

MC/17/2956

Date Received: 25 August, 2017

Location: 178 and Land North of Brompton Farm Road, Strood, Rochester
ME2 3RE

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for residential development comprising of up to 122 residential dwellings with associated landscaping, public open space and associated works

Applicant: Brookworth Homes Ltd

Agent: Mr Escott Robinson Escott Planning Downe House 303 High
Street Orpington BR6 0NN

Ward Strood North

Case Officer Majid Harouni

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 11 April 2018.

Recommendation - Refusal

- 1 The application site is located within the Green Belt as defined within the Medway Local Plan 2003. Policy BNE30 applies and states that there is a general presumption against inappropriate development. The NPPF (at paragraph 89) explains that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The proposal does not fall within any of the exceptions to this policy. Consequently, the proposals represent "inappropriate development" in the Green Belt. The proposal to construct a housing development with associated access road would not fulfil the objectives of Policy BNE30 and would constitute a departure from development plan policy. Moreover, paragraph 87 of the NPPF states that inappropriate development in the Green Belt should not be approved, except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm, by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The benefits of the proposal relied upon by the applicant have been considered. However, these matters, do not clearly outweigh the harm the proposal would cause to both the Green Belt and other harm and therefore do not constitute the very special circumstances to justify the grant of planning

permission. It follows that the proposals are contrary to Policy BNE30 of the Medway Local Plan 2003 and national policy in the NPPF.

- 2 The application site is located within a locally valued landscape and Area of Local Landscape Importance. The development would result in harm to the landscape character and appearance of the area contrary to the objectives of Policies BNE25 and BNE34 of the Medway Local Plan 2003; National Planning Policy Framework, in particular the fifth and seventh Core Planning Principle referred to in paragraph 17 and paragraph 109 of the National Planning Policy Framework.
- 3 The development would result in permanent loss of high quality agricultural land (Best and Most Versatile). It has not been demonstrated that the need for the development is such that it cannot be accommodated on poor quality agricultural land. The proposal is contrary to paragraph 112 of the NPPF.

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

Proposal

This application submitted is in outline form with only means of access to be considered at this stage. Details relating to appearance, layout, landscaping and scale are all reserved for future consideration. The application proposes to demolish the existing bungalow dwelling at no 178 and to construct up to 122 market and affordable residential dwellings, with 31 affordable dwellings (25%) and the remaining 91 dwellings to be a private market sale.

The Design and Access Statement accompanying the application indicates that the proposed dwellings would be a mix of 2 and 2.5 storeys; 2-storey flats with undercroft parking; and proposed apartment buildings of 3 storeys. The 2-storey dwellings would be located near the existing properties on the site boundaries. The dwelling types would include flats, terraced, semi-detached and large detached houses. Associated landscaping and public open space would also be part of the scheme with details to be submitted at a later date.

Although all matters are reserved for future consideration except for the means of access, the application is accompanied by an illustrative masterplan, which shows the intended general distribution of development and amenity areas across the application site.

The details of means of the access form part of this application and are submitted for approval. The accompanying Transport Assessment and revisions submitted on 21 November 2016 involve an approx. 5.5m wide vehicular access directly onto Brompton Farm Road, suitable for two way traffic flow, footway into the site from Brompton Farm Road, improvement of Stone Horse Lane to facilitate a direct pedestrian route to Hertsfield Avenue just to the east of the site and creation of a priority junction with Brompton Farm Road.

Although the provided indicative plan shows provision of new public open space no figures have been provided with regard to its exact size.

Site Area/Density

Site Area: 4.37hectares (10.5acres)

Site Density: 27.9 dph (12.5 dpa)

Relevant Planning History

MC/16/2917 Outline application with some matters reserved (appearance, landscaping, layout, scale) for residential development comprising of up to 135 residential dwellings with associated landscaping, public open space and associated works.
Refused 20 January 2017 (Planning Committee Decision)

MC/16/2975 Outline application with some matters reserved (appearance, landscaping, layout, scale) for residential development comprising of up to 135 residential dwellings with associated landscaping, public open space and associated works
Withdrawn - Invalid
30 September 2016

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. KCC Archaeology, KCC Ecology, the Environment Agency, Highway England, Natural England, EDF Energy, Southern Gas Networks, Southern Water, Network Rail, NHS Property Services, RSPB, Gravesham Borough Council and Frindsbury Extra Parish Council have also been consulted.

