

MC/17/0962

Date Received: 15 March, 2017

Location: Land South of Merryboys Road, Cliffe Woods, Rochester, Kent
ME3 7TP

Proposal: Construction of eleven detached and two semi-detached dwellings with associated parking

Applicant: Mr Light

Agent: Mr Wells Andrew Wells Planning & Design 1 Gills Court Chaucer
Close Medway City Estate Rochester ME2 4NR

Ward Strood Rural

Case Officer Karen Cronin

Contact Number 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 2 August 2017.

Recommendation - Approval subject to:

A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure:

i) Contribution toward health services: £6083.00 to be spent on improvements to the Parks Medical Practice to increase capacity to accommodate the additional patients

ii) Contribution towards education comprising the following:

- Nursery: £11,897.60 to improve facilities at Cliffe Woods Primary Academy
- Primary: £29,203.20 to improve facilities at Cliffe Woods Primary Academy
- Secondary: £14,469.16 towards secondary provision for Hundred of Hoo School or the new free school

Total: £55,569.00

iii) Contribution toward off site Open Space: £36,262.59 towards improvements to Cliffe Woods Recreation Ground

iv) Contribution towards bird mitigation: £3,456.54

B. And the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Numbers PL/407/01, PL/407/10, PL/407/11, PL/407/12, PL/407/13, PL/407/14, PL/407/15, PL/407/16, PL/407/17, PL/407/18, PL/407/19, PL/407/20, PL/407/21, PL/407/22, PL/407/23, PL/407/24, PL/407/25, PL/407/26, PL/407/27; TQ7473NW, received 15 March 2017; Drawing Numbers 15/64/A, PL/407/04, PL/407/05, PL/407/06, PL/407/21 REV A; received 17 March 2017; PL/407/02 REV A, PL/407/03 REV B; received 31 May 2017.

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

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

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

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

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

- 5 No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping (hard and soft) and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or completion of the development, whichever is the earlier. Any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall

be replaced in the next planting season with others of a similar size and species, unless the Authority gives written consent to any variation.

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

- 6 Prior to any works commencing on site including vegetation clearance an updated ecological scoping survey and recommended specific species surveys shall be carried out and submitted to the Local Planning Authority for written approval. The development shall be carried out in accordance with the approved recommendations.

Reason: To ensure that no harm is caused to habitats or protected species in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 7 Where the ecological scoping survey results indicate that the works will result in ecological impacts, an ecological mitigation strategy and a timetable for their implementation shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Works shall be carried out in accordance with the approved ecological measures and timetable.

Reason: To ensure that no harm is caused to habitats or protected species in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No dwelling shall be occupied until that part of the service road that provides access to it has been surfaced and drained in accordance with details to be submitted to and agreed in writing with the Local Planning Authority. The development shall be completed in strict accordance with the approved detail and retain thereafter.

Reason: To ensure that the development does not prejudice conditions of amenity and highway safety and accords with Policy BNE2 of the Medway Local Plan, 2003.

- 9 A watching brief should be kept during the development and if during development, contamination not previously identified is found to be present on the land then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including

details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

Those details shall include (where applicable):

a timetable for its implementation, and

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

Reason: To manage surface water during and post construction and for the lifetime of the development.

- 11 No development above slab level for any of the dwellings hereby approved shall commence until details of the proposed means or foul and surface water sewerage disposal relating to the relevant dwelling have been submitted to and approved in writing by the Local Planning Authority. The relevant dwelling shall be constructed in accordance with the approved details prior to first occupation and they shall thereafter be maintained.

Reason: To prevent pollution of the water environment in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 12 No dwelling shall be occupied until the area defined for parking, garaging or means of access thereto has been provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking or garaging area.

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

- 13 No dwelling shall be occupied until full details of a new footway connection to the site from the existing footway on Merryboys Road, including amendments to the existing carriageway and surface drainage system, new street lighting, road markings and traffic signs has been submitted to and approved by the Local Planning Authority. The new footway shall thereafter be constructed and made available for use in accordance with the approved details prior to first occupation of the development.

Reason: in order to provide a safe and convenient means of pedestrian access to the site, in accordance with Policy T3 of the Medway Local Plan 2003.

