

MC/17/4408

Date Received: 21 December 2017

Location: Land At Walnut Tree Farm North Of Britannia Road High Halstow
Rochester

Proposal: Proposed development of 66 dwellings together with associated
new accessing arrangements, car parking, landscaping and open
space

Applicant Redrow Homes Limited

Agent Ms Ashton
The Mill House
Cackle Street
Brede
East Sussex
TN31 6EA

Ward: Peninsula Ward

Case Officer: Tim Chapman

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 4th July 2018.

Recommendation - Approved Subject to S106

- A. A section 106 Agreement being entered into to secure the following:
- i. The provision of 17 affordable units (25%) – to be a mix of shared ownership units (40%) and affordable rent (60%);
 - ii. £51,584.00 towards Nursery provision in High Halstow
 - iii. £129,792.00 towards Primary provision in either High Halstow or expanding Hoo Academy 9primary school) to 2FE or a new primary free school in the Hoo area.
 - iv. £71,247.43 towards Hundred of Hoo (Secondary School) Humanities Block expansion and improvements or a new free school in the Hoo area

- v. £40,725.30 towards improved health facilities to be used for improvements to Hoo St Werburgh practice with their relocation to alternative premises on the Peninsula
- vi. £40,000 towards improvements to pedestrian infrastructure between the site and village including enhancements to pedestrian routes between the site and local primary school (safer routes to school) between the site and High Halstow village
- vii. £5,043.72 towards youth services for the youth services detached work on Hoo Peninsula
- viii. £59,336.64 towards Open space to be spent on improvements to Forge Common and/or High Halstow Recreation Ground.
- ix. £10,259.04 towards waste services
- x. £37,676.10 towards Heritage and Museums to be used to improve the grounds (benches, letter bins, seating, outdoor lighting) of Upnor Castle for visitors
- xi. £11,800.80 towards improvements to Community facilities within the High Halstow Parish area
- xii. £10,635.90 to provide supplies to existing library services
- xiii. £2,682 towards improvements to Public Rights of Way in the area
- xiv. £17,540.00 towards the management of the Northward Hill SSSI
- xv. £15,814.26 towards Habitat Regulations (SAMMS)

B. The imposition of the following conditions:

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: LP01 revA, SL01 revL, CSL revL, SE.01 revE, BDML01 revJ, SE01 rev F n HT.AMB.pe1 revC, HT.AMB.pe1 revC, HT.AMB.pe2 revC, HT.AMB.pe3revB HT.DART.e revC, HT.DART.p revC, HT.HENL.e1 revB, HT.HENL.p revB, HT.HIGH.e1 revB, HT.HIGH.e2 evB, HT.HIGH.p revB, HT.LEAM.pe1 revC, HT.LEAM.pe2 revC, HT.LUDL.e1 revC, HT.LUDL.p revC, HT.OXFO.pe1 revB, HT.OXFO.pe2 revC, HT.OXFO.pe3 revA, HT.WARW.pe1 revC, HT.WARW.pe2 revC, HT.WARW.pe3 revC, HT.WARW.pe5 revC, HT.WARW.pe6 revB, HT.SNOW-A.e revC, HT.SNOW-A.p revC, HT.SNOW-B.p revC, HT.SNOW-B.e revC, HT.TEME.e1 revB, HT. TEME.p revC, BS.01 rev A, CS.01 revA,GAR01.pe revA;

- Planning Statement dated Dec 2017 produced by Judith Ashton Associates;
- Design and Access Statement dated Dec 2017 produced by Thrive Architects;
- The Transport Assessment dated Dec 2017 produced by PT Planners;

