

**MC/18/0247**

**Date Received:** 22 January 2018

**Location:** Land At White House Farm Stoke Road Hoo St Werburgh  
Rochester

**Proposal:** Outline planning application with some matters reserved (appearance, landscaping, layout, and scale) for demolition of all buildings and structures and development of previously developed land and undeveloped land for up to 65 dwellings and associated works and infrastructure

**Applicant** Dean Lewis Estates

**Agent** Mr M Hourigan 7 Swan Square  
15 Swan Street  
Manchester  
M4 5JJ

**Ward:** Peninsula Ward

**Case Officer:** Majid Harouni

**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 9th May 2018.**

**Recommendation - Approval subject to:**

- A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:
- i. Secure a minimum of 25% affordable housing equating to 16 dwellings.
  - ii. £59,488.00 towards Nursery provision
  - iii. £146,016.00 towards primary education
  - iv. £147,506.00 towards secondary education
  - v. £38,870.00 towards Sixth Form

- vi. £10,103.6 toward waste and recycling (J155.44 per dwelling)
- vii. £30,416.75 towards Hoo St. Werburgh Practice
- viii.£37,105.25 towards Heritage and museums improvement of facilities in the Sergeant's Mess building at Upnor Castle.
- ix. £123,737.26 towards Open space
- x. £8,121.75 toward the Great Lines Heritage Park (J51 per person – 2.45 persons per home on average)  
(Great Lines Heritage contribution to be redistributed to benefit more local public facilities)
- xi. £3,020.40 towards improvement and new wearing course for PROW RS111 and RS96
- xii. £30,000.00 towards measures to reduce vehicle speeds on Stoke Road
- xiii £175,646.24 towards new community facilities including new sports complex, new village community centre and/or the provision of 2 new country parks in the wider Hoo St Werburgh area.
- xiv.£15,574.61 toward Habitats Regulations (mitigation against Wintering Birds – at £239.61 per dwelling)

B. And the following conditions:-

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

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

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of 18 months from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

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

- 3 The development to which this permission relates must be begun no later than the expiration of 12 months from the final approval of the reserved matters or in

the case of approval on different dates, the final approval of the last such matter to be approved.

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

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

7455.L.01 Rev E, P717052-001 Rev E received 31/01/2018

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

- 5 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 65.

Reason: To define the planning permission and for the avoidance of doubt.

- 6 No development above ground floor slab level of any part of the development hereby approved shall commence until schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and guttering of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan.

- 7 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation on site. Details shall include the following:

- i. Proposed finished levels of contours of the land, means of enclosure (should be consistent with boundary treatment proposals); car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc).
- ii. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed umbers/densities where appropriate;

- tree pit details including species, size, root treatment and means of support; implementation programme.
- iii. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier or in accordance with a programme to be submitted to and agreed in by the Local Planning Authority.
  - iv. Details of lighting design to include requirement with regard to the recommendation about bats protection, location and specification including spillage and intensity
  - v. Detailed design for sustainable drainage systems

The programme for the implementation of landscaping scheme shall include details of strategic planting and open space provision that will be delivered prior to the occupation of the 30th dwelling. These details shall have regard to the Construction Environmental Management Plan required under condition 17 to ensure that these early landscaping works are not undertaken abortively.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003

- 8 Prior to the commencement of any development, details shall have been submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 9 Prior to the commencement of any development, a scheme for the protection of trees, hedges and green infrastructure to be retained on site and along the full length of the boundary shall be submitted to and approved in writing by the local planning authority. All trees and hedgerows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until

all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE 43 and NPPF.

- 10 Any tree and/or shrub planted pursuant to condition 7 and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and green infrastructure, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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

- 12 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the Council's Approved Interim Parking Standards (or any document which is adopted by the Council which replaces the Approved interim Parking Standards). None of the buildings shall be occupied until the area for parking for that building has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (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 area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 13 No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 14 Prior to the first occupation of each individual building of the development hereby permitted details of the refuse storage arrangements for that building, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Except with the prior written approval of the Local Planning Authority, no building shall be occupied until the approved refuse storage arrangements for that building are in place and all approved storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 15 Prior to the commencement of the development hereby permitted, an acoustic assessment shall be undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm<sub>ax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance (April 2016), and shall specify the

measures that will be implemented as part of the development to mitigate the air quality impacts identified in the approved Air Quality Assessment, reference LE14210, dated January 2018. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment.

