

MC/16/2837

Date Received: 1 July, 2016

Location: Land South Of Stoke Road Hoo St Werburgh Kent

Proposal: Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 127 dwellings

Applicant: Mr Developments Ltd

Ward Peninsula

Case Officer Hannah Gunner

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16 November 2016.

Recommendation - Approval subject to:

A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:

- i) Secure a minimum of 25% affordable housing (no less than 32 units)
- ii) A financial contribution of £1,239,920.99 in total to be provisionally split in the following ways
 - £75,000 toward highways improvements at the A228 Peninsular Way (junction with Main Road, Hoo)
 - £112,569.60 towards Nursery provision (£8,320 per pupil)
 - £276,307.20 toward Primary Education (£8,320 per pupil place – assuming accommodation within existing schools. £11,700 where accommodation will be provided in a new school)
 - £353,059.20 toward Secondary Education (including sixth form). At £11,960 per pupil place – assuming accommodation within existing schools.
 - £19,740.88 toward waste and recycling (£155.44 per dwelling)

- £24,257 toward improvements to local GP Surgeries (£191 per dwelling)
- £334,723.80 toward off site provision of outdoor open space (£777 per person)
- £15,868.65 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- £28,394.66 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling)

B. And the following conditions:-

- 1 Approval of the details of the layout, scale and appearance of the buildings 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 documents/plans:

Application forms (received 01/07/16)
 Site Location Plan (7038-L-03)
 Development Framework Plan (7038-L-01 rev E)
 Gladman- Design and Access Statement (June 2016)
 Gladman - Planning Statement (June 2016)
 Gladman - Statement of Community Involvement (June 2016)
 Gladman - Socio-Economic Sustainability Statement (June 2016)
 Prime Transport Planning - Transport Assessment (DATE)

Prime Transport Planning - Travel Plan (DATE)
Wardell-Armstrong Air Quality Mitigation Statement (June 2016)
Wardell-Armstrong Noise and Vibration Assessment Report (June 2016)
CGMS Consulting Archaeological Desk- Based Assessment (June 2016)
CGMS Consulting Built Heritage Statement (June 2016)
FPCR - Ecological Appraisal (June 2016)
FPCR - Arboricultural Assessment (June 2016)
FPCR - Landscape and Visual Appraisal (June 2016)
Enzygo - Phase 1 Environmental Report
Enzygo - NPPF: Flood Risk Assessment
Unity Law Solutions - Foul Drainage Analysis (June 2016)
Land Research Associates - Soil Resources and Agricultural Quality (June 2016)

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

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

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

- 6 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Local Planning Authority gives written consent to any variation.

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.

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the first occupation of any part of the development. 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.

- 8 No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003

- 9 No development above ground floor slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of all boundary treatment to be erected. The approved boundary treatment shall be completed before the building to which it relates is first occupied and shall thereafter be retained.

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

- 10 Prior to the commencement of the development hereby permitted, an air quality emissions mitigation statement shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation statement shall demonstrate that the mitigation to be included in the development will reduce emissions from the development during construction and operation phases, and that the mitigation is equivalent to, or greater than, the calculated air quality damage costs. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid irreversible detrimental impact on residential amenities in accordance with Local Plan Policies BNE2.

- 11 Notwithstanding the air quality mitigation approved under condition 9, prior to any development about ground floor slab level details of the following mitigation measures shall be submitted to and approved in writing by the Local Planning Authority:

- All gas-fired boilers to meet a minimum standard of <40mgNO_x/kWh
- 1 Electric Vehicle rapid charge point per dwelling with dedicated parking
- 1 Electric Vehicle rapid charge point per 10 spaces for dwellings with unallocated parking

The development shall be undertaken in accordance with the approved details

Reason: In the interests of sustainability.

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

Reason: In order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid irreversible detrimental impact on residential amenities in accordance with Local Plan Policies BNE2.

- 14 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.

- 15 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.

- 16 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 (referred to in PPS23 as a validation 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.

- 17 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 15), and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of (condition 16), 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 16) 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 16).

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 Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: In order to ensure the development provides the necessary drainage to serve the needs of the development

- 19 Construction of the development shall not commence until details of the proposed means of surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To provide satisfactory surface water drainage

- 20 Prior to the commencement of development it will be necessary to submit details of an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded.

Reason: In accordance with standards set out within PPS23 and to ensure that sensitive development will not result in unacceptable levels of odour being present.

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

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

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

Proposal

This is an outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 127 dwellings. At this stage the only aspect of the application to be submitted for consideration is that of access. This is proposed to be located on the south side of Stoke Road, approximately 25m east of the semi-detached houses at 68 and 70 Stoke Road.

