a development such as this, especially when the proposals have changed significantly to include additional land and activities which did not form part of the original application; the various required studies are not comprehensive; adjoining areas which will be directly affected have not been considered or consulted. We also note that additional objections have been received by your Council since the Officers' report was written including from the local MP. And others submitted after the decision on this application was deferred. The level of opposition demonstrates that the lack of building elsewhere is not a good reason to grant consent.

We request that you refuse consent for this inappropriate application.

Cliffe and Cliffe Wood Parish Council - Additional representation since 19 August 2020 Planning Committee:-

The Parish Council welcome the deferment of a decision on this planning application at the Medway Council Planning Committee on the 19th August 2020. Although the background papers were available on the web site, the Planning Officer's report and recommendation are only available much nearer the planning meeting. We also thank Dave Harris for the opportunity to discuss this with him and ward councillors two days before the meeting to clarify some issues in the recommendation and report which he passed to the committee on the evening of the meeting. Councillors are likely to be aware of the original outline application (MC/16/3669) which was identical in almost all details. The Parish Council took a very active involvement in the original application and had discussions with the developer before the application and followed the planning process through to the decision to refuse the application, the public inquiry into Gladman's appeal against the refusal (attending as a Rule 6 Party) and finally attended the High Court when the Minister's decision was challenged and dismissed.

From discussions and reports the decision on this application falls to be determined on the reasons for refusal of the original application (although there are still concerns that I will address later). The officer's report highlights the two issues:

- 1) *"Firstly that although Medway could not demonstrate a 5 years housing land supply, the presumption in favour of sustainable development did not apply because of the effect of paragraph 177 of the NPPF and the need for an appropriate assessment to consider the impacts on nearby SSSI and European protection areas"*
- 2) *"Secondly, the SoS considered that the local bus service operated within hours that started too late and ended too early to make the bus service usable for potential commuters for work to the main town and London whether part-time or full time and therefore did not offer a sustainable alternative to the private car. He considered the Arriva click proposal put forward by the appellants at appeal but did not feel that had been fully thought through to deliver a workable solution."*

While we appreciate that planning rules have since changed and the first reason has since been overridden, the second is still a material concern.

At the Planning Inquiry there was detailed discussion about the public transport provision, local issues of the increase in traffic volumes generated by the development and the applicant agreed further financial provision to:

- a) Extend the financial provision to five years (£225,000 per year for 5 years i.e. £1,125,000). They agreed to an amendment to the s106 to reflect this at the Inquiry.

The Minister's decision notice reflects this issue:

"The Secretary of State has further taken into account the Framework's statement in paragraph 103 that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and he agrees with the Inspector that given the rural character of the area, a realistic approach to the general travel method of residents is required (IR109). However, in the Secretary of State's judgement, the proposed development does not limit the need to travel or offer a genuine choice of transport modes, and is therefore in conflict with the Framework's policy on promoting sustainable transport (paragraph 103 of the Framework). His concerns are

not overcome by the proposed mitigation. He therefore disagrees with the Inspector's conclusion that there is no intrinsic conflict with the requirement of Policy BNE25 that development should 'offer a realistic chance of access by a range of transport modes' (IR110). The Secretary of State considers that these conflicts carry substantial weight against the proposal."

So despite the s106 commitment, the minister still felt there were grounds to refuse the application on grounds that it does not limit the need to travel or offer a genuine choice of transport modes and the development remains in conflict with BNE25 (i)

The new planning recommendation reports a s106 commitment of £574,692.00 towards the provision of a bus service (49.91% less than the commitment made at the Planning Inquiry on the previous application), An equivalent commitment would allow for the extension of the service to Cliffe (Six Bells) and further improvements to the existing 133 service, in addition to those proposed in the neighbouring Esquire development.

Further Concerns

Consultation:

There appears to have been a lack of consultation with Gravesham Borough Council (Higham Parish Council and KCC) as the development borders, on part with the local authority boundary, and more so when the suggested Allotments are included). The date shown is 21st August 2020 for this consultation.