- The Flood Risk Assessment dated March 2018 produced by PT Planners;
- Drainage Strategy Report dated March 2018: Report no. 11082/01C produced by PT Planners;
- The Preliminary Ecological Appraisal dated Nov 2017 plus associated Winter Bird Survey dated March 2016, Breeding Bird Survey dated July 2016, Bat Survey dated July 2016, Bat Preliminary Roost Assessment dated Nov 2017, Reptile Survey dated Oct 2016, Great Crested Newt Survey dated May 2016 and Dormouse Survey Report dated Nov 2017 produced by Twigg Group;
- The Landscape and Visual Impact Assessment dated Nov 2017 produced by Eleanor Trenfield Landscape Architects Ltd;
- The Landscape Management Plan (dated May 2018 - 0084-R02-V6) produced by Eleanor Trenfield Landscape Architects Ltd, SimonJones Associates and Twigg Group;
- Play Statement, LAP and LEAP proposal (dated May 2018 - 0083-R04-V3), appended to which is 0083-L17 (play equipment) and 0083-L18 (Woodland Play Area)
 - Landscape plans:
 - 0083-L08 -Rev C Landscape Strategy (revision dated 15.06.18)
 - 0083-L09-Rev C Hard Landscape Proposals (revision dated 15.06.18)
 - 0083-L10-Rev C Hard Landscape Proposals (revision dated 15.06.18)
 - 0083-L11-Rev C Soft Landscape Proposals (revision dated 15.06.18)
 - 0083-L12-Rev C Soft Landscape Proposals (revision dated 15.06.18)
- The Arboricultural Report dated May 2018 prepared by Simon Jones Associates;
- The Agricultural Land Classification and Soil Resources report dated Dec 2017 prepared by Reading Agricultural Consultants Ltd;
- The Archeological Desk Based Appraisal dated Dec 2017 produced by SWAT Archaeology;
- The Geo-Environmental Desk Study / Preliminary Risk Assessment Report dated Aug 2017 produced by Turner Jomas & Associates Ltd;
- The Air Quality Assessment dated April 2018 produced by Fichtner Consulting Engineers
- The Utilities Assessment dated Dec 2017 produced by PT Planners;
- The Construction Environmental Management Plan dated Dec 2017 produced by Redrow;
- The Statement of Community Involvement dated Dec 2017 produced by Chelgate Limited;
- The Affordable Housing Statement dated Dec 2017 produced by Judith Ashton Associates

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

- 3 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions A to C below have been complied with. If

unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 5 has been complied with in relation to that contamination.

A. A site investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The desk study, investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets,
- woodland and service lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11'.

B. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

C. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

D. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition A, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition B, which is subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition B are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition C.

Reason: In the interests of safeguarding health.

- 4 No development shall take place until a detailed 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 Fichtner Consulting Engineers Limited Air Quality Assessment, dated 16 April 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 development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: In the interests of air quality, in accordance with Local Plan Policy BNE24.

- 5 No dwelling shall be first occupied until details and samples of all boundary treatment and external lighting have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the first occupation of the dwelling to which the boundary treatment/external lighting relates and shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, and in the interests

of biodiversity and protection of residential amenity, in accordance with Policies BNE1, BNE2, BNE37 and BNE38 of the Medway Local Plan 2003.

- 6 No external meter boxes on the principal elevations of buildings.

Reason: In the interests of satisfactory external appearance, in accordance with Local Plan Policy BNE1.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Class A, B (Part 1) and Class A (Part 2) of that Order for units 45-54 of the approved development unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control boundary treatment (fencing) and extensions or roof alterations in the interests of visual, neighbouring amenity, and biodiversity in accordance with Policies BNE1, BNE2 and BNE38 of the Medway Local Plan 2003.

- 8 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 specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded, in accordance with Policies BNE21 of the Medway Local Plan 2003.

- 9 No development above ground floor slab level shall take place until the applicant, or their agents or successors in title, have submitted to and had approved in writing by the Local Planning Authority a landscape management plan. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. It shall include the provision of habitat for protected species present on site and shall be implemented prior to development of the relevant identified areas (including existing habitat, wildlife corridors and receptor areas). The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping and biodiversity in accordance with Policies BNE1, BNE6, BNE 37 and BNE38 of the Medway Local Plan 2003.