The Mitigation Statement shall include full details of the following standard air quality mitigation measures:

- All gas fired boilers to meet a minimum standard of <40mgNOx/kWh;
- Parking spaces to be provided with electric vehicle charging points at the following rates:
  - a) 1 electric vehicle charging point per dwelling with dedicated parking
  - b) 1 electric vehicle charging point per 10 unallocated parking spaces
- Mitigation in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition and Construction

The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

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

Reason: Reason: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

- 18 If, during development (including the demolition works), contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation

works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings and occupiers of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 19 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation and timetable which has been submitted to and approved by the local planning authority. Development shall be carried out in accordance with the approved specification.

Reason: To ensure that features of archaeological interest are properly examined and recorded

- 20 Prior to commencement of any development on the site, full details of the vehicular and pedestrian access to the site shall be submitted to the Local Planning Authority for approval. These details shall include:

- junction radii
- realignment of existing kerblines on Stoke Road to create a widened footway to the west of the site access
- Vehicle sightlines from the access in each direction along Stoke Road
- Uncontrolled pedestrian crossing facilities

Reason: To provide an attractive and safe means of pedestrian access in accordance with Policy T3 of the Medway Local Plan 2003.

- 21 Prior to first occupation of any of the dwellings hereby permitted, highway improvement and visibility splays at the junctions of the application sites with Stoke Road as approved under condition 20 shall have been provided and shall thereafter be retained and kept free of all obstructions.

Reason: In the interests of highway safety and in compliance with Policy T2 of Local Plan.



- 22 No development shall take place until a scheme showing details for 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 (if applicable):

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

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

- 23 Any application for the approval of reserved matters in relation to layout and landscaping shall include: a tree survey; a tree retention/removal plan (with root protection area, the proposed layout, level changes and alignment of utility apparatus shown); an arboricultural impact assessment, a tree protection plan; arboricultural method statements designed to protect and safeguard trees identified for retention; a schedule of works to retained trees; and an arboricultural site monitoring schedule. All of these details shall accord with the British Standards 5837:2012 'Trees in Relation to Design, Demolition and Construction - Recommendations' (or any such subsequent revision). The details shall follow the landscape and open space design required by condition 7. The relevant development shall be implemented in accordance with the approved details.

Reason: To ensure the wellbeing of the trees and hedges to be retained and continuity of tree cover, and maintaining and enhancing the quality and character of the area

- 24 No development shall commence until details of ecological mitigation have been submitted and approved in writing by the Local Planning Authority. The details to be submitted pursuant to the requirements of this condition shall include details of:

- i. Provision of bat boxes within new buildings and/or on retained trees;
- ii. Provision of bird boxes on new buildings and/or on retained trees;
- iii. Provision of log piles;
- iv. Native species within the landscape planting specification;
- v. Landscape planting that provides food and replacement nesting opportunities for birds;

- vi. Surface water infiltration basin that provides opportunities for wildlife in addition to any SuDS function.

The development shall not be occupied until the ecological mitigation has been provided in accordance the approved details.

Reason: To protect and enhance the natural environment in accordance with section 11 of the National Planning policy Framework.

- 25 Prior to the installation of a LEAP children play area, details of play equipment and a scheme of maintenance in perpetuity shall be submitted to and approved in writing by the Local Planning Authority. The details should include the arrangements for its implementation. The children play area shall be laid out, surfaced, fenced, landscaped and completed with items of play equipment installed in accordance with the approved details and satisfaction of the Local Planning Authority prior to the occupation of the 30th dwelling house. The respective play area shall be maintained in accordance with the approved details thereafter.

Reason: To ensure that adequate provision is made for children's recreation in the interests of the occupiers of the new houses and to comply with Policy L4 of the Local Plan.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended no development within Schedule 2, Part 1, Classes A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

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

## **Proposal**

The application site comprises three areas of land, one to the north of Stoke Road where the proposed houses and access to the site would be (this land is directly to the east of the outline permission granted by this Committee for 50 dwellings - ref no: MC/15/009 - in November 2016) and the other two parcels of land are to the south of Stoke Road that facilitate local highways alterations to enable safe access to the land north of Stoke Road and the other provide a surface water attenuation facility to serve the proposed development for 65 dwellings to the north of the Stoke Road.