37 letters of representations have been received from the local residents objecting on the following grounds:

- Impact on the road system due to additional traffic and vehicular movements resulting in potential congestion at the peak times.
- Poor public transport service.
- The extra traffic plus utility services needed will only increase pollution to an already high level.
- Impact on the existing infrastructure (schools, local GP practice, Medway Hospital, schools. The properties and school being built opposite are yet to be completed leading to even more congestion than at present.
- More housing without amenities
- Impact on the outlook of the properties backing on to the application site.
- Loss of Green Belt and farm land.
- At the time of the By-Pass inquiry, the outer route was chosen to safeguard the land between the By-Pass and the existing houses.
- This is grade 2 agricultural land being used as an apple orchard and should be preserved for agriculture and as a Green Belt.
- The proposal would set precedents for the development of the rest of

the farm land to the west.

- The proposed new road would be extremely close to a central traffic island which is a popular and well-used pedestrian crossing point. This island is close to the bus stops where the school buses stop.
- This site was considered as part of the Medway Strategic Land Availability Assessment in November 2015 and was found unsuitable.

Dickens Country Protection Society has objected to the proposal and states that the site is in an area where Green Belt policies apply. The Green Belt in this area forms part of the strategic gap between Gravesend and Medway Towns and it makes a significant contribution to the Green Belt. Also, the land is of high-quality agricultural land that should be preserved for agricultural use and it is not sustainable to remove such quality land from farming for housing development.

Network Rail has advised that the applicant must ensure that their proposal, both during the construction and after completion, does not:

- Encroach onto network rail land.
- Affect the safety, operation or integrity of the company's railway and its infrastructure.
- Undermine its support zone.
- Damage the company's infrastructure.
- Place additional load on cuttings
- Adversely affect any railway land and structure
- Over-sail or encroach upon the air-space of any Network Rail land
- Cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

Natural England has referred to the potential recreational impact of the proposal on internationally and nationally designated sites. Under the Habitats Regulations 2010, the Council must, as a competent authority, assess the likelihood of the development giving rise to significant effects upon the integrity of the designated habitats. In making this assessment regard can be had to the North Kent Environmental Group Strategic Monitoring and Mitigation Strategy, although this may require financial contributions to be paid by the applicant towards its implementation.

Gravesham Borough Council object to the development as being in conflict with the National Planning Policy Framework stating it would result in inappropriate development contrary to section 9 of the NPPF and notably paragraphs 79, 80 and 87. The development does not fall within any of the exceptions set out in paragraphs 89 and 90 of the NPPF. There does not appear to be any very special circumstances such as to outweigh the harm to the Green Belt.

Environmental Agency has no objection subject to the imposition of conditions related to contamination not previously identified and surface water management

Medway Countryside Forum has objected to the application for the following reasons:

- Building on land designated as Green Belt and Area of Local Landscape Importance.
- The land is a high-grade Agricultural land of a most versatile nature.
- The application incorporates into the access road Stone horse Lane which is a PROW.

Kent County Council Archaeology advises that the site lies in an area of archaeological potential associated with the past discoveries of remains of Romano-British materials in the fields immediately to the west. It is possible that archaeological remains may be present within the application site. There is, therefore, no objection subject to the relevant archaeological condition.

Kent County Council Ecology advises that this proposal is acceptable in principle. A scoping survey is advised that must include an assessment of the trees for their potential to be used by roosting bats. The ecological scoping survey, any recommended specific species surveys and details of any mitigation required must be submitted for comments prior to determination of the planning application. Further comments are given with regard to specific species:

Reptiles - It is recommended that the receptor site area be set up on site in the southern part of the public open space of the development site. The proposed mitigation strategy is acceptable and advice the mitigation detailed within paragraph 5.0 of the Reptile Mitigation Strategy report must be implemented prior to any works commencing (including vegetation clearance).

It is recommended that a Site Management Plan is produced as a condition to ensure the receptor site will be managed appropriately throughout the lifetime of the development (if granted).

Breeding birds - The proposed development might result in the loss of suitable breeding bird habitats, all works must be carried out, outside of the birds breeding season (March-August inclusive).