The housing scheme proposed is located to the west of the existing footpath that links Stoke Road with Saxon Shore Way and is shown on the submitted plans to occupy the northern part of the site, with the southern part of the site remaining as open space with a series of footpaths being created for public use.

The residential area will provide the 127 proposed new homes at an average net density of up to 36 dwellings per hectare (taking into account the developed area only – not the overall site). This will be formed of a mix of dwelling types from 1 bedroom to 4 bedroom properties at 2 storeys in height (with the occasional 2.5 storey dwelling). This will provide a mix of market housing.

The green space to the south will add an additional 1.6km of footpath routes and will also look to provide a play area within the open space. There is also proposed to be new habitat areas as well as attenuation ponds.

It has been stated that existing trees and hedgerow to site boundaries will be retained wherever possible and enhanced to provide a degree of screening to the south and east.

Site Area/Density

OVERALL SITE

Site Area: 8.26 hectares (20.41 acres)

Site Density: 15.38 dph (6.22 dpa)

DEVELOPED AREA

Site Area: 3.53 hectares (8.72 acres)

Site Density: 35.98 dph (14.56 dpa)

Relevant Planning History

There is no relevant planning history available at this site.

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.

The **Environment Agency, KCC Archaeology, KCC Ecology, Southern Water, Kent Police and Natural England** have also been consulted.

The **Environment Agency** has reviewed the submitted information and have not raised any objections to the application.

KCC Archaeology has stated that the application is accompanied by an archaeological desk-based assessment, prepared on behalf of the applicant by CgMs Consulting. Unfortunately the overall impression of this report is poor. There are a number of shortcomings in this study, which fails to understand the wider archaeological and landscape context of the site. It is suggested that this has led the consultant to miss- understand and understate the archaeological potential of the site. The assessment also appears to have failed to take account of the results of Historic England's Hoo Peninsula Historic Landscape Project. This major project was specifically undertaken in response to major proposed development changes on Hoo and has resulted in the production of a number of specialist and popular reports that have helped increase our understanding of the archaeological and historical development of the Hoo Peninsula. Despite the shortcomings in the report, in this instance, there is sufficient information from other sources to enable KCC Archaeology to comment on the planning application's impact in terms of below ground archaeological remains.

The topography of the Hoo Peninsula, benefitting as it does from the close proximity of coastline, marshland and clay upland would have provided valuable resources which would have been attractive to populations from the Prehistoric period onwards.

The proposed development site is located in what would appear to be a topographically favourable location, situated as it is close to the interface between the low-lying marshland (with valuable resources for fishing, salt-working and hunting) and the higher ground of the peninsula's central ridge (a focus for settlement and agriculture).

As such it is suggested that the proposed development site has a good potential for archaeological remains from the prehistoric period onwards. Such remains would be affected by the development proposals and it is therefore recommend that provision is made in any forthcoming planning consent for a programme of archaeological works. This can be secured by condition.

KCC Ecology

We have reviewed the ecological information submitted with the planning application and advise that sufficient information has been provided to determine the planning application. The survey's provide MC with a good understanding of the ecological interest of the proposed development site and have demonstrated that the mitigation required can be implemented to retain the ecological interest of the site.

Bats

At least 5 species of bats were recorded during the bat activity surveys. The surveys concluded that the greatest interest for foraging/commuting bats was within the site boundaries and along the central hedgerow. As the majority of the site boundaries and the central hedgerow are to be retained and enhanced we are satisfied that the bat interest of the site can be retained if planning permission is granted.

We advise that the lighting must be designed to minimise light spill on to the site boundaries and area of open space to minimise the impact on foraging/commuting bats. We advise that a detailed lighting scheme is submitted as a condition of planning permission if granted. The lighting scheme must include a plan clearly demonstrating that the light spill is on these areas is minimal.

Water Vole

The water vole surveys recorded evidence of water voles along the southern ditch. The indicative site plan details that the southern half of the site will be open space and we agree with the conclusions of the ecological survey that the proposals are likely to increase the quality of habitat available for water vole.

Reptiles

The survey assessed the habitats on site as providing sub optimal reptile habitat and as the majority of reptile habitat is to be retained and enhanced within the proposed development site no reptile survey has been carried out. As the presence of reptiles cannot be ruled out the submitted information has recommended that a precautionary approach is carried out to minimise the potential for individuals to be killed/injured.

Additional information has been provided and clarified the area of suitable reptile habitat within the proposed development. As the majority of the suitable reptile habitat will be incorporated within the proposed green space we are we are satisfied with the proposed precautionary approach. There is a need to ensure that the potential for reptiles to be present within the site in taken in to account within the site management plan to ensure that the site retains and enhances the area of reptile habitat.