The developer also relies on the fact that extensive consultation was carried out with the previous application as a reason for extremely basic consultation this time. This is in spite of a major change with the approval (and build underway) of the adjacent Esquire development and changes during the previous planning process, appeal, minister call-in and High Court appeal.

S106 Contributions

Health – The previous application made provision for local improvements in the local medical practice to reflect the increased demand that this development will generate. While accepting that s106 requirement has been assessed by the Clinical Commissioning Group, it has suggested facilities between Hoo and Grain, not practical or accessible for local residents. There was provision for local facilities in the previous application

Education – An issue continues to be raised regarding the ability/desire of the Cliffe Woods Academy to accept further growth and the impact this would have on the performance of the school (OFSTED: Outstanding for many years). The new development is some distance from the new school and practically will generate significant additional traffic in View Road in the morning and afternoon. If this schooling is elsewhere, there is likely to be significant additional traffic flows on the B2000.

Transport – Locally there are major concerns with the existing volume and mix of traffic on the B2000 and the impacts at junctions from the B2000 to the main Cliffe Woods village. The B2000 is a feeder road to Cliffe Village and the industrial areas around Salt Lane and large vehicles to and from Childs' Farm in Cooling. The parish

council has also reported a number of issues with the junction of the B2000 with the Wainscott Bypass, in terms of volume and road safety with many accidents. Access for pedestrians and cyclists towards Strood and Higham Station remain poor and dangerous, although there is a relatively short distance to the footway alongside the B2000 at Mockbeggar Farm. There is an alternative route (public right of way) between Cliffe and Cliffe Woods but further signing is required and the 1/2 mile into Cliffe Woods is on the road with possible conflict with motorised users.

Community Facilities – Although the additional s106 towards improvements at the Community Centre are welcome, there is little ongoing provision for youth and younger children. It is not clear how the s106 contribution to the Cliffe Woods Recreation Ground will be allocated at present. Some s106 youth commitments appear to be minor 'revenue' items and short of the capital investment required.

General – Although Cliffe and Cliffe Woods (and Cooling) villages are located on the Hoo Peninsula, there is a major difference in their access to facilities being provided on the Hoo Peninsula as part of the expansion plans for that area. Public Transport is limited to a school bus and a Sunday service, the main peninsula is accessed via the local roads of Frindsbury Extra/Wainscott. It puts many of the services and leisure facilities out of reach for many local residents without cars. This issue is recognised in the emerging Medway Towns Local Plan (and emerging Neighbourhood Plan), with sites such as this proposal assessed as unsuitable in sustainable terms.

Summary

The parish council feel there are still significant issues and impacts of this development. There continues to be concern that reports to Medway Planning councillors fail to reflect the local situation and the impact of the growth of housing in the villages would have on local amenity. The parish council feel that the remaining ground for refusal of MC/16/3669 has failed to be addressed by this new application and further issues raised by the parish and local residents has not been addressed. The application conflicts with the Medway Local Plan Policy BNE25 (i) and should be refused.

Chris Fribbins (Clerk, Cliffe and Cliffe Woods Parish Council)

APPENDIX 1: POLICY BNE25: DEVELOPMENT IN THE COUNTRYSIDE

Development in the countryside will only be permitted if:

- (i) it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, **it offers a realistic chance of access by a range of transport modes;** and is either;
- (ii) on a site allocated for that use; or
- (iii) development essentially demanding a countryside location (such as agriculture, forestry, outdoor or informal recreation); or
- (iv) a re-use or adaptation of an existing building that is, and would continue to be, in keeping with its surroundings in accordance with Policy BNE27; or
- (v) a re-use or redevelopment of the existing built-up area of a redundant institutional complex or other developed land in lawful use; or
- (vi) a rebuilding of, or modest extension or annex to, a dwelling; or

(vii) a public or institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity. The countryside is defined as that land outside the urban and rural settlement boundaries defined on the proposals map.

