

MC/16/3669

Date Received: 1 September, 2016

Location: Land Off Town Road Cliffe Woods

Proposal: Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 225 residential dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works

Applicant: Gladman Developments Limited

Ward Strood Rural

Case Officer Chris Butler

Contact Number 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 12 April 2017.**

**Recommendation - Refusal**

- 1 Cliffe Woods village is not considered to be a sustainable location for a single use development of this scale. Employment opportunity within the village is limited and the nature of facilities within the village will result in occupants of the development having to look outside the village for alternative provision. The site is not well related in terms of sustainable transport modes to surrounding Towns & villages and their facilities. The proposed development is not considered to be accessible by a realistic chance of access by a range of transport modes and will be highly reliant on the use of the private motor vehicle. Therefore this development amounts to an unsustainable form of development contrary to principles set out at paragraphs 7, 8, 14, 17, 34 and 70 of the National Planning Policy Framework and Policy BNE25(i) of the Medway Local Plan 2003.
- 2 The development, if permitted, would have an adverse impact on the character and visual amenity of the local area, which is considered to be a "valued landscape", contrary to Paragraphs 17 and 109 of the National Planning Policy Framework and Policies S1, S2 and BNE25(i) of the Medway Local Plan 2003.

## Proposal

This submission is an outline planning application for a development of up to 225 residential dwellings. As an outline submission the applicant has reserved all matters for future consideration, with the exception of access into the site that is shown to be from Town Road. The applicant have indicated that the development would including: a provision of up to 25% affordable housing units; structural planting and landscaping; informal public open space and children's play area; surface water flood mitigation and attenuation; and associated ancillary works.

An illustrative master plan has been submitted with this submission, with the applicant indicating that it gives an indication of how the site could be developed as well as demonstrating how the proposal fits in with a strategic landscape framework and provides open space and green infrastructure.

## Site Area/Density

Site Area: 10.9 hectares (51.01 acres)

Site Density: 20.64 dwellings per hectare (dph) / 8.35 dwellings per acre (dpa)

## Relevant Planning History

MC/16/3300	Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion for the residential development of up to 225 dwellings (including upto 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development <b>Decision</b> EIA not required <b>Decided</b> 23/08/2016
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## 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 Cliffe and Cliffe Woods Parish Council; EDF Energy; Environment Agency; Gravesham Borough Council; Highways England; Historic England; Kent County Council (KCC): Archaeology; KCC Biodiversity; Kent Police; Kent Wildlife Trust; National Grid - Plant Protection; Natural England; NHS Property Services; Southern Gas Networks; and Southern Water Services have also been consulted.

**Cliffe and Cliffe Woods Parish Council** (The Parish Council) **have written objecting** to this planning application.

The Parish Council advises that their Planning Committee met with Gladman Development on the 27 July 2016, but stress that no decision of support or objection was made at that time. The Parish Council advises that their Planning Committee did

request an extension of the pre-planning consultation to include Cliffe and Cooling Street, as well as Cliffe Woods. They also confirm that Gladman agreed and also sent a consultation leaflet to Cooling. Additionally the Parish sought to extend the pre-application consultation period, as it took place during the summer holidays. Although an extra week was granted the Parish Council point out that this did limit the ability of some residents to respond and as such they are concerned that the outline consultation appears to have been submitted without due consideration of the comments from The Parish Council and local residents and appears to have been written before the Pre-Planning Consultation took place.

The Parish Council note that although Gladman discussed their design principles, parish councillors also mentioned a number of issues with the proposal and indicated that their decision would be made after the submission of a planning application. The Parish Council advised that, in fact they consider that there appears to have been little attempt to address the issues raised at that meeting and indicative details have raised further issues. In the light of this The Parish Council advise that they met with the Applicant again, as part of the planning process, on the 29 September 2016. Once again they stress that they gave no indication of support or otherwise.

In terms of The Parish Council's objection to this planning application, as submitted, they advise that the applicant has failed to demonstrate that the development is sustainable. Their objections are detailed below:

- 1) The development is outside the village boundary, as defined in the Medway Local Plan 2003, and they consider that the application is premature in advance of further consultation and clarification of local needs and issues in the new Medway Local Plan and the emerging Cliffe and Cliffe Woods Neighbourhood Plan. The Parish Council considers that development on this site may set a precedent for further developments on that side of Town Road.
- 2) The proposed development is not adequately sustainable leading to a significant level of dependency on car travel. The Parish Council considers:
  - a. Traffic volumes on the B2000 - last survey carried out May/June 2009.... Between Mortimers and Ladyclose over an 8-day period Sunday to following Monday both way vehicle count was 58,400. Traffic volumes have increased significantly since that date due to an increase in car ownership in Cliffe as younger families move in.
  - b. Due to the rural location, car ownership is likely to be high in comparison with urban areas as public transport is relatively poor with service interval for buses generally one per hour to Chatham on weekdays and Saturdays but this does stretch to longer at certain times, one and a half to two hours and no local services for workers returning from London. Only three buses a day to Gravesend.
  - c. The indicative provision of footpaths and cycle lanes within the proposed site are welcome, but have limited connection to external routes. There is a gap in footpath provision/cycleway between Cliffe Woods and the pavement at Mockbeggar Farm. Cyclists and occasional pedestrians do use the B2000 on

occasions, but the width is limited and the mix of traffic includes many large lorries. Access to Cliffe is also very poor with limited highway width.

- d. Dangerous access from Town Road. The proposed access is between the junctions of View Road and Tennyson Avenue, where visibility is poor and the type and volume of traffic remains the highest concern of local residents (resident's surveys 2005 & 2015). This development would further complicate traffic movements in that area and create distraction for drivers leading to further accidents. Improvements are required at existing junctions.
  - e. Pedestrian access across Town Road (B2000) is particularly poor. There is no footpath on either side of the road on most of its length and it has not been possible to provide drop-kerbs for wheelchair residents to the west of Town Road as there is no safe place to cross from, or to, on that side of the road, even where there are limited pavements.
    - i. The applicant proposes a footpath between View Road and Tennyson Avenue, (two informal crossing places are mentioned). If the road is moved to the west to compensate, the hedgerows (which the applicant indicates will be retained) would have to be removed (sightlines from the proposed access would be impacted in any case) and sightlines for traffic may be impacted further.
    - ii. The applicant points out the use of the Public Right of Way to the north of the site. This joins Town Road adjacent to the junction with Merryboys Road and is likely to be the path of choice for residents accessing the Recreation Ground and the School/Pre-School which are located on the North/North East boundary of the site. It could also be the preferred route for access to the Doctors/Shops/Community Centre in Parkside to avoid a detour to the south. There are no pavements on the west side of Town Road at that location and do not extend to the road junction on the eastern side.
    - iii. The proposed play area, walking and cycle routes around and through the site would also be an increased draw to residents of all ages in the existing Cliffe Woods village - crossing Town Road.
- 3) Landscape - Application is in conflict with the Medway Landscape Character Assessment 2011 (13 Cliffe Woods Farmland) LCA which recognises the value of the site. The assessment suggests the need to conserve and create.
  - 4) Use of Agricultural Grade 2 land (Regional Land Classification national designation 24/8/2010). The policy suggests the protection of the best and most versatile agricultural land. The applicant has provided their own assessment and suggest primarily Grade 3b, it has been in active, very productive, agricultural usage for many years.
  - 5) Pressure on local services. There are pressures on existing services within Cliffe Woods. The Parkside Car Park (owned by the Parish Council) is often full, leading to parking on local streets. There are often queues of customers at the Post

Office/Cooperative Store, leading to customers traveling elsewhere - into town. The Cliffe Woods Community Centre has capacity issues and is unable to provide bookings for local groups (including the Parish Council).

- 6) Pressure on local Doctor's Surgery, we would expect considerable pressure from the development. The current surgery does have difficulties in supporting current needs (catchment area also includes Frindsbury and Wainscott), with extended waiting time for appointments reported by local residents. The surgery also continues to have difficulty in recruiting doctors and locums.
- 7) Although Southern Water have responded that they are able to supply water and provide foul sewage arising from the site, the main sewer in Cliffe Woods often backs-up, especially at the junction with View Road/Town Road.
- 8) Education.
  - a. The existing Cliffe Woods Pre-School has capacity issues in satisfying the current demand. Pressure on the school will require them to move out of their current school premises and provide new buildings, at their cost (just to satisfy current demand).
  - b. The Cliffe Woods Primary School is already over-subscribed and there are plans for an expansion of 0.5 Full Terms of Entry (FTE) in 2017 to satisfy current demand. Further pressure could see the school expand to over 1,000 pupils - with problems generated by that size and further issues of access at school drop-off and pick-up. As the school is an Academy, it is possible that this may be rejected. There are already issues of capacity at the other, nearest, school St. Helens CoE. The primary access on the B2000 is particularly dangerous with limited width and problems of larger vehicles passing each other therefore, traffic movements would be expected to grow along the B2000 into the urban area for primary schooling.
  - c. Access to secondary and further college education is already a significant flow on the B2000 and would be expected to increase further as there is no provision in either village.
- 9) Heritage - If the proposal is granted there should be an archaeological condition to allow inspection of any finds during construction. The site (pillboxes) are part of a World War 2 Stop Line across the peninsula and a designation has been suggested.
- 10) The longer term management of the site (Play area, walks and cycleways is not defined in the outline permission and would have to be determined in advance of any provision).

**Gravesham Borough Council** has written **objecting** to this development on the grounds which are summarised below:

- Impact on the Gravesham Green Belt;
- Loss of agricultural land; and

- Impact on the local landscape.

The **Health and Safety Executive** (HSE) were consulted in relation to this development due to the fact that part of the proposed development site lies within the consultation distance of a major hazard pipeline that runs close to the proposed development site. Having assessed this development using the HSE's PADHI+ extranet system they HSE have responded to our consultation with them advising that they do not advise, on safety grounds, against the granting of Planning Permission in this case.

**Historic England** (HE) have written confirming that there are no designated heritage assets within the application site but do draw attention to two pillboxes, which are considered to be non-designated heritage assets, that formed part of the World War 2 (WW2) period General Head Quarters (GHQ) Stop Line. Whilst HE have not made a specific representation as to the acceptability of the development or otherwise they have express the view that these pillboxes should be considered as part of this planning application.

They also advise that before this application is decided the Council need first to better understand any potential level of harm to the pill boxes, by seeking additional information about the contribution that setting makes to the significance of these non-designated heritage assets. HE consider the pillboxes to be of at least regional importance as part of a well documented and large complex of historic defence features which survives to a considerable extent.

HE notes the Archaeological Desk Based Assessment (ADBA) report by CgMs submitted as part of the application, which includes consideration of the pillboxes. However, they advise that they are not in full agreement with the conclusions reached in that ADBA and that they considered further assessment/clarification was required.

HE advises that the National Planning Policy Framework (NPPF) defines the setting of a heritage asset as the surroundings in which these are experienced and when dealing with fortifications it is important to understand these in the context of the land that they were designed to defend. HE considers that the CgMs report is unclear whether the proposed development would lie within the fields of fire designed for either pill box as represented by views from the gun embrasures of these and that further clarification of this issue should be sought. HE goes on to advise that even if the development does not take in land which formed the designed lines of sight/fire and which explains why the pill boxes are located where they are, they still consider that there will be some harm to significance caused by the change in the character of their surrounds from undeveloped fields to new housing. This will change how the pill boxes are experienced.

In the light of the above HE advise that in determining this application they consider that Medway Council needs first to be clear about the level of any harm to be caused to the non-designated heritage assets from change in their settings and has referred to the Council to paragraph 135 of the Framework.

HE notes that as this is an outline application and the illustrations provided in the Design and Access Statement for the overall layout of the development are indicative.

They advise that if the Council were satisfied that this amount of new houses can be accommodated on the site without too close an encroachment upon either pill box in a way which would be harmful to their significance, then HE consider that the Council should look for a means to control this as part of any Reserved Matters submission made pursuant to this outline planning submission.

They also advise that if either pill box is within the control of the applicants then it would also be appropriate to seek agreement for how the pill boxes will be managed in future as part of the new housing development. HE stresses that they should not become a focus for anti-social behaviour and positive actions, such as revealing the lines of fire by removing obscuring vegetation, could be secured as part of any permission. Furthermore HE advises that if there is to be a management plan for communal land as part of the finished development then it could be appropriate to ensure that the future management of the pill boxes is part of this. HE note that they are robust structures and should not require anything more than light touch management.