Enhancements - Some enhancement recommendations are given in the Arboricultural Assessment Report and in the Landscape and visual impact assessment, and consideration should be given to these and other enhancement measures: Hedgerows and trees should be, as much as possible, maintained and managed for the benefit of wildlife; A new hedgerow has to be planted, utilising native species, along boundaries of new garden areas to increase habitat and contribute to the Kent BAP in order to compensate the loss of part of the hedgerow following the development of the new entrance at the north of the existing location. Additional native trees have to be planted to the site boundaries, at least 2 trees should be planted for any tree removed; a small traditional orchard (more than five trees less than 20 metres apart) should be created in the public open space area to compensate the loss of the active orchard which contributes to the landscape character of Kent. Regarding vegetation management, any gaps in the southern vegetated boundaries should be filled with planted native woody species.

Southern Water has written objecting to the proposal as there is limited opportunity to divert the existing public foul sewer and water distribution mains that cross the site.

The result of the initial desktop study indicates that Southern Water currently cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the wastewater sewerage system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the NPPF.

Southern Gas Network has referred to a gas main near the application site and request that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system and 3 m of an intermediate pressure system.

ESP Utilities Group has written advising they have no gas or electric apparatus in the vicinity of this site address and will not be affected by your proposed works.

Highways England raises no objection

NHS Health Care Facilities (NHS Property Services) have requested a contribution towards healthcare provision of £57089.90 to be used for improvements to a GP surgery within Rochester.

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.

Medway Landscape Character Assessment 2011 is a material planning Consideration

Planning Appraisal

Background

As the planning history of the site shows, Planning Committee considered a similar application for the residential development of this site on 20 January 2017. The current application is different to the previous application in the following areas:

- The proposed number of dwellings is reduced from 135 to 122.
- The extent of the buffer area along the western boundary has been extended from approx. 5m to over 20m.
- Increase in the provision of buffer area and public open space along the southern boundary with the rear boundaries of no. 152 to 176 Brompton Farm Road to just less than a quarter of the site area.
- The indicative layout plan shows a lower density from 32.1 dph to 29 dph and layout arrangement.

Principle

Green Belt

The site is within the Green Belt and therefore the central test is whether there are very special circumstances to justify the grant of planning permission for inappropriate development in the Green Belt (NPPF para 88).

It is common ground that the proposed development - being new buildings which do not fall within any of the exceptions within para 89 NPPF - constitutes "inappropriate development" in the Green Belt. (applicants planning statement para 7.2)

"Inappropriate development" is by definition harmful to the Green Belt and should not be approved except in very special circumstances - para 87 NPPF.

Policy BNE30 of the Local Plan states that the general presumption is against inappropriate development. Inappropriate development is defined as that which is harmful to the characteristics of openness and permanence of the Green Belt. '.

Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations - para 88 NPPF. The applicant is therefore wrong to state that *"if the benefits of the development outweigh the harm, then very special circumstances can be said to exist"*.

Other harm to be taken into account is both harm to the Green Belt and any other harm arising from the proposal. In this respect there would be harm to the openness of the Green Belt here - which is one of the essential characteristics of the Green Belt (para 79 NPPF)

Paragraph 80 of the NPPF sets out five purposes which the Green Belt serves:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns from merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

It is considered that the development proposed would be harmful by being contrary to points 1, 3 and 5 detailed at paragraph 80 of the NPPF.

Substantial weight has to be given to harm to the Green Belt - para 88 NPPF.

Other Harm

A Strategic Land Availability Assessment (SLAA) has also been undertaken to assess land coming forward as a part of the new Local Plan. The application site is identified as SLAA site (ref: 1042). The initial analysis of the site as a part of this process categorises the site as unsuitable for development due to the land being agricultural,

facilities and service accessibility and poor PTAL connectivity

The proposed development would have the following impact on the landscape character of this area and agricultural land:

- The proposed development would result in the loss of an orchard field and the imposition of a large housing estate in the countryside and ALLI.
- The existing open field would be transformed into a busy residential development. This would have a significant effect on the landscape and the rural character of the area
- Development would fail to conserve separation and local distinctiveness and distinct settlement pattern
- Development would contribute to a permanent erosion of the rural character of this part of the Green Belt, Countryside and ALLI.
- Development would cause material harm to the landscape character and function of the ALLI as set out in Policy BNE34.
- Development would have a material adverse impact on a number of viewpoints.
- Development would result in permanent loss of currently productive high-quality agricultural land.

The proposed changes to this site would also be harmful to the open character of the Countryside and Area of Local Landscape Importance which is considered important within the Medway Landscape Character Assessment.

