

MC/16/2776

Date Received: 28 June, 2016

Location: Land At Brickfields, Darland Farm, Pear Tree Lane, Hempstead, Gillingham, ME7 3PP

Proposal: Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space

Applicant: F D Attwood & Partners

Agent: Mr Hume Hume Planning Consultancy Ltd Innovation House
Discovery Park Innovation Way Sandwich CT13 9FF

Ward Hempstead & Wigmore

Case Officer Doug Coleman

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 14 December 2016.

Recommendation - Approval subject to;

- A) The applicant entering into a Section 106 agreement to secure the following:
1. A contribution of £1,774,930 towards the provision of off-site affordable housing in lieu of providing affordable units within the proposed development;
 2. A contribution of £20,589.80 towards the provision of healthcare facilities;
 3. A contribution of £40,268.80 based on an occupancy ratio of 0.11 towards the provision of nursery school facilities;
 4. A contribution of £98,841.60 based on an occupancy ratio of 0.27 towards the provision of primary school facilities;
 5. A contribution of £99,985.60 based on an occupancy ratio of 0.19 toward the provision of secondary school facilities;
 6. A contribution of £26,312.00 based on an occupancy ration of 0.05 towards the provision of sixth form facilities;

7. A contribution of £122,734.90 based an occupancy ratios of 3.59 towards improvements to Capstone Country Park and/or Luton Recreation Ground;
8. A contribution of £9,837.52 (£223.58 per dwelling) towards appropriate mitigation measures within Special Protection Areas;
9. A contribution of £28,000 towards the initial capital costs and £21,600 towards ongoing management cost necessary to mitigate the impact of the development on the Darland Banks Site of Nature Conservation Interest and Local Nature Reserve;
10. The following off site highway works to be completed prior to occupation of the development (in accordance with drawing number 16-007-008 rev A):
 - a) Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required;
 - b) Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road;
 - c) Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists;
 - d) Provision of a new section of footway on the western side of Capstone Road;
 - e) Provision of a pedestrian footway linking the proposed development to Hempstead.

11. To pay the Council's Legal and Monitoring Officer costs.

B. And the following conditions:-

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

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

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

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

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

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

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos 712/L (-) & 05 16-007-008 rev A) received on 7 July 2016.

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

- 5 No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control the noise, dust, lighting, vehicle movements, hours of working and the effect on wildlife and habitat impacts arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

Reason: Required before the commencement of development 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.

- 6 Prior to the commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. 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 any irreversible impact on human health and in accordance with Paragraphs 109, 120 and 124 of the NPPF.

- 7 The details submitted in pursuance of condition 1 shall be accompanied by details, samples and a schedule 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.

- 8 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) and boundary treatment 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 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 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.

- 9 The details submitted in pursuance of condition 1 shall be accompanied by 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 occupation 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.

- 10 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted County Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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

- 11 In accordance with the recommendations contained in British Standard 5837:2012 *Trees in relation to design, demolition and construction - Recommendations* or any revision thereof the plans and particulars submitted pursuant to Condition 1 above shall include:

- a) A tree constraints plan showing root protection areas and any other relevant constraints plotted around each of the category A, B and C trees overlaid onto the proposed site layout plan.
- b) Existing and proposed finished site levels and cross-sectional details on a scaled plan with retained trees and root protection areas overlaid.
- c) An arboricultural impact assessment that evaluates the direct and indirect effects of the proposed design, including during construction in terms of access, adequate working space and provision for storage of materials; and where necessary recommends mitigation.
- d) Arboricultural method statements for the implementation of any aspect of development that is within the root protection area, or has the potential to result in loss of or damage to a tree to be retained. Particular attention should be given to:
 - i. Removal of existing structures and hard surfacing;
 - ii. installation of temporary ground protection;
 - iii. excavations and the requirement for specialized trenchless techniques;
 - iv. specialist foundations or other engineering within root protection areas of retained trees, including details of installation techniques and effect on finished floor levels and overall height;
 - v. retaining structures to facilitate changes in ground levels; and
 - vi. preparatory works for new landscaping.
- e) A schedule of work to trees which is directly necessary to provide access for operations on site, including pruning to facilitate access.

The development shall be carried out in accordance with the approved details before any equipment, machinery or materials are brought on to the site and any mitigation measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: To avoid any irreversible damage to retained trees pursuant to section 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.

- 12 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: Required before commencement of the development to ensure that features of archaeological interest at the site are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003 and Paragraph 139 of the NPPF.

- 13 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 and where remediation is necessary a remediation scheme must be prepared 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, 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 approved remediation scheme 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.

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.

- 14 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

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

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed means of foul water sewerage disposal. Work shall be carried out in accordance with the approved details before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Details are required to be submitted and approved prior to the commencement of the development, due to the fact that below ground works will need to be undertaken prior to construction of the building. To safeguard the amenities of the occupiers of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 No development above slab level shall take place until measures to minimise the risk of crime, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and shall thereafter be retained.

Reason: In the interests of security, crime prevention and community safety and in accordance with Paragraph 69 of the NPPF.

- 17 No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation (including provision for reptiles, nesting birds, dormice and bats) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including the location of the ecological buffer zone around the periphery of the site;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012.

- 18 Before the commencement of development (including any ground works, site or vegetation clearance), a bat activity survey shall be carried out with full details of appropriate bat mitigation measures and shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall be implemented in full accordance with the details so approved.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012.

- 19 No development shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason; In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape and wildlife and with regard to Policies BNE1, BNE34 and BNE39 of the Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012.

- 20 Prior to commencement of development hereby approved, details of how the development will enhance the quality and quantity of biodiversity as outlined in Section 4.3 of the submitted Extended Phase 1 Habitat Survey (Corylus Ecology, April 2016) has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003 and Paragraph 118 of the NPPF 2012.