HE conclude that if on balance, and taking all other planning issues into account, the Council is satisfied that the level of harm to the significance of the pill boxes can be accepted, HE Consider that the Council should find a means to control this and to secure any positive benefits for the heritage assets that the Council consider to be justified.

Officer Comment - The above matters were raised with the applicants and as a result further information was provided by the applicant on the 17 November 2016.

In response to this additional information HE have written withdraw their previous statement that additional information should be sought about the effect on the setting of elements of the Stop Line. However, they have noted that the Built Heritage Statement considers that each pillbox is assessed as having low local significance. HE advise that they consider that this understates their significance, advising that the The Hoo Peninsula Stop Line should be considered both as a whole and for its individual components. They state it forms part of a national line of defence constructed at a time of great fear of probable invasion. It thus has historic significance and in addition can tell us about the weapons and tactics available to the would be defenders. Pillboxes were the hardened elements within a wider system of trenches, antitank ditches and barbed wire barriers. HE considers that the Stop Line, as a whole, was of at least regional significance and this remains their opinion.

Having said the above HE have stated that "For the effect of the proposed development on the pill boxes these would not be physically harmed and so it is the contribution that is made to significance by their setting which is most relevant. Reference is made in the Built Heritage Statement (conclusions para 8.5) to a spectrum of harm. I can agree that harm would be less than substantial (using the same broad advice used for designated heritage assets) but I think that it would not be "negligible". The pillboxes were positioned to defend a specific landscape and although that landscape has seen some post war change, it continues to enable the function of the pill boxes as part of a Stop Line to be understood based on the landscape contemporary with them. Replacement of open fields with built development will change how the pill boxes are experienced and to a degree hinder an

understanding of the landscape of which they were a part. This would be most harmful if the proposed development interrupted the designed fields of fire but this does not appear to be the case. Hence I think that harm is low."

In summary, HE have confirmed that they consider the pill boxes have more significance than has been ascribed to them by the applicant and that the degree of harm to be caused to their significance through the contribution made by their setting whilst low, is not negligible. They also state that positive actions that might better reveal and interpret the pillboxes and open sight lines are suggested by the applicant and that such actions might in part mitigate the harm caused by development and as such should planning consent be forthcoming HE consider that these mitigation measures should form part of any approval. In the light of this HE state that it is for the Council to consider the effect of development on the pillboxes as undesignated heritage assets, noting that The Framework advice does not favour the weight to be given to undesignated heritage assets over other factors, but it does explain that sustainable development includes an environmental dimension. As such HE advise the Council that they will need to be satisfied that harm to the historic environment even if low is outweighed by the public benefits resulting from the development.

**Highways England** has initially raised concern about the level of the impact of the development on the M2, principally at Junction 1, especially when considered in conjunction with the prospective levels of development in the area such as Lodge Hill. However, Highways England have subsequently written advising that they have continued to work with the applicant's agents in order to obtain the required evidence relating to any impacts the development may have, individually and/or cumulatively, on the Strategic Road Network and that in light of the evidence submitted they are satisfied that the proposals will not materially affect the safety, reliability and/or operation of the SRN. Therefore Highways England have confirmed that they do not offer any objections or requirements relating to the proposal.

**Kent Police** have written confirming that, having reviewed the on line plans and documents, that in their opinion the applicant/agent has considered crime prevention and has attempted to apply the seven attributes of CPTED in their Design and Access Statement (D&AS), which includes a safety and security section, but have had no communication from the applicant/agent and there may be other issues that need to be discussed and addressed including a formal application for Codes, BREEAM and Secured By Design (SBD) if appropriate.

Kent Police have requested that the applicant's attention could be drawn to the Kent Design Initiative, which will also assist them with Crime Prevention and Community Safety. Kent Police also advise that should the application proceed, they would welcome a meeting with the applicant/agent to discuss Crime Prevention in more detail. However, if the applicant fails to contact them, this may have an effect on the development with regards to Secure By Design (SBD), Codes for Sustainable Homes (CfSH) and BREEAM, as awarding these items retrospectively can prove difficult and costly.

Officer Comment – the Applicants attention has been drawn to the above comments.

**Natural England** (NE) have written advising that they are a non-departmental public

body and that their statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

NE advise that their comments in relation to this application are provided in the following sections:

- Internationally designated nature conservation sites;
- Nationally designated nature conservation sites; and
- Protected species

#### Internationally designated nature conservation sites

In terms of the internationally designated nature conservation sites NE advise that they would have no objection subject to mitigation. They point out that the application site relates to proposals for new dwellings within the zone of influence (6 kilometres) 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).

As such NE point out that 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 (SAMMS) 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, and NE confirm that they have noted that the applicant has agreed to make the appropriate financial contribution to the SAMMS, NE has confirmed that it can advise that the proposals may be screened out as not having a likelihood of significant effects on the above designated sites.

#### Nationally designated nature conservation sites

Turning to the issue of the nationally designated nature conservation sites. NE advise that further information is required, as the application site lies within 400 metres of Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) and has the potential to result in indirect impacts through air quality, recreational pressure and urbanising effects.

NE state that to allow them to provide advice to the Council on the potential implications of this proposal for the SSSI, additional information, as detailed below, must be provided by the applicant before this application is determined:

- The air quality impact assessment referred to in the ecological survey report; this should consider dust deposition during construction and any increased deposition within the SSSI from vehicles both during construction and from residents vehicles when the site is occupied;
- Details of how urbanising effects to the SSSI, including the potential for any increase in cat predation to nightingales, will be managed; and
- Clarity on the proposed semi-natural greenspace that is to be provided as a

suitable alternative recreation area to the SSSI for residents, including the habitats and planting proposed within the greenspace

NE stress that in the absence of being satisfied in regard to the above mentioned matters, concerning nationally designated site of nature conservation, if the Council is minded to grant consent for this application against their advice, the Council is required to provide NE of its intention to grant the permission, in a set format, as set out in Section 281(6) of the *Wildlife and Countryside Act 1981* (as amended) and is prevented from grant that permission for a period of 21 days, beginning with the date of the serving of that notice on NE

### Protected species

Finally in terms of protected species, NE have referred the Council it's Standing Advice on protected species. NE states that their standing advise is a material consideration in the determination of this application in the same way as any individual response received from them following consultation. However, NE also stresses that their 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.

**Southern Water (SW) Services** have written providing a plan of the sewer records showing the approximate position of a foul rising main crossing the site. They advise that the exact position of the foul rising main must be determined on site by the applicant before the layout of the proposed development is finalised.

They also advise that it might be possible to divert the foul rising main, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions. SW list a number of criteria that are relevant should the applicant wish to divert apparatus.

In terms of diverting drainage apparatus, SW advise that a condition should be imposed in the event of an outline planning permission being granted requiring the developer to advise the local authority, in consultation with Southern Water, of the measures which will be undertaken to divert the public sewers, prior to the commencement of the development.

SW have indicated that following their initial investigations, they can provide foul sewage disposal to service the proposed development. However they stress that they will require a formal application for a connection to the public sewer to be made by the applicant or developer.

In terms of the proposed means of surface water drainage for the site being via a watercourse. SW advise that the Council's own 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. As such they request that should this application receive planning approval, a condition be attached to the consent

preventing construction from commencing until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

In term of provide a water supply to the site SW advise that following initial investigations it can provide a water supply to the site. However they will require a formal application for connection and on-site mains to be made by the applicant or developer and that as such an informative to this effect should be attached to any formal planning consent issued on this site.

In addition to the above comments, SW also draws the Council's attention to:

- changes in legislation that came in to force on 1 October 2011 regarding the future ownership of sewers and the fact that it is possible that a sewer now deemed to be public could be crossing the above property. In the light of this SW advise that 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. SW advise the applicant to discuss this matter further directly with them;
- The fact that under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, they advise that the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. SW stresses that it is critical that such long term maintenance is in place to ensure the effectiveness of these systems are maintained in perpetuity. They advise that 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; and finally
- The fact that this initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991 and that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

Officer Comment Any condition(s) or informative(s) referred to above will be incorporated in to decision notice should the Council be minded to grant outline planning permission for this development proposal.

**Additional response from SW.** Since the above comments were made by Southern

Water Services, the applicants have submitted a revised site plan and amended documentation which now includes the proposed location of the Sustainable Urban Drainage System (SUDS). Following re-consultation with Southern Water Services in regard to these amendments they have written confirming that the comments in their previous response remain unchanged and are considered by them to be valid in relation to the amended details.

However, they have also advise that due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

Officer Comment Should Planning Permission be forthcoming, it is considered that the best way to deal with the matter raised above would be to incorporate those comments as an information on a Planning Decision notice that grants planning consent.

### **Representation from the Member of Parliament for Strood and Rochester, Kelly Tolhurst, MP.**

The Member of Parliament for Strood and Rochester, Ms Kelly Tolhurst MP, (The MP) has written advising she has received in excess of 100 pieces of correspondence from her constituents objecting to this planning application. The MP also advises that she held a public meeting on this issue on Friday 7th October, which was attended by more than 200 residents of Cliffe Woods, who were unanimously opposed to this development proposal made by Gladman.

The MP states:

- she understand that the Council have received many similar pieces of correspondence, which contain a variety of good reasons for objecting, such as: concerns about the increased pressures on local services, including public transport, emergency services, and the already oversubscribed school and GP practice; the negative impact of increased traffic on safety and air quality, particularly along the B2000; and the harmful environmental impact on the land and wildlife surrounding Cliffe Woods.

In the light of the above, The MP advises she would like to add her voice alongside those who have raised these objections, and state that she is wholeheartedly opposed to this planning application. She hopes that the Council will recognise the deleterious impact such a development would have on the local area and community were it to be approved, and strongly urge the Council to reject this speculative and predatory application.

### **Representation from Member(s) of Medway Council.**

**Councillor. Williams** has written stating he has had contact with numerous residents, in the hundreds, who advise that they have objected to this application. He advises that these residents are all of one mind, in that they consider that this proposal will have a devastating effect on the Cliffe Woods Community. **Cllr. Williams objects to this development proposal** and urge the Members of the Council's Planning Committee to turn down this application, thus helping to preserve the rural

communities and protect the quality of village life.

Cllr. Williams has also raised the following specific objections in regard to this submission:

Loss of Prime Agricultural Land - If the proposed development goes ahead it will result in the loss of an area of 10.9ha of valuable productive agricultural Land. This land is used for growing crops of many years and will result in the loss of food production. We must protect our prime Agricultural land, figures from the National Farmers' Union released last year suggested that, by the mid-2040s, the country will only be able to produce enough food to feed 53% of its population. So building on Agricultural Land must be stopped, so this country can move closer to being self-sufficient in Food Production.

Precedence - If planning is granted I fear that it will set a precedence for other developers to try and build on other Agricultural land locally. Once Agricultural land has been built on it is gone forever.

Sewage and Waste Water - Residents in Cliffe Woods are concerned about sewerage and foul water drainage. There have been reports of flooding and instances of the main sewer backing up in Cliffe Woods at the junction with Town Road and View Road.

Doctors Surgery - With up to a possible 500 new residents on the development, it will add additional strain on the already under pressure GP surgery. Routine appointments can take up three weeks and I understand that the surgery is having problems recruiting new GP's and Locums adding to the problem.

Schools – With the possible large influx of children into the new development it would put undue pressure on the local primary school which is already oversubscribed, there are plans for an expansion in 2017 to satisfy current demands but this development would only exacerbate the problem further.

Traffic - Due to the rural location reliance on the car will be higher than if were an urban location. The extra cars on the development will add more congestion to the already congested B2000 and surrounding local roads, adding more noise and air pollution to the area.

There is already a high volume of traffic which use this road including large HGV's., and the width is limited with no provision of foot and cycle paths on much of the road. Public transport is not very good with buses running normally every hour weekdays and Saturdays.

#### Community Group representations

The **B2000 Road Safety Campaign (RSC) committee have written objecting** to this development on the following summarised ground:

The B2000 RSC is a local interest group that was formed in 1999 to try to influence policy decisions on road safety matters related to the B2000 road between Wainscott by-pass and Cliffe. It has a substantial body of knowledge on traffic safety on this piece of road. The B2000 RSC's current campaign is focussed on encouraging

Medway Highways to change Cliffe Woods village into a new 20 mph speed limit zone, as is becoming common throughout the UK in both cities and villages.