This is an outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 65 dwellings (including 16 affordable dwellings which would comprise a tenure mix of affordable rent and shared ownership.), vehicular access, landscaping, open space and children's play space, surface water attenuation and ancillary works.

At this stage, the only aspect of the application submitted for consideration is that of vehicular access. This is proposed to be located on the north side of Stoke Road, approximately 550m west of the Ropers Lane roundabout.

The application is accompanied by an 'indicative plan' which shows the development site's sole vehicular access would be from Stoke Road. The indicative plan shows the proposed development would have substantial landscaping at the entrance and enclosed by substantial amenity areas to the north and south and landscaping along the other boundaries of the site and within the central east-west avenue.

The surface water drainage scheme for this development would include the provision of a widened watercourse, balancing ponds and these would be situated on both sides of Stoke Road on land within the applicant's ownership.

The indicative plan submitted shows that the development would be relatively low density, two-storey heights houses along the boundaries (outer edge of the site), two and two and a half storey houses on the inner area and a 3-storey flat block towards the central part of the site.

The density of the development if developed out to its maximum capacity of 65 dwellings would be about 28 dwellings per hectare (dph).

The transport assessment accompanying the application has identified the need for a road realignment improvement to facilitate satisfactory and safe sightlines at the proposed access points to the site. The proposed indicative plan and transport assessment report also indicates that the car parking provision will be in compliance with the Local Plan Policy and the exact numbers will be determined at the reserved matters stage.

A single access onto Stoke Road is proposed. The access would provide for a 5.5m wide carriageway, 2 x 2m footway and 6m corner radii. Visibility splays. To ensure that the access and the associated visibility splays can be delivered within either the red line or highway boundary, the re-alignment of Stoke Road has been proposed. The internal road layout would be subject to a future detailed Reserved Matters application.

The indicative layout shows a main street that provides the primary route through the site with access from Stoke Road. Leading off this will be a series of secondary and tertiary routes, namely green lanes and green frontages. A watercourse bisects the application site to the east and west areas and a road bridge connects these two areas and the

6mwide watercourse would become a landmark and water feature. In addition, formal and informal footpath connections are proposed throughout the Site.

Children play provision is indicated close to an existing mature tree to be retained close to the eastern boundary of the site.

### **Site Area/Density**

Site Area: 22.79hectares (6.2 acres)

Site Density: 24dph (11dpa)

### **Relevant Planning History**

Mc/15/0098 Outline application with all matters reserved for redevelopment of former farm site to provide a residential development of up to 50 dwellings (Use Class C3), open space, infrastructure, landscaping and associated works.  
Approved 10/11/2016

MC/12/1076 Application for a Lawful Development Certificate (existing) for the use of land as a storage area for touring caravans (Class B8)  
Decision Approval  
Decided 11/07/2012

### **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.

**117 letters** of objection have been received from the local residents expressing concern about the following:

- The Hoo peninsula is served only by the one access road and this road cannot cope with the cumulative growth proposed.
- Four Elms is a horrific junction already and will only get worse by all these developments.
- The public transport links here are insufficient.
- There are not enough Doctors, Dentists and school provisions in the village to service the future occupiers of these houses. Making appointments are difficult and surgeries have closed their doors already to new clients.
- The development will harm the outlook and cause loss of view to existing residents within this area.

- The village of Hoo is being converted into a town. Nobody within the village wants this development.
- There are water and sewerage issue in the village and the proposed development will make the situation worse.

**UK Power Networks** has not raised any objection.

**Southern Gas Network** has not raised any objection

**Southern Water** has stated that the initial desktop assessment indicates that Southern Water currently cannot accommodate the needs of this development without providing additional local infrastructure. The proposed development would increase flows into 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 Water has no objection subject to appropriate condition.

**Natural England** notes that the applicant is proposing a number of mitigation measures namely:

- Making the appropriate financial contribution to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS); and
- Provision of an integral area of green space which will include circular walking routes as part of the development.

Subject to the measures above being implemented it is considered that the scheme is unlikely to result in significant effects to the designated sites mentioned above. It has therefore been advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

**KCC Archaeology** advises that the proposed development may impact upon buried archaeological remains. A condition relating to a programme of archaeological works is requested.