- 10 Prior to the first occupation of the development herein approved, details of the proposed play areas and associated access should be submitted to and approved

by the local Planning authority. The submitted details shall accord with the following criteria:

- a) The play area (Local Equipped Area of Play) should be a minimum size of 200msq. The play equipment should be a minimum of 20m away from the nearest residential properties.
- b) The positioning of the path and play equipment should be undertaken under the supervision of a qualified arboriculturalist and ecologist to minimise the impact on the woodland, retaining as many trees as possible and snaking around and retaining habitat connectivity by not removing the canopy above the footpaths.
- c) A post installation inspection should be carried out before opening to the public. Signage should be clearly displayed stating the name of the site, emergency contact number for management company, recommended age, no dogs, glass etc.

Reason: In the interests of tree protection, residential amenity, biodiversity and play provision, in accordance with Policies BNE2,BNE37, BNE43 and L4 of the Medway Local Plan 2003.

11 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).

b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.

c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: 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 All construction traffic shall access the site from the east using Britannia Road and shall not travel via High Halstow village to the west.

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

- 13 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 14 Prior to works commencing within the woodland or vegetated site boundaries the completed dormouse survey and (if required) mitigation strategy must be submitted for written approval by the LPA. The mitigation strategy must be implemented as detailed within the approved report.

Reason: In the interests of biodiversity, in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 15 Within 3 months of construction commencing a detailed lighting scheme (informed by the bat activity surveys) must be submitted to the LPA for written approval. The lighting scheme shall:

a) Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;

b) Show how, where and what external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

Reason: In the interests of biodiversity, in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 16 Prior to any works commencing on site (including vegetation clearance) a detailed ecological mitigation strategy must be submitted to the LPA for written approval. The Strategy must include the following information:
- a) Aims and objectives of the report
 - b) Methodology to achieve those aims and objectives
 - c) Timing of the proposed works
 - d) Details of who will be carrying out the works
 - e) Interim management plan until the site wide management plan is implemented.

The mitigation must be implemented as detailed within the approved strategy.

Reason: In the interests of biodiversity, in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 17 Prior to the occupation of the site a detailed landscape management plan must be submitted to the LPA for written approval. The landscape management plan must be implemented as detailed within the approved report.

Reason: In the interests of biodiversity, in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 18 No development shall take place until details of the junction between the development and the highway have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 19 Prior to occupation a Safety Audit for Stage 1, including priority signage where carriageway narrowing occurs, shall be submitted to and approved by the Local Planning Authority and must be implemented as detailed within the approved audit.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 20 All proposed kerb face heights associated with the new roads must be 125mm.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T1 of the Medway Local Plan 2003.

- 21 All parking shown in the approved drawings shall be provided and retained for the use of the designated residence. Parking provided for visitors shall be retained as such and not allocated to any residence.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T13 of the Medway Local Plan 2003.

- 22 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, phasing (where appropriate) implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved. 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 Prior to occupation of the development, a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the Sustainable Drainage System has been constructed as per the agreed scheme and plans.

Reason: This condition is sought in accordance with paragraph 103 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 24 Details of the attenuation pond landscaping must be submitted to and approved by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details prior to the first occupation of any part of the development herein approved.

Reason: To safeguard the landscape and ecological interests of the site and to ensure adequate maintenance for the protection of landscape and habitat in the interests of ecological and local amenity.

- 25 No development above slab level shall take place until details of off-site drainage works have been submitted to and approved in writing by the Local Planning Authority. Such details shall include improvement works to the receiving ditch system to be undertaken from the final point of discharge to the ditches located on the north and south of Britannia Road to Sharnal Street. Occupation of any dwelling hereby approved shall not occur before the approved works have been completed. The Local Planning Authority shall be informed in writing of the completion of the approved works prior to first occupation of any dwelling.

Reason: In order to ensure adequate drainage is provided, and to use the opportunities offered by new development to reduce the causes and impacts of flooding, in accordance with NPPF Paragraph 100.

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

Proposal

The Proposal is a detailed application for the development of Land at Walnut Tree Farm, North of Britannia Road, High Halstow, Kent, so as to accommodate 66 dwellings (1 x 1 bed flat, 11 x 2 bed flats, 4 x 2 bed houses, 37 x 3 bed houses, 7 x 4 bed houses and 6 x 5 bed houses) together with associated new access road, car parking, landscaping and open space.