They comment that the B2000 is an extremely busy and dangerous road and a huge number of "near misses", which are never recorded in official statistics, are witnessed by the B2000 RSC. They state that the B2000 RSC supported Medway Council in their successful planning enforcement against Thameside Terminal, which had unlawfully become a major traffic generator on the B2000, but they point out that this road is still carrying a large number of HGV's, including many 44 ton articulated tractor/trailer vehicles in addition to the substantial local residential and service traffic.

The B2000 RSC considers:

- The B2000 frequently cannot cope with the existing traffic load;
- The suggested development of 225 houses may well have a population of 450 car owners but more likely a potential for 600 vehicles. This will be a major traffic generator next to an already dangerous and overcrowded road.
- A significant number of prospective householders would have to drive across the B2000 to reach the shops, doctor's surgery and schools. This already happens because the B2000 is too dangerous for pedestrians to cross and in fact, a number of disabled and elderly residents, as well as young families, who used to live west of Town Road have decided to move because of the dangers of crossing the road with pushchairs and wheelchairs
- The B2000 (Town Road) clearly is already a dangerous and overcrowded highway.

The B2000 RSC considers that to allow this development would create a further major traffic generator and would be an indication of poor planning policy.

The **Chair of Governors of Cliffe Woods Academy Trust** has written advising that the Gladman leaflet distributed prior to this planning application being lodge with the Council is misleading. The Chair of Governors states "*there are NO 'limited spaces' in Cliffe Woods School.*"

The Chair of Governors also states:

- As a school they are oversubscribed and still will be when the extension they are building is completed this year;
- The development site will be outside their catchment area and the school will not be able to take any of the children who may live in the development;
- Cliffe Woods Academy Trust has not been consulted on this submission, although the leaflet does say about providing monies to the Local Authority. The Academy Trust consider that this will make no difference to them at all;
- They are aware that this is the first of several planned developments to the west of the village, which were highlighted on a map of our area; and
- Anyone thinking of developing needs to set aside a piece of land on which to

develop a new school and other related services. It is not sufficient to build houses with no infrastructure. The B2000 is a particular concern with constant lorry movements. The Cliffe Woods Academy Trust would not want children crossing this road to get to school as it's is too dangerous.

The **Dicken's Country Protection Society** (The Society) **object** to this development on the following summarised grounds:

The Society raise concerns over: traffic; pressure on local services, such as doctor's surgery and Community Centre; and access arrangements. They also raise the concern over the loss of productive agricultural land.

The Society advice that they needs to understand how people would access the services in the centre of the village and state it would be preferable if the access junction with View Road would be traffic lights controlled.

The **Friends of the North Kent Marshes** have written advising that they **object to this development proposal** on the following summarised grounds:

- The development site lies outside of the village boundary as defined in the Medway Local Plan 2003.
- The development site is close to the Chattenden Woods and Lodge Hill SSSI designated for its nightingale population, special grassland and woodland, it supports nationally important numbers of nightingales (one of the most important sites in England) as well as a wide variety of other scarce, declining and protected wildlife.

Nightingales are ground nesting birds and are particularly susceptible to urbanisation and residential housing pressures such as cat predation and recreational disturbance.

- The development is on a green field site and situated on Grade 2 agricultural land. The best and most versatile land is defined as Grades 1, 2 and 3a and is the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations.

Our highest grade and most productive agricultural land is a national resource: in a volatile world with future possible food shortages due to climate change, war etc. it would be short sighted and fool hardy to destroy this valuable asset which cannot be replaced, we must protect this vital food supply for future generations.

This farmland area is in agricultural use, is part of our green infrastructure, is an important natural resource and must be protected from inappropriate development.

- The development site is within the Cliffe Woods Farmland landscape area (Medway LCA 2011). This highly valued landscape is sensitive to change, diverse, small scale and intimate, it is coherent in pattern of elements and visual unity with a strong sense of place. Medway Council's suggested action is to "*Conserve and create and to resist development proposals that would threaten loss of rural and*

*locally distinctive character.”*

The development site could also adversely impact on the highly valued Chattenden Ridge landscape.

NPPF 109 provides that the planning system “*should contribute to and enhance the natural and local environment by... protecting and enhancing valued landscapes.*”

The development would not protect or enhance these highly valued Medway landscapes and any damage would be permanent and irretrievable.

- The setting of two of the pillboxes that form part of The Hoo Stop Line (a designation has been suggested) are likely to be adversely impacted by this proposed development, this would be wholly unacceptable. The GHQ Line (General Headquarters Line) was a defence line built in the United Kingdom during World War II to contain an expected German invasion. During the Second World War, the Hoo Peninsula was of national strategic importance and The Hoo Stop Line was built complete with anti-tank defences and "pillboxes" (a reference to their shape), concrete forts that were sited looking across open fields, at road junctions, canals and other strategic points. There is much interest locally, regionally and nationally in the highly valued military heritage of the Hoo Peninsula and these pillboxes remain as permanent monuments, a silent tribute to the courage and tenacity of the local people who manned these defences during the dark days of 1940 when Britain stood alone against Germany.
- Concerns that if this development was allowed to go ahead that undiscovered sites and archaeological finds might be lost.

The **Ramblers Association** have written advising that they have **no objection in principle**, but point out that the proposed site encloses Public Footpath RS72, which runs across its north-west boundary. They state whilst the submitted Design and Access Statement suggests the development will link into this Public Right of Way (PROW), the Plan actually encloses it within its boundary. In the light of this fact that advise that they would simply emphasise that this development should in no way be permitted to impact access along this PROW or degrade the current experience of walking along it.

The **Save Agricultural Village Environment (S.A.V.E) (Cliffe Woods) Committee** have written **objecting** to this proposed development recommend that the LPA, Medway Council refuse permission for this proposed development. They object on the following summarised grounds:

- The National Planning Policy Framework suggests a presumption to accept plans for new houses to be built on green field sites, except where it can be demonstrated that there are more suitable brown field sites available. When the CPRE clearly demonstrates that such spaces are available in the UK for 1,000,000 houses, it would be perverse to accept plans to use any green field sites for house building;
- This site is good quality agricultural land, which should remain for farming;

- The residents of Cliffe Woods wish to retain the peaceful rural surroundings and attractive landscape of which this site forms a part;
- Local amenities and services are already overstretched. This development cannot mitigate against the increase in challenges which it would create; and
- Although the site is good for arable farming, it is hugely demanding for house building with the ground heave and drainage problems associated with this soil and sub-soil. The Building Control Department would have to insist upon substantial beam and pile foundations which many builders would find prohibitively expensive and which do not fit the modern criteria for sustainable use of materials in housebuilding.

If this development were allowed to go ahead S.A.V.E. consider that:

- A landscape much appreciated by the hundreds of residents who attended the meeting in the village hall on Friday 7<sup>th</sup> October 2016 would be destroyed forever;
- The green space would no longer filter pollution blown by the prevailing wind from the metropolitan area, rather development would add to it;
- The road traffic congestion would increase;
- The lives of pedestrians would be put at risk in attempting to cross Town Road;
- Surface water flooding in the area would increase, existing field drains surrounding the site already overflow during continuous, heavy rain - a problem destined to increase with global warming; and
- The development would result in a destructive, unnecessary estate of 225 houses were the local need for such a development manifestly does not exist.

**332 letters/e-mails/online representations raising objection** have been **received from 255 separate mail and e-mail addressed**. They raising the following summarised objections:

- The proposed development site is not identified in the Medway Plan nor is it in the neighbourhood plan. The housing proposal in the emerging local plan should be tested first before greenfield site being allowed to be built upon;
- Development is not in a sustainable location;
- Proposal will result in the loss of the open countryside and the loss of the best and most versatile agricultural land, thus having a significant environmental impact. Development should be located on brownfield land not high quality agricultural land, especially as it is still used in agricultural production; Agricultural land should be retained, especially in the light of Brexit and any loss of agricultural land will endanger food security;
- Loss of greenbelt land, land adjoining the greenbelt and greenspace generally. If permitted this development will set a precedent for the future;
- The development will be out of keeping with the surrounding area and this rural location will be spoilt/destroyed as a result of this urbanising development. The development will have an adverse impact on the landscape character and appearance of the surrounding countryside and destroy the village environment. Cliffe Woods is a small rural community and should be allowed to remain so. This beautiful and tranquil location does not need to be ruined by property development that increases its size by 25%. If permitted the development would be contrary to the Council's Landscape Character Assessment published in 2011;

- Cliffe Woods is becoming an extension of Strood and Rochester. To allow this development will be allow further similar development nearby in the future, thus setting a precedent and encouraging urban sprawl;
- Brownfield sites should be developed first and existing derelict housing in Medway should be brought back into use;
- The lack of a 5 year housing land supply is only temporary and does not outweigh the harm that this development will create through the permanent loss of agricultural land and high quality landscape;
- Developers claim that they are trying to provide locally needed housing is false. No surveys have been undertaken which demonstrate such a need;
- Loss of amenity, including loss of outlook, view and privacy;
- Increased light and air pollution;
- The scale of the development is unacceptable and will not “protect or enhance our natural environment” contrary to the National Planning Policy Framework Paragraphs 7 and 109;
- The indicative layouts and designs of the development are unacceptable. The proposal will result in another development of poor design;
- The development will be on contaminated land;
- Potential subsidence issues in the general locality;
- Loss of habitat for wildlife and adverse impact on biodiversity, especially the Special Protection Areas and Sites of Special Scientific Interest which are located nearby, which will be significant;
- Impact on flora and fauna;
- Loss of greenspace, trees, etc.;
- No Environmental Impact Assessment has been undertaken;
- Cliffe Woods is already overdeveloped and this proposal will only make matters much worse. There is a lack of facilities/infrastructure in the village, such as schools, doctor’s surgeries, dentists, shops, hospitals, public transport provision (including bus provision), increased demand on utility services, etc. Increase pressure on emergency services, such as police, fire, etc. Development if permitted will have a significant impact on such facilities and local shops will not be able to cope as horrendous queues already in the local post office and shops. Poor internet provision;
- Section 106 contributions are a one off payment that will not cover the needs of the local community in regards to facilities and infrastructure. What happens when this funding runs out? The cost will fall to the Council and consequently the local tax payer.
- Drainage and water concerns. Water supply is already a problem and there are existing drainage and water system problems. This includes a lack of water pressure, high water tables and the fact that the existing systems are unable to cope, let alone once these additional properties are allowed. Additional funding from Southern Water will be required. The drainage main sewer regularly backs up and there are poor smells resulting from the drainage issue which will only be exacerbated by the proposed development;
- Concreting over fields will create surface water running off onto the adjoining B2000 increasing flooding on the public highway and the surrounding area in general. The application site already floods during the winter and this development will just exacerbate an existing poor situation;

- Loss of countryside will result in loss of much needed drainage capacity, increasing surface water flooding on the public highway and the surrounding area in general;
- The area has archaeological interest and the applicant's claim of no historic interest is questionable;
- Increase in crime and antisocial behaviour. Lack of police presence in the village;
- There are few employment opportunities for incoming residents which means additional commuters and thus an increase in reliance on the private motor vehicle;
- In terms of roads and local infrastructure area is becoming over populated, over crowded and congested. The applicant's road safety analysis appears to be based purely on historical statistics rather than an analysis of the roads themselves. In particular no analysis of the narrow section at the top of the hill above Mockbeggar Farm has been undertaken;
- The existing highway infrastructure is wholly inadequate cannot sustain an additional 225 dwellings. There is no footpath or cycle provision between Mockbeggar Farm and Cliffe Woods;
- Increased traffic and pollution, including increased traffic noise, air pollution, etc.;
- Potential impact on the strategic road network, being the M2 and A2;
- The site access is located on a blind bend. The roads are already dangerous, especially the B2000 that has a heavy level of HGV lorry movements on it, as well as other more general traffic movements such as buses, cars etc. Lorries already have difficulties passing each other. These vehicular movements occur at all times of the day and this development will only increase traffic noise and make the road all the more dangerous to travel on. This combined with a lack of pedestrian/cycle access, no crossing point across Town Road and lack of lighting make it especially dangerous to the elderly, disabled and small children. Fatalities and serious injuries have occurred on Town Road in the past. A bypass is required;
- Access from Mortimers Avenue and Ladyclose Avenue will not be permitted as these are private roads;
- Inadequate public transport provision and links. i.e. There is no bus provision to Higham Rail Station;
- Lack of parking provision. The development will result in on-street parking in nearby roads to the detriment of highway and pedestrian safety;
- Transport Statement is lacking and incorrect technically: It is not possible to put road humps on Town Road; Proposed road island is too narrow to provide a safe refuge for all users; A Section 278 improvement will not be possible in that location due to existing highway boundaries; No road safety audit has been undertaken; A model has not been produced for resultant unacceptable queue lengths, which in turn are likely to lead to additional accidents at a junction with poor visibility; limited detail in regard to the proposed traffic lights for the on/off slip roads with a lack of modelling back towards Hollywood Lane and the impact of such signals on Hollywood lane/Cooling Road; Children will be drawn across the Town Road to the proposed play park; change to landscape;
- The 25% affordable housing provision proposed in the development is insufficient and does not necessarily equal affordable living. People who have grown up in the village cannot afford to live in the village.

