

MC/17/2324

Date Received: 3 July 2017

Location: Chattenden Lane Chattenden ME3 8LJ

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 530 dwellings with public open space; new primary school and community use; A1 retail unit (up to 200sqm); public house; landscaping; attenuation pond and vehicular access point from Chattenden Lane and the existing roundabout off Peninsula Way

Applicant Gladman Developments Ltd

Ward: Strood Rural Ward

Case Officer: Hannah Gunner

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 29th August 2018.**

### **Recommendation - Refusal**

- 1 The proposed development, by reason of the number of refuge arms, entry path radius and three lane entry alignment from the south, on the proposed access on the A228 (Main Road roundabout) would be detrimental to the safety of vehicle occupants, cyclists and pedestrians, contrary to Policy T2 of the Medway Local Plan 2003 and would have an unacceptable impact on highway safety contrary to Paragraph 109 of the National Planning Policy Framework 2018.
- 2 The proposed development will result in a significant rise in traffic movements on the wider local road network, resulting in an unacceptable increase in journey travel times and queueing times. The residual cumulative impacts of the proposed development on the road network are considered to be 'severe' and are contrary to Policy T1 of the Medway Local Plan 2003 and the principles set out in Paragraph 109 of the National Planning Policy Framework 2018.
- 3 As a result of this application coming forward prior to the emerging Local Plan the proposal fails to demonstrate an informed approach to planning for strategic growth, including how this proposal would contribute to wider sustainable

development and the function of the village of Chattenden as well as the wider growth on the Hoo Peninsula. This is contrary to Policy BNE1 of the Medway Local Plan 2003 and Paragraphs 7, 8, 15, 92,103 and 108 of the National Planning Policy Framework 2018.

- 4 The proposal in its current form is considered to be unsustainable as it fails to connect people and places in terms of public transport links, walking distances and access to shops and jobs without strong dependency on the car for such purposes. This is considered to be contrary to Policy BNE25 of the Medway Local Plan 2003 Paragraphs 7, 8, 9, 102, 103 and 108 of the National Planning Policy Framework 2018.
- 5 When considered in isolation the proposed development fails to consider the potential cumulative impact in relation to ecology and effective environmental management strategies, in particular the indirect impacts from development and associated urbanisation on the SSSI and SPA such as cat predation, contrary to contrary to Policies BNE35 of the Medway Local Plan 2003 and Paragraphs 8, 175, 176 and 177 of the National Planning Policy Framework 2018
- 6 The scheme would have an adverse impact on the landscape character and visual amenity of the local area, which despite declining over time to some extent, would still be considered significant. This is in direct conflict with the principles as set out in Policy BNE25 of the Medway Local Plan 2003 and Paragraphs 127 and 170 of the National Planning Policy Framework 2018.
- 7 The proposal is considered to have a number of significant adverse impacts. In particular, in its current form the proposal: would have an unacceptable impact on highway safety; would cause a significant and severe adverse impact on the road network; fails to contribute to the wider sustainable development of the area; would give rise to a strong dependency on unsustainable modes of transport; fails to demonstrate that the impacts on the SSSI/SPA, particularly from cat predation, can be effectively mitigated; and would have a significant adverse impact on the landscape character and visual amenity of the local area. The adverse impacts of this scheme in its current form significantly and demonstrably outweigh the wider benefits that this proposal would bring about.

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

## **Proposal**

This application is an outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of up to 530 dwellings with public open space; new primary school and community use; A1 retail unit (up to 200sqm); public house; landscaping; attenuation pond and vehicular access point from Chattenden Lane and the existing roundabout off Peninsula Way

The only matters included within this outline application for consideration (in addition to the principle of the proposal) is that of access to the site. This is proposed to be in two places, one off the existing Main Road/Peninsula Way roundabout on the A228. The second access point is to be off Chattenden Lane, approximately 600m from the junction with the A228.

The indicative plan submitted shows that the site is also to contain an area which would be set aside for a new 2FE Primary School and Nursery. The illustrative plan indicates that this could be off the Chattenden Lane access point and would be an enlargement and replacement of the existing 1FE Primary School for Chattenden which is located at the junction with the A228 and is known for being a difficult area during drop off and pick up times.

The A1 retail unit and public house that form part of the proposal are shown on the illustrative plan to be located toward the southeast boundary of the site, almost fronting Peninsula Way (separated by some landscaping/buffer).

Open space is shown at various points throughout the site, predominantly in the northeast jut and also along the path of the high pressure gas pipe line, which is shown as a green corridor on the northern half of the main site.

### **Site Area/Density**

Overall site:

Site Area: 35.16 hectares (86.88 acres)

Site Density: 15.07 dph (6.1 dpa)

Minus Green Infrastructure (45%) and 1.6ha for school:

Developed Site Area: 13.24 hectares (32.72 acres)

Developed Site Density: 40.03dph (16.20 dpa)

### **Relevant Planning History**

There is no relevant planning history on this site.

Site located directly to the south of this proposal:

**MC/15/3104** Outline application with some reserved matters (Appearance, Landscaping, Layout and Scale) for residential development of up to 131 dwellings, landscaping, public open space and associated works (Resubmission MC15/0864)

**Decision** Approval with conditions

**Date** 07.03.2016

## Representations

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

The Environment Agency, Natural England, Historic England, Homes England (formerly known as HCA), KCC Ecology, KCC Archaeology and Kent Police have also been consulted.

55 letters have been received along with representation from 3 Parish Councils and 2 Local Councillors - these are set out separately and raise the following objections:

- The roundabout here is an accident blackspot
- This scheme will worsen traffic pressures across the whole peninsula
- It is disgraceful that agricultural land is being lost to property developers
- Brownfield sites such as Lodge Hill (with its existing partial infrastructure) would be far better than this green site
- Lodge Hill will come forward and this site combined will equal a massive developed area
- This whole area will become another town
- This doesn't create any long term employment opportunities within the area
- There are to be no shops/pubs within commutable walking distance of the scheme
- The roads in this area are currently at capacity and this will exacerbate the situation
- Affordable housing provision is too much! A substantial amount of Chattenden is affordable already and adding 25% of this development will ensure that it is the dominant occupancy here. This is not sustainable.
- This will have a huge impact on biodiversity and ecology within the area
- The proposed development will result in an increase in noise and light pollution
- All doctors and dentists within this area are currently oversubscribed – this will increase pressures to an unacceptable level.
- This development would result in the increase in anti-social behaviour. The current issues with anti-social behaviour in this area do not get sufficient amounts of police support due to resources.
- This proposal does not make provision for teens/youth
- Poor public transport will mean that residents will be reliant on car travel
- This proposal is in direct conflict with BNE34
- There would be a loss of privacy to the existing properties in Chattenden
- The land in this area is quite unstable. This development will worsen the situation
- Bird and bat boxes do not mitigate the impact on the ecology sufficiently
- It would not be possible to stop cats from roaming into area where protected birds are as they are natural predators
- It is soul destroying to see a rural area becoming urban
- The sewage systems here will not be able to cope with this increased capacity
- There will be significant loss of views to the countryside

- This area provides an important rural backdrop on the peninsula and for Medway as a whole. This will be lost forever as a result.