Land at Town Road, Cliffe Woods (Medway Council Application Reference MC/19/0287)

Member Presentation Supplementary Note

14 September 2020

1. Introduction

- 1.1 This note has been prepared following the presentation to members of Medway Council's Planning Committee on 7th September 2020 in respect of Gladman Developments' (Gladman) outline planning application for Land at Town Road, Cliffe Woods (Medway Council application reference MC/19/0287).
- 1.2 Following the presentation, several questions were raised by Councillors in relation to highways and infrastructure matters, on which more detail was requested in a follow-up written response. This supplementary note therefore seeks to respond to these queries, and to provide the additional information and clarification that has been requested.
- 1.3 The note also seeks to respond the matters raised by Cliffe and Cliffe Woods Parish Council in their correspondence dated 4th September 2020. Comments on the matters raised by the Parish Council in this respect are highlighted within this note where relevant.

2. Developer Contribution Requests

- 2.1 In the presentation delivered on 7th September, Members queried the package of S106 contributions and obligations that would be secured as part of the application proposals. In particular, clarification was sought as to whether sufficient developer contributions were being directed towards the improvement of services and facilities in Cliffe Woods, as opposed to the wider surrounding area.
- 2.2 A similar query was also raised by Cliffe Woods Parish Council in their submissions dated 4th September 2020. In particular, the Parish Council have

queried the use of the proposed health and education contributions, the adequacy of the obligations that will be provided for youth and young children provision, and how the proposed contribution for Cliffe Woods Recreation Ground will be allocated.

- 2.3 In responding to these queries, firstly it is considered important to review the relevant requirements of national planning policy, and the legal basis for seeking developer contributions when determining planning applications.
- 2.4 In this respect, paragraph 56 of the National Planning Policy Framework, and Regulation 122 of the 2010 Community Infrastructure Regulations (as amended) state that in order to be taken into account by the relevant decision maker, developer obligations can only be sought where they are:
- a) necessary to make a development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development
- 2.5 In this regard, these elements of national planning policy and legislation make clear that developer contributions cannot be used to remedy pre-existing infrastructure deficiencies (that pre-dated a planning application), or to fund service improvements that are not deemed necessary to make a proposal acceptable in planning terms .
- 2.6 With this in mind, Gladman and Medway Council are only able to propose and agree to those developer obligations that are deemed necessary to make the current application proposals for Land at Town Road acceptable from a planning perspective. To do otherwise would be inconsistent with the requirements of national planning policy and law. Any obligations that fail to meet the three tests of necessity identified above cannot be taken into account when determining the application proposals.
- 2.7 In determining what contributions and obligations are considered necessary to make the development acceptable, Gladman has been guided by the consultation responses that have been submitted to Medway Council by relevant

consultees and service providers. These include NHS England, Medway Council's Child Services and Youth Services teams, and Leisure, Sport, Heritage and Tourism offices.

- 2.8 These Council departments and service providers have a responsibility to ensure that sufficient education, health care and community facilities are delivered to meet the increased demand arising from new application proposals, and that any requirements for infrastructure enhancements are secured as necessary. They are considered best placed to determine where any S106 monies should be spent, based on their operational needs, and understanding of where service enhancements should be targeted to meet the increased demands generated by the proposals.
- 2.9 Whilst Gladman recognise that some of the proposed developer contributions could be used to deliver service improvements outside of the immediate vicinity of the application site, for the aforementioned reasons this is considered to be wholly appropriate and necessary based on the information that has been provided by consultees and service providers.
- 2.10 In this respect, whilst Gladman note the concerns raised by the Parish Council in relation to use of the proposed healthcare contribution to fund the delivery of a Community Healthy Living Centre in the Hoo/Isle of Grain area, this request has been made directly by NHS England.
- 2.11 In relation to Education, Medway Council's Child Services team have confirmed that developer obligations will be sought to increase nursery, primary and secondary school provision to accommodate the additional pupils generated by the application proposals.
- 2.12 The Child Services team are considered to be the most appropriate arbiters of where any S106 monies should be spent to increase education capacity based on their understanding of pupil forecasting and the impact that the development will have on local schools. In respect of Primary education, they have currently requested that contributions are directed towards increasing capacity at Cliffe Woods Primary, and/or St Helens Primary, and/or Temple Mill, and/or a new free

school in the area. They have identified that these are the most suitable and nearest schools for expansion.