- Dramatic increase in the volume of traffic, congestion, noise, air pollution and waste, especially during the construction phase of the development;
- Development will result in increase global warming;
- The application documentation is misleading, such as the position where photographs were taken are incorrect and an assumption that waste is collected once a fortnight is just wrong. The design and Access Statement is full of omissions and errors and has been selective in its use of materials and the Landscape and Visual Appraisal is of doubtful use. Objections are raised to the suppositions made by the applicant in their public consultation document and there is no demonstrated need for housing on green space in Medway; and
- Poor pre-submission community consultation

**1 letter of comment** has been received stating that no dwelling should be occupied until the B2000 has been upgraded between Mockbeggar Farm and Rectory Road, including pedestrian footpaths.

A **petition of 198 signatures** has been received **objecting** to this proposal on the following grounds:

- The development will result in the loss of a valued landscape and agricultural land;
- Impact of the village services and village environment; and
- Concerns over highways and poor planned access to the site.

### **Development plan and the status of the emerging local plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and its saved policies. 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 (The Framework) and their conformity or otherwise against the Framework is, where relevant, addressed within the relevant sections of this report as set out below.

In terms of the status of the emerging Local Plan, work 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 (LDS) published in the winter of 2015 and the most up to date position of this process is contained in the Council's Annual Monitoring Report (AMR) 2015/6 which was published in December 2016.

The Emerging Local Plan is currently at the second stage, being the "Development Options Stage" of a five stage process. The Development Option Article 18 Consultation was published in December 2016, with formal consultation having commenced on the 16th January 2017. The closing date for responses has been extended until 10th April 2017. As such the emerging Local Plan is considered to be at a relatively early stage in its preparation and its emerging policies can only be afforded very limited weight, in accordance with the Government's advice contained in Appendix 1 to The Framework and the National Planning Practice Guidance related to the determination of Planning Applications (see *reference 21b-014-20140306*).

## **Planning Appraisal**

### Environmental Impact Assessment.

As part of the pre-application considerations, in 2016 a formal request was made to Medway Council under the Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) (Medway Council Reference: MC/16/3300). This request sought a screening opinion as to whether an Environmental Impact Assessment (EIA) was necessary for the residential development of up to 225 dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, vehicular access point from Town Road and associated ancillary development. The Council determined that submission advising that no EIA would be required. The Council's position in relation to the current proposal and the previous decision that no EIA was required has not changed.

### Principle of Development

This application seeks an outline planning permission for up to 225 residential units, with open space, children's play area and other ancillary related development on land to the west of Town Road, Cliffe Woods.

As the application is in outline form, with all matters are reserved for future consideration with the exception of the means of access. This being the case, matters related to the design, layout, scale, and landscaping are all to be dealt with separately from this proposal, as reserved matters submissions at a future point, should this outline planning consent be granted. Bearing the above in mind, the matters open to the Members of the Council's Planning Committee to consider in relation to this development proposal are limited to matters such as: The general principle of the development, especially in this open countryside location; The general issues related to the overall impact on the wider character, appearance and setting of the surrounding area; Whether the site could satisfactorily accommodate up to 225 new residential units; Whether appropriate levels of community provisions are available, included adequate provision of schools, doctors surgeries, dental practices, community facilities, Etc.; and Whether the proposed access arrangement, enabling accessing and egressing from Town Road (B2000), would be acceptable in terms of highway and pedestrian safety. Please note that this list is not intended to be exhaustive.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that for the purposes of any decision made under the planning Acts those decisions must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Bearing this in mind, the relevant starting point would be the consideration of the general principles of the development, when assessed against the Government's National Planning Policy Framework (The Framework), The Government's National Planning Practice Guidance Notes (NPPG) and the relevant saved policies of the Medway Local Plan 2003.

The saved policies in the Medway Local Plan that are considered to be relevant to this application are considered to be Policies: S1, S2; S4; S6; BNE1; BNE2; BNE3; BNE4;

BNE5; BNE6; BNE7; BNE8; BNE21; BNE23; BNE24; BNE25; BNE35 BNE36; BNE37; BNE38; BNE39; BNE42; BNE43; H1; H3; H10; H11; L4; L10; T1; T2; T3; T4; T6; T11; T12; T13 T14; CF12; and CF13, although some caution has to be had when referring to the Councils adopted policies that affect the supply of housing, such as those policies prefixed with the letter 'H' and policy BNE25, for example, for the reasons explained below.

### 5 Year Housing Supply

The council adopted an annual housing target of 1000 dwellings per annum in June 2014, in conjunction with early work in preparing a new Local Plan. This was based on an independent analysis of projected household rates, to provide an updated target in advance of the adoption of a new Local Plan. (See cabinet report and minutes of decisions dated 24 June 2014 at web page:

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=2953>).

The council subsequently published a Strategic Housing Market Assessment (SHMA) in 2015 as a core component of its evidence base for the new Medway Local Plan. This supported the Regulation 18 Issues and Options consultation referred to in the Development plan and the status of the emerging local plan section above.

The SHMA identified an Objectively Assessed Need (OAN) for housing over the plan period (2012-2035) as 29,463 homes or an annual level of 1281 dwellings. In preparing the new Local Plan the council is seeking to meet the full OAN within the authority area. The latest Local Plan Regulation 18 document 'Development Options' published for consultation in January 2017, has presented options for how this scale of housing need could be met within the emerging Local Plan. However further technical assessments are required to determine the capacity of the area to deliver the scale of development identified. In advance of the due consideration of the potential environmental impacts, infrastructure dependencies and constraints and viability and deliverability testing, the council has not formally adopted an updated annual housing target. However its monitoring and development work on the Local Plan acknowledge the identified level of housing need. Details of the housing delivery rates and projected development trajectory are set out in the Authority AMR 2015-2016 at Volume 2, published in December 2016.

In addition to the above, the council is also awaiting further government guidance to establish a 'standard methodology' for determining housing needs, as referred to in the White Paper 'Fixing our broken housing market' and to consider any implications in progressing the development targets in the new Local Plan.

A combination of low rates of house building in the recession, and slow recovery in the property market, and a significant increase in the rates of household growth in Medway has resulted in a poor housing land supply position. The council has acknowledges that the current position is less than 3 years supply.

This lack of a five year housing land supply has also been noted within several planning appeals and where there has been persistent under delivery of housing 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 Framework apply, and relevant policies within the Development Plan related to the supply of housing should not be considered up to date. Paragraph 49 of The Framework 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 policies that relate to the supply of housing and elements of other policies that pertain to housing supply must be afforded less weight.

In the light of the above, the council recognises the need to boost the supply of housing in Medway as a core objective of the Planning service. It is taking action in the following ways:

- Working with developers to understand and address, where possible, barriers that are delaying the implementation of planning consents representing over 6000 homes in Medway. Medway Council has been a leading partner in the development of the Kent Planning Protocol, and the Head of Planning and Chair of Planning Committee have met individually with major developers to discuss opportunities to speed up the delivery of sites. It is also working with HCA and developers to support accelerated construction schemes.
- Producing a Brownfield Land Register as a pilot authority working with DCLG to promote the development of identified sites in Medway (see:  
<http://www.medway.gov.uk/planningandbuilding/planningpolicy/brownfieldregister.aspx>)
- Producing an updated Strategic Land Availability Assessment to support the preparation of the Local Plan to review the availability and suitability of potential development sites across Medway. This has identified potential land (in addition to that with planning planning) that was suitable and available for 5980 dwellings. (See:  
<http://www.medway.gov.uk/planningandbuilding/planningpolicy/strategiclandavailability.aspx>)
- Granting planning permission for sites outside of current development boundaries considered as representing sustainable development, in advance of the adoption of the new Local Plan;
- Working to achieve an updated Local Plan to provide for Medway's sustainable growth through the allocation of land to meet the range of development needed for the area's success. The council is planning positively for development needs and following due process of wide stakeholder consultation and collation of a robust evidence base to inform a sound plan and a sustainable development strategy.

### Countryside Location

The proposed development site is located, outside the village/settlement boundary of Cliffe Woods, within the open countryside, as defined by Policy H11 of the adopted

Local Plan and within the Development Plans proposals map. Local Plan saved Policies S1 and BNE25 are also relevant to this application, although for the reasons set out above Policy H11 cannot be considered to be up to date and that part of policy BNE25 which restricts new dwellings in the open countryside must also be treated with some caution, as those parts which relate to the provision of housing should be afforded less weight. This is not to say that other aspects of the policy, i.e. those parts of policy BNE25(i) are to be given less weight. Those matters which are still considered to be pertinent to this application related to the need to ensure that the development maintaining and wherever possible enhancing, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, whilst offering a realistic chance of access by a range of transport modes

In addition to the above objective of policy BNE25, Policy S1 of the Local Plan seeks to protect the countryside from development by directing new development proposals to the urban area or brownfield land in the first instance. This policy 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'*.

Bearing in mind the above, it is not considered that any material weight can be given to policies H11 or BNE25(ii) to (vii) inclusive, due to the current 5 year land supply position.

Under the presumption in favour of sustainable development, permission should only be refused if its adverse impacts would *"significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate that development should be restricted"*. (Paragraph 14, The Framework). This requires consideration of the social, economic and environmental roles of sustainability (para. 7 of The Framework), noting that gains in each of these three roles should be sought *"simultaneously"* (para. 8).

### **Sustainable Location**

Paragraph 14 of The Framework sets out 12 core planning principles, one of which states planning should: *"actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable."* Whilst Paragraph 7 sets out the three dimensions of sustainable development, being economic, social and environmental. In terms of economic sustainability the proposal clearly result in jobs growth during the construction phase of the development, result in an expansion of the resident workforce and deliver housing, including affordable housing, against the identified need. However, the economic role only forms one element of the strands of sustainability and for the reasons set out below, it is considered that this site would be harmful in terms of the other two strands of sustainability.

The proposed development is for a residential development, being a single use site, of up to 225 residential units. No provision of services or other facilities as part of the proposed growth or employment opportunities are proposed on site and although contributions towards certain public functions have been sought, as part of negotiations towards any Section 106 legal agreement, these are not necessarily

going to be provided within the village of Cliffe Woods. Examples of this are set out below under the heading S106 matters, where two key service providers (Education and Health Services) are unlikely to be provided within Cliffe Woods village. Indeed the NHS Property Service have indicated that they would be looking to expand medical practices in Hoo St. Werburgh, which is located over 2.5 miles away by road with no direct bus or other public transport link, other than on a Sunday when a highly limited bus service is available, but the medical practices being expanded are likely to be closed.

Supporting documentation, submitted with the planning application, denotes the ways in which the proposal contributes toward the economy, which is acknowledged, but is considered to fail to provide any broader infrastructure to support this proposed single use development, other than to rely on the existing infrastructure.

As well as the failure to provide a sustainable community for new residents or to materially enhance and support existing communities, the lack of easy accessibility to employment opportunities significantly undermines the stated economic benefits of the proposal. The supporting information claims that employment areas are easily accessible by the existing bus routes; however it is noted that evening bus services are virtually non-existent and that key employment destinations such as Medway City Estate are only served by a limited number of peak hour services and even then you would have to change services. This is considered to severely restrict the ability for those without access to a private car to take advantage of employment opportunities within the main Medway conurbations.