**Hoo St Werburgh, Frindsbury Extra and High Halstow Parish Councils** have all objected to this proposal and have made the following points:

- This results in permanent damage to the countryside
- The area lies outside of any village envelope and will result in joining settlements
- There is a strong wish within the parishes to protect the countryside
- This will put increased numbers of cars on the road – 1000's of additional car journeys on and off the peninsula.
- Adds to the existing burden on these roads as the only link in/off peninsula which is home to industrial and agricultural uses too so has significant lorry movements too.
- The public transport links currently serving the peninsula are lacking and would not support intensification here.
- Schools, doctors and hospitals cannot cope with the increase in numbers.
- This development will have a significant knock on effect to the Four Elms roundabout and the wider distributor roads to the peninsula

**Councillors John Williams and Roy Freshwater** have both objected to this proposal. The objections raised are:

- There is a need to protect the agricultural land within the borough
- This will set a precedent
- This will have a detrimental impact on the Area of Local Landscape Importance
- This application will worsen the already severe traffic congestion issues in this area
- A 5 arm roundabout would be a dangerous junction
- There are significant concerns in relation to air quality
- This is Urban Sprawl

**Kent Police** have noted the Safety and Security section of the Design and Access Statement which they are pleased to see however they have had no communication with the applicant/agent to date in relation to issues that may need to be discussed. It is suggested that engaging with Kent police in relation to Secured by Design matters would be substantially beneficial and a condition is suggested if the scheme is to be approved to ensure that this is incorporated sufficiently.

**Historic England** have noted the application but do not wish to offer any comment, although they suggest the views of archaeological specialists are sought.

**The Environment Agency** has stated that they have no comment to make in relation to this application.

**Homes England (formerly HCA)** have stated that In the context of the emerging Local Plan proposals, the HCA believes that the Gladman scheme should complement, and not prejudice, the delivery of a Rural Town at Hoo, which is included as a potential option in the Medway Local Plan Development Options consultation document (January 2017). It believes that it is important for the Gladman Scheme to be integrated with future adjoining development, in order to achieve the proper planning of the area. Given the close proximity, it will be particularly important to ensure integration with potential development on the MoD land at Lodge Hill, and any other development in the vicinity that might come forward as part of an extended Hoo Rural Town. At present, it appears that the Gladman Development has been designed on an isolated basis and this is particularly reflected in the suggested arrangements relating to vehicular access to the site.

The HCA believes that the proposed access to the Gladman site should be designed in such a way as to enable (and not prevent) appropriate access to the MoD site as well as the Gladman site should they come forward for development.

It is critical that the Gladman proposals do not remain in their current form as, in the HCA's view, this would potentially prejudice the bringing forward of the Chattenden Barracks land, in line with the emerging Local Plan options for the area. This is important in order to ensure that a comprehensive highways strategy appertaining to the wider Hoo proposals is deliverable.

The following technical suggestions are made:

- In relation to the submitted TA, further work is required to enable sufficient confidence to be gained that the area of land promoted for safeguarding is sufficient to ensure that the future access strategy for the Lodge Hill development can be achieved satisfactorily.
- No reference to limiting on-street parking along the developments spine road was indicated in the TA or confirmed parking provision within the plots. It is therefore considered that the width of the road should be either increased sufficiently such that routing buses (such as the 191) along the spine road remains a possibility, or confirmation of a clear carriageway as an absolute minimum be defined.
- The development should provide a commitment to create a direct route from Chattenden Lane to the Toucan Crossing proposed on the A228 to ensure that the site promotes sustainable travel to Hoo both from, and through, the development.

**KCC Archaeology** agrees with the findings within the Heritage Statement that stipulates there is a “moderate to high archaeological potential for, Mesolithic, late prehistoric and a moderate potential for Iron Age and Roman remains”. However there is disagreement in relation to potential remains being “no more than local or regional significance” as there is potential for more significant remains that cannot yet be ruled out. Overall, there is no objection in relation to this application subject to a condition being placed on any permission to secure evaluation works and safeguarding measures.

**KCC Ecology** have stated that the results of the Ecological Scoping, Bat Activity, GCN, Reptile, Breeding Bird, Wintering Bird and Badger surveys provides a good understanding of the ecological interest of the site and a mitigation strategy has been submitted demonstrating that the majority of the ecological interest of the site can be maintained if planning permission is granted.

The ecological mitigation areas and the enhancements along the site boundary will have to be created and established to an appropriate standard prior to mitigation works commencing to ensure the ecological mitigation can be implemented.

It is also noted that the surveys are all dated 2016 and may need to be updated with further survey work to inform the appropriate mitigation works prior to the commencement of development. Suitable conditions can be placed on any forthcoming consent to ensure that these are carried out, including long term management plans.

In relation to breeding and wintering birds, the additional information that has been received satisfactorily demonstrates that populations recorded within the site can be supported within the arable habitat within the surrounding area.

An increase in cat predation is acknowledged. Vegetated barriers are advised and would need to be planted and established as soon as possible to ensure a satisfactory buffer prior to occupation.

Comment from **Natural England** states that they are concerned with the potential indirect impacts that may result to the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) from this proposal, particularly to the site's nightingale population. As well as being recognised as an SSSI for this species, recent research has demonstrated that Chattenden Woods and Lodge Hill is also the single most important site in the United Kingdom for nightingales.

The Cat roaming details given within the initial FPCR report are not considered to be accurate as they reflect urban roaming distances and not rural. There needs to be a high degree of certainty that measures are being proposed that prove that appropriate and satisfactory mitigation measures would be in place to ensure that cat predation is not an issue in relation to the adjacent SSSI. It is not considered that there is currently any supporting evidence in relation to this that the measures currently proposed are sufficient.

There is also concern expressed in relation to the future growth of this area, in particular the Deangate Ridge site. Any restrictive fencing that is incorporated to mitigate against cat roaming at this stage could be compromised by a later application at the Deangate Ridge site. It is considered that a better way forward would be to work in conjunction with the wider proposed development area to ensure that any mitigation measures that are proposed and potentially adopted will be beneficial in the wider context.

It is noted that whilst there are outstanding discussions going on with the applicants consultants and Natural England, at this stage there is still insufficient evidence to deal

with this matter and as a result it considered that the lack of suitable cat predation mitigation can form a valid reason for refusal.

## **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 2018 and are considered to be consistent with it.

## **Planning Appraisal**

### *Background*

Prior to this application being submitted a pre-application enquiry was submitted (PRE/16/2238) which was for “*Residential development including up to 650 dwellings, A1 retail unit and vehicular access onto land to the north of Peninsula Way, Chattenden.*”

During this pre-application process a meeting was held in which the principles of developing this site were considered and the constraints and general concerns of the Council were put forward which included the access, impact on landscape and character of the area and the impact of this potential application on the existing residential settlements of Chattenden and Hoo. It was discussed in context of the wider development possibilities for this area also and it was noted that this site would be one that could be considered in the wider context over time. Other physical constraints were broached upon also, including the high pressure gas pipes that run directly through the site.

### *Principle*

The applicant argues that the proposal represents sustainable development, which can be approved in advance of the new Local Plan, on the basis, in particular that it will contribute to the delivery of housing in the absence of a 5 year housing land supply. The Council does not accept that the proposed development as presented constitutes sustainable development.

The applicant refers to the contribution that the development would make to the supply of housing land, but the Council queries the significance of this proposal to boost the 5 year housing land supply. Due to the scale of the planning application only a small proportion of the proposed development is likely to be delivered within 5 years.