It is considered that the increase in the green buffer area along the western and southern boundaries of the site would not significantly and materially diminish the harm that would result from the proposal.

With regard to the impact on openness, the proposals would comprise a substantial amount of new built form and housing in an area which is currently an orchard farm free from built development. It is considered that the amount and scale of the development proposed would result in substantial loss of the openness of the site. It is considered that the loss of openness, which is contrary to the NPPF, should be afforded significant weight in the consideration of this application.

The development would represent a significant development of Grade 2 agricultural land contrary to the principles of the NPPF paragraph 112, which states that local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land, and that consideration should be given to using areas of poorer quality land in preference to that of a higher quality.

The application site is currently a productive apple orchard farm and the proposal would result in loss of this economically active farm.

The loss of the site, which comprises just under 5.Ha, is considered significant within this context given the land is grade 2, best and most versatile agricultural land. As a result there would be an adverse economic and environmental impact resulting from the loss of this land.

It is considered that the proposal would cause material harm to the Green Belt, landscape and fail to recognise the intrinsic open character of the countryside in this sensitive location contrary to the principles set out in the Framework and at paragraphs 7, 17 (bullet points 5 and 7), 79, 80, and 109 in particular and Policies BNE25, BNE30, BNE34, BNE48 and S1 of the Local Plan.

Housing Supply Position and the Local Plan preparation

The 2016/17 Authority Monitoring Report (AMR), published in December 2017, sets out the five-year housing land supply position in Medway up to 31 March 2017. The Council currently is not able to demonstrate a five years supply of deliverable residential land, as required by paragraph 47 of the NPPF. As a result of the shortfall in the housing land supply, paragraph 49 of the NPPF applies, and relevant policies for the supply of housing should be considered as not up to date.

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.'*

Paragraph 14 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. For decision making this means approving plans that accord with the development plan, or where the plan is absent, silent or relevant policies are out of date (as some are in part here) then to grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted.

Having regard to the supreme court decision *Suffolk Coastal District Council v Hopkins Homes Ltd* which held that relevant policies for the supply of housing had a narrow meaning but that whenever a LPA could not demonstrate a 5 year housing land supply, para 14 of the NPPF is engaged. .

However, it is important to note that significant work is being undertaken to establish housing supply alongside the preparation of the Local Plan. The steps taken by the Council to identify housing land supply holds weight in this case. The spatial options will set out the methodology and sequence to identifying land for development based on robust evidence, which is well underway. The approach is consistent with the principles of sustainable development, which will seek to identify Brownfield land first before considerations of Greenfield land. It is only through the conclusion of this work that the Council can confirm whether it is justified to release land in the Green Belt to support the delivery of housing.

In early 2015 Medway Council and Gravesham Borough Council jointly commissioned GVA Bilfinger to prepare a full Strategic Housing and Economic Needs Assessment to identify housing, employment and retail growth over the plan period 2012-2035.

To enhance the housing land supply the Council has granted a number of planning permissions for residential development on sites outside of development boundaries in the Medway 2003 Local Plan, where the proposals have represented sustainable development in less sensitive sites in the countryside.

The NPPF is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted (Paragraph 14 footnote 9). Such policies include those relating to sites protected under the Birds and Habitats Directives, and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park or the Broads; designated heritage assets; and locations at risk of flooding or coastal erosion.

The development proposed comprises residential development in the Green Belt, adjacent to but outside the defined settlement boundary, on best and most versatile agriculture land, currently an orchard farm. The proposal is in conflicts with the policy BNE48 of the development plan.

However, as stated above the Council accepts that at the present time it is unable to demonstrate a five year supply of housing land.

Special circumstances put forward by applicant

The Planning Statement submitted with the application contains the applicant's Very Special Circumstances of this application case in favour of the proposed development. The applicant sets out the following in support of the proposals:

- i. The Council is currently unable to demonstrate a 5 years supply of deliverable housing land. There is no up to date Local Plan which provides any realistic prospect of the Council meeting its housing need within the next 5 years.
- ii. Having regards to paragraph 49 and 14 of the Frameworks, the policies for the supply of housing are out of date.
- iii. Whilst the application proposal, by definition, comprises inappropriate development in the Green Belt, there are very special circumstances that exist in this case by reason of the fact that the benefits that would accrue from the scheme would clearly and demonstrably outweigh the harm to the Green Belt through inappropriateness and any other harm. This includes the provision of affordable housing, provision of public open space, stonehorse lane improvements and the provision of community woodland.
- iv. The proposal would constitute a sustainable development from an economic (resulting in creation of construction jobs, investment in provision of infrastructure and services), social (providing vibrant and healthy community, providing much-needed housing and environmental by providing high-quality environment and provision of new public open space) perspectives.
- v. By applying paragraph 14 of the Frameworks, the adverse impacts of the application proposal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Planning balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