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 application with all matters (appearance, landscaping, layout and scale) apart from access reserved for future consideration. The application is for a residential development of up to 44 dwellings with associated garaging, access,

landscaping and open space. Although in outline form an indicative layout has been submitted.

The application site lies to the north of Pear Tree Lane and lies between a small settlement, known as Hale to the west, and a small group of houses and derelict farm buildings to the east, three of which have recently been granted planning permission for conversion to residential. To the north lies the steep slope of the Darland Banks, which is a local nature reserve. An informal footpath, used by local people and dog walkers, runs along this tree line linking with other informal footpaths. The nearest public footpath is some distance from the application site.

The topography of the site shows the land falling, approximately 2 metres from the southern boundary (fronting Pear Tree Lane) towards the northern boundary of the site (adjoining the Darland Banks). Former farm buildings and structures lie close to the north eastern corner of the site and comprise corrugated metal silos and some dilapidated buildings. The land is rectangular and is enclosed to the west and south by trees, some of which are protected by Tree Preservation Orders.

The application is in outline form and seeks to establish the principle of up to 44 residential dwellings on the site, together with access, parking, carports/garages and landscaping and open space. This is down from 60 dwellings proposed during pre-application discussions.

All matters, apart from access, are reserved for future consideration. The site is currently accessed via a gate off the old Pear Tree Lane. It is proposed that this access will be widened to 5.5m to serve as an access to the proposed development.

An illustrative masterplan has been submitted with the application showing a road from the site access curving towards the west with three access roads leading off, serving small clusters of detached houses. The housing mix comprises 44 x four and five bedroom 'executive' houses. Due to the nature of the proposed development, no provision is to be made for affordable housing on site. This would be met in full via an equivalent agreed offsite financial contribution.

Approximately 1.3 hectares of strategic open space/ landscaping is proposed, representing approx 30% of the site area. This includes a central band of open space of some 0.7ha in the area running east-west, corresponding with the lowest point of the site.

The application has been submitted in outline form in order to establish the principle of development on the site which is greenfield and outside the urban area. Also, the applicant does not intend to develop the site himself. Any development, would be carried out by a housebuilder, whose ideas in terms of detailing could be different from those of the applicant. The process of preparing a detailed scheme is time consuming and costly. It is, therefore, considered expedient in this instance, to establish the principle, within the defined parameters, prior to preparing a detailed scheme. If the principle is established, detailed work on the preparation of a scheme could then take place, but if the principle is not established, no such abortive work would have been carried out. Although the application has been submitted in outline form detailed information has been submitted with regard to ecology, topography, landscape, flood risk, trees, transport impact and archaeology.

A Design and Access Statement, Planning Statement, Initial Utilities Appraisal, Tree Survey, Flood Risk Assessment, Archaeological Desk Based Assessment, Transport Statement, Phase 1 Habitat Survey and Bat Building Assessment, and Visual Appraisal have all been submitted with the application.

Site Area/Density

Site Area: 4.2 hectares (10.3 acres)
Site Density: 10.4 dph (4.2 dpa)

Relevant Planning History

MC/16/2052	Screening Opinion under Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) for the construction of a residential development EIA not required 27/05/2016
MC/16/1620	Construction of three 4-bedroomed detached dwellings with associated parking Approval With Conditions 27/06/2016
MC/15/1035	Prior notification of a proposed change of use from 3 agricultural buildings to 3 residential dwellings (C3) Prior Approval Required - Approved 18/05/2015
MC/14/3778	Prior notification of a proposed change of use from 3 agricultural buildings to 3 residential dwellings (C3) Prior Approval Required - Refused 12/02/2015
GL/88/316	Golf course and private residential development. Refused 12/12/1988

Representations

The application has been advertised on site and in the press as a major development and as development contrary to the development plan, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

KCC Archaeology, KCC Biodiversity, RSPB, the Environment Agency, Natural England, NHS Property Services, Rochester Airport Consultative Committee, Kent Wildlife Trust, Kent County Constabulary, Southern Water Services, EDF Energy and Southern Gas Networks have also been consulted.

71 letters have been received, including a letter from **Hempstead Residents Association** raising the following objections:

- Loss of open space in Capstone Valley;
- Area would lose its character;
- Impact on view from Darland Banks;

- Loss of farmland;
- Additional traffic generated onto country lanes and local roads would increase congestion;
- If there is a housing shortage resulting in a need to develop this site, the proposed low density development does not represent an efficient use of land;
- Affordable housing contribution should be based on 4-5 bedroom units;
- Facilities are not within reasonable walking distance and therefore the development is not sustainable;
- Executive housing only fails to meet housing needs;
- Vehicles exiting access road would create traffic hazard on Pear Tree Lane;
- Inadequate infrastructure to support additional development;
- Impact of wildlife;
- Precedent for further development in Capstone Valley;
- Loss of light and privacy to neighbouring properties;
- Noise and disturbance;
- Brownfield land should be developed first;
- 15 years is too long to wait for trees to grow;

The Environment Agency raises no objection subject to the submission of a sustainable surface water drainage plan.

Natural England have made the following comments:

- No objection is raised in terms of impact of national and international designated sites, subject to appropriate mitigation measures;
- Subject to the development being carried out in accordance with the submitted details, the proposal would not damage or destroy features of the SSSI;
- NE have not assessed the application in terms of the impact on protected species;

Kent Wildlife Trust have concerns at the impact of the proposal on sensitive species and habitats in the Darland Banks Local Nature Reserve resulting from additional visits, light spill and predation from domestic animals. However, the applicant has agreed to fund initial capital and on-going management costs to mitigate this impact via a S106 agreement and request that a condition is attached to this effect. KWT also requests conditions requiring a 5m buffer between the northern boundary and the curtilage of the properties and the submission of an ecological enhancement statement.