While it is accepted that housing development in rural areas can help to sustain or provide new facilities and services to the benefit of existing residents as well as new, that is not considered to be the case here. The development proposed is single-use housing scheme, and is not well-related to the existing facilities and services in Cliffe Woods that might benefit from such support. It would therefore not *“enhance or maintain the vitality of rural communities”* as required by Paragraph 55 of The Framework or *“ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”* (Paragraph 70 of The Framework).

Paragraph 7 of The Framework seeks to ensure that developments deliver social benefits to the community and be located where they can be accessible to these as per Part 8 of The Framework ‘promoting healthy communities’. Paragraph 70 of The Framework states that the planning system should: ‘deliver the social, recreational and cultural facilities and services the community needs’. The documentation submitted in support of the application describes Cliffe Woods as a sustainable settlement. However, Cliffe Woods itself has very limited facilities, which has not been identified in the submitted reports.

Whilst it is clear to the Council that the village of Cliffe Woods does have shops and other services, such as a primary school and a doctors. It is clear that these facilities, within the village centre, are limited. In addition to this there is limited employment opportunity within Cliffe Woods. This is highlighted in an analysis of commuting flows to/from the Cliffe and Cliffe Woods Parish Council area. The commuting flow data are derived from the Census and represents the flows of individuals commuting from their

usual residence to their place of work.

In terms of commuting flows, the table below shows the commuting flow between the Middle Super Output Area (E02003315) which closely aligns with the Cliffe and Cliffe Woods Parish Council area.

	Drive in car/van	Passenger in car/van	Bus, minibus or coach	Train	Bicycle	On foot	All commuting
Outward	2,038	129	73	182	15	83	2,847
Inward	346	25	14	8	6	62	466
Total	2,384	154	87	190	21	145	3,313
Total (rounded %)	72	5	3	6	1	4	

Table 1: Commuting flows to/from Cliffe and Cliffe Woods Parish Council area

The above table shows:

- Almost 8 out of 10 people commute to/from the Cliffe and Cliffe Woods Parish Council area by car or van, amounting to almost 2,400 movements; and
- One-third of outward commuting flows are to workplaces within Medway, while 27 per cent are to the wider south east and 14 per cent to London. 12 per cent have no fixed place of work, which may reflect the number of employees involved in contracting work.

As a result of the above, there are concerns over the impact of this single use development on the environment. Significant to this development is the concern related to the dependency of future occupiers on the car and the resultant impact of that dependency on the environment by way of increasing damaging emissions including those that contribute to climate change.

It is clear that limited availability of services and job opportunities in Cliffe Woods exist and future occupiers will be commuting out of the village for service provision and employment. This already appears to occur in relation to commuting for employment and leads to the conclusion that the development would be heavily reliant on the private car. It is accepted that in rural areas, maximising sustainable transport may not be possible to the same extent as in urban areas, but this does not override the requirement to locate significant generators of movement in locations “*where the need to travel will be minimised and the use of sustainable transport modes can be maximised*” (paragraph 34 of The Framework) and there being a “realistic chance of access by a range of transport modes” (BNE25(i) of the Medway Local Plan 2003).

The development proposal suggests support of sustainable transport modes and thereby focusses on the improvement of footways and traffic calming rather than any significant improvements to the road network beyond the village boundary or provision of anything more land a limited contribution towards sustainable transport provision. This submitted transport study concluded a minimal impact on the current

road network. With the current road network and the significant amount of growth planned through this single use proposal, it is considered that people would be highly likely to be commuting into London or the surrounding areas for employment, as already occurs (See table 1 above), thereby placing stress on the urban distributor network. It is considered that the transport assessment fails to consider the wider implications of this proposal. With limited potential for maximising sustainable travel at this location (as opposed to the question of whether traffic impact can be made acceptable) adds to concerns around the sustainability of the development.

In summary, Cliffe Woods village is not considered to be such a location for a single use development of the proposed scale. Employment opportunity within the village is limited and the nature of facilities within the village, together with existing pressure on them, will result in occupants of the development having to look outside the village for alternative provision. The site is not well related in terms of sustainable transport modes due to the limited accessibility and the nature of the highways linking Cliffe Woods to surrounding Towns & villages and their facilities. Furthermore due to the nature of the roads leading out of Cliffe Woods these are unlikely to be used by pedestrians or cyclists due to reasons of safety.

For the reasons set out above, the proposed development is not considered to be accessible by a realistic chance of access by a range of transport modes and will be highly reliant on the use of the private motor vehicle. Therefore the a development of a scale would amount to an unsustainable form of development contrary to principles set out at paragraphs 7, 8, 14, 17, 34 and 70 of the National Planning Policy Framework and Policy BNE25(i) of the Medway Local Plan 2003.

#### Impact on landscape character as a result of the development.

The Council's approved Medway Landscape Character Assessment March 2011 (MLCA) was adopted by the Council for Development Management purposes following public consultation and a review of responses received. This document identifies the development site as lying within an area referred to as Cliffe Wood Farmland (Area 13 within the MLCA) which notes that the areas characteristics are made up from an undulating and complex mix of arable farmland and orchards, which are both diverse, as well as being small scale and intimate. The MLCA also notes that Poplar shelter belts are dominant feature along lanes, roads and fields and providing strong sense of enclosure and that the loss of orchards to arable in places has led to decline in distinctive fruit belt character, but has a tranquil, rural feel away from main roads, which creates a distinctive landscape with few detracting features.

The MLCA notes that the principal development impacts and detracting features arise from the main road (B2000), pylons to north, suburbanisation of village edges, farms plus an increasing trend towards visually intrusive horticultural polytunnel frames, coalescence and loss of rural character and tranquillity. It also notes that the western boundary of Area 13's boundary forms the boundary of the Greenbelt, which lies just beyond the boundary of the application site.

The MLCA notes its actions within this area are to "Conserve and Create" and seeks to:

- Resist loss and encourage restoration of traditional orchards, with hedgerow and poplar shelter belt field boundaries;
- Strengthen biodiversity value - increase woodland, hedgerows, field margins;
- Resist development proposals that would threaten loss of rural and locally distinctive character; and
- Maintain separation and openness between rural settlements; resist coalescence

The applicant's Landscape Visual Impact Assessment (LVIA) includes an assessment of the site and immediate context and assigns it as having medium landscape value. Considering the site and its immediate context (see Landscape Effects Table), the applicant argues that development is justified; its impact being lessened by the settlement edge context and the retention of the majority of existing boundary vegetation, with positive features added by new structural planting.

However, important contextual factors that are not taken fully into account include the following:

- Historic 20th century maps show fruit trees planted on this site and elsewhere within the landscape character area. These orchards and the field boundary poplars that contain the fields, remain a distinctive feature of this area, even in cases where orchards have been grubbed out.
- The site is described by the applicant as 'part of a large agricultural field system' and 'not ... a distinctive, special or particularly noteworthy landscape... largely devoid of landscape features' (LVIA p.38). The site is actually highly representative of the Cliffe Woods Farmland character area, with characteristics including an undulating and complex mix of arable farmland and orchards - diverse, small scale and intimate; with poplar belts as dominant features ... providing a strong sense of enclosure.
- The site's scenic quality is recognised in the applicant's LVIA appraisal (Item 4.54) The Council's Landscape Officer considers that this is a distinctive, tranquil, relatively contained and intact landscape that is representative of its type and worthy of conservation as a rural landscape.
- The site and its context is considered a valued landscape which displays 'demonstrable physical attributes' which take it beyond 'mere 'countryside. This assessment is supported by the MLCA and the professional judgement the Council's Landscape Officer based on site visits and a review of the proposals.

Viewpoints The Applicant's has selected 25no View Points (VP). This is an exceptionally large number for an LVIA (reduced from 32 VP's following discussions). A number of these VP locations afford no views of the site. These VP's should have been identified and excluded with the focus placed on those locations where visual effects were clearly identified. This would have ensured a more succinct and robust assessment of the most significant visual effects.

With regard to the individual VPs, there are nine representative views affecting properties. Of these, five are assessed as having no views of the site. Town Road users are assessed from four VPs and all of these afford views of the site. VP8 is a significant view. When taken from the lay-by, signage and the road corridor dominate the view. However, an alternative and perhaps fairer view would have been an open view from the farm gate across the site; not dissimilar from the view afforded to a road

user heading north. In the case of other roads surrounding the site - only Buckland Road (south) affords site views. Three other views - Buckland Road (north), Church Street and West Street afford no views. Views from Public Footpath RS272 - no representative photographic VP was selected for the section of path that crosses the site. Here the visual impact is highly significant. This is acknowledged in the assessment (p.4) which refers to 'full views over the site'. This omission is regrettable. VP11 considers the view from the west near Cooling Hill and the applicant's visual appraisal (LVIA p.29) states that 'the established row of Poplars (to the) site's western boundary... prevent views of the site'. The table at page 4 of the LVIA states that 'views of the proposed development from RS272 will be prevented by existing... vegetation along the site's western boundary, intervening landform and existing woodland'. This may be broadly correct from VP11 but is not correct if the site view is considered slightly to the east and nearer to the site boundary, where the development will be clearly visible through the trees. This viewpoint should have been considered.

In addition to FP RS272, six other footpaths have been considered. Apart from VP9 on FP NS141 these are generally distant and offer only partial views and in the case of VP23 the view is non-existent. The remaining views are from public spaces (Recreation ground, Primary school), employment premises and some heritage assets. No significant views are identified from these remaining VPs, but it is worth noting that the most prominent open aspect of the site is from elevated ground to the south - between Lee Green and Two Gates Farm. However there is in general terms limited or no public access to farmland in this area, so views of the site are restricted to vehicular views (often screened by vegetation) descending Town Road.

In summary a more balanced view of visual effects would have been possible if the key representative views were selected and if these key views included at least one from RS272 along the edge of the site, one from Cooling Hill where the site was more clearly visible and one into the site from the western side (north carriageway) of Town Road.

Town Road, to the east of the proposed site, is often busy during the day with HGV's and other road traffic. Whilst this potentially an urbanising element, it is not considered to adversely affect the overall rural and predominantly tranquil character of the site.

This landscape and its surrounding context is considered to be a very good example of a small to medium scale fruit-belt and horticultural landscape, with a strong and regular field pattern enclosed by poplar tree shelterbelts. It is therefore representative of a distinctive and valued feature – the North Kent Fruit Belt – recognised in National, County and Local Landscape Character Assessments. It is therefore considered that the application site constitutes part of a wider valued landscape that should be protected and enhanced, in the terms of NPPF paragraph 109.

The proposed development, if permitted, would result in harm to the character and appearance of the area contrary to Paragraph 109 of the Framework and policies S1, S2 and BNE25(i) of the Local Plan.

## Greenbelt

Some of the representations received; including the submission from Gravesham Council make reference to the impact of the development on the character and function of the Metropolitan Green Belt. The boundary of the Green Belt follows the western boundary of the site, although the site lies outside of the Green Belt itself. However, none of the proposed built development is to take place within the Green Belt, although there will be physical development, landscaping and mitigation works taking place along the common boundary and within the development site itself. Whilst impact on the character of the Greenbelt is a material consideration, the Framework is quite clear that development located outside of the Greenbelt cannot, by definition, have an impact on its openness or the perception as to the extent to which the Greenbelt is free from built development. This is due to the fact that when viewed from within the Greenbelt the openness would remain the same. Bearing the above in mind, it is not considered that the Council would be able to sustain an objection to this development on the basis of an adverse impact on the openness of the Greenbelt.

### Impact on the best and most suitable agricultural land.

Turning to the issue of Agricultural Land, the development site comprises of some 10.9 ha of agricultural (arable) land, in three fields. Paragraph 112 of the Framework 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 present site is located in the countryside and falls within an active agricultural land use as noted in the applicant's ecological report. The broad agricultural land classification for the site is grade 3b. This satisfies officers' concerns about potentially valuable agricultural land being used for the delivery of housing.

The Government has reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper the Natural Choice: securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35) (Grades 1, 2 and 3a).

Additionally Natural England recognises agricultural land as an important national resource in its Technical Information Note TIN049 (Agricultural Land Classification: protecting the best and most versatile agricultural land, 19 December 2012).

This states "the Government has also reaffirmed the importance of protecting our soils and the services they provide in the Natural Environment White Paper the Natural Choice: securing the value of nature (June 2011), including the protection of best and most versatile agricultural land (paragraph 2.35)".

