

MC/18/0620

Date Received: 22 February 2018

Location: Land West Of Elm Avenue And South Of Broadwood Road
Chattenden Kent

Proposal: Outline application with all matters reserved for construction of up to 63 dwellings alongside associated parking, access, infrastructure, engineering, landscaping works and creation of publicly accessible open space

Agent Mr Collins DHA Planning
Eclipse House
Eclipse Park
Sittingbourne Road, Maidstone
ME14 3EN

Ward: Strood Rural Ward

Case Officer: Majid Harouni

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 4th July 2018.

Recommendation - Approved Subject:

- 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 £57,657.60 towards Nursery provision or an equivalent amount to be spent at the AVC on the direct delivery of “alternative Education provision” at the AVC in agreement with Medway Council.
 - iii £141,523.20 towards primary education
 - iv £143,161.20 towards secondary education or by agreement with Medway Council the investment of an equivalent sum toward Alternative Education provision at the AVC in agreement with Medway Council.

- v £37,674.00 towards Sixth Form or an equivalent sum toward Post 16 education and training at the AVC to give vocational training and relieve the benefits system and to assist in “transitioning” young people from NEETS.
- vi £9,792.72 toward waste and recycling
- vii £29,480.85 towards Hoo St. Werburgh GP Practice to increase capacity
- viii £35,963.55 towards Heritage and museums improvement of facilities in the Sergeant’s Mess building at Upnor Castle. Or an equivalent level of investment in the Lower Upnor Riverside Project to include any necessary repairs to the Pillbox and other investment in the Lower Upnor Riverside enhancement project on land owned by SYP.
- ix £84,183.00 towards Open space or an equivalent level of reinvestment in the indoor and outdoor climbing facilities at the AVC as well as management of the SSSI that lies between the site and the AVC in agreement with Medway Council.
- x £7,871.85 toward the Great Lines Heritage Park or equivalent level of investment in the lower upnor riverside project to include any necessary repairs to the pillbox and other investment in the Lower Upnor Riverside enhancement project
- xi £5,755.00 towards improvement and new wearing course for PROW RS105, RS106 and RS127
- xii £40,000.00 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road to improve pedestrian links from the site to Hoo School.
- xiii £188,212.63 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. or equivalent level of investment in improvements to existing outward bounds activities such as the creation of a climbing centre of excellence in preparation for inclusion of this sport within the Olympic Games; and to assist with grass roots development of outdoor activities.; such as marine based activities on the AVC and land at the Lower Upnor Riverside project.
- xiv £15,574.61 toward Habitats Regulations

B. And the following conditions

- 1 Approval of the details of the access, 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 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:

17/25/SK05 Rev D received 16/05/2018

- 5 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 63 dwellings.

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 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 dwelling of the development hereby permitted details of the refuse storage arrangements for that dwelling, 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 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

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 <40mgNO_x/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.

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

- 17 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.

- 18 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.

- 19 Plans and particulars of the reserved matters in relation to the means of access, referred to in Condition 1 above shall provide full details of the vehicular and pedestrian access to the site. These details shall include:

- junction radii
- Vehicle sightlines from the access in each direction along Elm Avenue.

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

- 20 Prior to first occupation of any of the dwellings hereby permitted, highway improvement and visibility splays at the junctions of the application site with Elm Avenue as approved under condition 19 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.

- 21 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.

- 22 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

- 23 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.

- 24 Prior to the installation of a LEAP children play area covering no less than 400m², 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.

- 25 No development shall commence until details of ecological mitigation have been submitted to 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.

- 26 A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development The content of the LEMP shall include the following.

- a) Details of ecological enhancements to be incorporated in to the site.
- b) Description and evaluation of features to be managed;
- c) Ecological trends and constraints on site that might influence management;
- d) Aims and objectives of management;
- e) Appropriate management options for achieving aims and objectives;
- f) Prescriptions for management actions, together with a plan of management compartments;
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
- h) Details of the body or organisation responsible for implementation of the plan (including details of how it will be funded)
- i) Ongoing monitoring and remedial measures.
- j) Management plan reviews.