KCC's Biodiversity Officer comments that an Extended Phase 1 Habitat Survey and Bat Building Assessment has been submitted which states that the majority of the site is arable field with limited ecological potential, although there are habitats and features around the edges of the site, of ecological value with potential for reptiles, dormice, breeding birds and foraging/commuting bats. However, if Medway Council is able to secure an undeveloped 2m buffer protected from all construction impacts no reptile surveys will be necessary. But if works are required within this buffer, as indicated on the Landscape Master Plan, further information regarding the potential for reptiles and dormice must be sought.

The recommendations to minimise the potential impacts for breeding birds provided in the report must be implemented.

Although bat surveys are referred to in the report, no survey has been submitted and this must be carried out.

Further clarification is sought regarding the adjacent Local Wildlife Site and Local Nature Reserves.

Opportunities to incorporate biodiversity within and around the development should be encouraged.

KCC's Archaeological Officer notes that the application is accompanied by an archaeological desk based assessment which states that the site has moderate potential for Romano-British remains and a high potential for remains of post-medieval date, and less potential for other periods. The site has been subject to disturbance from its use as brickworks. It is not clear how extensive this disturbance is or what areas of the site are affected. It is possible that archaeological remains may be present at the site and an appropriate condition is recommended.

Kent Police Crime Prevention Design Advisor comments that no communication has been received from the applicant with regard to Secure by Design and if planning permission is granted an appropriate condition is recommended.

Southern Gas Networks have written with a plan showing mains within the vicinity of the site and a booklet containing safety advice.

KCC's Biodiversity Officer has written a further letter following the receipt of additional information re-iterating previous comments and noting that a bat survey has taken place and requesting additional conditions

Kent Wildlife Trust has clarified its request for a S106 contribution details of which are outline below under 'Appraisal'.

The applicant has submitted a response from the flood risk consultant which responds to a point raised concerning the need for a 40% contingency.

Within the residual risk section of the SWMS there is an assessment of the impact a 40% increase in rainfall intensity will have on the proposed development (section 8.11). In this case the additional resilience requested by the council has been provided (as the soakaways and permeable paving do not surcharge when a 40% Climate Change value is applied). I have outlined the conclusions to section 8.11 of the report below.

Although it is not mandatory to design for the exceedance event, it is possible to increase the volume of storage available at the site by either increasing the depth of the sub-base for the proposed permeable paving, or incorporating any of the additional SuDS measures outlined in Section 8.4.

In conclusion, the proposed system has been shown to have sufficient capacity to deal with an additional 20% increase in the design rainfall event, and this ancillary storage will reduce the rate of run-off contributing to the overland flow path previously identified during an exceedance event. Thereby helping to minimise the risk of flooding offsite when compared to the existing situation.

Regarding the allowance for urban sprawl / creep. No allowance has been made within the calculations, however, it is envisaged the additional storage provided within the soakaways, in conjunction with other SuDS which can be incorporated into the scheme e.g. raingardens. Could be used to mitigate some of the effects of urban sprawl. If this is required it is likely this will need to form part of the detailed drainage design for the site.

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

The principle of development - Relevant Policy & Guidance:

The application site is located outside the urban area in an area of open countryside. The site is also in Capstone, Darland and Elm Court Area of Local Landscape Importance (ALLI) and adjacent to the Darland Banks Site of Nature Conservation Interest and Local Nature Reserve and open space. The relevant development plan policies are therefore Policies BNE25, BNE34, BNE36, BNE48 and L3. Regard should also be paid to Paragraph 7 (Sustainable Development Principles), Paragraph 14 (Sustainable Development and plan making/decision taking), Paragraph 17 (Core Planning Principles), Paragraph 49 (5 year housing supply) and Paragraph 55 (Development in the Countryside) of the NPPF.

The application site is situated on land that is outside of urban and rural settlement boundaries as defined on the proposals map to the Medway Local Plan 2003 (the Local Plan), and is thereby within the 'countryside' and is subject to Saved Policy BNE25 'Development in the Countryside'. The application site is also situated on land which is defined on the proposals map as an 'Area of Local Landscape Importance' (ALLI). The proposals are therefore subject to Saved Policy BNE34 'Areas of Local Landscape Importance'.

The application is, therefore, considered to conflict with Policies BNE25 and BNE34, and as such would be contrary to the Development Plan in-principle.

Having established that the application proposals are contrary to the Development Plan it is necessary to consider whether other material considerations, specifically the relevant policies in the NPPF, indicate that the application should be approved

Housing Supply Position

The 2014/15 Authority Monitoring Report (AMR), published in December 2015, sets out the five year housing land supply position in Medway up to 31 March 2015. The Authority currently does not have a 5 year supply but is currently reviewing the recent projections to inform a revised 5 year housing supply position. The AMR will be

refreshed in December and the revised work on the housing supply position will feed into the Local Plan work. Notwithstanding this the Council will not be able to show a 5 year housing land supply. As a result, Paragraphs 6, 47 and 49 of the NPPF will apply.

Paragraph 6 of the NPPF states that *"the purpose of the planning system is to contribute to the achievement of sustainable development"*. Paragraph 7 identifies *"three dimensions to sustainable development: economic, social and environmental"*. The "social role" is *"supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations ..."*. Paragraph 8 says that these three roles are *"mutually dependent"*.

Paragraph 197 says that *"[in] assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development"*.

Paragraph 47 states:

To boost significantly the supply of housing, local planning authorities should:

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in [the NPPF], including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% ... to ensure choice and competition in the market for land. ... ;"*

Paragraph 49 states:

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

The Council accepts that it cannot demonstrate a 5 year housing land supply and that the shortfall is likely to be significant. This means that in the context of this application and having regard to the provisions of paragraph 49 of the NPPF, the housing supply policies in the Local Plan, which includes Policies BNE25 and BNE34 cannot be considered up-to-date. A recent Court of Appeal decision ([2016] EWCA Civ 168) states that: *"A 'relevant' policy here is simply a policy relevant to the application for planning permission before the decision maker - relevant either because it is a policy relating specifically to the provision of new housing in the local planning authority's area or because it bears upon the principle of the site in question being developed for housing."*

This does not mean that Policies BNE25 and BNE34 are irrelevant to the determination of the application, but they should be considered to be out of date with regard to the supply of housing. This should be taken into account when considering the impact of the proposed development in terms of countryside and landscape.