Wintering and Breeding Birds

We have reviewed the submitted information and we are satisfied that the applicant has a good understanding of the wintering and breeding bird usage of the site.

We are satisfied with the conclusions of the surveys that the creation of the open space area and the landscaping will provide some habitat for majority of species recorded within the proposed development site. If planning permission is granted there is a need to ensure that the open space area is managed to retain and enhance suitable habitat for the wintering and breeding birds recorded.

Low numbers of Skylark and yellowhammer were recorded during the survey as possible breeding during the breeding bird surveys and the proposed development will result in the loss of suitable nesting bird habitat – unfortunately the loss of arable habitat cannot be mitigated for within the development site and are likely to be displaced to the surrounding area. However due to the low numbers recorded within the site we accept the conclusions of the ecological report that the development is likely to have negligible impact on these species.

The surveys have concluded that the greatest impact on wintering birds is likely to be on Skylark and Meadow Pipit as the development will result in the loss of arable fields and is likely to displace the species from the site. As arable habitat cannot be re-created/retained within the development site MC will need to consider that the proposed development will result in loss of habitat for these species.

As the habitat cannot be recreated within the development sites the impact on arable birds needs to be considered strategically by Medway Council as part of their local plan.

Great Crested Newts

As pond 2 was recorded as good on the HSI it is disappointing that a GCN survey was not carried out on it – particularly as surveys were carried out on pond 1, 3 and 4. However as the pond is relatively isolated (the nearest pond is over 500m away), there is suitable terrestrial habitat surrounding it and there is limited suitable terrestrial habitat within the proposed development site (the majority of which will be retained) we do accept their conclusions that there is no requirement for an updated GCN survey to be carried out.

Mitigation Strategy

An outline of the mitigation required for all the species has been included within the ecological survey. If planning permission is granted we advise that a detailed mitigation strategy (covering all the species detailed above) is submitted as a condition of planning permission.

The mitigation (and enhancement) requirements must help inform the design of finalised site layout.

Enhancements

One of the principles of the National Planning Policy Framework is that “*opportunities*

to incorporate biodiversity in and around developments should be encouraged”.

The development is proposing to create an area of open space and we advise that this must be managed to benefit biodiversity. We recommend that if planning permission is granted a detailed Landscape and Environmental Management Plan is produced as a permission as planning permission.

The ecological survey has made recommendations to incorporate ecological enhancements in to the site we recommend that details of the enhancements to be incorporated in to the site are included within the LEMP.

Medway Estuary and Marshes SPA/SSSI/Ramsar Site

The sites have been designated (in part) for their breeding bird and wintering bird interest. We are satisfied with the conclusions of the wintering birds surveys that the proposed development does not currently provide value to the wintering bird species associated with the SPA/Ramsar Site.

However as the site is only 500metres from the designated sites it is possible that the construction works (if granted) will have a negative impact on the designated sites due to an increase in construction, noise and dust. If planning permission is granted we advise that there is a need for precautionary mitigation measures to be detailed within the construction management plan to demonstrate that measures are being implemented to avoid a negative impact.

The North Kent Environmental Planning Group (NKEPG) have produced the North Kent Bird Disturbance Report which focuses on the impacts of recreational activities on the three SPA and Ramsar sites within North Kent. The studies indicate that recreational disturbance is a potential cause of the decline in bird numbers in the SPAs.

Information provided by the ecologist has detailed that a combination of on-site recreation and developer contributions to a borough wide mitigation strategy should ensure that the proposed development avoids likely significant effects on the designated sites due to an increase in recreation.

This proposal is acceptable in principle, however the interim coordinated strategic access management and monitoring plan is currently in development by the NKEPG and input from the MC group member should be sought to advise on the current position.

Southern Water have commented that they can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS). Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in

perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system. Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, a condition is attached to the consent regarding foul and surface water sewerage disposal.

Following initial investigations, Southern Water can provide a water supply to the site. Southern Water requires a formal application for connection and on-site mains to be made by the applicant or developer.

Due to changes in legislation that came in to force on 1 st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water.

The proposed development site is located approx 350 metres from HOO ST WERBURG WTW. Southern Water endeavours to operate its sewage and sludge treatment works efficiently and in accordance with best practice to prevent pollution. However the very nature of sewage treatment works means that they are not ideal neighbours to sensitive land uses. Development sensitive to odour pollution in close proximity to sewage treatment works can suffer from smells that are inherent in the treatment process.

We therefore ask that the precautionary principle is adopted by Local Planning Authorities to avoid potential land-use conflict, in accordance with PPS23. This can be achieved by designating an appropriate buffer zone around the treatment works within which development sensitive to odour is excluded or by a S106 agreement in which the developer funds measures at the works required to control odours. I will describe later how the size of the buffer zone can be determined but will first make reference to PPS23.