- 2.13 Members stated at the presentation that the Cliffe Woods Primary School was currently fully subscribed and that therefore there would be insufficient capacity at the school to accommodate the pupils generated from the proposed development. However, it is understood that a high proportion of pupils attending the school are from outside the immediate Cliffe Woods area. It is noted that one of the criteria for admissions at the school if places are oversubscribed is the geographical proximity of the pupil's home address to the school. As such, it is considered that as pupils begin to be generated by the proposed development, there will be a natural 'correction' process whereby pupils living in Cliffe Woods are prioritised for places above those coming from outside the village.
- 2.14 Members also expressed concerns that as an Academy, the school did not have to accept S106 monies to accommodate new pupils. Notwithstanding whether a school would indeed turn down funding to improve facilities in the current environment, if they did, the funding could be provided to alternative schools as described above, but the same 'natural sifting' process would occur whereby children living in Cliffe Woods would be prioritised above those living outside the village for places at Cliffe Woods Primary if it remained oversubscribed.
- 2.15 On the subject of youth provision and facilities for children, the developer obligations provided as part of the application proposals would be directed towards the provision of a youth service to offer support for young people in the Cliffe Woods area. Suitable wording would also be included within the finalised contents of any S106 agreement to provide clarity on the intended use of obligations to improve facilities at Cliffe Woods Recreation Ground. A further contribution would be directed towards improvements to the Cliffe Woods Community Centre.
- 2.16 Overall, it is considered that suite of S106 obligations and contributions that would be delivered alongside the application proposals would represent an

appropriate and proportionate package, consistent with the requirements of national planning policy and legislation.

- 2.17 Whilst necessary to make the development acceptable in planning terms, it would also represent a multimillion-pound investment in the local community (£2.65 million in total), delivering benefits to both new and existing residents alike. A significant proportion of this investment would be directed towards facilities in Cliffe Woods.

3. Climate Change Adaptation and Mitigation

- 3.1 As part of the post-presentation discussion, Members also queried the measures that would be taken to ensure that the application proposals are designed to mitigate and adapt to the effects of climate change, including the provision of eco-homes and electric vehicle charging points.
- 3.2 Whilst detailed design would be a matter for subsequent reserved matters applications, a number of sustainability measures are likely to feature in the Land at Town Road proposals and be secured as part of the application proposals.

Energy Performance and Efficiency

- 3.3 New dwellings provided as part of the application proposals will be designed to reduce their carbon output by following the latest and up-to-date guidance on reducing CO2 emissions through the 'fabric first' approach. These methods alone can achieve the 25% reduction in CO2 emissions required by Part L of the Building Regulations 2010.
- 3.4 To achieve the additional 6% reduction in CO2 emissions to meet the requirements of the 2013 version of Part L of the Building Regulations, further improvements in fabric first insulation performances, window and door U values and increased air tightness can be explored, with on-site renewables and low-carbon energy sources also a consideration.
- 3.5 The most cost-effective solution is always specific to the development in question, i.e. the energy profile of what is being built and its location and will need to be determined at the detailed design stage.

Water Usage and Disposal

- 3.6 It is anticipated that the development will be designed in line with Building Regulations Part G 2010, 2015 edition with 2016 amendments, which requires new buildings to meet a maximum consumption of water of 125 litres per person per day for standard developments.
- 3.7 The development proposals will also employ Sustainable Urban Drainage System (SuDS) measures to control the discharge of surface water, which have been agreed in principle with the Lead Local Flood Authority.
- 3.8 The surface water drainage strategy for the site has been designed to ensure that the proposals do not increase the risk of flooding on-site or elsewhere, following Sustainable Urban Drainage System (SuDS) principles. This includes an allowance to address the potential effects of climate change by factoring in a 30% increase in predicted flows in order to provide resilience to potential flooding events associated with climate change in the future.