Development Plan Status

The current Development Plan for Medway is formed of saved policies of the Medway Local Plan 2003, which will remain in force until a new Local Plan has been adopted. Work has started on the production of a new Local Plan in 2014, with a planned adoption date of late 2018. The detailed programme for this work is outlined in the Council's Local Development Scheme published in the winter of 2015.

Consultation on Spatial Options will take place in January/February 2017. The spatial options will consider the development approach strategically across the Local Authority and will include options in and around the Capstone area for consideration, the scale of which is not yet quantified. It is important that options for growth, at this stage, are considered comprehensively for the Capstone area and across all areas of search rather than on a piecemeal basis. A considered and comprehensive approach will add more value and contribute more meaningfully toward sustainable development and the cross cutting objectives identified through the Local Plan. One of the benefits of doing so would be the consideration and provision of infrastructure (transport, services and facilities, etc.) as a whole rather than when each individual development is proposed.

Whilst a comprehensive approach to major development is preferable, in the overall context, the proposed development would be relatively small, 44 units, and would represent an inclusive development of 'executive' homes, for which there is a demand in Medway, and would not have the same impact in terms of infrastructure as a larger development. In addition the development needs to be considered against the 3 strands of sustainable development, namely social (as set out above which includes the provision of housing to meet needs), economic which includes provision of jobs associated with construction and also environmental. The last one will be considered further below but in principle this site can be differentiated from others in Capstone valley as it is contained between two groups of development, the main road and the darland banks.

Development in the Countryside

Policy BNE25 contains a presumption against development in the countryside stating that development will only be permitted if it maintains, and wherever possible enhances, the character amenity and functioning of the countryside and if offers a realistic chance of access by a range of transport modes. Policy BNE25 also specifies six other criteria against which development in the countryside should be assessed and if none of these criteria apply the development should be refused. .

The proposed development would be located in the countryside, but would be in close proximity to the village of Luton, which is within the urban area. Whilst not physically adjoining the urban area, the proposed development would be relatively close to Luton and could look towards Luton as the closest service centre rather than requiring another rural service centre. However, the proposal is for higher value market housing targeting a population with a higher income, which is in contrast to the existing population in Luton. Luton Local Centre provides a low value offer, which may not be appealing to future occupants of this proposed development. Instead, occupants

would be likely to travel further afield to Hempstead Valley, Maidstone and Bluewater. The proposal seeks to provide screening/buffer in an attempt to retain the natural feel of the area and the surrounding countryside.

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

'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 institutional use for which the countryside location is justified and which does not result in volumes of traffic that would damage rural amenity.

As such, the proposal would fail to meet any of the above criteria. However, having regard to the limited weight to be attached to Policy BNE25 in terms of the housing land supply position, failure to meet these criteria alone may not be considered sufficient to justify refusal of planning permission and it is also necessary to consider the impact on the countryside.

The proposal would result in the loss of a small area of countryside, which serves a limited purpose in agricultural terms, and whilst of some visual benefit is, nevertheless not accessible to the general public. Attempts are made in the proposed scheme to retain the feel of the countryside, by retaining 30% of land for open space provision, which would be accessible, and by new planting. Whilst the character of the countryside would be compromised by this proposal, this would be limited and should be balanced against the benefits of the proposed development in terms of addressing the housing land supply shortfall.

The NPPF suggests that the countryside may carry some weight in decision making in its own right. Paragraph 17 states planning should:

- *'take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'*
- *contribute to conserving and enhancing the natural environment and reducing*

pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this framework;

- *encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.'*

Whilst the core principles in the NPPF support the protection of the natural environment are relevant this should be balanced against the need to promote sustainable development and to address the housing land supply shortfall.

Landscape

As the site is within and forms part of the larger Area of Local Landscape Importance (ALLI) consideration of the impact of the proposal on the ALLI is a policy issue. Policy BNE34 states that:

'Within ALLIs development will only be permitted if:

- (i) It does not materially harm the landscape character and function of the area; or*
- (ii) The economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape.*

Development within an ALLI should be sited, designed and landscaped to minimise harm to the area's landscape character and function.'

The policy justification associated to Policy BNE34 describes the ALLI as a substantial tract of undeveloped land extending from the North Downs as a green wedge into the heart of the urban area. It is a particularly attractive and important landscape feature defining urban areas, and preventing coalescence of Lordswood/ Princes Park and Hempstead. It states that the ALLI contributes significantly to informal open space needs of the communities, which adjoin it and provides a rural landscape in close proximity to the urban area, bringing the countryside into the town. It also provides a wider landscape setting for Capstone Farm Country Park; contributes to the setting of the Kent Downs AONB to the south and the M2 motorway.

The site is situated within the Darland Banks Landscape Character Area (LCA) in the Medway Landscape Character Assessment (MLCA) (2011). As well as the application site, this LCA includes the scarp slope to the north-east, farmland to the south-east and south-west, and a narrow strip of land to the south of Capstone Ski Centre.

The following characteristics are relevant:

- Landscape falls into two distinct types; dramatic scarp and valley forms to south...
- Valuable semi rural open space in close proximity to densely populated urban communities...
- Provides distinctive edge to urban areas and prevents coalescence of Lordswood/Princes Park & Hempstead
- High biodiversity value within woodlands and chalk scarp slopes; provides valuable wildlife corridor
- Area retains distinctly rural character and strong sense of overall coherence despite urban settlements on eastern and western flanks
- A series of narrow ridges and dry valleys creates prominent, distinctive landscape.