The Council is preparing a new Local Plan for Medway, to manage the area’s growth up to 2035, through a sound strategy to meet the development needs for housing, employment, retail and services, and strengthen the natural environmental networks and community infrastructure. The Regulation 18 Development Strategy consultation document considered a strategic allocation around Hoo and Chattenden as a potential component



of a growth strategy for the new Medway Local Plan. The site being promoted in this application has been shown as a potential component of a strategic growth option. The Development Strategy consultation document in Section 3 sets out the requirements for significant investments in infrastructure and in promoting a sustainable approach to secure the network of environmental assets on the Hoo Peninsula. The Regulation 18 consultation document states that a 'plan led approach to managing the growth of a rural town is essential to ensure the success of this proposed rural town. The development has the potential to make a significant contribution to housing supply, but this needs to be considered in a wider strategic context. Such a scale of growth is dependent upon significant upgrades in infrastructure, including transport, health, leisure, open space including country parks, education and wider community facilities. In developing a town, particular aspects need to be strengthened, such as the retail, economic and community roles. The greatest care and attention needs to be given to sensitively planning growth around Hoo St Werburgh to respect the countryside setting and links to the wider estuary.

The Council has commissioned a Development Framework as part of the Local Plan evidence base to provide an informed approach to identifying a sustainable strategic allocation on the Hoo peninsula.

The Council does not consider that the proposed development as presented in this application demonstrates that it can meet the requirements of a plan led strategic growth allocation. There are particular concerns that the proposal has been developed without reference to the Local Plan evidence base and the strategic development framework.

The Council is publishing a draft Regulation 19 Local Plan in winter 2018. Therefore it is collating a comprehensive evidence base and carrying out analysis to determine a sound and successful spatial strategy to deliver on the vision and strategic objectives for the new Local Plan.

The Council considers that the proposal does not demonstrate an informed approach to planning for strategic growth in this location. The existing village of Chattenden reflects its history as a military settlement. It has some shortcomings in service provision and is poorly connected internally and to neighbouring settlements. This application does not demonstrate how the large scale growth proposed would contribute to wider sustainable development, and strengthen the function of the village of Chattenden. It is therefore considered that the development fails to strengthen the sustainability of the village and it is anticipated that further car based journeys will be generated by the proposed development, exacerbating congestion and air quality issues. Further consideration of transport impacts is set out below.

Paragraph 174 of the NPPF directs local planning authorities to plan positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure. The Council's evidence base for the Local Plan has identified important areas of landscape in this location, in addition to the proximity to designated habitats of the Lodge Hill and Chattenden Woods SSSI, and Medway Estuary and Marshes SSSI and SPA. In the absence of a wider strategic approach informing the green

infrastructure components and landscape, this proposed development could weaken ecological networks.

The Environmental Statement, at paragraph 10.6.5, refers to evidence on dog walking collected in relation to the Thames Basin Heath SPA. The Council has an established Strategic Access Management and Monitoring Scheme, with a local evidence base that is endorsed by Natural England. The Council's corporate policy on SAMMS recognises a zone of influence of potential recreational disturbance as being within 6 km of the designated habitats. The analysis set out in the Environmental Statement at paragraph 10.6.5 is not accepted as valid by the Council in conjunction with the SAMMS. The Council supports a wider strategic approach that goes beyond the footpath and open space provision indicated in the outline plans for the proposed development.

A key consideration of strategic development in this location is the proximity of designated habitats of national and international importance to both the north and south of proposed development. The Council is promoting a strategic approach to environmental management that addresses the sensitivity of ecology and provides appropriately for the needs of the community for open space. The potential significance of indirect impacts from development and the associated urbanisation on the SSSI features and SPA require a wider strategic approach, such as effectively addressing cat predation, and securing dark corridors for bats. The proposed development, prepared in isolation and not considering potential cumulative impacts, would compromise the preparation and implementation of an effective environmental management strategy.

The Local Plan process is considering the potential to accommodate growth in the wider Hoo area as part of a plan led approach to deliver sustainable growth in Medway over the plan period. The Council has commissioned consultants to prepare a development framework for the wider area, informed by the evidence base for the Local Plan. The Council has also held workshops with wider development and land owner interests to establish parameters for a strategic approach to determining a sound spatial plan for growth. This includes the mix and location of key services, infrastructure, strategic transport planning and securing strong environmental networks. The promotion of this proposal in advance of the development framework in the draft Local Plan compromises the ability to determine the most appropriate and sustainable use of land, and to secure strategic solutions to major issues such as transport, infrastructure provision and environmental management. There is a more detailed section on the consideration of prematurity further in this report.

### Transport (Planning Policy)

The transport element of this response will make brief reference to national planning policy before outlining the existing local context and the emerging evidence base, including bespoke traffic modelling commissioned as evidence to support the Council's position. The implications for this proposal are set out in relation to the emerging approach to the integration of transport and land use planning.

## National planning policy

The Planning Statement, at 4.3.1 and 4.3.2, has quoted paragraph extracts from the current National Planning Policy Framework (NPPF) (2018) in relation to promoting travel choice and patterns of development which facilitate sustainable transport. However, the Planning Statement makes no reference to other transport-related aspects of the NPPF.

An overarching objective of the NPPF, paragraph 8 is to achieve sustainable development which requires planning to “help build a strong, responsive and competitive economy, by ensuring that sufficient land.. is available... at the right time to support growth”. Furthermore, planning should “play an active role in guiding development towards sustainable solutions” taking account of the needs and opportunities of the area. In order to deliver sustainable development, under the policy theme of sustainable transport, the government requires local authorities to “be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned.” This is set out within paragraph 104 of the NPPF. These important aspects of the NPPF can only be delivered through the plan-led system.

This response will set out how the timing of this proposal will not only exceed the limited capacity of the local road network; it will compromise the Council’s ability to provide for sustainable development.

## Local context

The 2011 Census shows that 76% of usual residents within the surrounding area of the site (i.e. MSOA E02003316) aged 16-74 travel to work by car or van. A further 5% travel as a passenger in a car or van. Only 5% travel to work by bus or on foot, while 1% travel by bicycle. This is set out within the Office for National Statistics, 2011 Census, Table QS701EW - Method of travel to work. Unsurprisingly, given the relatively remote location – situated on a peninsula – this is a car dependent area for commuting. The existing settlements do not currently (in advance of the proposed strategic allocation) support the viability of frequent bus services.

In addition to the method of travel to work, the Council has undertaken spatial analysis of other 2011 Census data to develop an understanding of travel patterns for commuting. Commuting within Medway represents the highest commuting flow (34%) from the Hoo Peninsula by car/van, motorcycle/scooter or taxi. A similar proportion (32%) however commutes to workplaces located to the west of Medway. Note that 13% have no fixed place of work, however they are likely to travel to the west given the labour market demand towards London. Inward commuting flows are overwhelmingly by car/van given the lack of infrastructure and public transport and this may discourage businesses from locating on the Hoo Peninsula. This information can be found within the Commuting flow data derived from the 2011 Census (<http://wicid.ukdataservice.ac.uk/cider/wicid/downloads.php> (WU03EW)), relating to

usual residence and place of work. The flows represent individuals commuting from one place to another, i.e. origin and destination.