Electric Vehicle Charging Points

- 3.9 In response to a question raised after the Member Presentation, Gladman can confirm that a condition requiring the provision of a development specific air quality mitigation scheme is included in the proposed conditions. As noted in the officer's report to planning committee, this would include a requirement for the installation of electric vehicle points. This has been requested by the Council's Environmental Health officer, as part of a suite of air quality mitigation measures.

Additional Measures to Encourage Sustainability and Reduce Pollution

- 3.10 As well as the measures described above, the following factors will help to reduce the carbon footprint of the Land at Town Road proposals:
- As discussed further in Section 4 below, the application proposals will be accompanied by a comprehensive package of improvements to local public transport infrastructure. This includes funding for a bus/shuttle service operating between the application site and Strood Station and the provision

of bus credit vouchers for new households, which will help to encourage the update of sustainable transport habits

- A suite of highway improvements will also help to improve accessibility for non-car modes of transport. This includes upgrades to the existing southbound bus shelter situated on View Road, footway enhancements and traffic calming measures, and a developer contribution of £5,000 towards Safer Routes to Schools initiatives and updating the Cliffe Woods Primary School Travel Plan. As discussed further below, as a result of discussions at the member presentation, Gladman are also willing to propose a further contribution towards cycling provision in the area.
- As shown on the Development Framework Plan that supports the current planning application, the development proposals could deliver a network of internal walking and cycling routes. Alongside the retention and enhancement of the existing on-site Public Right of Way, these measures will help to enhance permeability, and create attractive routes for pedestrians and cyclists. This has the potential to further reduce the dependence on the private car for journeys that could reasonably be made by cycle and on foot.

3.11 Travel Packs would be provided to all new properties to provide details of local bus services, car share schemes, local cycling and walking routes, and the health and sustainability benefits associated with the take-up of non-car modes of travel.

4. Sustainable Transport

Introduction

4.1 A suite of documents that address highways and transportation matters in detail have been submitted as part of the planning application. The scope of these documents was agreed with Highway Officers at Medway Council. The documents include:

- Transport Assessment (TA) dated January 2019;
 - Interim Travel Plan (TP) dated January 2019;
 - Technical Note 2 (TN2) dated April 2019 (note Technical Note 1 was appended to the TA); and
 - Transport Improvement Note dated July 2020.
- 4.2 The Highway Officers at Medway Council undertook a detailed review of the above documents and raised no objections to the proposals subject to conditions and contributions.
- 4.3 Questions raised by Members during last week's presentation are addressed below- with the three key themes being the shuttle bus proposal, the impact on the local highway network, and provision for cycling.

Shuttle Bus Proposal

- 4.4 Cllr Hubbard queried what route the shuttle bus would take.
- 4.5 The route of the shuttle bus will be finalised at a later date but the initial suggestion from Arriva was, travelling south down the B2000 from the site, the bus would turn right onto the B2108 Brompton Farm Road, left onto Cliffe Road, right onto A228/A207 North Street, left on to A2 High Street, left onto B2002 Station Road then looping past Strood station turning left onto A228 Frindsbury Road then right onto Cliffe Road continuing in the reverse direction from this point. This route is shown indicatively on the image below and is as per the Strood leg of the 133 service prior to reaching Strood station:



Indicative route of shuttle bus

- 4.6 Cllrs Etheridge, Turpin and Thorne also raised queries: firstly why we had consulted with Arriva rather than local operators. Secondly, whether improvements could be made to weekend services particularly as the development is likely to attract young families and teenagers are likely to want to be able to meet up with friends, including in the evening without parents having to give lifts. Finally, whether credit

could be provided to existing residents towards Arriva services. Other members suggested that existing services should be improved before new ones are considered and there was suggestion that the catchment area of the service should be expanded with many people likely to wish to travel to Higham and Medway City Estate.