- Land cover of rare chalk grassland, deciduous woodland and arable farmland; unified and diverse landscape with high biodiversity value...
- Strong uninterrupted views of open countryside looking south from Darland Banks.
- Tranquil rural lane towards Spekes Bottom and Hempstead in south east
- Urban intrusion to north west with amenity uses and built development detracts from tranquil character.

Principal issues

- Capstone and Horsted Valleys...valuable green wedges linking town into countryside; bringing distinctive North Downs landscape character into urban areas
- Urban extension at Hempstead plus encroachment...has led to fragmentation and degradation of overall landscape quality; further encroachment likely to overwhelm local distinctiveness
- Protecting recreational, landscape and ecological value – importance of reversing neglect; retaining views and openness...

Paragraph 109 of the NPPF seeks to protect 'valued landscapes'.

Having regard to these policy considerations, development will only be permitted if the proposal does not harm the landscape character and function of the area and/or where the economic and social benefits are so important that they outweigh the local priority. The development proposed does not accord with the principle of the policy as it would be contributing toward the coalescence of Hempstead, Princes Park and Lordswood and could harm the landscape character.

The site is, as stated contained between two clusters of development and is bordered by Pear Tree Lane on one side and the darland banks on the other. The proposal also sets out mitigation measures and it needs to be considered whether or not this is sufficient to mitigate the harm to the landscape function which would result from the development of this site.

The Darland Banks LCA is a high quality and valued landscape, situated in close proximity to the dense urban populations of Chatham and Gillingham. This proposed development site is essentially an infill between two existing small farmstead style developments. Emphasis has been placed on the fact that it is well screened with vegetation and trees hiding the proposed development from neighbouring properties and from Pear Tree Lane, which is acknowledged. The development site sits prominently and centrally at the foot of Darland Banks, an area of open access chalk grassland managed for its wildlife value and natural beauty and heavily used by local people. The open and predominantly rural character of views from Darland Banks looking south across the Capstone Valley will be altered by this development.

Attempts have been made to mitigate this by a reducing the number of houses from that previously considered and increasing woodland planting within the site. However, this would not mitigate against the fundamental loss of an open and predominantly rural view much valued by local people, although due to their elevated nature, views of the development from the Banks would be prominent. The proposed mitigation measures would be an important factor in ensuring that the change of the landscape

character from a semi rural to a predominantly urban form is minimised.

It is considered therefore that the proposal would have an impact on the Landscape Character Area and the ALLI, although measures are proposed to mitigate and minimise the impact, and in this regard it is considered that the proposed development would be contrary to Policy BNE34(i) of the Local Plan and Paragraph 109 of the NPPF.

In terms of Policy BNE34(ii) the question of whether the economic and social benefits outweigh the local priority to conserve the areas landscape will be assessed below.

Agricultural Land

Policy BNE48 of the Local Plan states that:

"Development that would cause a loss of the best and most versatile agricultural land (MAFF grades 1, 2 and 3a) will not be permitted. Exceptionally, development will be permitted when:

(i) there exists an overriding need for the development that is of more significance than the considerable weight to be afforded to protecting the best and most versatile agricultural land; and

(ii) there exists a lack of suitable development opportunities on previously developed sites and land within the boundaries of existing developed areas; or

(iii) either sufficient land in lower grades is unavailable, or available lower grade land has statutory landscape, wildlife, historic or archaeological designation which outweigh agricultural considerations; and

(iv) where grade 1, 2 or 3a land needs to be developed and there is a choice between sites in different grades the development is proposed on land of the lowest grade"

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 advises that the site was a former brickworks, with evidence of the extent of the excavation and activity shown on the historic mapping accompanying the Archaeological Report submitted with the application. In the late 1970s soil was imported to restore the land when excavating the adjoining area to construct the farmhouse next to the application site. The history of excavation and the limited depth of top soil affects the agricultural land quality which is estimated as Grade 3a and b.

Within the Agricultural Land Classification system, Grades 1, 2 and 3a are classed as being 'best and most versatile' (BMV) agricultural land, while grades 3b, 4 and 5 are recognised as being of a lower quality. The proposed development would therefore result in the loss of a small amount of Best and Most Versatile agricultural land.

As the affected land falls within the lowest spectrum of BMV, i.e. the lowest of the grades of the land considered to be the most productive within the UK, it is considered that for the purposes of Policy BNE48 of the Local Plan and Paragraph 112 of the NPPF, that in this case, the loss of BMV land is unlikely to be significant and the loss of any agricultural land should be balanced against any benefits from allowing the proposed development. Having regard to these considerations, no objection is raised in terms of the loss of agricultural land under Policy BNE48 and Paragraph 112.

Conclusions

In planning policy terms the issues to be weighed up are:

- The presumption against development in the countryside (Policy BNE25 of the Local Plan and Paragraph 55 of the NPPF);
- The need to address the housing land supply position (Paragraphs 49 and 14 of the NPPF)
- The prematurity of the proposal in advance of the Local Plan – i.e. the upcoming consultation on the spatial options of the Local Plan (Jan/Feb 2017) which will have particular bearing on the proposal and how the Capstone area will be treated going into the future;
- The considered isolation of the proposal;
- The need to consider any development in Capstone Valley comprehensively and not piecemeal;
- The landscape value of Capstone Valley and the impact of the proposed development in on the ALLI (Policy BNE34 of the Local Plan and Paragraph 109 of the NPPF);
- The loss of Grade 3a and Grade 3b agricultural land (Policy BNE48 of the Local Plan and Paragraph 112 of the NPPF).

On balance, whilst there would be an impact on the valued ALLI and loss of agricultural land, it is considered that there would be an economic and social benefit in terms of the proposed development making a contribution towards meeting the 5 year housing supply, broadening the socio-economic mix and providing uplift to the area. Having regard to the housing land supply shortfall, it is considered that limited weight can be attached to Policies BNE25 and BNE34 of the Local Plan. It is, therefore considered that on balance, in terms of principle the proposal should be allowed.