The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long term management of habitats, species and other biodiversity features.

- 27 No development shall take place (including any ground works, site or vegetation clearance) until a biodiversity method statement has been submitted to and

approved in writing by the local planning authority. The content of the method statement shall include the:

- a) Updated ecological surveys (If older than 2 years).
- b) Purpose and objectives for the proposed works:
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- d) Extent and location of proposed works,
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- g) Use of protective fences, exclusion barriers and warning signs;
- h) Initial aftercare and long-term maintenance (where relevant);
- i) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

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

Proposal

This is an outline application with all matters reserved (access, appearance, landscaping, layout and scale) for up to 63 dwellings including 16 affordable dwellings (comprising a tenure mix of affordable rent and shared ownership.), vehicular access, landscaping, open space, recreation play area, open space, surface water attenuation and ancillary works.

At this stage, the only aspect of the outline application submitted for consideration is that of principle of residential development of the land for up to 63 dwellings.

The application is accompanied by an 'indicative plan' which shows the development site's sole vehicular access would be from Elm Avenue. This is the same access point that currently serves the land and the pavilion building. The indicative plan shows the proposed development would retain and reinforce the existing trees and hedge along the site boundaries by further planting thus screening and softening the development and improving the local amenities.

The surface water drainage scheme for this development would include the provision of an attenuation pond/wet landscape and these would be situated on the eastern side of the site close to the indicated access point.

The indicative plan submitted shows that the development would be medium density. The density of the proposal if developed out to its maximum capacity of 63 dwellings would be just over 26 dwellings per hectare (dph).

The transport assessment accompanying the application has stated that vehicular access to the site will continue to be from Elm Avenue, utilising the existing point of access which will be upgraded to form a priority junction with a carriageway and pavements.

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 and their location will be determined at the reserved matters stage.

In addition, footpath connections are shown on the indicative plan within the site and to the existing PROWs (footpaths) along the northern and western boundaries of the site.

Site Area/Density

Site Area: 2.4hectares (6. acres)

Site Density: 26dph (10.3dpa)

Relevant Planning History

MC/17/2102	Town and Country planning Act (Environmental Impact Assessment) Regulation 2017- request for a screening opinion for construction of up to 68 dwellings with associated parking, access, infrastructure, engineering and landscape works. EIA not required 11/07/2017
MC/14/0117	Removal of existing wooden pavilion and replacement with a new wooden pavilion to be used as an educational hub and activity support building Approved 29/12/2014
MC/07/0098	Installation of a 15m high wind powered generator Approval11/07/2012

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.

56 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. It's hard to get on to the A228 from Broadwood Road at the moment with so much traffic coming from the Hoo Peninsula.
- Main Road, Elm Avenue and Broadwood Road are used as a rat run at the end of the school day by parents and other members of the public trying to avoid the queues at the roundabout waiting to join the A228 from Hoo. Broadwood Road is used by commuters parking their cars when catching London bound coaches. This makes navigating the bend in the road west of Hoo Common very dangerous.
- 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 cause over looking and harm the outlook and cause loss of view to existing residents within this area. Also 3 storey flat block would be harmful and out of character with the nearby bungalows.
- The plan submitted shows inadequate car parking. As a result cars will be parking in the surrounding road.
- The countryside would be lost to development and future generation would not have any countryside to enjoy.
- There are water and sewerage issues and potential flooding in the village and the proposed development will make the situation worse.
- Loss of out door facility in a semi rural location for the disadvantage children of Arethusa Charity.

Cllr John Williams has objected to the proposal and raised similar points as above.

Environmental Agency has written to advise it has no comments to make on this application

UK Power Networks has not raised any objection.

Southern Gas Network has not raised any objection

Southern Water has stated that a desk study of the impact of the proposed development on the existing public sewer network has been undertaken. This indicates that with connection at the “practical point of connection” as defined in the New Connections Services implemented from 1st April 2018 that there is an increased risk of flooding unless network enhancement is undertaken.