- 14 No dwelling shall be occupied until full details of the vehicular access to the site, including the provision of suitable sightlines in each direction along Merryboys Road and details of the timetable for the implementation of the approved details has been submitted to and approved by the Local Planning Authority. The access and sightlines shall be provided as approved and thereafter maintained.

Reason: in order to provide a safe and convenient means of pedestrian access to the site, in accordance with Policies T1 and T3 of the Medway Local Plan.

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

Proposal

The application seeks full planning permission for the construction of eleven detached and two semi-detached dwellings with associated access, parking, and landscape.

Site Area/Density

Site Area: 00.72 hectares (1.78 acres)

Site Density: 18 dph (7.3 dpa)

Relevant Planning History

MC/15/0504	Outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for the construction of 9 detached houses with detached garages and outbuilding Decision Approval With Conditions Decided 26/10/2015
MC/00/0894	Outline application for the erection of nine dwellings Decision Refused Decided 02/08/2000

Representations

The application has been advertised on site, in the press and, by individual neighbour notification to the owners and occupiers of neighbouring properties.

The Environment Agency, Natural England, RSPB, Kent Wildlife Trust, KCC Ecology, Cliffe and Cliffe Woods Parish Council, NHS, Kent Police, Lead Local Flood Authority, Planning Policy, Environmental Protection, Integrated Transport, Housing, Heritage, Greenspaces, Regeneration, Waste Minimisation, Sport, Leisure and Tourism, Economic Development, Education, Public Health, Southern Water, EDF and SGN have also been consulted.

21 letters have been received raising objection on the following grounds:

- Overlooking of the primary school and playground
- Houses are too close to school boundary
- Child safety and safeguarding issues
- Overlooking and privacy of neighbouring properties
- Flooding issues
- Increased parking along Merryboys Road, traffic and highways safety
- Safety of road users, cyclists, pedestrians, dog walkers and horse riders
- Development not in keeping with village location
- Strain on local infrastructure and services
- Loss of habitat and protected species
- Noise, air and light pollution
- Overdevelopment of the land
- Impact on neighbours amenity and quality of life

Natural England has provided the following comment:

The site is within 6 km of the Thames Estuary and Marshes, Medway Estuary and Marshes and Swale Special Protection Areas and Ramsar Sites and the Council need to ensure mitigation is in place before first occupation. Subject to this, Natural England is happy to advise that the proposal is not likely to have a significant effect on the designated sites.

KCC Ecology: No comment received at the time of writing. Any comment received will be reported to Members in the Supplementary Agenda. :

Cliffe and Cliffe Woods Parish Council object to the application as submitted:

The parish council note that this site is outside of the village envelope as specified in the Local Plan 2003. The case was made for an exception site previously at Outline (MC/15/0504) for the construction of 9 detached houses with detached garages and outbuildings - on the basis of evidence collected by the applicant for self-build properties - this has not proceeded to any detailed applications. This application is for a further four properties.

Over-development of the site and out of keeping with the street scene (in an area of mainly single detached properties with only example of elderly terraced cottages). As this site borders on the Cliffe Woods Primary School we support the concerns of the school as the application proposes two rows of houses (one at the front and one to the back of the site, with properties on the connecting road between the two). There are also flood concerns with the site (as the rear should operate as a drain for the wider area).

Kent Police has provided the following comment:

The applicant has considered crime prevention and has attempted to apply the seven attributes of CPTED in their Design and Access Statement. The applicant could contact Kent Police to discuss a formal application for BREEAM and Secured by

Design as these are difficult to award retrospectively.

The applicant would be advised of this requirement by way of an informative.

Lead Local Flood Authority has provided the following comment:

No objection subject to condition relating to surface water drainage.

Planning Policy has provided the following comment:

The principle of development has already been established. No objection is raised subject to design, landscape, amenity, highways, contamination, ecology and flood risk. These matters are beyond the scope of this response.

Southern Water has provided the following comment:

Southern Water has submitted a plan of the water main records in the vicinity of the site. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water. There may also be a sewer crossing the site. Any sewer found during construction works will require investigation to ascertain its condition before any further works commence on the site. Suggested a condition and informative if the application is approved.

Waste Management has provided the following comment:

There are no concerns regarding the storage or presentation of waste for collections. The only concern is the access road to plots 5-13, the developer should ensure that where collection vehicles are required to access the development to carry out collections the following should be incorporated; Manual for street (DFT) (2007) provides guidance on the design and construction of new residential streets and access roads and should be referred to during the design stage of new developments. If this access road is not built to standard our waste contractor will require the developer to sign an indemnity form to cover potential damages. If this indemnity form is not provided our contractor will not enter the site meaning residents at plots 5-13 will need to bring their waste to Merryboys Road.