Returning to the question of the size of the buffer zone required, the water industry predicts the dispersion of odours from point sources using computer modelling. Meteorological Office data is used to predict the dispersion of odours throughout a "receptor grid" radiating outwards from the works. Modelling is based on the industry standard for odour of 0.6 parts per billion (ppb) of hydrogen sulphide with a 98-percentile probability. Sensitive development that is subject to levels above this standard is likely to lead to complaints about odour from residents.

Kent Police have considered the application with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the National Planning Policy Framework 2012 (section 7 Para 58 and Action 8, Para 69) and the DCLG Planning Practice Guidance March 2014 (Design Section – Paras 10 and 11) – Crime Prevention, the Kent Design Initiate (KDI) – Design For Crime Prevention document dated April 2013.

Having reviewed the application, the applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their Design and Access Statement and it was pleasing to note the Community Safety section on page 47 along with reference to Policy BNE8: Security and Personal Safety on page 13 of the planning statement.

The DAS also refers to Para 58 of the NPPF, however it was disappointing to note the omission of the particular following bullet point, which states: "create safe and accessible environments where crime and disorder, and the fear of crime do not undermine quality of life or community cohesion."

I appreciate this is an outline planning application at this time, however I recommend the applicant be requested to meet with me at Kent Police Headquarters in Maidstone to discuss CPTED issues, should this application proceed.

Natural England have made comment on the proposal in relation to designated sites and also in relation to protected species.

Designated sites - This application relates to proposals for new dwellings within the zone of influence (6kilometres) of the Thames Estuary and Marshes, Medway Estuary and Marshes, and The Swale Special Protection Areas (SPAs) and Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). It is the Council's responsibility to ensure that the proposals fully adhere to the agreed approach within the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation. Subject to the above, Natural England is happy to advise that the proposals may be screened out as not having a likelihood of significant effects on the designated sites.

Protected species - We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the

same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

188 letters have been received raising the following objections. Whilst many of the representations are very brief the main issues of concern are:

- This development will spoil the character of the landscape
- This application will affect the vista of many surrounding residential properties
- Insufficient infrastructure in the village to cope and on the peninsular in general
- Additional traffic and congestion as a result of this proposal
- Stoke Road is already heavily parked. This will be dangerous with poor visibility
- This is outside of the urban boundary
- Home of wildlife will be destroyed
- Surface water flooding will occur
- Development in the countryside – this site has not been identified in ‘call for sites’
- The sewerage system is at capacity
- Increased pressures on services (doctors/schools etc)
- ‘Brownbelt’ sites should be considered first
- Impact on community safety
- This site is currently valuable farming land
- Do not want to see the footpath impacted
- Do not want to see Jennifer Court used as a pedestrian cut through
- There are no planning policies that allow this development
- This is urban sprawl
- There will be a loss to privacy of existing neighbouring houses
- This will lead to an increase in crime and job-like behaviour

Development Plan

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

Planning Appraisal

Background

An application under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 was made for a screening opinion in relation to the construction of a residential development. It was concluded

that an EIA was not required as the proposed development had been assessed against the criteria in Schedule 2 and 3 of the above regulations. The full findings of this are available to view within the case officer report and the decision notice for this submission (Ref no: MC/16/2120)

Principle

In terms of the Councils 5 Year Housing Supply, the 2014/15 Authority Monitoring Report (AMR), published in December 2015, sets out the five-year housing land supply position in Medway as at 31st March 2015. It calculates the 5 year supply based on the housing trajectory of sites phased in the next 5 years and the required delivery rate. The delivery rate was based upon an interim housing target of 1,000 homes per year.

When the housing trajectory and required delivery rate are calculated the Council does not have a 5 year housing land supply. The Inspector at a recent appeal (Land at Station Road, Rainham – APP/A2280/W/15/3002877) decision considered that there has been persistent under delivery of housing in Medway in recent years. Therefore it was viewed that a 20% buffer needed to be applied to the 5 year supply figures. As a result of the shortfall in the housing land supply, paragraphs 49 and 14 of the NPPF apply, and relevant policies for the supply of housing should be considered not up to date.

In early 2015 Medway Council and Gravesham Borough Council jointly commissioned GVA Bilfinger to prepare a full Strategic Housing and Economic Needs Assessment to identify housing, employment and retail growth over the plan period 2012-2035. The SHMA element of the SHENA identified an objectively assessed need of 1,281 dwellings per annum for Medway. This is yet to be formally adopted by the Council as its housing target through the Local Plan process. However it is the most up to date assessment of the OAN.