The proposed development would be in conflict with Policies S1, BNE25, BNE30 and BNE34 of the Local Plan and as such would cause material and adverse impact. Having regard to the applicant's comments that there are material considerations that indicate that the application should be determined other than in accordance with the development plan the following are relevant.

In the absence of a five-year housing land supply, then paragraph 14 of the Framework is engaged as set out above. It is therefore considered whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies as a whole.

In this case, it is acknowledged that the proposals would deliver material economic and social benefits through the provision of 122 market and affordable housing. Given the position in respect of five-year housing land supply and the need for affordable housing, these benefits should be afforded significant weight.

However, the Planning Practice Guidance advises that need alone is unlikely to outweigh harm to the Green Belt.

Other benefits arising from the development to be afforded significant weight include social and economic benefits arising from matters such as the contribution to the local economy, new job opportunities during the construction period, contributions towards local infrastructure, (schools and recreation facilities); the ability of the future residents to support local services, particularly given that the site is in a sustainable location.

However, as explained above, considerable material environmental harm would be caused to the character and function of the site by the loss of this Green Belt land and the wider ALLI, including loss of rural character, erosion of the gap separating settlements undermining the wider function of the ALLI and adverse visual impact.

Also, the proposed development would result in permanent loss of high-quality productive orchard farmland that currently contributes to the local economy, employment opportunities and environment.

Therefore, taking account of the economic, social and environmental benefits, the proposed development would not constitute sustainable development because of the material adverse impact on the countryside, valued landscape and wider environment, contrary to Policies BNE25, BNE30, BNE34 and S1 of the Local Plan and paragraphs 7, 17, 79, 80, 87, 88, 89, 109 and 112 of the NPPF and no material considerations, indicate that permission should be granted. The proposal is therefore unacceptable in principle.

The development would also fail to meet the second criteria in Policy BNE34 of the

Local Plan, which states that permission will only be granted if the economic and social benefits are so important that they outweigh the priority to conserve the area's landscape.

Since the publication of the NPPF in 2012, the Government's attitude toward the protection of the Green Belt has not changed and this is clearly reflected in the recent Housing White paper and consultation on revisions to the NPPF..

The proposal would be inappropriate development in the Green Belt. It would also cause significant harm to openness. These harms to the Green Belt are matters which the NPPF required the Local Planning Authority to attach substantial weight and it is not considered that there are any very special circumstances that would override the harm identified above.

Design and Layout

The application is submitted in outline form with all matters reserved except for the means of access. As such the drawings in term of layout that have been submitted are illustrative and designed to show one way a development of 122 dwellings could be accommodated on the site with green buffers provided along the western and southern boundaries, public open space and the existing public right of way (PROW) safeguarded.

The indicative plan proposes a buffer zone and an area of public open space along the western and southern part of the site which covers approx. 0.96 hectares of the approx. 4.37 hectares of the total site area. The existing hedgerow and trees along the southern, northern, eastern and western boundaries would be substantially retained and where necessary enhanced with additional trees and hedgerow planting and ecology mitigation added.

It is considered that in the light of comments received from the Network Rail and Southern Water regarding the position of a rail tunnel, a large water mains and a sewerage pipe line that run through the site and the extent of buffer area required from these, it is likely that the proposed illustrative plan would need to be changed to accommodate these constraints.

The proposal shows the position of vehicular access to the site to be from the south-east corner, where no. 178 currently is. The existing pedestrian PROW along the eastern boundary would be retained. Pedestrian access to the housing estate to the east would be enhanced. This would provide good connectivity for those wishing to access the development and the proposed public open space.

The NPPF attaches great importance to the design of the built environment and considers good design to be a key aspect of sustainable development. The illustrative drawing shows that the proposed development has been designed to maximise the use of existing features of the site, like trees, edges and topography to ensure the creation of a pleasant housing estate.

The proposed illustrative drawing shows building height in this development would be primarily two storey with some 3 storey flatted dwellings. It is considered that the

proposed development would not appear incongruous in terms of mass, scale and house design when compared with the adjoining residential housing estate.