Public transport is not proposed to be improved in response to piecemeal development proposals; this will only be delivered through strategic and collaborative planning with operators. This application (albeit outline) fails to demonstrate any improvements to public transport which is a critical issue in sustainability terms. In this way, the proposed development strategy set out in the emerging Local Plan seeks to achieve the necessary change in travel behaviour in order to accommodate sustainable growth. However, major interventions to facilitate increased mode share will still generate significant private car trips.

It is important to note that Four Elms Hill is a designated Air Quality Management Area, understood to be currently exceeding harmful emissions levels. Poor air quality is a public health priority matter and, moreover, has the potential to hinder growth in Medway if the Council's approach is undermined by proposals which will only reinforce existing travel behaviour.

In planning for new developments, it is also important to consider the way in which new households are forming in Medway. The Council understands that there is increasing demand for housing in Medway as a result of households moving from areas to the west of Medway and south-east London. These new households are likely to be attracted to the relative affordability of the area, however they are also likely to demand transport links to maintain – at least in the short-term – their economic and social ties to the west of Medway. It should be noted that the Hoo Peninsula in particular will be an attractive location for these new households. This general flow as a result of new household formation, along with the labour market demand and scale of new developments to the west of Medway, notwithstanding the proposed Lower Thames Crossing, is a highly likely to intensify outward commuting flows. This will cause further detriment to the local road network unless the Council can plan for sustainable growth and infrastructure provision through the plan-led system.

### Site context

The Planning Statement states that Chattenden has “good public transport links to larger employment centres, such as Rochester, Chatham and Strood” (4.3.4), while a bus stop with an hourly service has been identified adjacent to the western boundary of the site. This position is supported by a Transport Assessment (TA). The TA has reportedly confirmed that “the site is well located in relation to sustainable transport options ...”. However, the specific Nu-venture service timetable shows that this service starts at 9:00 and ends at 16:25, i.e. presumably long after/before when many employed people would be expected to arrive at their workplace/home. This information has been sourced from the Nu-venture: Bus Times – 172, 173, 175. Available online: [http://www.nu-venture.co.uk/172-173-175\\_090117.pdf](http://www.nu-venture.co.uk/172-173-175_090117.pdf) (Accessed 26 June 2018).

It is considered highly questionable as to whether the existing offer constitutes good public transport. Furthermore, the whole towns identified at 4.3.4 do not provide large employment centres in Medway; high density employment locations in Medway are located in specific locations, which are not necessarily well served by public transport. It is therefore unclear how an existing bus stop, served by an hourly service commencing at 9:00, would provide good public transport.

Notwithstanding the current and forecast levels of traffic congestion on the local road network (see Highways section below), the journey time for a new resident travelling by bus to the Chatham bus interchange at peak time is likely to be over 35 minutes. However, the total journey time for most residents will be much longer, given that the Illustrative Masterplan depicted at Figure 13 of the Design & Access Statement clearly shows that the street layout is intended for the car and not pedestrians. Whilst the Council acknowledge that this is merely an 'illustrative' plan access should also include the internal road layout. Paragraph 102 of the NPPF states that "transport issues should be considered from the earliest stages of development proposal" so it would not be unreasonable to put weight on the 'illustrative' plan for the purposes of considering this application. This point is substantiated by the Proposed Site Access Arrangement drawing, which shows in detail an additional arm to an A228 roundabout. Access points would supposedly be linked by a spine road and this seemingly confirms that the approach is car-led. This approach has been established in the proposal, but it is unclear how pedestrians and cyclists will be catered for as the most vulnerable road uses.

It is intended to provide a dedicated pedestrian/cyclist access onto Chattenden Lane, however there is no reference to the wider walking and cycling network. The emerging Local Plan will set out spatially the local walking and cycling networks to direct investment. Once the new Local Plan is in place, proposals for this site would be expected to pay particular attention to the external connectivity and internal permeability of the site, while providing for integration with the wider movement network.

Returning to the Illustrative Masterplan, there is no differentiation in housing layout, with large sections connected by primary roads. A resident of a new home situated in the northern section would have to follow an elongated route on foot to the existing bus stop, while the retention of existing hedgerows would cause severance between the internal areas of the site. Best practice guidance 9 CIHT (2018), 'Buses in Urban Developments'. Available online: <http://www.ciht.org.uk/en/knowledge/streets-and-transport-in-the-urban-environment/index.cfm> (Accessed 26 June 2018)) stipulates a 300m maximum recommended walking distance to bus stops served by less frequent services. However, the Illustrative Masterplan indicates that very few new homes will be within this walking catchment.

It is also worth noting that that there does not appear to be any access relationship to the adjacent site to the south, permitted under MC/15/3104. Due to the way in which development will be built out over time, it is crucial that proposals demonstrate careful consideration of every opportunity for connections to integrate with adjacent areas, whether existing or likely to come forward in the future. This does not appear to present a

well-connected and permeable site layout, although it is recognised that layout is a reserved matter and the applicant here has no jurisdiction in relation to the neighbouring site.

The nature of the proposal would reinforce current travel patterns; it would likely comprise a dormitory area and would not address wider policy objectives, such as public health issues.

### Modelling overview

In preparing the new Local Plan, the Council has commissioned a Strategic Transport Assessment (STA) as a key component of the transport evidence base. Due to be complete in August 2018, the STA will assess the existing situation and determine the transport implications of future development scenarios, providing an understanding of the site specific and cumulative impacts of development.

Work to date has involved the testing of committed development along with future development scenarios in the Medway Aimsun Model, which has been approved by Highways England. Residential, employment and education land uses have been incorporated and phased over three years, i.e. 2023, 2028 and 2035. In addition, five subnetworks have been subject to detailed modelling, including the Four Elms Roundabout to Medway Tunnel. This will allow for the identification of mitigation requirements in the next phase of work.

### 2016 Base Year (Current Situation)

To provide an indication of the performance of different parts of the network and to identify potential traffic bottlenecks, the ratio of volume to capacity (V/C) for each turning movement in the model has been calculated and this is presented in Appendix X. The V/C plots are shown in yellow, orange and red plots, as below:

- yellow indicates turns that have a V/C between 80% and 90%, i.e. are operating below, but close to, practical capacity;
- orange indicates turns that have a V/C between 90% and 100%, i.e. are operating over practical capacity but below absolute capacity; and
- red indicates turns that have a V/C of greater than 100%, i.e. are operating over absolute capacity.

The V/C plots show that several turns across Medway already operate over capacity in the 2016 base scenarios. Specifically, the Four Elms Roundabout (A228/A289) is highlighted yellow and orange in the AM and PM peaks respectively. This key junction is therefore operating close to practical capacity during the AM peak and over practical capacity during the PM peak.

It is important to note that the AM and PM peaks for this part of the road network are likely to be prolonged due to commuters travelling longer distances and therefore the results are considered to be conservative. Moreover, this part of the network provides a key route

for commuting to/from areas to the east of Medway and it is therefore more susceptible to external growth (e.g. Ebbsfleet Garden City and London Resort) if travel patterns continue, while the impact of dispersed traffic as a result of the proposed Lower Thames Crossing is unknown.

### Committed development

The current performance and very limited capacity of the Four Elms Roundabout should be considered in relation to the total quantum of development on the Hoo Peninsula benefitting from extant planning permission. To date, this amounts to 705 new homes and 243,700 sqm of commercial B-class class floorspace. The Council has commissioned bespoke traffic modelling which will establish the impact of committed development on this part of the road network and this has been summarised later within this report.