It is thereby accepted that the housing land supply position is now very likely to be lower than was set out in the 2014/15 AMR. The updated position will be published in December 2016 in the 2015/16 AMR. However it is concluded that Medway Council does not currently have a 5 year land supply and so paragraph 49 of the NPPF applies.

Paragraph 49 of the NPPF 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.'* Therefore relevant policies fall away and decisions are made in accordance with the definition of sustainable development as outlined in the NPPF.

Sustainability has three key dimensions as defined within the NPPF (paragraph 7) these include; economic, social and environmental aspects.

Economic- The development of the site would provide jobs during the construction period and prospective residents would provide additional spend for the area. Appeal decisions show that this would meet the economic test of the sustainability

part.

Social- This is simply providing much needed homes to meet the clear needs in Medway.

Environment- The land allocation for this site is outside of the urban boundary and is classified currently as countryside. Saved Policies S1 and BNE25 are therefore relevant to this application. This is defined by policy BNE25 and highlighted by the Medway Local Plan 2003 Proposals Map:

'The countryside is defined as that land outside the urban and rural settlement boundaries defined on the proposals map.'

Both policies seek to protect the countryside from development by directing new development proposals to the urban area or brownfield land in the first instance.

Policy S1 states: *'The development strategy for the plan area is to prioritise re-investment in the urban fabric. This will include the redevelopment and recycling of under-used and derelict land within the urban area'*.

Additionally Policy BNE25 supports the urban renaissance allowing for redevelopment in a few tightly controlled circumstances, these include:

'(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 proposal put forward falls outside of the criteria outlined above in Policy BNE25 and so in principle would not have policy support. However, in so far as Policy BNE25 seeks to control the supply of housing, that part of the policy is considered to carry little or no weight due to the fact that Medway is significantly below its target 5 year housing land supply requirement.

Paragraph 55 of the NPPF seeks to assess the development of sites within the countryside. It supports development 'where it will enhance or maintain the vitality of rural communities...and avoid new isolated homes in the countryside'. The development proposed will not be isolated; being on the fringes of Hoo St Werburgh and so could look towards this as the closest service centre.

The present site is located in the countryside and falls within an agricultural land use. The broad agricultural land classification for the site is grade 1. This is the best and versatile agricultural land (1-3a). As such this area demands a certain level of protection from development as outlined in national planning policy (NPPF).

NPPF paragraph 112 states:

'Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.'

The applicant has undertaken an assessment of the agricultural land value of the site and submitted these details as a part of the application. The conclusion of this assessment is that the site ranges from grade 2 to grade 3b in terms of agricultural land value. The majority of the site (80% Table 1 – Soil Resources and Agricultural Quality of Land south of Stoke Road, Hoo St Werburgh, by Land Research Associates) falls within grades 2 and 3a and so the best and most versatile agricultural land value. It has been accepted in recent appeal decisions in Medway (Moor Street and west of Hoo) that to meet its housing requirement, there will have to be some loss of the best and most versatile agricultural land. While this is therefore an issue for consideration it must be balanced against the other issues of sustainability. It is viewed in this instance that the loss of land is outweighed by the provision of new housing within an area considered to be sustainable within the definition of the NPPF.

The site is as previously stated sustainably located being in close proximity of to the Hoo St Werburgh Local Centre as identified in saved Policy R10 of the Medway Local Plan 2003.

There are suspected minerals resources on the proposed site. The southern portion of the proposal falls within an area defined in the Kent Minerals Local Plan 1993 (Construction Aggregates) as an area of search. This is managed and defined by saved policies CA8D and CA11 of the Kent Minerals Local Plan 1993 (Construction Aggregates) that still form part of the Medway's development plan. The weight of these policies is now debated due to their age and level of conformity with national planning policy as outlined in the NPPF 2012. However mineral resources are a permanent and finite resource so the policies can still be relevant for those reasons. The proposed residential development will not cover this area. Therefore the minerals deposit is not to be sterilised and could be accessed in the future if the need should arise.

Relevant landscape character assessments (LCA) have been reviewed – including the Medway Landscape Character Assessment. A more detailed assessment of the

site and its context has also been undertaken. Overall it is considered that the site has few landscape features that would contribute to landscape value. Features of note include the watercourse to the south and the PRow to the east. The existing boundary vegetation to the south and east is also note worthy. All of these existing features will retained and enhanced.

Nine representative viewpoints have been selected and assessed as part of this application. The viewpoints include a selection of middle range and closer distance views, with one long distance view from the south bank of the river. The most immediate visual effects are apparent in the closer distance views – notably no's 1, 6, 7 & 8. Views of the site are restricted to the west and north by existing settlement. Views are most apparent to the east and south. Receptors include residential properties adjoining site boundary, isolated dwellings to the east and users of public rights of way in the vicinity.