The erection of 66 dwellings results in a site density of 23 dwellings per hectare of mainly 2 storey detached houses, with some semi-detached houses, a terraced row of three houses and two blocks of 3 storey flats. The immediate setting is provided by an existing woodland buffer which is largely retained and augmented along the western and southern boundaries, with a hedgerow buffer to open countryside to the east.

The design of the proposal is structured by a central spine road accessed from Britannia Road, with a number of cul-de-sacs branching off.

The houses are in the form of standard house types, varied with differing materials including brick, render tile hanging and timber boarding, in traditional style, with larger units typically with hipped tiled roofs and projecting bays. The 2 blocks of flats are in a modest neo-Georgian style with windows graduated from larger to smaller, going up the front elevation. The flats are provided at the end of a cul-de-sac, providing a focal point. Windows on the southern elevation of the southern-most block, overlook the landscape buffer and footpath to the south.

An existing PROW heading north east from the south of the site is incorporated within the proposal, with footways linking to Willowbank Drive, Britannia Road and a woodland walk

and pedestrian footways adjoining the main spine road. Individual cu-de-sacs are served with a shared surface, with block paving providing a contrast between the different roads

The proposal retains the existing hedges and some trees within the site and addition of further planting. Some of the existing woodland to the west is proposed to be removed. Open space is provided in the following forms:

- A woodland copse and buffer to the western boundary, including a woodland walk and woodland play equipment.
- A small orchard is proposed toward the centre of the site on the eastern boundary. To the south, in the form of sustainable drainage and an attenuation pond.
- Private gardens and communal amenity space for the houses and flats.

All market houses have two off-street parking spaces, often in a tandem arrangement, with 1 space provided for each flat or affordable house. There are a total of 15 unallocated spaces, 9 of which are for visitors. Cycle parking is provided in the form of designated cycle storage or individual garages.

Site Area/Density

Site Area: 2.78 ha (6.86dpa)

Site Density: 23.74dph (9.62dpa)

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.

52 objections from 35 households have been received from residents raising the following concerns:

- Increase in traffic
- Premature in advance of a local plan
- Lack of supporting infrastructure, including health, schools
- Loss of rural character
- Does not respect local context or street pattern
- Increase in noise, light and air pollution
- Increase in crime
- Damage to ecology
- Sewage, drainage and flooding concerns
- Unsustainable site
- Loss of farmland
- Housing will not meet local need for bungalows and the elderly
- Site is within Nitrate Vulnerable Zone
- Boundary of the site is contaminated

- Risk of unexploded ordinance
- Risk of soil heave
- Overdevelopment
- Loss of privacy and damage to existing residential amenity
- Lack of parking
- Should have a pavement on Britannia Road, rather than via Willowbank Drive
- No provision to access existing footpaths across the site.
- No local employment for residents
- Development could lead to pressure for further housing on adjoining farmland.
- Loss of trees

High Halstow Parish Council objects on the basis of flooding, lack of infrastructure, loss of amenity. If approved the Parish Council should manage open space on

Dickens Country Protection Society have raised concerns about highway impact and pressure on community facilities.

The Ramblers Association advises that PROW (public right of way) RS43 which passes through the site should not be obstructed.

Environment Agency has not objected

UK Power Networks advises that powers lines cross the site and an informative is suggested.

Natural England requests a financial contribution for green infrastructure.

RSPB has no objection subject to S106 contribution to nearby SPA (special protection area) and SSSI (site of special scientific interest).

Southern Water has no objection subject to condition that there should be no habitable rooms with 15m of adjoining pumping station.

KCC Ecology have no objection subject to appropriate conditions relating to dormice, a lighting scheme to protect bats, an ecological mitigation strategy and a landscape management.

Archaeology advise that the submitted evidence is not adequate but the issue can be adequately addressed by condition.

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 is situated to the north-east part of High Halstow, immediately adjacent to the settlement edge. It adjoins but is outside the village boundary. The northern boundary of the site abuts residential properties on Longfield Avenue and an agricultural field. The eastern boundary also abuts an agricultural field. Britannia Road and residential properties adjacent to Willowbank Drive and Medway Avenue form the southern boundary to the Site; and residential properties adjacent to Longfield Avenue and Medway Avenue form the western boundary to the Site.