Southern Gas (SGN) has provided the following comment:

There is a pipeline near the site. There should be no mechanical excavation above or within 0.5 m of a low/medium pressure system or within 3.0 m of an intermediate pressure system. The developer should, where required confirm the position using hand dug trial holes.

The applicant will be advised of this requirement by way of an informative.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local

Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

Planning Appraisal

Background

An outline application with some matters reserved (Appearance, Landscaping, Layout and Scale) for the construction of 9 detached houses with detached garages and outbuilding was granted under reference MC/15/0504. This proposal sought planning approval for the purpose of offering self-build plots for individual developers or members of the public. In the officer's recommendation to the Planning Committee, in reaching the conclusion on the recommendation to grant planning permission, the following were considered:

- It was noted that planning permission has previously been refused on the site for 9 detached houses under reference MC/00/0894 but since that decision policy position had changed significantly.
- The application site is outside the current village boundary of Cliffe Woods (identified in the Local Plan). However, this reason was not sufficient enough to warrant refusal given the Council's position with regard to the five year housing supply. The principle of development was considered to be acceptable and the impact of the development in landscape quality terms was considered to be limited and supported by the NPPF in terms of sustainability. Whilst matters relating to design, appearance and layout were reserved for consideration at a later date, the proposed scheme would enable a good quality housing development, with acceptable levels of amenity.
- The proposed development was considered to be in accordance with the National Planning Policy Framework 2012, Policies BNE1, BNE2, BNE23, BNE25, BNE37, T1, T2, & T13 of the Medway Local Plan 2003. Officer's recommendation for approval was upheld and Members resolved to grant planning permission for the outline application on 21 October 2015.

Council's five year Housing Supply Position

The 2015/16 Authority Monitoring Report (AMR), published in December 2016, sets out the five year housing land supply position in Medway as at 31 March 2016. The housing trajectory and the required delivery rate indicate that the Council does not have a five year housing land supply.

It is therefore accepted that the housing land supply position is now very likely to be lower than was set out in the 2015/2016 AMR. It is concluded that Medway Council does not currently have a five year land supply and so Paragraphs 14 and 49 of the NPPF applies.

Paragraph 14 of the NPPF requires that where the development plan is "*absent, silent or relevant policies are out-of-date*" planning permission should be granted

unless “any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.

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

Housing supply policies include H11 (relating to residential development in rural settlements) and, in so far as it refers to settlement boundaries, Policy BNE25. Reliance on these policies and their reference to village and urban boundaries in determining the current application would therefore be unlikely to be upheld at appeal. However where policy BNE25 is consistent with the NPPF is in its desire to maintain the character, amenity and functioning of the countryside and in this respect links to Medway Council's adopted Medway Landscape Character Assessment 2011.

Principle

The principle of the use of the site for residential development has been established by the planning permission granted under reference MC/15/0504.

The application site lies outside of the village boundary as defined on the proposals map that accompanies the Medway Local Plan 2003 however, it is adjoining the existing settlement boundary and could be considered as a relatively modest extension to the existing village. Given the position with regard to the five year housing supply, this housing supply policy is not consistent with the NPPF and therefore cannot, in its own right, warrant refusal of the application.

Given that the presumption in favour set out in Paragraph 14 of the NPPF applies to “sustainable development”, it is necessary first to consider whether this proposal does comprise sustainable development and to consider the impact of the development on the character of the area and the importance of the site in Landscape terms. The NPPF definition at Paragraph 7 refers to sustainable development having an economic, a social and an environmental role, and at Paragraph 8 states that to be sustainable, development should achieve gains “jointly and simultaneously” in all three of these areas.

This means that weight has to be given to the benefits of the supply of housing; both social benefits in meeting housing needs and economic benefits in terms of providing jobs and boosting the local economy during construction phase and providing the increased workforce that enables continued economic growth in the longer term.

In this particular case, the site is bordered by development on all three sides, it is noted that the school and the cluster of houses to the east are also outside the village boundary. It could therefore be considered that this effectively is an infill site. The landscape value of the site is limited by virtue of the housing to both sides and the school to the rear. It is therefore considered that, in principle, development here would not cause sufficient harm to the wider character and functioning of the countryside to

outweigh the presumption in favour of sustainable development.