The Landscape & Green Infrastructure key objectives are to deliver a more considered settlement edge to Hoo St Werburgh with landscape buffers to the south and east; respect for the setting of footpath RS96; reinforce landscape character and deliver against aims of Medway LCA.

The submitted LVIA reviews landscape effects in relation to the relevant LCA's including the Medway LCA (at district level this is the most detailed and specific). At national and county levels the operational (following completion) effects are assessed as negligible; by year 10 all landscape effects at district level are also judged to be negligible, apart from the effect on the site itself which changes from an arable field to a residential development. The report assesses a moderate adverse effect reducing to minor adverse as a result of GI improvements and maturing planting at year 10.

There will be short term adverse visual effects at construction stage. These will be greatest for receptors in the immediate vicinity of the site. The report includes mitigation measures to reduce these effects. At operational stage (following completion) effects on visual amenity will vary depending on distance and other factors.

Sensitive residential receptors (see Fig.6) include dwellings off Stoke Road (Receptor A) and dwellings to the west (Receptor L). Effects for these residents are assessed as major/moderate adverse reducing to moderate adverse at year 10 (see 6.19 and 6.20). Medium distance residential receptors are less significantly affected (see 6.21 and 6.22).

Receptors J, I, M, C, G, E, H, represent users of adjacent footpaths. These effects vary with the most severe effects on RS96 immediately to the east of the site. The benefits of the green buffer edge help to mitigate against the adverse impact.

Road users at Stoke Road and Abbots Court Road are considered at receptors B & K. Effects reduce to moderate/minor adverse and minor adverse after 10 years. Road users are considered to be less sensitive than recreational users of footpaths and residents.

57% of the site is proposed as green infrastructure, including publically accessible green space, an equipped play area, recreational footways, areas of new habitat creation, new hedgerows, trees and shrub planting.

In terms of overall landscape effects, the proposals are deemed to be a moderate adverse reducing to minor as a result of benefits of GI and structural planting, assimilating the new housing into the landscape. The most severe effects on residents will impact on those to the north and west of the site. The most severe recreational effects will be on users of RS96. Elsewhere the effects are less severe.

Overall it is considered that the development can be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources. The application is therefore supported in landscape terms.

In light of the above, it is considered that the development of the site is in principle acceptable in sustainability terms given the definition in the NPPF, the lack of a 5 year housing land supply and the balance of the relevant issues taking into account recent appeal decisions in Medway and the location of this site on the edge of the village but in close proximity to the village centre.

Design

Given that this application is outline and the design and appearance of the proposed residential units have not been submitted for consideration the design of the scheme cannot be assessed at this stage. This will be done so within the reserved matters submissions that will follow. However, it is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable layout and design for the number of units proposed. In principle therefore the development could comply with Policy BNE1 of the Local Plan.

Amenity

The main issue of amenity that has arisen from the number of neighbour responses that have been received is that of the general impact on the amenity of the existing residents of Hoo. The concerns are that the increase in housing here could detrimentally impact residents that currently live on Stoke Road and will result in the loss of enjoyment to private amenity spaces as well as impacting the outlook and view from many of these houses.

It is acknowledged that the view from existing properties within this area of Hoo St. Werburgh will be altered as a result of this application, however no resident has the right to a view and this is not something that could be secured in any location. Outlook is a consideration here and is one that is not found to be of concern as a result of this scheme. The detailed layout of the scheme is not known at this outline stage, however the proposed dwellings will have to be located at such a distance so that they comply with guidelines and legislation. This will ensure that outlook is not significantly impacted and an over bearing impact is avoided completely.

Some concern has been raised within the received objections in relation to the loss of privacy that will be experienced by existing residents. As already stated, the

proposed dwellings will not be sited in close enough proximity to allow for this to be significantly or unacceptably compromised. Of course the proposals will be noticeable to existing residents; the key is ensuring that the impact is not significant. Any approved layout design will ensure that impact to neighbours and to future occupants is minimal.

The submitted air quality mitigation assessment is acceptable, and it will be important that the total damage costs calculated in the assessment are used to provide site mitigation measures. The provision of this mitigation (equivalent to the damage costs) is in addition to the standard mitigation described in the 2016 Medway Air Quality Planning Guidance (consisting of low NOx boilers and electric vehicle charging points). It is recommended that a condition is imposed requiring the submission of a more detailed air quality mitigation statement, which demonstrates that the air quality mitigation measures to be provided are equivalent to, or greater than the calculated damage costs. A separate condition should also be included securing the above standard air quality mitigation.

The mitigation assessment has made reference to the production of a site dust management plan, which will detail measures to be taken to minimise and control dust from the construction phase of the development. The dust management plan could be incorporated into a wider Construction Environmental Management Plan, which may also consider construction phase noise/vibration control measures and an appropriate condition is recommended.