Natural England also observes that land protection policy "is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues and the need for field information".

In this case the applicant's have submitted a detailed land classification study of the site, which shows that most of the land concerned (about 7.8 ha) is Grade 3b (moderate) quality, (i.e. not BMV land), but with three separate parcels (one in each field) that together total 2.6 ha of Grade 3a (good quality); the remaining area being tracks etc. The main limitations are heavy clayey soils and relatively poor drainage.

In the main, therefore, it can be said that the proposal follows the above policy guidance in terms of the use of poorer quality land in preference to that of a higher quality, and particularly in comparison to other proposals in Medway and Swale that have involved Grades 1 or 2 land. In principle the loss of some 2.6 ha of good quality land to agriculture might be thought to have some significance, but in practice, because it lies in three small parcels, and being the smaller proportion of the land, it is unlikely that these areas of BMV land would be used otherwise than for cereals, or other relatively non-intensive cropping, at least for the foreseeable future, were the development not to take place.

The comments from local representations relate to agricultural land and the resultant loss of BMV agricultural land, have been carefully considered, as has the representation received from Gravesham Borough Council. In terms of the latter response, the Council sought further advice from its Agricultural Land Consultant who responded:

*"The Gravesham objection on loss of BMV land is based on the incorrect assumption that this land is Grade 2 (very good) quality.*

*That assumption is based on misplaced reliance on the old post-1966 ALC Provisional mapping, which is not sufficiently accurate for individual development site purposes, rather than the recent detailed site survey and assessment by Land Research Associates referred to in my letter of 19 September 2016.*

*Natural England explain, in Technical Information Note TIN049 (my emphasis):*

*"After the introduction of the ALC system in 1966 the whole of England and Wales was mapped from reconnaissance field surveys, to provide general strategic guidance on land quality for planners. This Provisional Series of maps was published on an Ordnance Survey base at a scale of One Inch to One Mile in the period 1967 to 1974. **These maps are not sufficiently accurate for use in assessment of individual fields or development sites, and should not be used other than as general guidance.** They show only five grades: their preparation preceded the subdivision of Grade 3 and the refinement of criteria, which occurred after 1976".*

*The Planning judgement on loss of agricultural land at Town Road must be based on the detailed LRA study, and as I explained in my letter, this shows the land to be largely non-BMV (Grade 3b) with only 2.6 ha of Grade 3a (good quality - the lowest of the BMV grades), the usefulness of which, in practice, is hampered by it being split into three discrete, small, irregular areas – hence my assessment doubting enough significance for this to be a determining issue here.*

*The Higham appeal decision is not comparable, being based on the land all being the*

*highest Grade 1 (excellent) quality.*

In conclusion of the specific issue related to agricultural land, it is not considered in this instance that the issue of agricultural land loss, per se, could be seen as significant enough to be a determining issue in this case and the development is therefore not considered to be contrary to paragraph 112 of The Framework.

#### Other in principle matters

##### Prematurity

The issue of whether the current development proposal is premature or not also arises in terms of its potential to influence and impact on the emerging Local Plan also needs to be considered.

In this regard the National Planning Practice Guidance related to the determination of Planning Applications (see *reference 21b-014-20140306*) advises that “...arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

*(a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or neighbourhood Plan; and*

*(b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.*

*Refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination...”*

In this instance, as already outlined above the Council emerging Local Plan is not at a sufficiently advance stage and an Examination in Public has been scheduled. Therefore, it is not considered that the issue of prematurity could be justified in this instance.

#### Design and impact on the street scene.

This application is in outline with all matters reserved for future consideration, except the means of access. As such the Council can only consider the principles of the proposed development and the means of access, as the remainder of the considerations, including layout, scale, and appearance and landscaping are all reserved for future consideration. However, it reaching its conclusions in relation to the number of units proposed, the Council must consider the parameters of the development specified to ensure that the quantum of development specified can be achieved (i.e. that up to 225 residential units together with the ancillary aspect of the development can be satisfactorily provided on the site). As evidence to demonstrate that such numbers can be achieved, the submitted planning application consists of a Design and Access Statement that includes various plans, as well as indicative site

perspective plans and an illustrative masterplan (see Figure 16), as well as a separate framework plan (Drawing Number: 7199-L-03 REV E). Indeed the Design and Access Statement extensively details how the applicant's vision for this development has developed and sets out in Section 4 of the document the development proposals.

These details submitted show that the proposed layout, position, dimension and height (dimensions and number of storeys) of individual buildings are envisioned to work and shows how the detailed design of the scheme may develop at the reserved matters stage. Having said the above the applicant advises that the total site area is 11.26 ha, whilst the residential element of that site area only equates to 7.1 ha when you exclude the green infrastructure this being the case, based on total site area the development proposal would only equate to 19.98dph/8.09dpa and based on the area of the residential element on its own this would equate to 31.69dph/12.82dpa. The density on the residential element of the developable land is on the lower side, of what the Council would normally seek, being in mind the nature of the layout, scale and appearance of Cliffe Woods in general this is considered to be an efficient use of land in terms of the density of the development.

Accordingly the application is considered acceptable with regard to the broad principles related to density set out in the Framework. Having considered the submitted illustrative masterplan and site perspective plans, it is considered that the development can adequately accommodate the level of development sought and this being the case a development can be created that would comply with the objectives of policies BNE1, BNE6 and BNE22 of the Medway Local Plan 2003.

### Heritage Considerations

Initially, both Historic England and our Archaeological Consultants, Kent County Council (Archaeology) referred to the significance of the Second World War GHQ Stop Line and the need for the significance of the stop line to be better understood in relation to how the proposed development might affect its significance or its setting. As such additional information was sought from the applicant. Their Historic Buildings Consultant (HBC) has responded to Historic England's comments by pointing out that they only makes direct reference to the CgMs Archaeological Desk Based Assessment (BDA), but does not appear to have consulted the CgMs Built Heritage Statement, prior to HE formulating their response.

The applicant's HBC state that *"Within our Built Heritage Statement we assessed the two Type 24 pillboxes on the site's north-east (Monument Number: TQ77SW56) and southern boundaries (Monument Number: TQ77SW59). In addition, we provided an assessment of an additional Type 24 pillbox located outside of the site, along Lilliechurch Road, to the south. For each non-designated heritage asset we provided an assessment of its architectural and historic interest and an assessment of their settings. The setting assessment specifically referred to the pillboxes potential defence position and probable 'designed lines of sight/fire', which paragraph four of Historic England's response suggests was unclear within the CgMs report. Historic England's opinion is again probably directed at the Archaeological DBA, without having consulted the Built Heritage Statement. The impact of the proposed development on these assets was addressed in Section 7 of our report. As such, we are of the opinion that our Built Heritage Statement fulfils the requirement of*

*Paragraph 128 of the NPPF, especially as they are non-designated heritage assets, with no formal statutory protection”*

In addition to the above the applicants HBC notes that HE disagrees with the HBC opinion that the pillboxes are of ‘local interest only’ and that neither will be affected by the proposed development. They point out that these statements were taken from the CgMs Archaeological DBA and that with regards to whether the pillboxes are of local or regional interest, HE refers to the importance of the Second World War ‘stop-line’ between Hoo St Werbrugh and Higham Marshes including the role of pillboxes within their research report 9-2014. CgMs acknowledges that they did not review HE’s research report 9/2014 as part of the Heritage Statement, but stress that earlier studies were consulted including 21-2013 (Cliffe Woods, Hoo Peninsula, Kent – Historic Area Assessment) and 54-2014 (Hoo Peninsula, Kent – Historic Landscape Project).

The applicants HBC comments that *“...having initially reviewed their 9-2014 research report, the Second World War stop-line between Hoo St Werbrugh and Higham Marshes was primarily recorded via historic and contemporary aerial photography and the pillboxes on the site simply identified and recorded on maps. In practice, the stop-line is not readily experienced from the application site. There is no inter-visibility between pillboxes TQ77SW56 and TQ77SW59 on the boundaries of the site, owing to residential development along Mortimer and Ladyclose Avenues, which were already built prior to 1938. There is limited visibility between pillboxes TQ77SW59 (on the southern boundary) and TQ77SW60 (immediately north of Lilliechurch Road) but other than sharing a similar alignment there is no discernible group value between these two assets from the site. The assets relationship, as part of a wider stop-line derives from an assessment of historical documentary resources and is not experienced on site. In this respect, the structures from an onsite assessment provide only local interest.”*

With regards to the conclusions of the impact of the development on the non-designated heritage assets, the applicants HBC notes that there is a slight discrepancy between the conclusions drawn by the CgMs Archaeological DBA and their Built Heritage Statement. The applicants HBC notes that in their Built Heritage Statement that *“...although the proposed development would not impact on the setting or significance of pillbox TQ 77 SW 56, there would be an extremely low impact on the setting of TQ 77 SW 59, amounting to a negligible level of impact to the asset’s low significance.”* However, in their conclusions, they state *“...pillbox TQ 77 SW 59 as a non-designated heritage has a lower level of significance than statutory assets and that under paragraph 135 of NPPF, any impact must be assessed as a pure unweighted balancing exercise between the asset’s low significance, and where noted the level of harm caused by development. The harm towards TQ 77 SW 59 was assessed as less than substantial and within the harm spectrum as specifically negligible.”*

In addition to the above the applicants HBC note HE suggests *‘that there will be some harm to significance caused by the change in the character of their surrounds from undeveloped fields to new housing. This will change how the pillboxes are experienced’*. However, they consider HE’s statement, which is based on their research report 9-2014, implies that the defence ‘stop-line’ was constructed in

response to fears of invasion of Kent and Sussex beaches. This would have occurred primarily to the north and east and therefore, the defence measures including pillboxes, would have directed their sight and fire lines in these directions. The applicants HBC consider that this reasoning matches their assessment findings of the non-designated heritage assets settings and significance. They consider that as the majority of the application site is located to the west of the pillboxes, they stand by their opinion that the wider setting to the west would not have contributed towards the significance of these heritage assets.

With regards to Historic England's comments on 'Reserved Matters', the applicants HBC advise that they "...believe these did not originally form part of our scope of works for the Built Heritage Statement. Historic England provides some sensible recommendations, which would not be difficult to implement for example, revealing sight lines of the pillboxes by removal of obscuring vegetation. With regards to anti-social measures, the proposed development and new public access provides the potential to improve the assets security and detract from anti-social degradation, which existing graffiti suggests is potentially an issue. In addition, ...conversion of the pillboxes into artificial bat caves could be a possible option... As Historic England states, these structures are robust and require little intervention in conservation management strategies."

In terms of planning considerations related to these non designated heritage assets. Paragraph 7 of The Framework recognises three elements of sustainable development. One of the elements relates to an Environmental role and advises that the planning system should seek to "...contributing to protecting and enhancing our... historic environment..." The core principles of Paragraph 17 of The Framework also seeks advises that the planning system should "conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations..." Indeed this objective is further strengthen in Part 12 "Conserving and enhancing the historic environment" where it advises at Paragraph 126 of The Framework that "Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance".

The Council existing local plan policies, as set out at BNE12 – BNE21 (inclusive) are considered to be in broad conformity with the guidance in The Framework, although it is noted that Policies BNE12 – 18 (inclusive) do not reference non designated heritage assets specifically. In addition to the above, it should be noted that Paragraph 137 of The Framework advises that:

*137 "Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably."*

In this proposal the applicant's are not proposing to demolish these heritage assets

but rather convert them to sealed bat hibernacula by potentially narrowing the windows enough to limit access only to bat species, so they can emerge and re-enter; and closed the access by sealing it with a locked heavy-duty door. The applicant has indicated that bat bricks and boxes would be installed on the inside of each pillbox to create multiple hibernation opportunities for a variety of species.

Paragraphs 132, 133, 134 and 135 of The Framework advise that:

132 – *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification...”*

133 *“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss...”*

This paragraph then goes on to list a number of criteria, which are not relevant in this instance as demolition is not proposed.

134. *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”*

135 *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*

In addition to this paragraph 139 of The Framework advises that: *“Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.”*

As set out above the two pillboxes are non designated heritage assets although parts of the Stopline are designated heritage assets being either listed or scheduled.