This enhancement will be provided through the New Infrastructure charge however Southern Water will need to work with and understand the development program and to review if the delivery of network enhancement aligns with the occupation of the development.

Southern Water has no objection subject to appropriate condition.

Kent Police has not raise any objection

Sport England has objected and states that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years.

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.

The RSPB considers the proposed mitigation measures and ecological enhancements to be insufficient to avoid a significant impact on the interest features of the designated sites, notably overwintering waterfowl in the SPA and breeding birds in the Chattenden Woods and Lodge Hill SSSI.

However they note that there is no mention of potential recreational impacts on the Chattenden Woods and Lodge Hill SSSI, which is within 320m of the proposed development site. While it is likely that the A228 road will act as a barrier to the majority of cars, and access restrictions to the nearest part of the SSSI may also limit the number of recreational users visiting the site on foot, we consider that the full range of potential urban impacts should be thoroughly assessed through the ecological assessment, and either scoped out or mitigated as appropriate. They therefore object to the application on the basis of the current information provided.

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 has stated that the submitted report provides a good understanding of the ecological interest of the proposed development site. The boundaries of the site provide the greatest ecological interest and the submitted site plan indicates that the majority of these habitats will be retained as part of the proposed development – therefore we are satisfied that sufficient survey effort has been carried out to determine the planning application.

The proposal would be acceptable subject to appropriate planning conditions dealing with a detailed precautionary mitigation strategy comprising submission of a biodiversity method statement and a Landscape and Environmental Management Plan.

Hoo Parish Council objects to the application making the following comments:

This application causes considerable concern for residents in the immediate vicinity and the residents of Hoo because:-

- There could be as many as 120 cars on this development resulting in many more additional traffic movements on Elm Avenue and Broadwood Road both far too narrow to cope. There are no shopping facilities except a garage forecourt shop in the area again leading to more car journeys on these roads which will struggle to cope. In fact this whole development is car reliant.
- The three roundabouts in Main Road, A228 and the bottom of Four Elms Hill are terribly congested already at peak times causing residents frustration and distress and should an accident happen in these areas the whole of the Peninsula is cut off
- Air quality will deteriorate even more from the exhausts of cars idling while queuing and Four Elms Hill is already a major cause for concern with regard to Air Quality.
- There is a clear lack of facilities already without having even more residents. Surgeries are full and seem to be unable to expand because doctors are not

attracted to this area; Schools are full, Parking for the shops in Hoo is already very difficult.

- Sewerage - the sewer on Four Elms Hill blocks on a regular basis; an extra 63 dwellings will cause a difficult situation to become impossible.

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 located to the southwest edge of the village of Chattenden on the west side of Elm Avenue. Accordingly to the land classification map the site comprises 2.4 ha of grade 1 (excellent quality) agricultural land, however an aerial photo of 1940 shows that the land was not being farmed then and nor has it been since. The site therefore has not been in agricultural use at least over the last 8 decades.

The application site comprises a relatively flat field (a slight slope up from north to south) with a pavilion type building on the southern half of the site. The land and the building have been used as ancillary facilities by Shaftesbury Young People and the Arethusa Venture Centre for many decades.

A belt of trees and hedges along all boundaries screens and softens the site from the wider surroundings.

A 15m high wind turbine granted in 2015 is situated just outside the southeast corner of the site.

According to the applicant the land has not been used as a formal playing field/ sport ground for over 8 years, but it clearly has been used for camping activities by the young people participating in the activities organised by the Arethusa Venture Centre.

There are residential properties to the east and north sides of the site. Footpath RS105 forms the northern boundary, the RS106 forms the western boundary and the RS127 which forms part of the Saxon Shore Way, forms the eastern boundary.

Chattenden Woods and Lodge Hill SSS are some distance away from the application site to the north.

The 2003 Local plan proposal map has identified the site as a protected open space.

The applicant has stated that facilities at Shaftesbury Young People and the Arethusa Venture Centre are in desperate need of cash injection for renovation and upgrading of the facilities. The capital generated from the application site will be invested to enhance the facilities and secure the long term future of Shaftesbury Young People and the Arethusa Venture Centre.