In terms of sustainability, the village does have local services including shops, a doctor's surgery, community centre and recreation facilities that would support the development. There is a public transport service within close proximity and the school abuts the site to the rear. The site has good transport links by road to the nearest main town of Strood.

In light of the above, there are no objections in principle to the proposed development under the provisions set out in the NPPF and the above-mentioned Development Plan Policies.

Intensification of use

As already stated above, outline planning permission has been granted for the provision of 9 detached dwellings on the land. As such the principle of the development of the land for residential use has been agreed by that permission. The current proposal seeks to increase the number of dwellings from 9 detached houses to 13 comprising of 11 detached and 2 semi-detached houses. Whilst this would intensify the use on the land, it should be noted that the approved 9 dwellings proposed total area coverage of approximately 19% of the land with built form and the current proposal for 13 dwellings increasing this to approximately 22%. The proposal would therefore increase the area of built form by approximately 3%.

Given this relatively low increase, it is considered that the development at the scale proposed would be acceptable and would not cause harm to the character or appearance of the countryside.

Design

The NPPF sets out the importance of design in the consideration of planning applications and in particular, paragraph 56 states, 'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. At the local level, Policies S4 and BNE1 of the Medway Local Plan 2003 emphasise the importance of achieving high quality design that results in safe and attractive environments. In particular, Policy BNE1 of the Local Plan supports development that respects the character, appearance and functioning of the surrounding environment.

The proposed development is on a large, prominent plot on Merryboys Road that is currently unused, open grassland and is adjacent to the built confines of Cliffe Woods. The proposal will comprise the erection of 11 detached and 2 semi-detached residential dwellings with associated private driveways and garages on a site, which is approximately 0.72 hectares in size. Under the previously approved outline scheme, the total site coverage by the 9 units was 19%; the proposed scheme offers an additional 4 new dwellings, with a total site coverage of 22%, which is a marginal increase considering the additional number of units. The effect on the site density is also minimal. It is considered that the proposal is a more efficient use of land.

The new dwellings will be two-storeys, with some sections being single or 1 ½ storeys.

This reflects the scale of nearby existing housing, in terms of height, footprint and spacing between buildings and would, therefore, be in keeping with the surrounding area. Merryboys Road has an eclectic street scene with a mix of detached and semi detached dwellings different periods, styles and materials. There is also a variety of building heights with bungalows of 1 ½ storey and two storey houses. There are no dominant architectural or design features along Merryboys Road or within the immediate adjacent areas and as such there is relative freedom in designing a scheme in this location. The mixed style, design and materials proposed on the new dwellings would complement the eclectic mix that currently exists.

The materials proposed to be used would be similar to those found on properties in the area consisting of an external appearance of facing brick / tile hanging, render and traditional tiles to the roof, which would be sympathetic to the appearance of the area. In order to achieve a high quality development, a condition requesting the detail of all materials including samples to be agreed would be imposed, to ensure that appropriate materials are used and a high quality development is delivered.

The proposed development is a modern design that is sympathetic to the character and appearance of the surrounding area and is appropriate in terms of scale, mass, proportion, layout and siting. Overall, the design is well considered, attractive and the proposal would result in an improvement to the site. It respects the scale, appearance and location of surrounding buildings and the visual amenity of the surrounding area. As such it is in accordance with Policy BNE1 of the Medway Local Plan 2003.

Subject to appropriate conditions, it is considered that the development would be in accordance with Policies S4, BNE1, BNE6 and H4 of the Medway Local Plan 2003 and the NPPF.

Amenity

There are two main amenity considerations; the impact on the amenity of neighbours and the standard of amenity which would be experienced by occupants of the site itself.

Impact on neighbours

There are neighbouring properties that could be adversely affected by the proposal. To the west of the site is The Old Orchard, a two storey, detached house, to the east is Merryboys Lodge, a two storey detached house with views directly into the site, to the north is a detached bungalow and to the south is Cliffe Woods Primary School.