Design

The application is in outline form with matters of scale, layout and appearance reserved for future consideration. Nevertheless, an indicative layout has been submitted showing a spine road, entering the site from the existing access point and curving towards the lower (north-western) corner of the site. There would be spur roads, leading off this spine, to small clusters of individual houses. The development would comprise exclusively four/bedroom detached houses. It is submitted that they would have eaves heights no greater than 5.2m and ridge heights, no greater than 9m above finished floor levels (FFLs).

The proposed development would be designed to take account of the gentle slope of the land from south-east to north-west and the tree screening along the southern and western boundaries. Illustrative tree planting is shown, along the spine road, within and around the clusters and along the central valley. It is submitted that 1.3ha (30% of the site area) would remain as open space.

In the event of planning permission being granted, details of the design and appearance of the proposed development and landscaping within the site would need to be submitted and approved at the reserved matters stage. Whilst concerns are raised regarding the principle of the development and whether this is the right location for housing, it is considered if the proposal were to be allowed, a high quality development could be achieved with appropriate landscaping and no objection is therefore raised at outline stage in terms of design and appearance under Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF.

Amenity

This is an isolated site and whilst there are neighbouring properties to the west (The Gleanings) and to the east (Darland Farm) due to the distances involved and appropriate screening it is considered that the development of this site would not have an adverse effect on the amenities of the occupiers of those properties in terms of light, privacy or outlook. Matters of neighbour amenity within the site, would be addressed at the reserved matters stage. Accordingly, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan.

Trees

A Tree Survey report was submitted with the application, which identifies 97 trees, predominantly with the wooded boundary to the west and out of the site, although there are some trees at the southern end of the eastern boundary. The woodland boundary varies in depth from 2-3m along the western boundary to approx. 10m along the southern boundary. Further trees are recorded within the garden of the adjoining property 'The Gleanings'. These trees are protected by a Tree Preservation Order (G85/1989). The trees along the southern boundary are also covered by a Tree Preservation Order (G24/1973) which extends to other trees between the old and new Pear Tree Lanes and further to the south.

One tree adjacent to the access T61 (Ash) (Category C1) may need to be removed to accommodate a vision splay along the old Pear Tree Lane.

The application is accompanied by a Tree Constraints Plan and a Tree Protection Plan showing protective fencing along these boundaries.

It is considered that the measures recommended in the Tree Survey and the Tree Protection Plan would be sufficient to minimise the impact on these trees and accordingly, no objection is therefore raised under Policy BNE43 of the Local Plan and Paragraph 118 of the NPPF.

Highways

Trip Generation

The Transport Statement submitted with the planning application uses the TRICS trip generation database to estimate that the proposed development would generate 7 arrivals and 18 departures during the morning peak hour and 16 arrivals and 9 departures during the evening peak. Journey to work data for the area suggests that around 17 vehicle trips would arrive and depart from the east (Hempstead/M2/A2) and up to around 10 vehicle trips would arrive and depart from the west (Capstone Road/Ash Tree Lane). This low number of vehicle movements would not have a significant impact upon the capacity of the local highway network and therefore no objection is raised in respect of Policy T1 of the Medway Local Plan.

Access

It is proposed to extend 'old' Pear Tree Lane, from its priority junction with 'new' Pear Tree Lane, on to the site. This would require a new priority junction arrangement with 'old' Pear Tree Lane to the west, which provides access to the public house. The access design has been adjusted to take account of recommendations made by a Road Safety Audit undertaken by the Council. 'Old' Pear Tree Lane, between the site and the public house, is very lightly trafficked and would therefore provide a suitable pedestrian/cycle route between the site and Capstone Road, which is served by local bus service 113. The application proposes to construct some refuges and install lighting in order to promote this. At the end of the lane, it is proposed to install an uncontrolled crossing over Capstone Road and extend the existing footway on the western side of the carriage way. The facilities provided would also be suitable for cyclists.

Whilst the proposed development would increase the number of vehicles using the existing junction with the 'new' Pear Tree Lane, this intensification would be small, and the junction has satisfactory visibility in accordance with government guidance. Subject to the provision of pedestrian refuges and lighting on 'old' Pear Tree Lane, which could be secured by Grampian condition or through a Section 106 Agreement, it is considered the application makes an acceptable provision for access in accordance with Policies T2 and T3 of the Medway Local Plan.

Internal layout and parking

The Transport Statement indicates that car parking within the development would meet or exceed the Council's Parking Standards. This would be assessed in detail at the reserved matters stage, along with the arrangements for service vehicles to manoeuvre within the site. However, as adequate parking would be provided within the site, no objection is raised under Policy T13 of the Local Plan in terms of parking

Off site highway works

The following off site highway works are proposed as part of the development and shown on drawing number 16-007-008 rev A):

- Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required.
- Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road
- Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists
- Provision of a new section of footway on the western side of Capstone Road.

In addition, Members asked that if the proposed development were to be allowed a footway be provided linking the site with Hempstead to enable children to walk to school.

Flood Risk/Drainage

According to EA mapping the site is situated within EA flood zones 1, 2 and 3. However this is considered incorrectly classified as the maps reflect the topography of the dry valley with the River Medway 3km away and is more likely considered flood zone 1 with most of the site at a very low risk of flooding. The main risk of flooding is from surface water with some areas of the site considered at high risk meaning the zone has a greater than 1 in 30 annual probability of surface water flooding or a 3.3% chance of occurrence within one year. Areas of the site are also situated within a medium risk zone meaning there is between a 3.3% and 1% chance of it happening each year and some within a low risk zone meaning there is between a 1% and 0.1% chance. This given, raising properties a minimum of 150mm above ground level is supported.