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 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.

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 NPPF 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, it is considered that there are very limited facilities (a primary school and a petrol filling station with limited ancillary facilities) within a short walk distance and many local and district facilities are available within close proximity (about 1.5 km - within the centre of the village of Hoo St Werburgh) where there are schools, shops, doctor surgeries, pharmacy, pub, restaurants, café's, church, library etc. It is less realistic to assume that many residents would choose to access the Hoo St Werburgh services on foot. There are good bus links from the bus stops close to the application site to the nearby village of Hoo, however public transport is limited and there are noticeable differences between peak/daytime frequency of buses and more limited evening and weekend services. Access to places of employment opportunities like Medway Town centres, Medway City Estate and, to a lesser extent, Kingsnorth and Grain by public transport is limited.

Having regard to the NPPF and presumption in favour of sustainable development, where the development plan is absent, silent or relevant policies are out of date, permission should only be refused if the development's adverse impacts would *"significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole"*

In terms of the social benefits, the scheme will deliver up to 63 much needed dwellings of which 25% (16 dwellings) will be affordable on the basis of 60:40 rented:shared ownership split..

In Economic terms the proposal will bring employment opportunities during the construction period and will support viability bringing disposable income into the area from prospective occupiers which will benefit local shops and services.

In Environmental terms, the landscape impact is also not considered to be significant.

Whilst the application has been submitted in outline form, with matters concerning Landscaping reserved for consideration at a later date, indicative plans and a Landscape and Visual Impact Assessment (LVIA) have been submitted to allow for consideration of the impact of the development on the wider landscape.

The site is located within an Area of Local Landscape Importance as outlined in saved policy BNE34 of the Medway Local Plan 2003. Whilst the development would be extensive on the site, the land is relatively flat and the development would not alter the site's topography and it would be contained and 'nestle' within the existing tree and hedge belt that enclosed the site from all sides. Moreover, additional landscaping and amenity areas would be submitted as part a future reserved matters application. The site therefore would still continue to contribute to the greening of the landscape and the function of providing a green backdrop to Chattenden's Area of Local Landscape Importance.

The play provision and amenity space shown on the submitted indicative plan would enhance such resources for the future residents and the existing communities. There

would also be an opportunity for the proposed amenity space to be designed and managed to encourage ecology and wildlife habitat.

It is inevitable and accepted that there would be an impact on the character of the area following development of the site, however this impact, subject to a detailed landscape submission at reserved matters stage, can be adequately mitigated to ensure that there is no unacceptable impact on character of the local area.

The proposal would not impact on the separation between Chattenden and the nearby settlements. In addition, although a footpath links the application site with the Cockham Wood SSSI area, it is considered that the impact from additional use by the future residents of this site would be negligible.

There will inevitably be a change in character from substantially undeveloped field on the edge of the village to become an integral part of the settlement, but the location of the site is relatively well contained as part of the village, acting as a natural infill. It is considered that additional landscaping and the low height of the buildings on this site would help with the environmental aspects of the sustainability issue.

It is therefore considered that the benefits of the proposal can be summarised as follow:

- Enhance Council's 5 years housing land supply position,
- Delivery market housing and much needed affordable housing (policy compliant levels) 25% (equated to no 16).
- Maintain and enhance the vitality and viability of the Chattenden and nearby Hoo St Werburgh communities.
- Provision of new green infrastructure including open space & play area – benefit to new residents as well as the existing nearby residents.
- New pedestrian links through site to the existing PROWs.
- Economic benefits of new housing provision – construction jobs, increased local workforce, Council Tax and the spending power of new residents
- Sud's attenuation and enhance biodiversity .
- S.106 payments contribution towards improvement of the local infrastructure

On balance therefore, it is considered that the development can be considered sustainable in social, economic and environmental terms, and the presumption in favour as set out at para. 14 of the NPPF apply. In light of the lack of 5 year housing land supply, it is considered that the potential negative impacts of the scheme, which are relatively limited, would not significantly and demonstrably outweigh the benefits, and the scheme should be considered acceptable in principle.