**KCC Ecology** states that protected Species Reptiles have been recorded along the northern hedgerow which is to be retained. We advise that protective measures are included within any construction environmental management plan to ensure that these areas are protected during the constructional period.

A single tree has been identified as having high bat potential within parcel 3, with bat surveys recommended prior to its removal. As replacement provisions can be implemented on-site, we consider that any required mitigation measures would be

achievable. Therefore, we advise that these measures are secured as a condition of any granted planning application.

The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting, the installation of bat/bird nest boxes and ecological enhancements within the SUDS basin. Various suggestions have also been made within the submitted ecological report. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission. This is in accordance with Paragraph 118 of the NPPF "opportunities to incorporate biodiversity in and around developments should be encouraged".

KCC ecology has no objection subject to appropriate condition.

**Hoo St Werburgh Parish Council** object to the application making the following comments:

If approved, this would signify a serious and continued over-development of the village of Hoo St Werburgh. The application site is set on the outskirts of the village of Hoo but is within the parish of Hoo St Werburgh, and would damage the character of the local community and ride roughshod over the wishes of significant numbers of taxpayers/local residents who wish to protect the countryside and the semi-rural environment. To date, there are two other outline applications approved for this area and this is the second of two more which will be received by Medway Council. The approximate total of the developments will be in the region of 450 homes.

If successful the application would result in thousands of additional car journeys each day, including the current and projected commercial vehicle movements from industrial areas at the Isle of Grain, Kingsnorth, and the numerous farming and storage, and quarry outlets across the Hoo peninsula. Four Elms hill is the only main access route for residents in the villages of Chattenden, Hoo, High Halstow, Stoke, St Mary Hoo, Allhallows and the Isle of Grain. Public transport facilities are currently insufficient to meet the needs of the public on the Peninsula at peak times.

Massive and unchecked over development of the village of Hoo in recent years has resulted in overcapacity problems at the local primary school, GP provision, and one of the two GP surgeries in the village has recently closed registration to new patients. The main hospital in the area has insufficient capacity to meet the needs of the population of the area it is expected to serve and has recently emerged from a rating of "Special Measures". General community facilities and local roads, are unable to cope with the needs of the local population and require considerable investment, which does not appear to be available. The utility services are stretched to breaking point and beyond, on occasions with sewage removal being a particular problem at times, resulting in difficult problems for some residents which the Water Company have failed to solve. There are insufficient retail facilities to meet the needs of Peninsula Residents, thus increasing the number of vehicle movements to and from the area as people seek to satisfy their requirements.

## **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*

The application site comprises two fields; the eastern parts comprise stables and paddocks and are used for grazing by horses. The western part is used for storage of caravans and motorhomes.

The land to the west has a lawful use for storage of caravans. The caravan storage area is screened by the existing two storey Whitehouse building along the road frontage. This dwelling house is not part of the application site and will remain.

A line of conifer trees along the northern boundary of the site screen the site when viewed from the north.

Adjoining the Site to the east lies a field compartment containing a TV mast and associated structures.

In 2016, outline permission was granted for the development of 50 dwellings on the land the west of the application site (Street Farm – the former fruit packing centre for the Gotham's).

A watercourse bisects the site along the boundary divide of the caravan storage area to the west and the equestrian/ paddock area to the east. This watercourse runs into a culvert beneath Stoke Road.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other 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 Framework specifies that "the purpose of the planning system is to contribute to the achievement of sustainable development" and goes on to define what this constitutes in paragraphs 6 & 7. The policies in paragraphs 18 – 219 set out the Government's view of

how it should be achieved. A presumption in favour of sustainable development is described as a “golden thread” running through the planning process.

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. It has also been proven at recent appeals that the Council should apply a 20% buffer due to a lack of supply in order to catch-up with demand as stated by Government policy. As a result of the shortfall in the housing land supply, paragraphs 49 and 14 of the NPPF apply, and relevant policies for the supply of housing should be considered as not up to date. Nevertheless, the remaining development plan policies also need to be consistent with the NPPF 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.’* Therefore relevant policies fall away and decisions are made in accordance with the definition of sustainable development as outlined in the NPPF.

In the light of the above, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is thereby engaged. The failure to demonstrate a five year supply of deliverable housing sites is a matter to which substantial weight must be accorded.