The northern and central parts of the site are broadly rectangular in form, with the southern part of the site consisting of a narrower tract of land extending south-east towards Britannia Road. The principle features within the site are a former arable field exhibiting ruderal vegetation and woodland (along the western part of the site), and a group of willow trees around a small pond feature within the southern part of the site. The agricultural land has been assessed to be Grade 3B, moderate quality.

There is a very gentle fall in the landform across the site, from the northern edge at 49.5m AOD to the southern part of the site at 47m AOD. The southern edge of the site consists of a narrow bank which slopes up from 47m AOD to Britannia Road and Willowbank Drive at 48m AOD.

The immediate area is predominantly residential in nature with residential properties located to the north, south and west, and more rural in nature to the east. The residential properties to the north, south and west comprise a variety of different house types, ages and styles, albeit the majority are 2 storeys in height, and of a simple form and scale.

The central part of the site is crossed by 2 parallel rows of overhead power lines, approximately 15m apart and their associated telegraph poles at the eastern and western edges of the Site. These overhead power lines continue across the fields to the east of the Site, towards Clinch Street.

An existing public right of way crosses the southern part of the site, linking Britannia Road with fields to the east of the Site.

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 High Halstow, where there is a Village Hall, memorial Hall, playing fields, pub, primary school and slightly further away a small shop.

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 66 dwellings and therefore go some way to meeting the housing needs facing High Halstow, the peninsula and Medway generally. In addition 25% 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 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. Site can be seen as an infill to the edge within the existing residential fabric of High Halstow. The loss of open, formerly agricultural, land will be visible from adjoining PROW and would cause minor to moderate harm to the existing rural character. However it is considered that impact will be limited given its location adjoining existing housing and the screening and landscaping proposed.

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 and appearance

The proposal consists of a predominately two storey residential house with two blocks of 3 storey flats in the centre of the site. The external elevations are varied using vernacular materials such as brick, tile hanging and render which are common in Medway. The proposal is considered to be respectful of the scale of development the area and will sit well with the adjoining existing houses.

The proposed layout with the central spine road and cul de sacs is good, while the proposed landscaping, with the woodland and open space enhance the setting.

The proposal is acceptable in design and layout terms and accords with Policy BNE1 of the Local Plan and the principles of good design set out in the NPPF 2012.

Amenity

The layout of the site and its relationship with existing development in High Halstow, ensures that there is no unacceptable impacts on existing residents in terms of overlooking, outlook, overshadowing or any other amenity issues.

In relation to the amenities of prospective occupiers the development accords with the National space standards and the Council's standards regarding external amenity and as such is acceptable

The proposal therefore accords with Policy BNE2 of the Local Plan.

Transport and Highways

The applicants submitted a Transport Statement and have undertaken traffic counts. These have been assessed and it is clear that while traffic flows on all roads leading into High Halstow is low and the development proposed will increase these flows, the roads serving the site can satisfactorily accommodate the additional traffic. It is considered that construction traffic would be best directed to come from the East and not through the centre of the village and this can be address in a condition relating to a construction and environmental management plan.

Most traffic to the site will arrive using the A228, although there is a more circuitous route from Cooling, and therefore will have to pass through an Air Quality Management Area. The air quality concerns regarding this development can be mitigated by condition which requires on site mitigation in the form of things like low Nox boilers and electric car charging points, with additional tree planting, as well as additional mitigation measures and an appropriate condition is recommended.

The access to the site from Britannia Road can secure the necessary visibility and is therefore acceptable subject to a condition regarding the provision and retention of the visibility splays.

Car parking is proposed to accord with Medway standards as is cycle parking. There will be pedestrian links through Willowbank Road creating a safer route for pedestrians while a contribution of £40,000 is sought to secure further pedestrian improvements from the site linking to the local school and bus stops.

Subject to the above the proposal is considered to accord with Policies T1,T2, T3, T4 and T13 of the Medway Local Plan.

Leisure, Open Space and Play

Following discussions, the location and configuration of the proposed play space has altered and the LAP (local area of play) and LEAP (locally equipped area of play) are proposed to be located within the extended woodland area to the west of the site.