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 in the future. 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 plan shows a play area provision for children in the southwest corner of the site. 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 Elm Avenue.

The proposal also involves over 3 acres of publicly accessible open space with the retention of the woodland trees to the southern section of the site. The existing pond and wooded area would be retained and additional landscape buffer planting at the boundaries of the site would ensure the development relates well with its surrounding and cause minimise impact on the existing residents.

The indicative layout shows tree planting in 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 be in keeping with 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 Chattenden. The concerns are that the increase in housing here could detrimentally impact residents that currently live to the north of the application site and will result in the loss of enjoyment to private amenity spaces as well as impacting on the outlook and view from many of these houses.

It is acknowledged that the view from existing properties within the surrounding area 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 unacceptably impacted and any unacceptable overlooking and overbearing impact is avoided.

The nearest residential properties to the site are to the north and on the east side of Elm Ave. Therefore future reserved matters application would need to be designed to ensure that the amenities of these properties are protected and comply with Policy BNE2 of the Local Plan.

A condition is recommended 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 Chattenden area. 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 the recommended 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.

Archaeology

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

Affordable Housing

The application seeks outline planning permission for up to 63 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 rented and 40% for shared ownership. The affordable housing mix would also need to be policy compliance in accordance with the Council's developer's contribution guidelines.

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 site is situated within flood risk zone 1 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.

The applicant has submitted a Flood Risk and Sustainable Drainage Assessment report with the application. The report states that the site soils and underlying geology is London Clay, silt, sand and gravel and as a result only limited infiltration at the site will be possible. As there is no watercourse nearby that runoff water can be discharged into it is likely that surface water that is not infiltrated at the site would be conducted into the nearby Southern water's public sewer system.

Notwithstanding the applicants report above, it is also considered that use of on site SuDs and water butts measures at the site would deal with the surface water at the development site and at the same time this would 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 the recommended conditions that the above will be incorporated and delivered as part of the design of the future reserved matters application.

Response to Sport England.

Sport England have objected to the development on the bases that the proposal will result in loss of an existing playing field that has been used as a playing field in the last five years.

Sport England has not stated on what basis it believes that the application site has been used as playing field over the last 5 years. The applicant's statement, aerial photographs and representation from the local residents indicate that the land has been used as a camp site and recreational use in association with Arethusa Venture Centre over the last 8 to 10 years.

In light of the above it is considered that the development of the application site would not impact on the sport facility provision currently available on the Peninsula.

Highways

Vehicular access to the site would be from Elm Avenue, upgrading an existing access to form a priority junction with a carriageway width of 5.5 metres, narrowing to 4.8 metres within the internal site. Kerb radii of 6 metres are proposed, with a footway measuring 1.8 metres in width developed on both sides of the access road. The northern footway would connect with the existing provision on Elm Avenue. Visibility splays of 43.0 metres can be achieved at the site access, in accordance with the requirements for a 30mph road. A review of the latest three-year Personal Injury Accident data for the local highway network confirms that there have been no recorded incidents within the site vicinity during this period. As such, it is considered unlikely that the proposed development would have any adverse highway safety implications.

To ensure that the proposed site layout is accessible to service vehicles, swept path analysis has been undertaken. A refuse vehicle has been assessed. This demonstrates that the site layout can comfortably accommodate the refuse vehicle movements, ensuring that accessibility to all properties is maintained and that a refuse vehicle would be able to leave the site in a forward gear.

The proposed development (if up to 63 dwellings come forward) is predicted to generate approximately 259 trips across the 12-hour weekday, of which 30 would take place during the AM peak hour and 28 would occur in the PM peak hour. This equates to just under 22 vehicle movements per hour during the 12-hour period, or an additional vehicle every three minutes on average. Elm Avenue is being a cul-de-sac with limited existing traffic flows and of sufficient width to accommodate the additional movements. Whilst on-street parking is present on occasion, this is sporadic in nature and unlikely to significantly impede vehicle movements.