- 4.7 It was explained during the presentation that the Applicants had consulted with Arriva as they are the main operator in the area with detailed knowledge and patronage figures. Whilst local operators are important, from prior experience many struggle to continue to operate given financial constraints, so it was felt that working with Arriva would provide a solution that would stand the best chance of being deliverable were the development to be built-out. Also, the Applicant's highways consultant held an informal discussion with one of the local operators during a Local Plan workshop, with the operator confirming the above and stressing that they would find it difficult to provide a vehicle and operate such a service with a good degree of reliability given their limited resources. Furthermore, Arriva have access to a modern fleet of vehicles, that have low emissions and provide other benefits including Wi-Fi, USB charging, smart ticketing and a journey planner 'app' with vehicle tracking.
- 4.8 Gladman accept that there has been a focus on Monday to Friday commuters rather than weekend trips. This has been based on the Secretary of State's comments in the previous appeal and Arriva's careful consideration of what would provide the most self-sustaining service. Commuters to Strood town centre and those seeking to use HS1 provide a clear demand and regular trip pattern. Parking at Strood station also incurs a higher charge so future passengers are likely to opt for the shuttle bus rather than drive. Weekend trips tend to be more 'ad-hoc' or random in nature, particularly for potential passengers who are visiting friends and relatives. Weekend services struggle in many towns across the country for such reasons, and it is certainly not uncommon for many towns to have no Sunday services. Arriva have also informed us that there has traditionally been very limited demand for evening and weekend

services in Medway, so such services have often proved to be unviable.

- 4.9 Cliffe Woods does currently benefit from hourly 133 services on Saturdays, 3 x 417 services on a Saturday and 5 x 193 services on a Sunday. Gladman acknowledge that they do tend to terminate in the early evening, which is probably related to there being limited demand to make additional services viable. The development may increase such demand bringing the potential for improved weekend services to be viable.
- 4.10 Whilst members spoke of concerns with the reliability of existing services, it is the responsibility of the operators to ensure a good service. Arriva's view is that it is often issues such as traffic accidents in the Medway towns which cause the delays rather than issues with the buses themselves. The 133 can be prone to delays to the south of the river. The applicant cannot be expected to address existing issues but the new shuttle service will supplement the existing ones and offer an alternative for bus passengers. The relatively short route will also help to deliver good journey reliability.
- 4.11 Gladman accept that the proposed shuttle service will only link to Strood station and town centre, and existing and future residents may wish to travel to other destinations, however Arriva have advised that the shuttle service stands the best chance of being self-sustaining beyond the five-year funding period. Gladman also believe, as indicated by Arriva, that the service does have the potential to be expanded to other areas and destinations such as Higham and Medway City Estate.
- 4.12 At the request of Dave Harris, Head of Planning, Gladman have consulted Arriva on whether funding to be secured from the Esquire Developments site could be pooled with funding offered by Gladman. Arriva have verbally indicated that this could be done, but it will likely come down to a choice of whether the operating hours of the 133 are increased or if the funding is spent on an additional shuttle service in evenings or at weekends. The shuttle service essentially brings a second option for

the funding from the Esquire Developments site. Gladman are happy for the contribution to be flexible in terms of what service improvements it is spent on. This could be achieved by ensuring the wording of the S106 obligation for this application reflects both options. It is considered that Arriva, in consultation with Medway Council, will be able to advise on the most appropriate service enhancements.