The acoustic assessment submitted is acceptable, and has identified that noise mitigation measures may be needed to achieve appropriate internal noise levels, for example suitable ventilation will be required for properties where these levels cannot be achieved with windows open. It may be possible that the design/layout of the development can achieve suitable internal and external noise levels without the provision of specific noise mitigation measures. Given that the design/layout details will be developed further at a later stage, a condition is recommended requiring the submission of a scheme of acoustic protection.

Subject to appropriate conditions it is considered that a development can be achieved that is acceptable in amenity terms and would comply with Policy BNE2 of the Local Plan.

Highways

Trip Generation - The Transport Assessment estimates that the proposal would generate up to 96 vehicle trips during each peak period. This is considered robust as it is based upon survey data from a residential development at Chattenden, which is similar in nature, but does not have access to the public transport and amenities available in Hoo. It is estimated that the development would also generate a small number of trips by other modes, with an overall total of up to 119 people trips generated during each peak period.

The Transport Assessment uses Census data to predict how the vehicle trips would be distributed onto the local highway network. It estimates that 90% would route to

and from the south and 10% to and from the north. The Transport Assessment predicts that south-bound traffic would use Main Road (87% of trips) rather than Bells Lane (3%).

Traffic Impact - Main Road Hoo currently carries up to around 1,000 vehicles in the peak periods, which is within its theoretical capacity of 2650 vehicles per hour. The development is predicted to add around 62 vehicles at these times and therefore this limit would not be breached.

The Transport Assessment demonstrates that the Main Road Hoo/A228 roundabout junction currently operates at its theoretical capacity during the morning peak period: traffic surveys indicate that vehicles have difficulty joining the A228 due to the relatively constant flow of traffic leaving the Peninsula. This results in a long, slow-moving queue of vehicles backing up along Main Road Hoo from the A228 roundabout, which is generally at its worst between 0815 and 0830. With the addition of development traffic this existing issue would be exacerbated. It should be noted, however, that the junction operates satisfactorily during the evening peak period, with and without the additional traffic generated by the proposed development.

Whilst not considered by the Transport Assessment, it is likely that vehicular trips generated by the proposed development would use Bells Lane in order to avoid this congestion. In light of significant residential developments already served from Bells Lane, together with existing parking and traffic flow issues, this would not be desirable. It is therefore considered appropriate for the development to provide a Section 106 contribution towards improvements at the Main Road/A228 roundabout junction. As set out in the Transport Assessment, a previous application for residential development on Main Road put forward a proposal to construct a segregated left-turn lane from Main Road Hoo, which would merge on to the southbound A228. This would significantly improve the capacity of the junction, and reduce the queuing back along Main Road. Whilst the planning application for this development was ultimately rejected, the Council's Transport Team supported the junction improvement scheme and identified it as worthy of consideration in future, subject to funding.

The applicant's assessment of the Four Elms roundabout shows that it currently operates over its theoretic capacity during the peak periods. The proposed development is predicted to add up to 79 vehicles during the peak period. The Council is progressing an improvement scheme for the highway link between the Medway Tunnel and Four Elms roundabout. This would cost in the region of £18.6 million to complete and will be primarily funded through an £11.1 million growth package awarded to the Kent and Medway Local Enterprise Partnership.

In light of the above, and subject to a Section 106 contribution towards highway capacity improvements, it is considered that the traffic impact of the development would be acceptable in respect of Policy T1 of the Local Plan.

Access – This is the only aspect of the application that is detailed at this outline stage. It is proposed to construct a priority junction with Stoke Road, comprising a 5.5 metre wide carriageway and a 2 metre wide footway that links with the existing provision. Sightlines of 100 metres to the south and 96 metres to the north would be achievable,

commensurate with the recorded speed of traffic on the main road, and vehicle swept path analysis demonstrates that the proposed access design would accommodate the manoeuvring requirements of large vehicles. On this basis, the access arrangements are considered acceptable and in accordance with Policy T2 of the Local Plan.

Sustainable travel - Hoo is well served by public transport, with three buses per hour to Chatham, Strood and Gillingham from 0640 to 2200, and an hourly service operating on Sundays. The site is located around 500 metres/ 5 minute walk from the nearest bus stop in the village, which is considered close enough to provide realistic opportunities for sustainable travel.

The majority of local services and amenities are located within the preferred maximum walk distance of 1200 metres from the site, as set out in the CIHT guidance 'Providing for Journeys on Foot'. This includes retail provision in the village centre, the library, church and the medical centre. The local schools are a little further, but within a 20 minute walk. The footway provision between the site and these facilities is continuous. All local facilities are within a 10 minute cycle time; whilst there are no off-road cycle facilities within Hoo, it is considered appropriate within a settlement of this nature for cyclists to share the carriageway with other vehicles.