### New Local Plan - Integrating transport and land use planning

The existing context and the traffic modelling has demonstrated that the Hoo Peninsula considered as part of the proposed development strategy for the new Local Plan for circa 10,000 new homes and employment land – cannot accommodate growth without significant upgrades to transport infrastructure. This will need to be set out through the new Local Plan, supported by an Infrastructure Delivery Plan and other evidence base work.

In paragraph 91 of the NPPF, the government recognises the role of the planning system in “facilitating social interaction and creating healthy, inclusive communities.” Local planning policies are expected to aim for places which promote “opportunities for meetings between members of the community who might not otherwise come into contact with each other ...” and “safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.” These important roles of the planning system are being addressed through plan-making; the Council has commissioned a specific piece of work (Hoo Development Framework) to address the interrelated components in planning for the substantial growth proposed on the Hoo Peninsula.

The emerging Local Plan seeks to integrate transport and land use planning. This is a key component of the overarching development strategy, which leans on the principles of Public Transport Oriented Development (PTOD). In short, PTOD seeks to direct new, mixed use development to areas in close proximity to high-quality public transport (<http://www.cpre.org.uk/resources/housing-and-planning/housing/item/4345-making-the-link>). The proposal would be unacceptable in principle if it was assessed against the emerging planning policies.

## Contribution to sustainable development and functioning of area

The Council consulted on a Regulation 18 Development Strategy document in Spring 2018. As a third Regulation 18 document informing the preparation of the new Medway Local Plan, the Council has been able to show the evolution of its proposed spatial strategy to meet Medway's growth needs over the plan period. The strategy presented responds to the findings of the evidence base for the plan.

While the Council accepts that little 'weight' can be given to its Regulation 18 Plan at this stage, the Council the evidence collated to date in support of the emerging Local Plan provides significant grounds for concern that the development proposed in this application does not satisfy the requirements for sustainable growth in this location.

A key finding of the evidence base for the Plan is the lack of capacity in infrastructure to support further development. The separation of the Hoo Peninsula from urban Medway exacerbates the pressures on infrastructure and services and results in additional journeys from villages on the peninsula, with resulting impacts on the road network and Four Elms Hill AQMA. The proximity of habitats designated of international and national importance for nature requires a sensitive and effective bespoke approach to managing and mitigating the impacts of development. The Council has explicitly recognised these matters in its consultation documents supporting the new Local Plan.

The Council has identified a strategic allocation around the settlements of Hoo St Werburgh and Chattenden as an important component of its development strategy in the emerging Plan. This approach explicitly seeks greater benefits than solely housing land supply. The strategic approach will deliver on all the objectives of the Plan, recognising the specific opportunities that planned growth at this scale can achieve. These will be not be realised if development comes forward in a sporadic manner in isolation of an overarching framework that can ensure the most sustainable use of land. Intrinsic to this approach is the delivery of a strategic and coordinated infrastructure investment plan. This includes new health, education, sport and community facilities, a bespoke environmental management plan, and an integrated transport programme.

The land to the north of the A228 promoted in this application is identified in consultation documents as having potential to contribute to the development of an expanded rural town on the Hoo Peninsula. However the proposal in this application has been developed in isolation of the strategic framework being produced by the Council to inform the draft plan. The application has been developed without reference to a bespoke environmental management plan required to secure the interests of designated habitats in proximity to proposed development. The application is in advance of an effective transport scheme to address air quality issues and provide for sustainable travel choices. The application promotes development in advance of providing additional health facilities, in an area with noted shortage of GP services. The application does not take account of adjacent land where allocations may be identified in the new Local Plan. For these reasons the Council considers that the evidence indicates that this application cannot demonstrate that it can



satisfactorily address infrastructure, transport and environmental needs identified as critical to the delivery of growth in this location.

### Housing Infrastructure Fund bid

In consultation stages of the plan preparation process, the expansion of Hoo St Werburgh has been considered as an integral part of the proposed development strategy for the new Local Plan, with significant potential growth proposed in this location. As discussed above and also within the Highways section of this report, this part of the road network is unlikely to be able to accommodate further development without mitigation. This underlines the critical importance of the Council's Housing Infrastructure Fund bid in order to secure substantial upfront funding. The Council has been successful as one of 45 local authorities invited to co-develop a business case with the government. The initial bid highlighted the need for a strategic approach to transport infrastructure to enable development on the Hoo Peninsula, comprising critical road improvements, an upgrade to the Grain branch line to reinstate passenger services and other measures intended to facilitate public transport use and active travel.

Given the local context, particularly the designation of Four Elms Hill as an Air Quality Management Area, the promotion of travel choice is more likely to be successful if it can be designed in to the fabric of new developments and available upfront. This represents an opportunity to bring about land value uplift and create a new brand for the Hoo Peninsula and Medway as a whole. This is the Council's desired approach, rather than attempt to react to piecemeal, car-led development proposals, which will rapidly consume the limited capacity in the local road network and compromise the Four Elms Hill Air Quality Management Area (AQMA).

The transport element of the Council's HIF bid will be informed by the outline design produced under the STA and this will accommodate the full scale of growth on the Hoo Peninsula. This will need to be complemented by other sustainable transport initiatives and will provide a foundation for the forthcoming Hoo Development Framework. Crucially, the Hoo Development Framework will be produced in collaboration with key stakeholders and the public transport element will benefit from with council's established working relationships and commitment from Arriva and Network Rail. This will seek to apply the best practice principles of PTOD.

### *Highway Safety*

There are a number of specific concerns in relation to this application that relate to highways matters and traffic increases. These include the proposal to create a five arm roundabout junction as well as cumulative traffic impacts from this proposed extra development on the peninsula.

As part of the submissions the applicants have carried out a Transport Assessment and various Technical reports which Medway Council have had evaluated by external specialist consultants (Project Centre). The Council have also carried out its own traffic

modelling in order to fully assess the possible impact of the proposals on the immediate and wider areas.

The initial Transport Assessment that was submitted as part of the planning application was reviewed by Project Centre and it was concluded that there are concerns in relation to the 5th element to the existing roundabout being added. On receipt of full comments the applicant has then produced Transport Technical Notes (3) Response to Council Comments (Prime). Due to concerns remaining, the Council have then carried out a full Safety Audit (Medway Council Road Safety Audit (28 May 2018)) which concludes:

The roundabout junction does not accord with guidance, with geometric values considered to be outside of the range for current good practice. In particular the proposed development:

- Roundabout arm exit radius scales at 10m, recommended minimum value 20m (reference TD16 Para 7.69). 40m radius is desirable
- Roundabout arm entry path radius – 150-180m, recommended value 100m (reference TD16 Para 7.69 -mandatory requirement).
- A228 north-eastern arm entry path radius – 150-180m, recommended value 100m (reference TD16 Para 7.69 -mandatory requirement).