Having regard to the slope of the land from south to north and the width of amenity area along the southern boundary; the proposed development would have very limited impact on the amenities of the occupiers of the adjoining properties to the south. However, in the light of the proximity of the dwellings proposed along the northern boundary with Hasted Road (A289), it would be necessary to design these dwelling units to include measures to mitigate traffic noise and poor air quality.

Although unacceptable in principle, should the principle be accepted at appeal, the development as shown on the illustrative plans would not result in any harm in terms of design, however, the constraints of the site as identified by Network Rail and Southern Water have not been fully taken into consideration.

Highways and Access

Access to the site would be from the site of the existing property at no. 178 Brompton Farm Road. The proposal would also involve highway improvements to the roundabout and new signage to ensure that the proposed access complies with the Council's required standards and safety audit.

Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

Concern has been expressed by local residents with regard to the impact on the existing road network.

Trip Generation & Traffic Impact

The Transport Assessment submitted with the application uses Census data and the TRICS database to estimate that the proposed development would generate up to 83 two-way vehicle trips during each peak period. A traffic survey conducted at the Brompton Farm Road junction with Cliffe Road indicated that it carries around 1200 vehicle movements during the peak hours. The proposed development, therefore, would increase traffic at this junction by less than 6%.

The Transport Assessment uses traffic modelling software to consider the impact of development traffic at the Brompton Farm Road/Cliffe Road junction, the Brompton Farm Road/Gravesend Road/Rede Court Road junction and the Brompton Farm Road double mini roundabout junction with Lower Rochester Road, Cooling Road and Hollywood Lane. This analysis indicates that the development would result in a very small reduction in capacity at these junctions, and potentially increase queues by one or two vehicles in some instances. Point 3 of paragraph 32 of the NPPF states that developments should only be refused on highway grounds where the residual cumulative impacts of the development are severe. The additional traffic generated by this development would not increase delays or congestion at nearby junctions to any significant degree. On this basis, it is considered that the development would not have

a significant detrimental impact on highway capacity in the vicinity of the site, and no objection is raised in respect of paragraph 32 of the NPPF and Policy T1 of the Local Plan.

Access

Three options for accessing the site were subject to discussion between the applicant and the Council's Road Safety Team:

Option 1: an additional arm at the mini-roundabout junction with Cliffe Road.

Option 2: a double mini-roundabout

Option 3: a priority junction with Brompton Farm Road

Option 1 was dismissed due to the requirement to obtain third party land and road safety concerns about the creation of a four-arm mini-roundabout. With option 2, the road space available for the construction of two mini-roundabouts is limited and would require them to be very close to each other. As a result, there would be insufficient space to accommodate a vehicle clear of the preceding roundabout circulatory, which would generate safety concerns. This option would also require the removal of pedestrian crossing islands, which have recently been installed to improve pedestrian facilities

In light of the above, and taking into consideration the number of peak-hour movements, a priority junction to the west of the existing mini-roundabout (option 3) was considered the most appropriate access solution. Following advice from the Council's Road Safety Engineer, the geometry of the mini-roundabout and associated pedestrian facilities are proposed to be retained as existing. The separation distance between the proposed junction and the existing roundabout would be maximised and include a right-turn lane for vehicles waiting to access the development. The access road is proposed to be 6 metres wide and vehicle tracking analysis confirms that large vehicles would be able to access the site satisfactorily. The access proposal has been subject to a Road Safety Audit.

Subject to the provision of the right-turn lane and associated amendments to Brompton Farm Road, it is considered that the simple priority junction proposed is acceptable and commensurate with the vehicle trips likely to be generated by the development. On this basis, no objection is raised in respect of Policy T2 of the Local Plan. The retention of existing crossing facilities would ensure the development has safe and convenient pedestrian links with the wider area, in compliance with Policy T3 of the Medway Local Plan.

Sustainable transport

The site access is within 70 metres of bus stops on Brompton Farm Road and Cliffe Road, which are served by buses to Strood, Chatham and Rochester at least once per hour. Local schools and a range of amenities are within a reasonable walking distance from the site, and off-carriageway cycle facilities are provided on Brompton Farm Road. On this basis, the site can be accessed by non-car modes and is considered sustainable in accordance with the National Planning Policy Framework.