Section 4.2 of the Flood Risk Assessment refers to the impacts of Climate Change on the development site. The impacts of Climate Change refers to the residential development design life as 100 years with an increase of 20% in peak rainfall intensity however this needs to be at least 30% or 40%. The Updated planning guidance “Flood Risk Assessments: climate change allowances” published in March 2016 includes revised peak rainfall intensity allowances within Table 2: Peak rainfall intensity allowance in small and urban catchments and states that both the central and upper end allowances included should be assessed to understand the range of potential impact. Therefore, assessment of the +40% rainfall intensities quoted above should be assessed to ascertain if additional resilience can be built into the system to accommodate the increased runoff.

Urban creep, whereby the permeable surfaces are converted to impermeable over time should be considered as part of the design calculations. In this instance it is recommended that an additional 5% impermeability is included.

Within section 8.2 (Surface Water Management Overview) there is reference to the use of synthetic rainfall from the Flood Studies Report (FSR) within the Micro Drainage software. At a detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms opposed to FSR. The site is split into infiltration zones and further confirmation of the infiltration rate accounted for within the proposed SuDs design will be required at the detailed design stage.

The site is located within the inner zone of a groundwater source protection zone and thus due to this it is necessary to ensure surface run off does not pollute and affect water quality. Given the increased permeability at the site the SuDs scheme should be designed in accordance with SuDs Management Train principles including the prevention of runoff by reducing impermeable areas and utilising source, site and regional controls where necessary. Given this, soakaways cannot be relied upon unless it is demonstrated that providing a SuDs Management Train is not feasible. The use of permeable paving is supported however consideration should be given to their use in conjunction with other measures for example swales or filter strips. Intentions for rainwater harvesting, rain gardens, water butts and green roofs are supported. Such measures would form a satisfactory SuDs Management Train as long as it is integrated within the wider landscaping, and provides a means of water quality treatment.

Such measures would also maximise other benefits associated with the use of SuDs and fulfil other planning objectives such as increased biodiversity, landscaping and enhanced amenity. Advice should be sought from the Council's Landscape Architect with respect to the design of the attenuation pond and integration with the surrounding landscape/public open space.

Notwithstanding, it should be ensured that there is maintenance schedule in place for the lifetime of the development to maintain any SuDs which serve it. Surface water simulations should also be submitted at detailed design stage including relevant Microdrainage outputs or other industry recognised software.

In the event of planning permission being granted an appropriate condition is recommended. Subject to these conditions, no objection is raised in terms of flood risk under Paragraph 103 of the NPPF.

Archaeology

In the light of KCC's Archaeological Officer's comment that archaeological remains may be present at the site and an appropriate condition is recommended requiring the implementation of an archaeological work programme, in the event of planning permission being granted. Subject to this condition, no objection is raised under Policy BNE21 of the Local Plan and Paragraph 139 of the NPPF.

Biodiversity

KCC's Biodiversity Officer notes that although there are habitats and features around the edges of the site, of ecological value with potential for reptiles, dormice, breeding birds and foraging/commuting bats and seeks an undeveloped 2m buffer to protect from these potential habitats during construction impacts. This can be secured by condition and if secured, reptile surveys will not be necessary. If works are required within this buffer, further information regarding the potential for reptiles and dormice must be sought.

The recommendations to minimise the potential impacts for breeding birds provided in the report must be implemented and opportunities to incorporate biodiversity with and around the development should be encouraged.

Following comments by the biodiversity office a bat survey has now been submitted.

Subject to these recommendations being carried out, no objection is raised in terms of diversity under Policies BNE37 and BNE39 of the Local Plan and Paragraph 118 of the NPPF.

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 in principle to pay this tariff and in the event of the Planning Committee resolving to grant planning permission would be happy for it to be included with other items in the Section 106 Agreement. No objection is therefore raised in this regard under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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 have been calculated based on the quantum and location of the proposal are directly related to the development.

Darland Banks Site of Nature Conservation Interest and Local Nature Reserve

Kent Wildlife Trust have requested the following which is incorporated into the recommendation:

Ride creation along existing desire line (year 1)	£1,000
Coppicing along boundary and internal coppice blocks (years 1,2,3)	£4,500
Fencing within reserve to control access and protect habitats	£16,000
Interpretation boards (plus temporary information laminates)	£5,000
Dog bin	£500
Tree planting	£1,000
Sub Total	£28,000
Additional Wardening costs for 10 years, 1 day per month @£180/day	£21,600

The need for additional resources has been calculated at an average of 1 day/month although, in practice, there is likely to be a concentration of need over the spring and summer months. All cost estimates exclude VAT

Affordable Housing

Policy H3 of the Local Plan relates to affordable housing and states that developments of 25 or more dwellings in the urban area, or 15 or more dwellings in rural settlements will be required to make provision for affordable housing. The pre-ambles to Policy H3 (5.5.12) states that this would be a minimum of 25%. Therefore, there would be a requirement for 11 affordable dwellings within the proposed development.

Policy H10 relates to the provision of an appropriate housing mix, whilst Paragraph 50 of the NPPF requires Local Planning Authorities to deliver a wide choice of high quality homes to create sustainable, inclusive and mixed communities, including affordable housing where needed.

The proposal is for an isolated community of executive housing and has regard to Medway Strategic Housing Market Assessment (November 2015) which identified a need for executive housing. The proposal also has regard to the visually contained nature of the site, its unique geographical location and the existing natural framework. It is considered that the proposal provides an exceptional opportunity for quality housing within a wooded landscaped setting, served from a relatively discrete access point that would be attractive to executives and as such would provide a housing choice and niche provision that could support the wider regeneration objectives for the Medway economy.

Having regard to the nature of the site and the proposed development, it is considered that if the development were to be permitted it would not be appropriate to include the provision of affordable housing within the proposed development. However, the applicant has agreed to meet the affordable housing requirement with an appropriate financial contribution towards the provision of affordable housing offsite and an appropriate location to be agreed with the Council. Where the number of affordable units to be provided is greater than 10, a tenure mix of 60% Affordable Rented and 40% Shared Ownership will also be secured.