Sustainability is defined in paragraph 7 of the NPPF and has three dimensions: environmental, social and economic. Any assessment needs to encompass all of the dimensions as they are ‘mutually dependent’ as per paragraph 8 of the NPPF.

In terms of location and the traditional definition of sustainability, the site is within close proximity to the centre of the village of Hoo, where there are shops, restaurants, café’s hairdressers, library etc and relatively close to doctors surgeries (although recognising the pressure on them) and schools. There are good bus links from the centre of Hoo..

In Economic terms the proposal will bring employment in the form of construction jobs while, when built, bringing disposable income into the area from prospective occupiers which will benefit local shops and services.

In social terms the proposal will deliver up to 65 dwellings and therefore go some way to meeting the housing needs facing Hoo, the peninsula and Medway generally. In addition 25% (possibly 16) of these will be affordable providing for affordable rent and shared ownership to assist meeting the demands and needs for affordable housing.

In Environmental terms, the site does not fall within any formal landscape policy or international/national or local environmental designation. The landscape is also deemed not to be significant in section 11 of the Medway Landscape Character Appraisal 2011



'Hoo Peninsula Farmland' which describes the site as having moderate sensitivity and poor condition. It does recommend that the separation between Hoo and other villages is maintained and also that suburbanisation of villages is resisted. The proposal would not affect either of these concerns as it would not significantly and demonstrably harm the separation between Hoo and other villages

The Landscape Visual Impact Assessment submitted as part of the application assesses minor adverse effects on local landscape character is inevitable. However, the impact will decrease over time when landscaping on the site would establish and mature.

### Conclusion to principle

It is considered based on the balancing of all the above factors, the proposed development would represent a sustainable development in terms of the definitions set out in paragraph 7 of the NPPF and the principle of the proposal is acceptable.

### *Design*

Given that this application is in outline and the design and appearance of the proposed residential units have not been submitted for consideration, the design of the scheme cannot be assessed at this stage. This will be done as part of any reserved matters submissions that will follow. However, it is considered that the illustrative layout plan submitted demonstrates that the site's opportunities will be fully utilised in order to achieve an acceptable layout. The indicative layout shows a play area provision for children. The dwellings would be predominantly 2 storey with some 2.5 storey involving dormers with room in the roof space.

To maintain good legibility of the site, appropriate to the scale of the proposed development, a simple street hierarchy is shown. The indicative layout shows that the main street provides the primary route through the site with access from Stoke Road. Leading off this will be a series of secondary and tertiary routes with green lanes and green frontages, incorporating shared private drives.

The indicative layout shows tree planting along the length of the 6 m wide and over 110m long watercourse that runs through the site together with a road bridge creating an attractive landscape and water feature environment. In addition, formal and informal footpath connections are shown throughout the Site. Also, the indicated density and the number of units proposed would be satisfactory and the development would relate well to the character, density and appearance of the wider surrounding. In principle, therefore, the development could comply with Policy BNE1 of the Local Plan.

### *Amenity*

The main issue of amenity that has arisen from the number of neighbour responses that have been received is that of the general impact on the amenity of the existing residents of Hoo. The concerns are that the increase in housing here could detrimentally impact

residents that currently live on Stoke Road and will result in the loss of enjoyment to private amenity spaces as well as impacting the outlook and view from many of these houses. The general opinion taken from a number of letters received is that this proposal is out of keeping with the village of Hoo.

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

The nearest residential properties to the site are to the south and southwest of the application site. Therefore future reserved matters application would need to be designed to ensure that the amenities of these properties and other local residents including relationship with housing development permitted under (MC/15/0098) are protected and comply with Policy BNE2 of the Local Plan.

A condition will be imposed seeking the submission of a Construction Environmental Management Plan (CEMP) prior to the commencement of development, which would seek to mitigate against harm to residential and local amenity during the construction phase of the development.

#### *Air quality*

Air pollution has a wide-ranging impact on human health and new development can have an adverse impact on air quality through increased transport movements and congestion. The application site is located such that traffic generated by the proposed development will impact on the highly sensitive Air Quality Management Areas (AQMAs) in and around Hoo St Werburgh. An air quality assessment report is included with the application which is considered satisfactory. On the basis that an air quality management plan will be implemented, details of which will be secured by condition, the proposed development will not generate adverse air quality effects and would comply with Local Plan policy BNE24 and paragraph 124 of the NPPF.