In addition, there are a number of other issues that appear to be contrary to good design practice with the proposed layout:

- Short lengths of reverse curves within the circulatory carriageway should be avoided (reference TD16 para 7.10) – there is a slight reverse curve introduced between the A228 south-western entry arm and the adjacent development exit arm.
- The kerblines of the splitter island (or central reserve in the case of a dual carriageway) should lie on an arc which, when projected forward, meets the central island tangentially in order to reduce the likelihood of vehicle paths overlapping (reference TD16 para 7.30) – both A228 entry arm alignments and Main Road, Hoo entry arm alignment do not appear to fulfil this criteria.
- Entry lane widths should not exceed 4.5m at dual carriageway entries (TD16 para 7.24). The A228 N-E arm appears to exceed this, however this arm is not being amended by the design so is an existing issue.

Overall, the Audit and technical check identifies a number of safety concerns. These relate to the refuge arms on the proposed access arm, the entry path radius of the development arm and the three-lane entry alignment from the south. There are also concerns related to the outline design of the Toucan crossing.

It is therefore considered that the proposed development access on to the A228, as submitted, would be detrimental to the safety of vehicle occupants, cyclists and

pedestrians, contrary to Policy T2 of the Medway Local Plan 2003 as well as Paragraphs 108 and 109 of the NPPF 2018.

### *Impacts on the road network*

In relation to the impact on wider traffic matters, including the cumulative impact on local traffic/highway networks there are matters that need to be assessed.

A full traffic model has been calibrated and validated at both macroscopic and microscopic levels to enable both the wide-area strategic and local detailed effects of the Plan to be assessed. The modelling used has been reviewed by both Medway Council and Highways England and the model is considered to be fit for purpose for assessing the Medway Local Plan.

The transport work prepared by the applicant assumes a 2027 assessment year. It is therefore proposed that the impact of the development is assessed against the 2028 Reference Case scenario prepared for the Local Plan, since this is the closest modelled year to the applicant's assessment year. This takes account of both '2028 Reference Case' and '2028 Do Something' scenarios.

The full report is available on the Councils web pages however in summary, network wide statistics from the modelling indicate that in the 2028 assessment year, the addition of the development would result in increases in key congestion statistics, with significant increases in network-wide queuing in both the AM and PM peak periods.

The detailed modelling statistics at key junctions on the network showed significant local impacts at the A228 Peninsula Way / Main Road Hoo roundabout due to the increased number of conflicts at the junction, resulting from the addition of the proposed site access and associated development traffic. Increases of almost 300% in the AM peak and 200% PM peak were observed along the A228 Peninsula Way northeast approach to the roundabout. The increase in queue length on the approach resulted in vehicles blocking back to the Peninsula Way / Bell's Lane roundabout, resulting in further detriment to the network. Significant local impacts were also observed at Four Elms Roundabout, which is forecast to operate over capacity in the Reference Case scenario. Increases in queue length of over 65% in the AM peak and 100% PM peak were observed along the A289 Hasted Road approach, caused by additional traffic associated with the development being added onto the back of existing queues.

The Council is currently in the process of trying to obtain both Local Government Funding and Housing Infrastructure Funding specifically relating to/dealing with the A289 and the Four Elms Roundabout. The existing approved development schemes on the Peninsular result in this road being at full capacity and this results in the Council being unable to deal with any further development on the Peninsular. This significant funding once obtained will be invested directly in road and rail improvements and is coming forward as part of the emerging Local Plan.

In summary, given the significant impacts at the locations detailed above, the cumulative impacts of the proposed development are considered to be “severe” within the context of Paragraph 109 of the NPPF.

### *Landscape and Visual Impact*

The Council’s landscaping comments draw upon the consultation response that has been received from Jon Etchells Consulting in respect of the application (specialist landscape consultant). These comments are reflected within the section below.

### Review of LVIA

Section 5.3.23 of the LVIA sets out the four point scale of effects used in the assessment - Major, Moderate, Minor and Negligible. Later in the LVIA, in paragraphs 5.7.9 and 5.7.20, it is stated that effects on the landscape of the Deangate Ridge character area would be minor to moderate adverse on completion, and that those on the site itself would be moderate to major adverse. The definitions for these levels of effect as set out in the LVIA are as follows:

- ‘Major: An effect that will fundamentally change and be in direct contrast to the existing landscape or views;
- Moderate: An effect that will markedly change the existing landscape or views but may retain or incorporate some characteristics/ features currently present;
- Minor: An effect that will entail limited or localised change to the existing landscape/ views or will entail more noticeable localised change but including both adverse and beneficial effects and is likely to retain or incorporate some characteristics/ features currently present;’

It can therefore be seen that the LVIA considers that effects on the local landscape would be (depending on the scale of the area considered) somewhere between ‘limited to marked change’ and ‘marked to fundamental change’ - these would appear to be significant effects.

The LVIA correctly notes that the southern part of the site is within the Hoo Farmland landscape character area, and that the northern (and slightly larger) part is within the Deangate Ridge character area, as identified within the Medway Landscape Character Assessment (MLCA). The sensitivity of these two character areas is moderate for the Hoo Farmland and high for the Deangate Ridge. The LVIA quotes some of the guidelines for the Hoo Farmland, but the quotes are partial – in particular the following guideline is not quoted:

‘Resist development proposals that would threaten rural character, enhanced biodiversity value, tranquillity and distinctive sense of place.’

Having noted these guidelines, the LVIA then does not return to them in its assessment of effects to consider whether or not the development complies with the stated guidelines.

The LVIA states in section 5.4.51 that photographs were taken in July 2016, though the ES is dated June 2017 - it would therefore have been possible in the intervening period to take some photographs in the winter, representing a worst case situation in terms of visibility and potential visual effects. However, this would have made little difference in many of the views, as they are relatively open and deciduous screening vegetation does not play an important part in them.

Landscape effects are considered at a series of scales in sections 5.7.7 to 5.7.10. The most detailed and relevant of these are the effects on the MLCA landscape character areas which include the site, and on the site itself. Effects for the Deangate Ridge are assessed as initially minor to moderate adverse, with the justification for that level of assessment that this is 'the more elevated section of the site [is] where the majority of Public Open space is proposed and so far reaching views will generally be of the planted Public Open Space'. That claim exaggerates the effect that the proposed planting would have, particularly in the early years - the new houses would be around 9m in height to their ridge lines, and would not be screened at all in the year of completion. For many years after completion, views would be of the houses on rising ground, not of the new planting.

Effects in the first year on the landscape of the site are assessed as moderate to major adverse. Those are very high level effects, but high level effects within the site will tend to occur where a greenfield site is developed.

Visual effects for receptors around the site are assessed at levels of up to moderate to major adverse.

Section 5.8 of the LVIA considers residual effects, 10 years after completion of the development, and states that there would be minor adverse effects for the Deangate Ridge character area, again as a result of the new planting in that part of the site, and that effects at a more local level would be moderate adverse.

The Landscape Effects Table in Appendix 5.2 of the ES states that the sensitivity of the Deangate Ridge character area is medium - as noted above, the stated sensitivity in the MLCA is in fact high, and no explanation is given for this change.

The assessment of residual visual effects notes that some of them would persist at up to moderate adverse level.

Having assessed those effects, the LVIA does not then consider whether they would conflict with the guidelines set out in the MLCA. Instead, it makes the somewhat surprising leap in section 5.10.9 (despite noting long term moderate adverse effects in the preceding paragraph) to state that there would be 'no significant landscape effects' - no justification is provided for that statement.