In light of the above, whilst it is likely that many trips generated by the proposed development would be undertaken by car, it is considered that realistic alternatives would be available to future residents, with bus links to the wider Medway area and acceptable walking and cycling distances to facilities within Hoo. On this basis, the application accords with guidance set out in paragraphs 29, 32, 34 and 38 of the National Planning Policy Framework.

Internal Road Layout - An assessment of the internal road layout, parking provision, footpaths and cycle facilities would be undertaken as part of any future 'reserved matters' application.

A sum is required within the S106, which would contribute towards the planning, design and implementation of a scheme to provide long-term capacity improvements at the junction of Peninsular Way and Main Road, Hoo. This could comprise the construction of a segregated left-turn lane from Main Road Hoo onto the southbound A228. It is estimated that this scheme would cost in the region of £400,000 to implement, which would need to be funded from new developments in Hoo. The contribution requested therefore represents around 18% of this total, which is considered appropriate for the scale of the development proposed, and in accordance with paragraph 204 of the NPPF.

Land Contamination

It is noted from the submitted report that there is potential for contamination at part of the proposed site due to historical land use and there are recommendations for further investigations at the site. Consequently, a contaminated land condition is recommended.

Affordable Housing

In this location the Council would require an affordable housing level of 25% of the total homes built to be policy compliant. Policy H3 sets a target of 25% for developments of 25 or more dwellings and larger than 1 hectare. The proposal is for a 32 affordable homes which is policy compliant. The amount of affordable homes to be incorporated within this proposal is to be secured within the S106 agreement.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £223.58 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and this is incorporated within the S106 agreement that is to be agreed for this proposal. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Flood risk

The proposals need to be considered in line with the presumption of sustainable development. This is defined in the NPPF paragraph 14 as 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; or*
- *specific policies in this Framework indicate development should be restricted.'*

One such restrictive policy is that referring to flood risk which is relevant to this proposal as the bottom part of the site is within saved policy CF13 of the Medway Local Plan 2003. Therefore the development of the site needs to reflect that restriction.

The policy seeks to restrict residential development within area of the tidal flood plan as outlined in policy CF13 on the proposals map. The policy seeks to restrict development in certain circumstances. Part iii is relevant to this application.

'iii) it introduces residential living and sleeping accommodation below the estimated flood level;'

However upon review of the proposed layout of the site the proposed position of the residential accommodation is entirely outside of the area defined by policy CF13. Development in principle is acceptable if the proposed location of the residential part of the development is maintained.

A sustainable drainage system will need to be adopted here to attenuate flows to the nearby stream and ideally should be less than the greenfield runoff rate where practicable and should take into account the high end climate change rainfall intensities included within latest guidance. Details of this will need to be provided at the reserved matters stage, when the layout and siting of the dwellings is known.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, 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 obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

Securing a minimum of 25% affordable housing (no less than 32 units);

A financial contribution of £1,239,920.99 in total to be provisionally split in the following ways

- £75,000 toward highways improvements at the A228 Peninsular Way (junction with Main Road, Hoo)
- £112,569.60 towards Nursery provision (£8,320 per pupil)
- £276,307.20 toward Primary Education (£8,320 per pupil place – assuming accommodation within exiting schools. £11,700 where accommodation will be provided in a new school)

- £353,059.20 toward Secondary Education (including sixth form). At £111,960 per pupil place – assuming accommodation within existing schools.
- £19,740.88 toward waste and recycling (£155.44 per dwelling)
- £24,257 toward improvements to local GP Surgeries (£191 per dwelling)
- £334,723.80 toward off site provision of outdoor open space (£777 per person)
- £15,868.65 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- £28,394.66 toward Habitats Regulations (mitigation against Wintering Birds – at £223.58 per dwelling)

Conclusions and Reasons for Approval

The proposed development would provide social, and economic gains and these would outweigh any limited environmental impacts (such as loss of high quality agricultural land) The development is therefore considered to be sustainable in the context of the NPPF. There is a presumption in favour of the proposal, contributing towards housing delivery in the area, irrespective of the housing land supply issue. The relationship with the village of Hoo St Werburgh is acceptable, and results in a natural expansion of the village without having a material impact on the wider area. The open space provision with expansive public footpaths along with the retention of existing public rights of way enhances the leisure opportunities within the area and further details in relation to the way in which this is to be landscaped will further make improvements to the local landscape character..

In relation to more detailed and technical matters, these are all either acceptable or could be made so through conditions and/or a S106 legal agreement.

Subject to the above conditions and adequate reserved matters submission addressing outstanding matters, 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.

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/>