In the context of the pillboxes themselves and the WWII Stop Line to which they are associated it is not considered that this development would equate to substantial harm, but under NPPF 133, for a lesser degree of harm Medway Council must be satisfied that the harm is “necessary to achieve substantial public benefits”. In this instance the economic, social and environmental benefits of the proposal have been considered above. In terms of the impact on the heritage assets these are seen to be acceptable.

Paragraph 140 of The Framework advises *“Local planning authorities should assess*

*whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the dis-benefits of departing from those policies.”*

Policy BNE20 seek to prevent development that would destroy or be detrimental to the setting of a Scheduled Ancient Monument, being the Stop Line.

In terms of weighting up all these factors, it is considered to assess the harm resulting from this development on these heritage assets, against the public benefits the public benefits, these would overcome the harm from the development on these Pillboxes. The proposal is considered to provide as part of the overall package potential to:

- Enable the repair and renovation of the existing listed and undesignated structures; and
- Archaeological preservation and recording;

It is clear that there are public benefits which need to be balance against the relationship of the development to these heritage assets. Bearing the above in mind, it is considered that the proposed development complies with the criteria detailed above related to the preservation of heritage assets, as set out in the Framework.

Having reached the above conclusions it is important to ensure that these heritage assets are appropriately recorded and an advance understanding of the heritage asset is be established, as such conditions must be imposed to ensure that the heritage assets are appropriately protected and recorded should planning consent be forthcoming, but subject to such conditions the proposed development is considered to be acceptable when assessed against The Framework and policy BNE21 of the adopted Local Plan..

In terms of site archaeology, the application was accompanied by an Archaeological Desk-Based Assessment which was prepared on behalf of the applicant by CgMs Consulting. The desk-based assessment provides a reasonable account of the archaeological background to the site, but its conclusions on the significance of any potential archaeological remains that may be present on the site are not agreed with by the Council's Archaeological Consultants. They advise that by their very nature the significance of any potential (but not positively known) archaeological remains cannot be accurately ascertained through desk-based study alone. Whilst remains of local significance should be expected, the discovery of higher value buried archaeological remains cannot (and should not) be ruled out. Indeed the result from archaeological investigation along the line of the Grain to Shorn Gas pipeline (which passes close to the north of the development site) has demonstrated the potential within this landscape for archaeological remains of greater that local significance to be present.

As such it is considered that archaeological remains could be found on this site, which could be impacted by the propose development. Therefore the Councils Archaeological Consultants recommend that provision is made in any forthcoming planning consent for a programme of archaeological trial trenching to be followed by the safeguarding or investigation of any archaeological remains that might be present. Subject to the imposition of such a condition the development is considered to be acceptable in regard to the interests of preserving archaeology and in accordance with

Policy BNE21 of the Medway Local Plan 2003.

### Amenity

The site lies within the open countryside and is bounded to the north, south and west by agricultural field. Part of the eastern boundary is also bounded by agricultural fields, although the majority of this boundary is bounded by the village envelope of Cliffe Woods and the residential curtilages located within it. In terms of the impact of this development on the surrounding occupiers these are shown on the illustrative masterplan and site perspective plans to be located some distance away and it is not considered that there will be a significant impact on amenity as a result of the development, especially due to the potential distances involved. Based on the illustrative masterplan and site perspective plans it is not considered that there would be any detrimental impacts in terms of loss of outlook, light or privacy to the dwellings proposed.

A noise screening report was submitted in support of this application and has been assessed by the Councils Environmental Protection (EP) Team. Having assessed that report the Council's EP Team noted its conclusions that there are unlikely to be any significant existing sources of noise which could impact upon the development, and that it is unlikely to have a significant operational impact itself upon existing residential dwellings. However, the Councils EP Team consider that during the construction phase of the development noise impacts arising from that aspect of the development do not appear to have been considered. As such it is considered that noise emanating from the construction phase of the development could have the potential to be significant given the size of the development, and the close proximity to existing residential dwellings.

Bearing in mind the above, the Council's EP Team have recommend that, should planning consent be forthcoming, a condition should be imposed requiring the submission of a Construction Environmental Management Plan which details, amongst other things, how noise, vibration and noise nuisance dust emissions will be controlled. No other concerns have been raised by the Councils EP Team following their consideration of the noise screening report and as such, subject to the imposition of appropriate conditions, as referred to above, this proposal is considered to be acceptable in terms of potential noise impacts and this outline proposal is considered to accord with the Paragraph 123 of the framework, The National Planning Practice Guidance (NPPG) on Noise, DEFRA's Noise Standard for England, 2010 and the provisions of policy BNE2 of the Medway Local Plan 2003.

### Drainage

As part of the redevelopment of the site, the surface water drainage must be considered. The Council needs to ensure that the proposed surface water drainage system is adequate for purpose in line with the latest guidance contained within National Planning Policy Framework and the draft National Standards for Sustainable Drainage systems (SuDs).

The applicant's in this submission have included a Flood Risk Assessment (FRA), as well as a Foul Drainage Analysis document. These have been considered as part of

the submission by the Environment Agency, Southern Water and the Lead Local Flood Authority. In terms of flood risk, the site is situated within Flood Zone 1 in accordance with Environment Agency's Flood Zone Mapping. Zone 1 is representative of low risk areas where the risk of flooding from rivers or the sea is less than a 0.1% in any one year (i.e. a 1 in 1000 annual probability). The Environment Agency's updated surface water Flood Risk mapping indicates that a few small areas of the site are at high risk of surface water flooding meaning that there is a 3.33% (1 in 30) chance of occurring in any one year. These areas correlate with existing ditches across the site. Similarly areas of medium risk of surface water flooding with a 1% (1 in 100) chance of occurring in any one year reflect existing ditch locations. The mapping indicates that the majority of the site is at low risk of surface water flooding meaning that there is 0.1% or less (1 in 1000) chance of occurring in any one year.

Paragraph 079 of Flood and Coastal Change states that when considering major development, sustainable drainage systems (SuDs) should be provided unless demonstrated to be inappropriate.

Paragraph 80 of Flood and Coastal Change presents a hierarchy of drainage options to follow with aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H of the Building Regulations. The options are:

- Into the ground;
- To a surface body;
- To a surface water sewer, highway drain, or another drainage system;
- To a combined sewer.

The LLFA have advised that the proposed 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.

They have also advised that the proposed drainage system should include the existing ditch system, a piped system and an offsite attenuation pond which discharges into an existing ditch with flows controlled to existing run off rates. Limiting flows to the Greenfield run off rate is supported to ensure flow is kept the same through the Buckland Road culvert and flood risk is not increased off site. As such, it is recommended more SuDs options are included to form a satisfactory SuDs management train such as swales, green roofs, bio retention areas/rain gardens and filter strips.

In addition to the above, it is considered that rainwater harvesting, grey water recycling and water butts should be incorporated into the development, where practicable, in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

It is noted that the ditches within the site are a designated 'ordinary watercourse' and under the jurisdiction of Medway Council for the purposes of its land drainage functions. Any works within the channel of the watercourse including for example construction of a culvert or flow control structure requires prior consent from Medway

Council under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010) and should consent be forthcoming an informative advising the applicant of this fact will be included in the decision notice.

The applicants Flood Risk Assessment (FRA) states the existing land drain running through the site will be surrounded by a 4m easement. The LLFA consider that such easements should also be included alongside any land drainage, as the Council should not promote developments where properties backing onto ditches which could impede access and increase flood risk. The LLFA advised that all such ditches should be incorporated into public open space and included within a site wide maintenance regime.

In terms of surface water simulations, the LLFA advise that these will need to be submitted at detailed design stage and that they should include relevant Micro-drainage outputs or other industry recognised software. Additionally, they have advised that at a detailed design stage, the Flood Estimation Handbook (FEH) should be used for the design storms opposed to FSR.

In terms of urban creep, whereby the permeable surfaces are converted to impermeable over time, the LLFA advise that this should also be considered as part of the design calculations and that the developer would need to include an additional 5% impermeability in relation to this development proposal. Furthermore, in addition to post development runoff rates being restricted to existing greenfield runoff rates, the LLFA advise that the development will need to ensure that runoff volumes are also constrained to a value as close as is reasonably practicable to the greenfield runoff volume in accordance with standard S5 contained within Defra non-statutory standards for sustainable drainage systems.

All of the above matters, can be dealt with by planning condition should consent be forthcoming and subject to the imposition of such a condition this proposal is considered to be acceptable in term of flood risk and drainage matters. In view of the above observations and the comments of both Southern Water and the Environment Agency, no objection is raised in terms of flood risk, subject to the imposition of appropriately worded planning conditions, as the development is considered to accordance with the Framework and Policy CF12 of the Local Plan.

### Contamination

The applicant has submitted a Phase I Geo-Environmental Assessment (report reference: 6074/R1 dated August 2016) in support of their planning application. The report includes a desk top study and a site investigation. The desk top study includes a site history, site walkover, information on the geology and hydrogeology at the site and a preliminary risk assessment which identifies potential: Sources of contamination; Receptors; pathways; and Pollutant Linkages. Whilst the report considers, from review of the source material and the existing setting of the site, that any risk of contamination can be considered to be low it does recommend that physical site investigation works are undertaken as set out in the Comments and Recommendations Section of the assessment (Section 5.0.)

Following consultation with the Council's EP Team the development is considered to

be acceptable in principle from and contaminated land perspective, subject to the imposition of a planning condition requiring further contaminated land investigation in the form of a stage 2 Geoenvironmental Assessment (Site Investigation). As such should planning consent be forthcoming such a condition is recommended.

In the light of the above and subject to the imposition of such a condition should consent be forthcoming, the development is considered to be acceptable when assessed against policy BNE23 of the Local Plan.

### Ecology

An ecological assessment report was submitted in support of this development. The Council's Biodiversity Consultant, Kent County Council's (KCCs) Ecological Advice Service (EAS), have reviewed the submitted ecological information and advise that sufficient information has been provided to enable the Council to determine the application.

In terms of protected species KCC EAS advise that the submitted *ecological appraisal* has carried out a variety of protected species surveys and that they are satisfied with the survey effort and coverage. However, they have noted that only two of the seven reptile surveys have been carried out with the further surveys to be submitted at a later date. They advised that the full surveys along with a reptile mitigation strategy must be submitted with the planning application to ensure appropriate mitigation is being carried out.

Furthermore, they noted that the features of highest ecological interest are proposed to be retained with additional habitat being created. The report outlines that tussocky grassland will be created, which will be of high value to reptiles. They advised that this information along with the remaining results of the reptile survey should be submitted with the planning application and that an ecological management plan be supplied to ensure that any receptors sites or open spaces are managed appropriately and for maximum biodiversity levels.

In terms of designated sites, KCC EAS noted that the *Ecological Appraisal* outlined that the development is nearby to the following designated sites:

- Thames Estuary and Marshes SPA/Ramsar (0.8km north),
- Medway Estuaries and Marshes SPA/Ramsar (4.4km south-east),
- North Downs Woodland SAC (9.4km south-west),
- Peter's Pit SAC/SSSI (10.1km south),
- Benfleet and Southend Marshes SPA (12.4km north-east)
- Queendown Warren SAC/SSSI (13.8km south-east).
- Chattenden Woods 0.45km
- Lodge Hill 0.45km

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. The *Access and Design* statement outlines that 3.8 hectares of Green Infrastructure (GI) will be created to provide public open space and recreational facilities. In addition, information provided in the *Ecological Appraisal* has detailed that developer contribution to a borough wide mitigation strategy (combined with on-site open spaces) should ensure that the proposed development avoids likely significant effects on the designated sites due to an increase in recreation.

In addition to the above comments, KCC EAS have noted that the effects on Chattenden Woods and Lodge Hill have as well been scoped out due to the creation of the on-site GI and that the remaining sites have been scoped out due to their distance from the proposed development. The Council's Biodiversity Consultant have agreed that this assessment is adequate and that as long as proposed measures identified within the ecological assessment are carried out, there will be no detrimental effect on the nearby designated sites.

In terms of the wooded areas around the site boundaries, the Council's Biodiversity Consultant considered these to be of ecological value and that to ensure no net loss of biodiversity, mitigation for the loss of these areas should be secured by ensuring that the landscaping of the site provides replacement opportunities for wildlife, such as through the inclusion of native species planting and the provision of bat and bird boxes. Indeed, one of the principles of the National Planning Policy Framework is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". Such measures can be secured by way of an appropriately worded planning.