Whilst this would lose the original design intention of the orchard play (as there is likely to be conflict between grid tree layouts and larger play equipment, so we would need to look at clumps of trees rather than an orchard style grid), and would reduce the provision of LAP play on the site, the LEAP in this location better accommodates the need to protect residential amenity by providing a greater distance to play equipment from properties. This arrangement would also allow the retention of more woodland habitat area from an ecology perspective.

While the play area would be partially overlooked, there is a need to protect adjoining residential amenity through the positioning of the LEAP at least 20 m away from the nearest houses, and there will be some new and retained planting in the intervening areas. Some concerns have been raised about the potential for anti-social behaviour in

the wood land, and the pressure on the woodland that the play use could cause. While such concerns are not substantiated, such a possibility can be managed through a detailed management and maintenance plan required by condition. Similarly the location of the play area and specific play equipment, along with associated access will be the subject of a planning condition, to ensure that the impact on trees and vegetation is minimised.

Given the location of the play area and the site it is very unlikely that the play area will be used by those from outside the immediate area. In summary there is a fine balance between the need to maintain a woodland setting benefiting biodiversity, protecting trees and providing an attractive play area which does not disturb nearby residents. It is considered that the proposed solution balances these issues in an appropriate manner.

Ecology

As part of the amended scheme the proposal has reduced the number of units to accommodate additional woodland habitat to be retained, adjoining Willowbank Drive. This is reflected in the suite of landscape plans, with the Landscape Strategy Plan 0083-L08-RevA including area measurements for the new woodland habitat proposed site wide. The landscape strategy and plan show how connectivity will be increased along the northern and southern boundaries and how they will be managed. The various reports detail how an off site pond and the ditch along the eastern boundary will be managed.

All the reports and surveys have been assessed by the various nature conservation bodies, including KCC ecology, Natural England and the RSPB and it is considered that subject to the recommended ecology conditions, including those for dormice, lighting in relation to bats, ecological mitigation and landscape management and the S106 contributions towards Northwood Hill Nature Reserve and SAMMS, that the proposal is acceptable in relation to ecological matters. The proposal therefore accords with NPPF para 118, and policies BNE5, BNE37, BNE38, BNE39 and BNE43 of the Local Plan.

Drainage and flooding

The applicants have submitted an updated Drainage Strategy Report and Flood Risk Assessment. This shows the site to be within Flood Zone 1, with high risk of flood at the southern end of the site, no evidence of ground water flooding and predominantly clay soil making infiltration unfeasible.

It has been agreed with the Lead Local Flood Authority, that the development area will be designed to:

- restrict run off to Qbar discharge rates,
- balancing ponds, crate storage and swales will be designed for a 100 year storm return plus 40% climate change

- exceedance flows above the capacity of the drainage system for storms in excess of the 30 year return period will be routed overland to the balancing ponds and swales.
- the site will be profiled to direct overland flows away from buildings and any pedestrian escape routes.
- the impermeable area of the site has been increased but the run off from the site has been reduced through the introduction of porous paving and surface water storage which will substantially reduce surface water runoff from the site by controlling discharge to green field Qbar rates. It will also improve flood protection to downstream properties

In response to the specific points raised by local residents:

Field run off and increased drainage risk.

The run off from the existing fields will be routed around the north and east of the site by raising site levels and improving the existing perimeter ditch. This will reduce flood risk to the existing estate to the west.

Although the site will be developed, the purpose of the drainage strategy is to use SUDS measures to reduce the existing run off rate from the site to mitigate flood risk to neighbouring properties. The offsite surface water sewer outfalls have been surveyed and the main 375mm culvert was found to be blocked. Proposals have been made to clear the outfalls and also to increase the capacity of the ditch and culverts along the northern verge of Britannia Road. This would be secured via a planning condition and the development could not be occupied without the necessary work being carried out.

The site falls away from Longfield Avenue, so it is unlikely that this development would exacerbate the existing problem residents of Longfield Avenue have, especially as the boundary ditches and culverts would be cleared and repaired as stated above.