In order to promote sustainable travel, it is requested the applicant provide a contribution of £40,000 towards local accessibility improvements. These would comprise:

1. Improvements to pedestrian facilities at the Elm Avenue/Broadwood Avenue junction (dropped kerbs and tactile paving)
2. Improvements to pedestrian facilities on Main Road, Hoo, to provide safer pedestrian link between the development site and Hoo School. The contribution would go towards an identified improvement scheme that widens the existing footway and provides new footway on the northern side of Main Road, by realigning the carriageway to the south.

Subject to the conditions recommended, no objection is raised in respect of Policies T1 and T2 of the Local Plan.

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 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:

The applicant in this instance has sought a special dispensation to divert and ring fence some of the section 106 contribution money (equal to £55,723.83) for investment by Shaftesbury Yong People on education and training projects and improvement of facilities at the Arethusa Venture Centre. Details are as set out below.

- i Secure a minimum of 25% affordable housing equating to 16 dwellings.

- ii £57,657.60 towards Nursery provision (Chattenden or Hundred of Hoo) or an equivalent amount to be spent at the AVC on the direct delivery of “alternative Education provision” at the AVC in agreement with Medway Council.
- iii £141,523.20 towards primary education at Chattenden or Hundred of Hoo expansion to 2FE
- iv £143,161.20 towards secondary education (Hundred of Hoo) or by agreement with Medway Council the investment of an equivalent sum toward Alternative Education provision at the AVC in agreement with Medway Council.
- v £37,674.00 towards Sixth Form (Hundred of Hoo) or an equivalent sum toward Post 16 education and training at the AVC to give vocational training and relieve the benefits system and to assist in “transitioning” young people from NEETS.
- vi £9,792.72 toward waste and recycling
- vii £29,480.85 towards Hoo St. Werburgh GP Practice to increase capacity
- viii £35,963.55 towards Heritage and museums improvement of facilities in the Sergeant’s Mess building at Upnor Castle. Or an equivalent level of investment in the Lower Upnor Riverside Project to include any necessary repairs to the Pillbox and other investment in the Lower Upnor Riverside enhancement project on land owned by SYP.
- ix £84,183.00 towards Open space or an equivalent level of reinvestment in the indoor and outdoor climbing facilities at the AVC as well as management of the SSSI that lies between the site and the AVC in agreement with Medway Council.
- x £7,871.85 toward the Great Lines Heritage Park Or an equivalent level of investment in the Lower Upnor Riverside Project to include any necessary repairs to the Pillbox and other investment in the Lower Upnor Riverside enhancement project
- xi £5,755.00 towards improvement and new wearing course for PROW RS105, RS106 and RS127
- xii £40,000.00 towards measures to improve pedestrian facilities at Elm and Broadwood Avenues and on the Main Road. To improve pedestrian link from the application site to Hoo School.
- xiii £188,212.63 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. or equivalent level of investment in improvements to existing outward bounds activities such as the creation of a climbing centre of excellence in preparation for inclusion of this sport within the Olympic Games; and to assist with grass roots development of outdoor activities.; such as marine based activities on the AVC and land at the Lower Upnor Riverside project.

xiv £15,574.61 toward Habitats Regulations

Local Finance Considerations

None

Conclusions and Reasons for Approval

The Council does not have a 5 year housing land supply and therefore the principles of sustainable development as set out in the NPPF apply. The proposal will provide much needed 63 new dwelling units of which 25% would be affordable housing. There would be economic gains during construction and the increased spend in the area benefiting local services as a result of the prospective occupiers. In landscape terms the location of the site with the existing and proposed landscaping will be acceptable. The benefits of the scheme in sustainability terms outweigh any disbenefits. While this is an outline application with all matters reserved, the illustrative layout demonstrates how the site can be developed to provide a well designed scheme which is acceptable in amenity and access terms. From a highway perspective the scheme is acceptable and any impact on local services and infrastructure can be mitigated by the recommended S106 agreement.

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.

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/>