## Landscape and Visual Effects

The following characteristics of the site and surrounding area are important in considering the landscape and visual effects which would result from the proposed development:

- a) The site is part of a moderately attractive area of landscape adjacent to the settlement edge, and rises up the southern side of the Deangate Ridge. More than half of the site is within the Deangate Ridge landscape character area, identified within the MLCA as of high sensitivity.
- b) The permitted site to the south will extend the existing edge of the settlement to the north, but the proposed development would extend it by a further 500m, to the edge of the golf course. There is some development along Chattenden Lane to the west of the site, but the site itself is clearly countryside, and is in active agricultural use.
- c) This would be a large scale development, for up to 530 new homes, together with a school, and pub and other built development and associated infrastructure.
- d) The proposals include substantial areas of new planting and Green Infrastructure, but these would take time to become effective, and the northern part of the development would be on rising ground and hard to screen effectively.
- e) The proposed development would involve a significant extension of built development to the north and east, and the loss of the presently open fields. There would be some significant adverse visual effects for local residents and for users of the local roads. To be considered against that is the point that houses in themselves are not necessarily unsightly or discordant features of the edges of settlements, and the development would relate to some extent to the existing houses to the west and the current development to the south.

Bearing in mind the above, albeit noting that a full Landscape and Visual Impact Assessment of the proposals has not been undertaken as part of this review, it is apparent that there would be some significant adverse effects on local landscape character, and also on views from adjacent houses and roads.

The LVIA assesses initial and longer term effects on the entire Deangate Ridge character area as minor to moderate adverse and minor adverse respectively. Initial and longer term effects for the site itself are assessed as moderate to major adverse and moderate adverse respectively. However, the effects which really matter for development of this scale are those on the local area around the site, within the visual envelope (i.e. the area from within which the development would be visible, and the area which it would affect), and it seems reasonable to assume that those effects would be somewhere between those two levels of assessment, based on the assessment set out in the LVIA.

It seems likely that the LVIA assessment has underestimated effects on the local landscape, because it appears to have understated the sensitivity of the Deangate Ridge character area and because some of its assessments are diluted by considering large character areas including land well away from the site. That underestimation is by perhaps half a category, i.e. effects on the local landscape (not just the area of the site itself) should be at least moderate adverse on completion, declining over time to minor to moderate adverse. Those effects should be regarded as significant - the ES definitions state that moderate adverse effects are those which 'will markedly change the existing landscape'.

### Landscape Summary

The submitted LVIA has slightly understated the adverse effects of the proposed development in landscape and visual terms, though the adverse effects would decline over time. The proposed development is for up to 530 houses and other uses on a sloping, open, greenfield site, and would lead to significant adverse effects on the local landscape, which would decline over time but which would never disappear.

The majority of those adverse effects would arise from development of the northern part of the site, which is on rising ground within the more sensitive Deangate Ridge landscape character area and which would be furthest from the existing edge of settlement, representing the greatest incursion into the countryside.

The Environmental Statement does assess long term adverse effects of moderate significance on the landscape of the site (and states in the Landscape Effects Table that these effects are on the 'site and immediate settlement edge context', with lower level effects further afield), but then states (with no real explanation) that those effects would not be significant and would be 'acceptable'.

The adverse effects would decline to some extent over time, but would still be significant, and would need to be taken into account in the overall planning balance, weighed against any benefits of the proposed development.

### *Design*

Given that this application is 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 would be done so within a reserved matters submission that would follow and approval of an outline application. However, it is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable layout and design for the number of units proposed. In principle therefore the development could comply with Policy BNE1 of the Local Plan.

## *Amenity*

The main impact in terms of amenity relate to the direct physical impact that any building would have on existing neighbours in terms of those that immediately abut the site. There is also the wider amenity impact in terms of increases to noise and disturbance and traffic movements within the established neighbouring village areas.

The built form is proposed within the main/larger area of the development and is to have green routes through which lead to the main open space area within the northeast 'jut'. Despite being built toward Chattenden Lane/Lodge Hill Lane there is a green buffer along the west boundary that is to be quite dense. This dense buffer extends throughout the northern boundary also and to a lesser extent the southern and eastern boundaries.

It is considered that the extent of buffer indicated on the applicants Development Framework Plan would ensure that the existing properties in Chattenden Lane (in particular Copse Farm) and Lodge Hill Lane are satisfactorily screened from the proposal so that the proposed new development would not significantly harm the outlook or impact the private amenity areas for these existing houses. It is acknowledged that there would be some loss of view in terms of the loss of the open countryside – which many of the properties would currently enjoy, however no-one has a right to a view and this could not be protected.

It is also considered that the disturbance in terms of noise and traffic could be significant however without sufficient understanding of layout and siting of play areas it cannot be reviewed at this stage. Chattenden as a village is significantly altered in accepting a scheme of this size and nature in this location. It is considered in amenity terms that whilst it is significant, it does not cause any significant harm.

Until such time as a detailed scheme were to come in for consideration here, it cannot be known what the full impact of the proposed scheme would be on existing houses/occupants of Chattenden. There are no current issues in relation to this matter therefore and it is considered that amenity and impact on neighbours would be better considered in detail to ensure that compliance with Policies BNE1 and BNE2 of the Local Plan and also the relevant policies within the NPPF.

## *Air Quality*

The air quality addendum has been reviewed and whilst there remains some uncertainty that this proposal will fully mitigate air quality concerns on balance the Council are not raising objection on air quality grounds subject to the mitigation set out below.

The 'without development' scenario is predicting a substantial reduction in roadside NO2 concentrations by the 2027 opening year. At present the Council does not have any monitoring data to support this reduction, which to a large degree will depend on the renewal of the car fleet with cleaner Euro 6 vehicles, particularly diesel cars. Therefore the level of predicted reduction should be taken at face value until roadside monitoring



data demonstrates a clear downward trend. The calculations provided rely on the car fleet being made cleaner, which the government has put legislation in place to achieve, but until this is implemented and actual roadside measures begin to emerge there will not be the actual evidence to say that the calculations that have been undertaken are correct.

The 'with development' scenario shows impacts at receptors in the Four Elms Hill AQMA with respect to NO<sub>2</sub>. The impacts with respect to PM<sub>10</sub> and PM<sub>2.5</sub> are smaller, however as these pollutants are considered to have no safe exposure threshold, all increases in concentrations can be considered to have associated health impacts.

Under the sensitivity analysis (CURED scenario) the impacts on NO<sub>2</sub> are greater, and the modelling predicts concentrations of NO<sub>2</sub> could still be close to the annual mean objective in the opening year. The absolute concentration change is similar to that under scenario 3, however the concentrations at receptors are considerably higher. This worst case CURED scenario still predicts compliance with the NO<sub>2</sub> annual mean objective, though this is relatively marginal.

An emissions mitigation assessment has been carried out in accordance with the Medway Air Quality Planning Guidance (April 2016) to determine the level of mitigation required to offset the air quality damage associated with the development related trips. The total damage cost value has been calculated at £435,243.50. A range of mitigation measures have been indicated, however a more detailed scheme of mitigation can be developed at the detailed design stage. The mitigation scheme, will be required to include standard air quality mitigation measures (EV charging points and low NO<sub>x</sub> boilers). In order to give the applicant/developer some flexibility in developing the mitigation scheme, a condition can be imposed.

It is noted that some infrastructure improvements are proposed, including a spine road, diversion of an existing bus service and contribution towards a pedestrian crossing over the A228. The mitigation scheme can include these measures, however they cannot be used as the sole basis for offsetting the air quality damage costs.