A damage costs assessment has been carried out in accordance with the requirements of the Medway Air Quality Planning Guidance. The value of the damage costs should be used as the basis for developing a development specific air quality mitigation scheme. In line with our guidance, this should include the following standard air quality mitigation measures:

- Installation of low NOx gas fired boilers
- Installation of electric vehicle charging points at the rates detailed in the guidance

- Construction phase mitigation in accordance with the referenced IAQM guidance.

The final mitigation scheme can be agreed at the detailed design stage subject to including an appropriate condition on any permission.

### *Archaeology*

A full archaeological investigation in accordance with a pre-agreed specification can be reasonably secured by a condition as recommended by the KCC Archaeology Officer.

### *Affordable Housing*

The application seeks outline planning permission for up to 65 dwellings. In compliance with the Local Plan Policy H3, the development would need to deliver 25% affordable units, equal to 16 dwellings. Also in compliance with the Council's developers' contribution guide, 60% of the 16 units would need to be for social rent and 40% for shared ownership. This will be secured through the S106 agreement proposed

As this is an outline application, details of the type and location of the affordable units will be secured as part of a reserved matter application.

### *Flood Risk*

The application site is situated within zone 1 flood risk area as defined by the Environmental Agency and as such therefore it is not necessary to undertake either a Sequential Test or the exception test. However as the site is larger than 1 hectare in size it is necessary to examine the impact of all sources of flood risk on the development.

An assessment of the flood risk on site has identified that the existing watercourse that runs through the site has the capacity to accommodate 1:100 rainfall event including allowing for the climate change.

The downstream end of the watercourse is currently restricted by a culvert which is beneath Stoke Road. In the event of a blockage, or limited capacity, there is the potential for water to back up within the watercourse. In addition a number of improvements to the network of surface water drains and watercourses are proposed in order to manage the overland flow of water in a sustainable way for the lifetime of the development.

The development proposals also include the use of SuDS which are designed to accommodate the rainfall events on site before discharging to the improved watercourse at a rate which is less than the current discharge rate. These improvements will have the added benefit of reducing the potential for the culvert beneath Stoke Road to surcharge in the future.

The proposed SuDS would comprise creation of three new ponds with respective capacities of 110m<sup>3</sup>, 220m<sup>3</sup> and 3250m<sup>3</sup>, increase the width and depth of the existing watercourse to provide a large swale, upgrade of the existing culvert ditch widening,

construct a new culvert to deliver surface water from the eastern part of the site to the south side of Stoke Road, and to widen the existing watercourse to the south of Stoke Road to accommodate the runoff from the upgraded culvert into the larger pond on the south side of Stoke Road.

The proposal should also ensure that there is a maintenance schedule in place for the lifetime of the development to maintain the proposed SuDs programme for this site.

It is considered that the proposed above measures will deal with the surface water at the development site and will help to provide opportunity for creating a wetland habitat to the benefit of the environment and biodiversity.

Overall, this application is considered to be acceptable in flood risk terms subject to conditions that the above that will be incorporated and delivered as part of the design of the future reserved matters application.

### *Highways*

The proposed access is considered acceptable for the proposed residential use, and has been subject to a Road Safety Audit. In order to incorporate appropriate sightlines along Stoke Road, it is proposed to realign Stoke Road along the site frontage; this would also enable improvements to footway widths on this side of the carriageway. The proposed development is predicted to generate 42 vehicle trips in the morning peak period and 49 trips between 1500 and 1600. This represents a relatively low number of movements that would not have a significant impact on conditions of road safety and capacity. Subject to appropriate conditions, no objection is raised in respect of Policy T2 of the Medway Local Plan.

In recognition of the traffic speed survey submitted with the planning application, which records vehicle speeds in excess of the 30mph limit, a contribution of J30,000 towards measures to reduce vehicle speeds on Stoke Road is requested. This may include enhancements to the existing gateway feature adjacent to the proposed access, or the relocation of this feature to suit the new development.

### *Loss of Grade II agricultural land*

The proposal would result in the development of a Grade II (very good quality) agricultural land; however, there is no record that since the early 1960s the land has been used for farm and food production. Also, the site is relatively small. It is therefore considered that its loss to housing would not have a detrimental impact on the local or national agricultural production.