Natural England have also reviewed the Ecological Appraisal and referred the Council confirmed that they have no objections to the development in terms of its impact on the Internationally designated nature conservation sites, subject to the securing of developer contributions towards recreational disturbance and the related decline in bird numbers in the SPAs. Whilst Natural England initially raised concerns related to the impact of the development on nationally designated nature conservation sites, the applicants have submitted additional information

In response to this additional information Natural England have advised:

*"given the proximity of the application site to the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI), there is the potential for impacts to result from increased recreational pressure and urbanising effects.*

*In relation to the potential recreational impacts that could result from residents of the proposed development, Natural England considers that the provision of the circular walking route appears appropriate to minimise the potential impacts to Chattenden Woods and Lodge Hill SSSI. The indicative management proposals for the semi-natural grassland (which is proposed as a key component of the on-site green infrastructure through which the circular walk passes) appear appropriate. A mechanism to ensure the implementation of management of the green infrastructure and wildlife habitats in-perpetuity (along with funding to ensure its delivery) should be secured if the Council is minded to grant permission.*

*In relation to the urbanising impacts that may result from the proposed development,*

*we note that the site lies approximately 400 metres from the SSSI. Given the distance from the SSSI, the inclusion of a dense thorny barrier (which will need to be regularly managed to maintain its impenetrable nature) in the southeast corner of the application site and the provision of semi-natural greenspace within the development itself, the measures appear appropriate to minimise the urbanising impacts that may result to the SSSI in this instance.*

*Should the Council be minded to grant permission for this proposal, we recommend that the measures detailed within the revised Ecological Appraisal and summarised above, including details of the funding for, and implementation of habitat management in-perpetuity should be secured through appropriately worded planning conditions or obligations.”*

Irrespective of the above, Natural England raised concerns related to air quality and the impact of the development arising from these potential air quality concerns to the SSSIs. In the light of this further information in the form of traffic modelling, which demonstrates that your development scheme would not result in an increase of vehicular traffic of 1,000 or more of the Annual Average Daily Traffic within 200 metres of a designated site, in terms of vehicle movements along Four Elms Hill and Vanguard Way. This information was provided and forwarded to Natural England, who following a review of that information confirmed:

*“...The traffic modelling data details that when compared to the Annual Average Daily Traffic (AADT) the increase associated with this development will be significantly less than 1,000 additional vehicle movements and as such I can confirm that no further assessment of traffic generated air quality impacts is required in respect of the SSSIs.”*

*Bearing in mind all of the abovem and subject to the imposition of appropriate conditions related to the submission of an Environmental Construction Management Plan the proposal is considered to be acceptable in terms of Ecology and accord with Policies BNE35, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003.*

### Leisure and Recreation

The proposal seeks to create up to 225 residential units. This will create a need for recreation and leisure facilities to serve future occupiers. The proposed scheme refers to the provision of one area for play within the development site, as well as the provision of other GI generally surrounding the site on its boundaries. While no firm proposals have been put forward at this stage in relation to the area of play the development is considered to be acceptable in relation to the level of informal open space and the area of play indicated. Furthermore, the applicants have agreed to a developer contribution towards the provision of further greenspace infrastructure as part of the development proposal, as set out below under the heading of Developer contributions. In the light of the above, this proposal is considered to be acceptable in terms of Leisure and recreational provision, in accordance with the provisions of Policies S6, BNE6, and L4 of the Local Plan.

## S106 Matters

New development can create additional demand for local services, especially where residential development is proposed where this causes demand on educational facilities, green infrastructure and health provision. Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission 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, acceptable and are fairly and reasonably related in scale and kind.

In terms of affordable homes, Policy H3 of the Local Plan sets a target of 25% for developments of 15 or more dwellings and larger than 0.5 hectare in rural locations with settlements of less than 3,000. The 2011 census indicates that Cliffe Woods has a population of 2,662. In the proposed location the Council would require an affordable housing level of 25% of the total homes built to be policy compliant. The proposal is for a 225 units that are market housing with 25% affordable housing and the development is therefore considered to be policy compliant in relation to affordable housing, subject to securing such affordable provision by S.106 legal agreement, should planning consent be forthcoming.

In term of specific requests:

Children's service (schools) - The Council's Children Services section advise that they forecast a lack of spaces in primary and secondary schools within the area and this being the case the additional pupils produced by this development will increase the pressure on school places. They further advise that without new or expanded schools there will be no places for the pupils from this development to attend. In terms of the request put forward to the developer was based on the number of pupils that the development is expected to produce, based on the number of dwellings, and the pupil product ratios above and advised that such contributions would go towards mitigating the impact of the additional pupils produced.

Furthermore the developer was advised that the size of the contribution sought was based only on the expected number of pupils that this development will produce, and the impact that this development will have on Medway schools. Requests are made for all housing developments, and all requests are based on the same pupil product ratios and contribution amounts. These are shown above and also in the Medway's GDC, published on the council website.

In terms of evidence/calculations the tables within the request provided to the developer demonstrated that it was forecast that there would be no spaces in the only primary school within walking distance, and currently in 30 of 35 year groups in the nearest secondary schools. Therefore a full nursery and primary request has been sought and in terms of the secondary contribution a reduced to  $\frac{33}{35}$  of the full amount was sought in order to take account of the forecast spaces beyond 2017/18. In terms of contributions for school services the developer has agreed to contributions based on the following formula/equations:

- Nursery Provision: (Number of flats multiplied by OR of 0.03) + (Number of houses multiplied by OR of 0.11) = Number of Nursery Places required. Then number of Nursery Places required x £8,320 = Nursery Provision contribution sought
- Primary Provision: (Number of flats multiplied by OR of 0.09) + (Number of houses multiplied by OR of 0.27) = Number of Primary Places required. Then number of Primary Places required multiplied by £8,320 = Primary Provision contribution sought
- Secondary Provision: (Number of flats multiplied by OR of 0.06) + (Number of houses multiplied by OR of 0.19) = Number of Secondary Places required. Then number of Secondary Places required multiplied by £11,960 = Secondary Provision contribution sought.
- Sixth Form Provision: (Number of flats multiplied by OR of 0.02) + (Number of houses multiplied by OR of 0.05). Number of Sixth Form Places required. Then number of Sixth Form Places required multiplied by £11,960 = Sixth Form Provision contribution sought.

In terms of the expected use of contribution, the Council's Children Services section consider that in terms of Nursery and Primary school provision, they would either be seeking to put the contribution towards expanding Cliffe Woods Primary School or put the contribution towards new free school in the immediate area dependent upon further development in the locality.

In terms of the Secondary school towards the provision of a new free school in the area to cater for demand from this and other expected developments. This is due to the fact that the current secondary school (Hundred of Hoo Academy) could not cope with the additional numbers from this and other developments and cannot reasonably expand on current site.

Integrated Transport - In terms of Integrated Transport requests the Council's has sought and the applicants have agreed to enter into a Section 38/278 agreement, whichever is considered to be appropriate to secure:

- i) The provision of a new section of footway on the eastern side of Town Road, between its junctions with Tennyson Avenue and View Road;
- ii) A realignment of the existing carriageway and the provision of a new 2 metre wide

footway along the site frontage, terminating with the provision of a pedestrian crossing island between the site access junction and the junction of View Road with Town Road;

- iii) The provision of a controlled pedestrian crossing to the south of the junction of Tennyson Venue with Town Road; and
- iv) The provision of a traffic island at the existing speed limit terminal on Town Road to the south of Cliffe Woods village, along with new carriageway surfacing; and

Additionally the applicant has agreed to entering into a S.106 agreement securing the provision of financial contributions as set out below:

- a) £25,000 towards public transport infrastructure improvements in the vicinity of the site;
- b) £5,000 towards Safer Routes to Schools initiatives and updating the School Travel Plan; and
- c) A bus season ticket for each household upon first occupation, valid for one month from first use for travel within the Council's administrative area.

In addition to the above contributions and aspects identified elsewhere in the report, the applicant has agreed the following S106 contributions:

NHS Property Services – have sought a contribution for improvements to the Parks Medical Practice, Hoo St Werburgh Medical Practice and The Elms Medical Centre in order to increase capacity to accommodate the additional cohort of patients resulting from the development. The developer has agreed to meet this contribution based on the following formula:

- Number of residential units multiplied by an Occupancy Ratio (OR) of 2.45 multiplied by £191 = Contribution sought.

Great Lines Heritage Park - A contribution of towards the upkeep and maintenance of the Great Lines Heritage Park to be used to improve connectivity from Chatham Town Centre to Fort Amherst/the Great Lines Heritage Park, using the following formula to calculate the contribution:

- Number of residential units multiplied by an OR of 2.45 multiplied by £51 = Great Lines Heritage Park contribution sought.

Public Realm Provision - A request related to public realm improvements within Strood Town Centre has been sought in accordance with the Council's Guide for Developer Contributions. The applicants have agreed to this request following the provision of additional justification, based on the following formula/equation:

- Number of housing units, excluding affordable housing units, multiplied by an OR of 2.45 multiplied by £100 = Public Realm Financial Contribution.

Waste services provision - A request related to Waste services provision, which seeks contributions towards the need to provide each new home with appropriate receptacles for accessing our comprehensive kerb side waste and recycling services and the need to adapt the Councils household waste and recycling centre (HWRC) to

meet the demands of today's throughput and the requirement to segregate various waste streams has been sought. Extensive redevelopment is required over the coming decades in relation to Medway's waste infrastructure supports the needs of a growing population and as such a contribution has been sought in relation to this development. The applicants have agreed to this request following the provision of justification, based on the following formula/equation:

- The number of residential units proposed within the residential developments multiplied by £155.44 = The Waste Services Contribution sought.

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 to it being incorporated within the S.106 heads of terms. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

#### *Local Finance Considerations*

None

#### **Conclusions and Reasons for refusal**

The development, if permitted, would amount to a departure from the Council's adopted Development Plan. Due to the Housing Land Supply issue, as discussed above, Paragraphs 49 and 14 of the National Planning Policy Framework apply and policies pertaining to housing supply are deemed to be out of date. This does not mean that housing development proposals are automatically acceptable, nor that no weight can be given to the policies. However it does mean that, unless specific policies in the National Planning Policy Framework indicate development should be restricted, as a matter of national policy planning permission should be granted unless any adverse

impacts of doing so would significantly and demonstrably outweigh the benefits (sometimes known as the tilted balance).

Members may be aware that paragraph 109 of the NPPF has been, in some appeal decisions, recognised as such a 'restrictive policy', but some caution has to be applied to this approach. With the Courts not having issued a definitive judgement in regard to this matter, it is considered that the Council must err on the side of caution and as such this application has been assessed on the basis of paragraph 109 not being considered to be a restrictive policy.

It is clear that the proposed development would have some benefits, in that it would contribute to the Council's housing land supply, whilst contributing towards affordable housing provision and providing jobs during construction and providing an expansion to the resident workforce. However, these advantages have to be weighed against the other objectives of The Framework and applicable Development Plan policies.

As Members will have noted above, the core theme of the Framework is to seek to achieve Sustainable development, which consists of three dimensions, being: Economic; Social; and Environmental. Having considered the proposed development against these three limbs of sustainable development it is clear that this proposal is not considered to be sustainable.

Firstly, the location is not sustainable for a single use development of the proposed scale.

Employment opportunity within the village is limited and the nature of the village facilities are such that, together with existing pressure on them, new occupants within the development will have to look outside the village for alternative provision. The site is not well related in terms of sustainable transport modes, due to the limited accessibility and the nature of the highways linking Cliffe Woods to surrounding Towns & villages and their facilities. Furthermore due to the nature of the roads leading out of Cliffe Woods these are unlikely to be used by pedestrians or cyclists due to reasons of safety.

Secondly, objection is also raised in regard to the unacceptable impact the development would have on this 'valued landscape'. It is clear that the proposed development would result in harm to the character and appearance of this 'valued landscape' contrary to the provision of paragraph 109 of The Framework and Policies S1, S2 and BNE25(i) of the Development Plan.

In summation, the proposed development would, if permitted, fail to jointly and simultaneously advance social, economic and environmental gains and cannot therefore be considered sustainable development. The adverse impacts in terms of its unsustainable location and harm to a valued landscape significantly and demonstrably outweigh the benefits of the proposed development.

It follows that, notwithstanding the contribution the scheme would make to meeting the housing needs of the area, departure from the development plan is not justified.

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.

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### **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/>