Having regard to the above, whilst noting local residents concerns about the current situation, it is considered that the proposed development will not only substantially reduce surface water runoff from the site, but improve flood protection to downstream properties i.e. will bring significant advantages rather than disadvantages in surface water drainage terms.

Foul water drainage

The Drainage Strategy Report explains that:

- There is an adopted foul pumping station at the south west corner of the site at the end of Medway Avenue that drains the adjacent housing estate.
- Southern Water have been contacted to check if there is free capacity at the pumping station to serve the proposed development.

- Southern Water have confirmed that off-site reinforcement will be required for the foul sewer.
- The proposed development can drain by gravity through the proposed new adopted sewers and laterals to MH F1 with an outfall to the adopted Medway Avenue Pumping Station.
- An application will be made to Southern Water for a foul connection to Medway Avenue Pumping Station and consent to discharge will be subject to their approval.

Having regard to the above, whilst noting local residents concerns about the capacity at the existing pumping station given the reports of foul flooding adjacent to the pumping station when pumps have failed, it is considered that the proposed development provides an opportunity, when the off-site reinforcement for the proposed development is assessed by Southern Water for Southern Water to also address this existing problem, which appears to be a storage capacity/maintenance problem. Thus the proposed development may help address the existing situation and thus bring significant advantages rather than disadvantages in foul water drainage terms.

As a consequence it is considered that the proposal conforms to NPPF Paragraph 100.

Archaeology

While Kent archaeology have disagreed with the methodology put forward in the relevant submitted evidence, they are content that the issue can be satisfactorily addressed via condition. As a consequence the proposal accords with Policy BNE21: Archaeological Sites.

Contamination

While the site is a former agricultural field there is still the possibility of contamination from aspects such as pesticides, but this can be appropriately addressed by the recommended contamination condition.

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 £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or

conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and 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 in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development.

The obligations proposed, comply with these tests because they are necessary 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:

- The provision of 17 affordable units (25%) – to be a mix of shared ownership units (40%) and affordable rent (60%);
- £51,584.00 towards Nursery provision in High Halstow
- £129,792.00 towards Primary provision in either High Halstow or expanding Hoo Academy (primary school) to 2FE or a new primary free school in the Hoo area.
- £71,247.43 towards Hundred of Hoo (Secondary School) Humanities Block expansion and improvements or a new free school in the Hoo area
- £40,725.30 towards improved health facilities to be used for improvements to Hoo St Werburgh practice with their relocation to alternative premises on the Peninsula
- £40,000 towards improvements to pedestrian infrastructure between the site and village including enhancements to pedestrian routes between the site and local primary school (safer routes to school) between the site and High Halstow village
- £5,043.72 towards youth services for the youth services detached work on Hoo Peninsula

- £59,336.64 towards Open space to be spent on improvements to Forge Common and/or High Halstow Recreation Ground.
- £10,259.04 towards waste services
- £37,676.10 towards Heritage and Museums to be used to improve the grounds (benches, letter bins, seating, outdoor lighting) of Upnor Castle for visitors
- £11,800.80 towards improvements to Community facilities within the High Halstow Parish area
- £10,635.90 to provide supplies to existing library services
- £2,682 towards improvements to Public Rights of Way in the area
- £17,540.00 towards the management of the Northward Hill SSSI
- £15,814.26 towards Habitat Regulations (SAMMS)

Conclusions and Reasons for Approval

The development of this site would extent the urban boundary of High Halstow and the site is not allocated for development in the current Local Plan.

However, reflecting the Council's current 5 year housing land supply position, the presumption in favour of sustainable development set out in the NPPF takes effect. It is considered that this site is sustainable in both traditional and NPPF terms.

The proposal is well designed in terms of the layout, house types and the landscaping proposed. It will provide a much needed mix of market and affordable dwellings in a quality and attractive environment. Accepting the principle of development above, the proposal satisfactorily addresses all material planning considerations and therefore accords with all the above mentioned development plan policies and paragraphs 7,8, 14, 47, 49 and 73 of the NPPF and is recommended for approval.

The application would normally be determined under delegated powers but is being reported to Planning Committee due to the extent of the local interest expressing a view contrary to the recommendation.

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/>