On this site the affordable housing secured via the S106 would have been 25% equating to 11 units secured as follows

- 3.3 x 4 bed houses for Affordable Rented
- 3.3 x 5 bed houses for Affordable Rented
- 2.2 x 4 bed houses for Shared Ownership
- 2.2 x 5 bed houses for Shared Ownership

The following formula has been used to calculate the contribution that would be sought in lieu of the provision of on site affordable housing:

- Open market value of the market property (provided by the applicant's agent) = £500,000 for 4 bedroom units and £580,000 for 6 bedroom units;
- This provides the market value for the 11 sized affordable units of £4,354,698;
- Plot/Land Value is calculated as 30% of the Open Market Value of an affordable unit as calculated above = £230,787 per unit;
- Site acquisition and site servicing costs are calculated as 15% of the above Value of an affordable unit = £34,618 per unit;
- Plot/Land Value + Site acquisition costs x 11 = £1,459,729;
- Build cost at 1,800sqm for the 11 units = £2,227,500
- Additional Build costs at 2% of build cost =£44,550
- Design and Professional costs at 8% of build cost = £178,200
- S106 Contributions average £9,676 x 11 = £107,434 (this figure is a guide the true S106 figure would be set at planning)
- Maximum prudential Register Provider borrowing 80% Shared ownership OMV 35% Affordable Rented OMV = £2,242,482
- Commuted sum Plot/Land Value + Site acquisition costs x 11 = £1,459,729 + Build cost at 1,800sqm for the 11 units at £2,227,500 + Additional Build costs at 2% £44,550 + design and Professional costs 8% £178,200 + S106 fees at £107,434
- £4,017,413 - Maximum prudential Register Provider borrowing £2,242,482

Equals a commuted sum £1,774,930

Details of the contribution sought are addressed below under 'Section 106 Contributions'. Therefore, subject to the applicant entering into a Section 106 Agreement to secure this contribution, no objection is raised under Policy H3 of the Local Plan and Paragraph 50 of the NPPF.

NHS

A contribution of £20,589.80 is sought based on an occupancy ratio of 2.45 persons per unit and a contribution of £191 per person.

Children's Services

Applying the Pupil Product Ratios (PPRs) in Medway Council's Guide to Developer Contributions, the following would be sought:

Nursery: A contribution of £40,268.80 based on a PPR of 0.11 pupils per dwelling and a contribution of £8,320 per pupil.

Primary: A contribution of £98,841.60 based on a PPR of 0.27 pupils per dwelling and a contribution of £8,320 per pupil.

Secondary: A contribution of £99,985.60 based on a PPR of 0.19 pupils per dwelling and a contribution of £11,960 per pupil.

Sixth Form: A contribution of £26,312.00 based on a PPR of 0.05 pupils per dwelling and a contribution of £11,960 per pupil.

However, Children's Services have produced a tables for primary schools for four years (2017/2018 - 2020/2021) and secondary schools/sixth forms for six years (2017/2018 - 2022/2023) showing forecasted pupil numbers for each year group (Year R - Year 6 (primary) and Year 7 - Year 13 (secondary/sixth forms)). For primary schools, it is forecast that there would be a deficit for 21 out of 28 year groups, and for secondary schools/sixth forms for 15 out of 42 age groups. Consequently the following reductions are sought:

Primary: $£98,841.60 \times 21/28 = £74,131.20$
Secondary & Sixth form: $£126,297.60 \times 15/42 = £45,106.29$

Total: £159,506.29

Greenspace Services

A contribution of £122,734.90 based on the following occupancy ratios:

Number of bedrooms	Number of units	Occupancy ratio	Population
4	44	3.59	157.96
Total	44		157.96

A contribution of £777 per person is sought. The contribution would be spent on improvements to Capstone Country Park and/or Luton Recreation Ground which are the nearest open spaces to the proposed development to encourage healthy communities in accordance with paragraph 69 of the NPPF.

Subject to securing these contributions by means of a Section 106 agreement, which the applicant has indicated he is agreeable to in principle, no objection is raised under Policy S6 of the Local Plan.

Local Finance Considerations

There are no local finance considerations raised by this application.

Conclusions and Reasons for Approval

The recommendation is balanced, having regard to the impact on the valued ALLI and loss of agricultural land, together with the economic and social benefit in terms of the proposed development making a contribution towards meeting the 5 year housing supply, broadening the socio-economic mix and providing uplift to the area. Taking the above into consideration, no objection is raised in principle to the development under Policies BNE25, BNE34, BNE36, BNE48 and L3 of the Local Plan and Paragraphs, 7, 14, 17, 49 and 55 of the NPPF.

Other matters would be addressed at the reserved matters stage, in the event of outline planning permission being granted, but subject to these being satisfactory, no objection would be raised in terms of design under Policy BNE1 of the Local Plan and Paragraph 58 of the NPPF, neighbour amenity under Policy BNE2, archaeology under Policy BNE21 and Paragraph 139, biodiversity under Policies BNE37 and BNE39 and Paragraph 188, impact on trees under Policy BNE43 and Paragraph 118, traffic generation under Policy T1, access under Policies T2 and T3, and flood risk under Paragraph 103.

The applicant is agreeable to the payment of appropriate Section 106 contributions, including a contribution towards the provision of off-site affordable housing. and therefore no objection under Policy is raised under Policies S6 and H3.

The application is, therefore recommended for approval.

The application is being reported for Committee determination due to its scale and the need to balance the many issues particularly relating to 5 year housing land supply, sustainable development and landscape. It is most appropriate that this balance decision is made by members.

This application was reported to the last Planning Committee in November 2016 and was deferred for further consideration regarding the affordable housing S106, the landscape boundary buffer and controls of vehicle speeds on Pear Tree Lane. The outcome of these considerations will be set out in the supplementary report at Committee.

Background Papers

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

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