- 4.13 In terms of credit for existing residents, the shuttle service is being funded by the development and the credit for future residents is to help ensure its longer term viability. The shuttle service will not exist without the development. Clearly, it would not be lawful for Gladman to fund discounted passes for existing residents. However, Arriva believe that their discounted weekly, monthly and annual bus passes offer exceptional value to existing residents.
- 4.14 In summary, with regard to the bus service, Gladman consider that the detail provided in respect of the shuttle service, resulting from the joint working between Gladman and Arriva, demonstrate that the concerns of the Secretary of State with regard to the availability of bus services for commuters in the early morning and late evening have been comprehensively addressed and that access to sustainable transport can no longer be relied upon as a reason for refusal of the proposals.

Impact on Highway Network

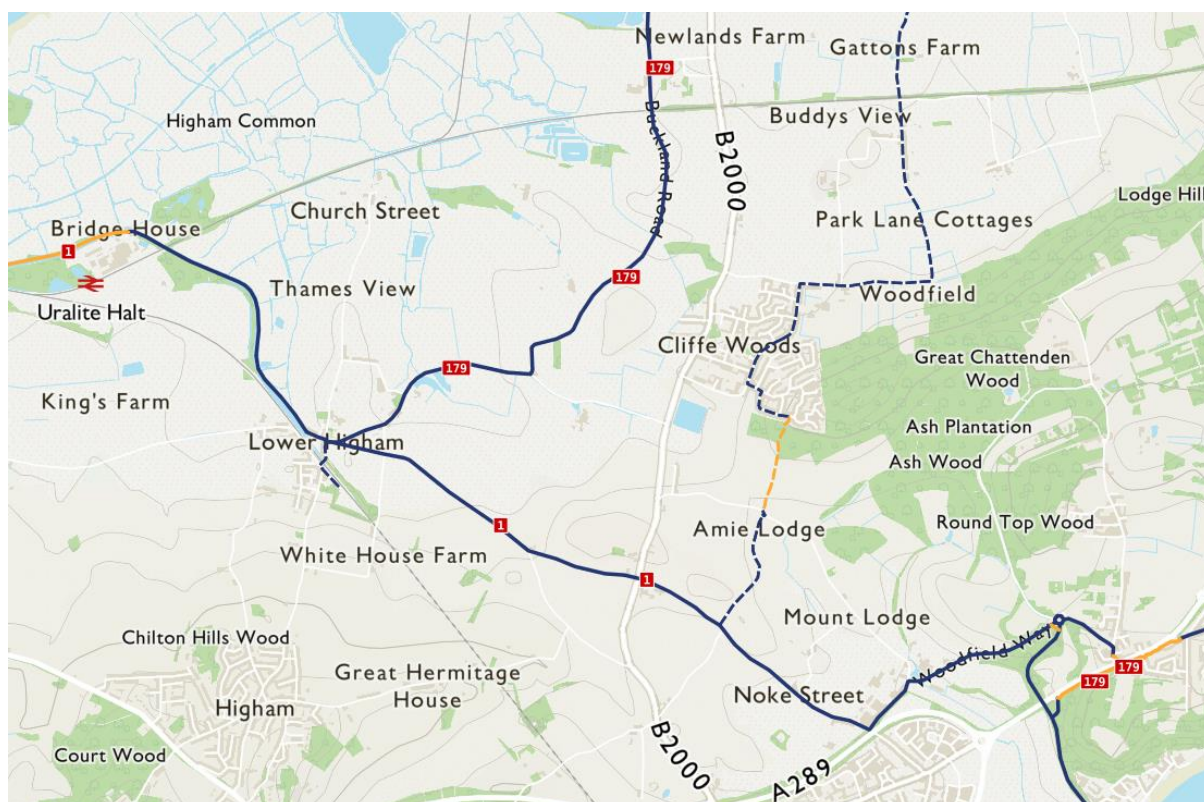
- 4.15 Cllr Hubbard also asked whether the impact of the development traffic had been considered further afield from Cliffe Woods, specifically on the Lower Rochester Road/Hollywood Lane/Brompton Farm Road & Cooling Lane/Hollywood Lane mini-roundabouts
- 4.16 The TA and TN2 considered the impact of the development on a number of off-site junctions. TN2 contains the latest assessment that considers the cumulative impact with the Esquire Developments site. A summary of the results at each junction is as follows, with the list of junctions agreed with Medway Council:

- B2000 Town Road/Lillechurch Road – will continue to operate with a considerable level of spare capacity;
- B2000 Lower Rochester Road/A289 Off-slip – offside (right hand) lane of slip road to operate very slightly over capacity without development in AM peak hour. Development has a negligible impact on junction performance. The junction will continue to operate with spare capacity in PM peak hour. The sustainable improvements offered should be considered before any physical highway works. Medway Council Highways are in agreement.
- B2000 Lower Rochester Road/A289 On-slip – junction will continue to operate with spare capacity with development in place.
- Lower Rochester Road/Hollywood Lane/Brompton Farm Road & Cooling Lane/Hollywood Lane mini-roundabouts – junctions will operate close to capacity without the development in the two weekday peak hours with the development adding around 1 trip per minute and having a negligible impact. Various improvements were considered to see if a betterment could be provided, including signalisation. However, the available land constraints and balance of traffic flows mean that the mini-roundabout layout is the most efficient and suitable method of operation. Alternative routes are available for the development traffic travelling in this direction such as the A289 and A228 or A289 and A226. The sustainable improvements offered should be considered before any physical highway works. Again, Medway Council Highways are in agreement.
- A228 Frindsbury Road/Bill Street Road – the traffic signals will continue to operate with spare capacity with the development in place.

4.17 The development is forecast to have a negligible impact on the highway network, a conclusion which Medway Council Highways are in agreement with.

Cycling Provision

- 4.18 Cllrs Etheridge and Tranter expressed concerns regarding safe cycling facilities in the area, citing the B2000 as being particularly dangerous, even for the most competent of cyclists.
- 4.19 The Applicant does agree that the B2000 is not well-suited to cycling, but there are designated cycle routes in the area. The map below is from Ordnance Survey and shows the local cycle routes. The solid blue lines show on-road National Cycle Network (NCN) routes, the dashed blue lines show on-road routes that are not on the NCN (i.e. local routes), while the dashed orange lines show traffic-free routes not on the NCN.



Local Cycle Routes (Ordnance Survey)

- 4.20 The map shows that NCN Route 179, known as the Heron Trail, runs to the west of Cliffe Woods along the lightly trafficked Buckland Road, continuing north then south-east in a horseshoe shaped route. This route has been improved in recent years. The route connects with NCN Route 1 to the south, this being a long-distance route

which locally provides connection to Gravesend, Rochester, Chatham, Gillingham and Rainham.

- 4.21 Connection to NCN Route 179 can be made via Lillechurch Road but would require cycling approximately 350m along Town Road. From this point the route follows lightly trafficked roads. A direct connection could be made to NCN Route 179 via the land to be gifted to the Parish Council for allotments and community space. Alternatively, the section of footpath RS72 between the site and NCN 179 (Buckland Road) could be improved to allow cycling.
- 4.22 The local route to the east of Cliffe Woods can be reached via View Road. Gladman are however aware that the surface of this local route is not particularly conducive to all cycling abilities with the surface often muddy and obstructed by fallen tree branches. With the above in mind, **the Applicant is willing to provide funding to improve this local cycle route and the potential upgrade of the aforementioned section of RS72.** It is noted that £4,200 is to be secured from the 92 dwelling Esquire Developments site to improve rights of way to the east of Cliffe Woods which may include this cycle route. A pro rata contribution from Gladman would be £10,272 however Gladman are willing to offer a greater amount to improve this local cycle route between Cliffe Woods and Bunters Hill Road where it joins NCN Route 1, as well as RS72, subject to further detailed discussions with Medway Council's Public Rights of Way Officers. While these routes cross third-party land, Medway Council have powers to make improvements through a Path Creation Order via the Highways Act (1980) or the Cycle Track Act (1984). These powers should include surfacing and signage improvements offering good connections to the two NCN routes.

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