The site at 0.72 hectares is considered large enough to accommodate 13 good sized detached properties without resulting in overlooking and privacy issues on neighbouring properties (The Old Orchard and Merryboys Lodge). Careful consideration has been given to the impact of the proposal on the living conditions of neighbouring properties and this is reflected in the layout, with all plots benefiting from good sized gardens. This north-south orientation is unlikely to result in loss of sunlight and daylight to neighbouring properties.

The dwellings will be two storeys high. Four detached dwellings will face onto Merryboys Road in line with the established building line, whilst the remaining plots will be set back within the site around a T-shaped private access road. One detached

house will back onto The Old Orchard to the west of the site. A pair of semi detached houses on the east side of the access will back onto Merryboys Lodge to the east of the site. Objections have been raised by the owners/occupiers of these neighbouring properties regarding impact to their amenity, particularly in respect of direct overlooking, however it is considered that the layout and the position of the properties have been carefully considered to ensure that no direct harm results to the privacy and the amenity of these neighbouring properties. There will be no loss of outlook or overbearing impact on neighbouring properties. The spatial separation will also ensure that there will be no loss of daylight to the gardens or the windows of the neighbouring properties. Information Layout plan PL/407/02, which forms part of this application, highlights the distance between the proposed properties and the application site boundaries. Six detached dwellings will back onto the school to the rear (south of the site). There have been objections on the houses overlooking the school, however it was noted that four dwellings were approved backing onto the school under the previously approved scheme. It is noted that the developer has been in discussion with the Head teacher to agree to a boundary treatment to allow better screening. This can be controlled via conditions for landscaping and boundary treatments. The proposed scheme, as such, would not have a significantly greater impact on the school than the previously approved scheme. The development will have no detrimental impact on the street scene or the character of the area.

Overall the proposal is not considered to have an unacceptable impact on neighbouring amenity in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003.

Impact for future residents

The development has been assessed with regard to the Medway Housing Design Standards (interim) November 2011 and the Government's Technical Housing Standards 2015 and meets these standards and as such the objectives of Policy BNE2 of the Medway Local Plan 2003.

The proposal will comprise the erection of thirteen new 3, 4 and 5 bedroom properties, mainly detached, but with one pair of semi-detached dwellings. The smaller of the 3 bedroom properties have a total floor area of 119.33m² and the 4 and 5 bedroom properties range between 161.32m² and 200.35m². The room sizes are all in accordance with Medway Council's Interim Housing Standards. All dwellings have sufficient private amenity space and provide adequate refuse storage.

The change of use of the land from one of a former horse paddock to residential has resulted in concern from neighbours regarding the potential resultant noise disturbance from the proposed use. It is accepted that the construction phase of the development would result in some noise disturbance to immediate neighbours, however this would be temporary, ceasing on completion and it is considered necessary to impose a code of construction environmental management plan condition to limit the impact of the construction work on neighbouring occupiers.

Overall the proposal is considered acceptable in terms of the impact on the amenity of the future occupier of the proposed dwelling in terms of daylight, sunlight, outlook and privacy and as such the application accords with Policy BNE2 of the Medway Local Plan 2003.

Flood Risk

The site is located in Flood Zone 1 in accordance with the Environment Agency Flood Zone Mapping. Flood Zone 1 is associated with a low risk of flooding. Further, according to the Environment Agency's mapping, the site is not at risk of surface water flooding.

As the site is a non-major development and is less than 1ha, there is no requirement for a formal Flood Risk Assessment. Notwithstanding, there are known local drainage issues experienced in the local area and as such a Flood Risk Assessment was requested by the Lead Local Flood Authority. The applicant has submitted this along with supporting information on drainage principles and overland flow path and mitigation.

There have been numerous objections relating to flooding and drainage issues but the Lead Local Flood Authority are satisfied with the submitted information subject to a condition relating to surface water drainage strategies to be submitted prior to the commencement of the development.

Land Contamination

The environmental health issues associated with the application relates to Land Contamination. There are no objections to the proposal on these grounds, although the submitted site investigation report indicated the presence of tipped material on site. If planning permission is forthcoming it is recommended that a watching brief should be kept during the development and that, should at anytime during development, contamination not previously identified is found to be present then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority.

Subject to this appropriately worded condition, no objection is raised.

Ecology

The application site is in close proximity to European designated sites and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats & Species Regulations 2010. The application site is located approximately 1.7km south of the Thames Estuary & Marshes Special Protection Area (SPA) and Ramsar Site.