Internal layout and car parking

Whilst an indicative layout is submitted, further details would form part of a future application. The expectation is that car parking would be provided throughout the site in accordance with Medway Council's minimum Residential Parking Standards together with cycle parking provision.

The proposed single vehicular access from Brompton Farm Road and associated highway improvements are considered acceptable and to accord with Policy T1 of the Local Plan.

Flood Risk and Surface Water Management

The submitted Flood Risk Statement (FRS) shows that the northwest corner of the site is situated within flood zone 1. This means that the site could be affected by flooding, either from rivers or the sea if there were no flood defences. No documentary or anecdotal evidence has been found to show previous flooding events for this site.

It is suggested that surface water would be discharged into the ground via infiltration. However, no investigation has been undertaken to establish the underlying strata of the site to verify the suitability of this method for this site.

Council records indicate that due to significant clay material in this location, it is likely that discharge of surface water into the ground might not be a feasible option. The applicant has been advised of this issue. Therefore a condition to cover this issue would need to be imposed the application were to be approved.

The proposed new infiltration tests are acceptable. It is considered that the development could and should incorporate SuDs and if approved an appropriate condition is recommended.

Section 106 matters

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

To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.

Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

Developer's contribution requests as stated above have been received. These may only be taken into account if the obligation is;

- Necessary to make the development acceptable in planning terms.
- Directly related to the development and
- 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 reasonably related in scale and kind to the development proposed.

Having regard to the above-mentioned tests for seeking section 106 obligations the following obligations would be necessary were this development to be approved.

Affordable Housing

In terms of affordable homes, Policy H3 of the Local Plan seeks, in the urban area, to secure 25% of the new development, over 25 residential units or 1 ha in size, as affordable homes. For a development of up to 122 dwellings, the affordable housing required would amount to up to 31 dwellings, a level which the applicant is agreeable to provide.

Education

The additional demand placed upon nursery, primary and secondary schools in the area could be accommodated by extending school facilities. The following contributions would be required:

Nursery: £81, 619.20 Temple Mill and/or Cliffe Woods and/or a new free school in the area.

Primary: £204,422.40 Temple Mill and/or Cliffe Woods and/or a new free school in the area.

Secondary: £205,592.40 Strood Academy and /or Hundred of Hoo and/or a new free school in the area.

Six Form: £55,614.00 Strood Academy and /or Hundred of Hoo and/or a new free school in the area.

Open Spaces

While if approved, provision of open space on site would be conditioned, this would not address all open space matters, particularly regarding formal sports provision. A contribution towards off-site provision (including formal sports provision) of £317,016 and this would need to be included in any S106 agreement.

NHS Health Care Facilities

NHS Property Services, based upon an occupancy rate of 2.45 persons per dwelling and a per capita charge of £191.00 has requested a contribution of £191 x 2.45 x 122 dwellings= £57,089.90 to be used for improvements to a GP surgery within Rochester.

Waste and Recycling

To ensure that adequate on-site waste bin provision is provided and to enhance the capacity of existing waste recycling provision in the area a contribution of £155.44 per dwelling = £18,963.98 would be required.

Great Lines Heritage Park

A contribution of £124.94 per dwelling = £15,242.68 would be required towards improvements at the Great Lines Heritage Park

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites. Natural England has advised that an appropriate tariff of £223.58 per dwelling should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries.

£223.58 x 122 dwellings = £27, 276.76

Conclusion and Reasons for Refusal

The proposals would comprise a substantial amount of new development on a rural site which is entirely free from built development. The proposals do not fall within any of the exceptions set out in Policies BNE25 and BNE30 or the paragraph 89 of the NPPF and as a consequence, the proposal constitutes inappropriate development in the Green Belt and the countryside which is harmful by definition. The loss of openness (a basic function of the Green Belt), is contrary to paragraph 79 of the NPPF, and should be afforded significant weight in consideration of this application.

Having established the nature and extent of the harm to the Green Belt, countryside and ALLI and the loss of high quality productive agricultural land the key consideration is whether this harm is clearly outweighed by other considerations so as to amount to very special circumstances necessary to justify the inappropriate development. In this case, the applicant has promoted a number of considerations which have been considered in detail above. In light of the analysis contained in this report, it is concluded that very special circumstances necessary to justify the proposal have not been demonstrated.

The application would normally be determined under delegated powers but is being referred to Planning Committee for decision for consistency as members determined the 2016 application for this site.

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/>