### *Balancing Exercise*

There would be traffic generated by the proposal and the proposal would have an adverse impact in landscape and ecology, also pressure will be placed on the existing facilities, but all these would be mitigated to a significant degree by the various measures set out above including developer's contributions.

All these attract important weight in the balancing exercise. However, it is important to acknowledge that considerable importance and weight is not the same as overriding importance.

The provision of new open market and affordable housing and the associated economic and social benefits are very weighty matters. It is considered that the harm that would result from the development in its totality, does not come close to significant and demonstrably outweighing the benefits when assessed against the policies of the Framework considered as a whole. On that basis, it is considered that the proposal benefits from the presumption in favour of sustainable development.

### *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 J239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total J550) 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 have agreed that this is included in the S106 process. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken into account if the obligation is (a) necessary to make the development acceptable in planning terms; (b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The obligations proposed, comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind. The following contributions are sought:

A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 to secure the following developer's contributions:

- |       |   |              |
|-------|---|--------------|
| i)    | 25% Affordable Housing on site: equating to 16 dwellings  |              |
| ii)   | Towards Nursery School at Hundred of Hoo primary<br>phase 2 or new free school in the area  | £ 59,488.00  |
| iii)  | Towards Primary School at Hundred of Hoo primary<br>phase 2 or new free school in the area  | £ 146,016.00 |
| iv)   | Towards Secondary School at: Hundred of Hoo academy<br>(science) or a new free school in the area   | £ 147,506.00 |
| v)    | Towards Sixth Form at: Hundred of Hoo academy (science)<br>or a new free school in the area   | £ 38,870.00  |
| vi)   | Towards Waste and Recycling   | £ 10,103.60  |
| vii)  | Towards Hoo St. Werburgh Practice   | £ 30,416.75  |
| viii) | Towards off site Green space  | £ 123,737.26 |
| ix)   | Towards improvement of Public Right of Way<br>(footpath RS111 and RS96)   | £ 3,020.00   |
| x)    | Towards Heritage and museums improvement of facilities<br>in the Sergeant's Mess building at Upnor Castle   | £ 7,070.00   |
| xi)   | Towards Great lines heritage park<br><br>(Great Lines Heritage contribution to be redistributed to<br>benefit more local public facilities)                       | £ 8,121.75   |
| xii)  | Towards measures to reduce vehicle speeds on Stoke Road   | £30,000.00   |
| xiii) | Towards new community facilities including new sports<br>complex, new village community centre and/or the<br>provision of 2 new country parks in the wider Hoo St |              |

Werburgh area	£175,646.24
xiv) Toward Habitats Regulations (mitigation against Wintering Birds – at J239.61 per dwelling)	£ 15,574.61

### *Local Finance Considerations*

None

### **Conclusions and Reasons for Approval**

The development at this site would extend the urban boundary of Hoo St Werburgh further to the east. The development would provide 65 new dwelling units of which 25% would be affordable housing.

Whilst the development would have an impact on the local ecology and open character of the area, it is not considered that this would be significant having regard to the mitigations proposed and developer's contribution agreed. In addition to this, the need to provide sites suitable for housing holds significant weight which outweighs the harm. The site is in a sustainable location where there is access to public transport facilities as well as a number of other services and facilities. The development would conform to the aspirations of the NPPF.

The proposed development due to its countryside location is contrary to Policy BNE25 of the Local Plan. However, because of the lack of 5 years housing land supply, the NPPF states that planning applications for housing development should be considered in the context of presumption in favour of sustainable development and for the above reasons the development is considered to be sustainable.

This proposal will deliver a much-needed mix of market and affordable dwellings of different sizes, types and tenure required to meet the needs of a mixed community in a quality an attractive environment and will assist in delivering and enhance infrastructure in the locality. The proposal is considered to be in compliance with Policies S1, S6, BNE1, BNE2, BNE3, BNE6, BNE21, BNE22, BNE23, BNE24, BNE25, BNE37, BNE39, BNE43, BNE48, H3, H10, L2, T1, and paragraphs 7, 8, 14, 47, 49 and 73 of the NPPF.

This application would normally be determined under delegated authority but is being reported to planning committee due to the extent of local interest expressing a view contrary to the recommendation.

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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://publicaccess1.medway.gov.uk/online-applications/>