The application site has the potential to result in ecological impacts. An ecological scoping survey has been undertaken and assesses the potential for protected/notable species to be present (including bats, reptiles and breeding birds) but this is the same as the one submitted with the previous application. Kent County Council Ecological Advice service have noted that the submitted survey is out of date, however as the site has previously been cleared and there are no trees on the site it is unlikely that there will be any notable or protected species on the site but there may be some interest in the hedgerow along the site boundaries. They have recommended that conditions are imposed on any planning permission requesting further surveys to be submitted before the commencement of the development. Any ecological scoping survey will make recommendations for ecological enhancements and mitigation which can be

incorporated in to the proposed development.

Highways

Access to the site will be via a new private road, with traffic calming measures, along with the provision of a footpath, which will link into the existing footpath on Merryboys Road. The footpath will be provided to the front of the application site. There will be sufficient turning space in the site for vehicles to enter, manoeuvre and exit the site in a forward facing direction. Forty-six residential parking spaces will be created, as well as four being allocated visitor spaces, all in accordance with Medway Council's Interim Residential Parking Standards, equating to two spaces per dwelling for 3 and 4 bedroom homes, with 0.25 spaces allocated for visitors per dwelling. The proposed provision would equate to 3.25 visitor spaces, as per the standards, however, the proposal allows for 4 spaces to anticipate the needs of future householders. Garage sizes, where applicable, have been designed to meet the minimum requirements of 7m x 3m. The proposed road layout allows for a refuse vehicle to safely enter and exit the site. The development would generate around 5 vehicle trips per dwelling per day, and there are no existing capacity constraints or highway safety issues in the vicinity of the site.

No objection is raised to the proposal under the provisions set out by Local Plan Policy T1, T2 and T13 of the Medway Local Plan 2003.

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 are in the process of submitting a

unilateral undertaking. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

In terms of other planning obligations it is recognised that new residential development can create additional demand for local services. Policy S6 of the Medway Local Plan 2003 says that 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/contributions requested in this case are considered to comply with these tests. Developer contributions as set out below and have been made and agreed by the applicant in accordance with the Council's adopted supplementary planning document, Guide to Developer Contributions 2014.

Developer contributions have been requested for the following:

NHS Property Services request a contribution of £6,083.00 to be used for improvements to the Parks Medical Practice to increase capacity to accommodate the additional patients. The calculations and justifications related to this request are set out in the Council's adopted Developer Contributions Guide (as amended). The NHS has indicated that any agreement securing this sum should seek the payment prior to completion of 50% of the development.

Greenspace Services request a contribution of £36,262.59 towards improvements to Cliffe Woods Recreation Ground. The calculations and justifications related to this request are set out in the Council's adopted Developer Contributions Guide (as amended). This sum should be paid prior to completion of 50% of the development.

Education Services request a contribution of £55,569.00 towards education made up from £11,897.60 towards nursery provision, £29,203.20 towards primary provision both for Cliffe Woods Primary Academy; and £14,469.16 towards secondary provision for Hundred of Hoo School or the new free school. The justification and calculations related to this request are set out in the Council's adopted Developer Contributions Guide (as amended). This sum should be paid prior to completion of 50% of the development.

The developer has requested that all payments are made prior to completion of 50% of the development rather than before the development commences because it is a small housebuilder that will need to sell some units before they can make these payments. That is considered a reasonable and flexible approach in this case.

In the light of the above the development is considered acceptable subject to the completion of a Section 106 agreement securing the contributions set out above.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposed development of eleven detached and two semi-detached dwellings with associated parking is outside the current village boundary of Cliffe Woods, however this is not sufficient reason to warrant refusal given the Council's position with regard to the five year housing supply. The principle of development is accepted as the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of sustainability. The design of the proposed development is appropriate in terms of size, scale, siting and materials and in keeping with the character and appearance of the area and street scene. The proposed development is not considered to have an unacceptable impact on future occupier or neighbouring amenity in terms of daylight, sunlight, outlook and privacy and would not cause any detriment to the existing highway network. The proposal is in accordance with Policies BNE1, BNE2, BNE25, BNE37, BNE39, T1, T2 and T13 of the Medway Local Plan 2003 and the NPPF.

The application would normally be determined under delegated powers but is being reported for Committee determination due to the number of representations received contrary to officer's recommendation and the Parish Council objection to the application.

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/>