A condition will also be needed, requiring the submission of a construction environmental plan (CEMP). The CEMP will cover noise and vibration control and air quality mitigation measures for the construction phase.

### *Noise*

The development site is located close to the busy A228 dual carriageway. As such an acoustic assessment will be required, looking at noise from road traffic, and how appropriate internal and external noise levels can be secured to protect future occupiers. The Council would be looking at the development achieving the noise criteria laid out in BS8233:2014. Any commercial noise sources near and/or within the development itself may require an acoustic assessment (for example in accordance with BS4142:2014). Changes to the acoustic environment caused by the development itself, and the cumulative impacts from other committed developments, will have to be considered. It is

noted that a baseline survey has already been carried out, and that a further noise and vibration assessment is to be carried out.

### *Contamination*

The development site is bordered in places by land which has been identified as potentially contaminated land due to former military use. There do not appear to be any former contaminative uses on the development site, however it is noted that a Phase 1 assessment has already been carried out, and that a Phase 2 investigation will be carried out prior to work commencing. The findings of both assessments will have to be submitted, but the requirements to do so are outside the scope of the EIA.

### *Ecology*

The comments and discussions that have taken place with Natural England to date express that there is concern in relation to the impact on the adjacent SSSI's in relation to cat predation and the lack of sufficient evidence to prove that sufficient mitigation can take place to prevent unacceptable levels of cat predation which would in turn cause significant concern for the protected nightingales. As stated within the Natural England comments which are summarised earlier within this report, Chattenden Woods and Lodge Hill is the single most important site in the United Kingdom for nightingales. Natural England have explained that further information on how the proposed mitigation measures will be effective in preventing impacts to the country's most important population of nightingales should be provided. They state that this information, along with the revised impact assessment, should be provided and agreed prior to any consent being granted, considering the specific circumstances at this location

It has also been stated within the comments from Natural England that there remains concerns in relation to the wider proposals within this Chattenden and Hoo area as it is recognised that in every option coming forward in the Local Plan process this site is shown as potentially developed along with the adjacent Deangate Ridge site. Planning for this site as a stand-alone scheme without taking due account of the surrounding future development could jeopardise the long term protection of the SSSI and the nightingales. Without a joint approach there is concern that this cannot be carried out to a sufficient standard.

For this reason it is considered that the scheme in its current form is insufficient to be supported in ecological terms and is considered to be contrary to Policies BNE35 and BNE36 of the Local Plan as well as Paragraphs 8, 175, 176 and 177 of the National Planning Policy Framework 2018.

### *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 due to

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 being delivered through Bird Wise, a partnership of local authorities and conservation organisations in North Kent. This is 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 tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation). Further details on the Bird Wise project, including copies of the background research, are available at [www.birdwise.org.uk](http://www.birdwise.org.uk)

The applicants have agreed to pay this tariff and it is therefore incorporated within the S106 payment structure. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Flood Risk*

The EIA has picked up some of the high level detail referred to including drainage ditches located on the north, eastern, and southern boundaries of the site, however, no further detail has been included within the section entitled Water Resources and Flood risk.

At paragraph 11.13, the EIA addresses drainage and flood risk and concludes that there is no residual risk from the development site to the surrounding area and that the site is entirely within Flood Zone 1, and area considered to be at low risk of flooding. However, the risk of surface water has not been appraised. Inspection of the Environment Agency's updated Flood Map for Surface Water, available online suggests there are many areas within and around the development site which are at risk of surface water flooding. Further, the sites are within an extremely sensitive catchment which reacts very quickly to rainfall and which experiences flooding as a result. Therefore the assertion that the development does not increase the risk of surface water flooding to adjacent properties is not true.

Paragraph 11.14 concludes that a drainage strategy will form part of the planning application. Any eventual Drainage Scheme should be designed in accordance with best practice industry guidance, and be designed in accordance with the non-statutory technical standards for sustainable drainage systems.

Due to the sensitive nature of the catchment, it is advised that early consultation with the LLFA during the design phase of the scheme takes place. The overall area is recognised as an area of significant risk and therefore more stringent attenuation measures may be proposed for the site in order to avoid an increase in flood risk to downstream areas.

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:

Securing a minimum of 25% affordable housing;

|                             |  |                             |
|-----------------------------|--|-----------------------------|
| Waste and Recycling         | J155.44 per dwelling<br>Contribution for: household waste receptacles and info leaflet; Litter bins; Site management; Maintenance and improvement to local HWRC; Provision of promotional/ educational equipment; Graffiti removal service.  | £81,180.00                  |
| Heritage and Museums        | J233 per person (530 x 2.45)<br>Enhance the visitor experience at Upnor Castle through improving visitor access and facilities at the site   | £302,550.50                 |
| Greenspaces/<br>open spaces | J777 per person (530 x 2.45)<br>J51 per person (530 x 2.45)<br>Towards new Country Park provision within the vicinity of the Hoo/Chattenden area. (Parks and Gardens; Play; Amenity Greenspace; Natural Greenspace; Outdoor Sport; Allotments) as well as access improvements works from Chatham city centre to Fort Amherst | £1,008,935.00<br>J66,233.50 |
| Education                   | J432,473.60 (Nursery)<br>J1,190,592.00 (Primary)<br>J1,521,312.00 (Secondary & 6 <sup>th</sup> form)<br>Money to go toward the new all-through free school approved in the area and/or the expansion/relocation of Chattenden Primary School.  | £3,144,377.60               |
| NHS                         | J191 per person (530 x 2.45)<br>To fund new building for existing or new GP surgeries on the Peninsula   | £248,013.00                 |
| Youth Provision             | J23.85 per person (530 x 2.45)<br>Provision of holiday activities; Motorbike maintenance and   | £30,969.00                  |

|                   |  |                      |
|-------------------|--|----------------------|
|                   | riding skills; Cookery skills courses; Music tuition; Football skills course |                      |
| Sports Facilities | J90 per person (530 x 2.45)<br>For sports hall provision                     | £117,130.00          |
| Bird Mitigation   | J223.58 per dwelling   | £118,497.40          |
|                   | <b>Total</b>   | <b>£5,117,886.00</b> |

In order to be fully development contribution compliant it would be necessary to pay a 'per household' contribution to allow for wider contribution payments within the Hoo/Chattenden area. This wider contribution sum is **£12,262.72 per household**. This therefore amounts to a total sum of **£6,499,241.60**. Once the above contributions have been taken account of for each of the specified areas (total of J5,117,886.00) the sum remaining is **£1,381,355.60**. This therefore is the sum that would be used as part of the wider contribution for the Hoo/Chattenden infrastructure that would be required for the strategic expansion.

During the application discussion stages there was also an agreement in place, in which the applicants agreed to contribute a J1,000 per household payment that would directly contribute toward a new footbridge to be constructed near to the site to allow for a pedestrian link between Hoo and Chattenden (total footbridge contribution from this project therefore J530,000). This contribution is considered to be an appropriate contribution in relation to Regulation 122 of The Community Infrastructure Levy Regulations 2010 due to the fact that a footbridge would significantly contribute toward the provision of a more sustainable pedestrian link for residents, aiding in achieving improved, safer and more usable crossings to allow for access to schools, shops and other infrastructure. This is also considered to be a safer and more longer term scheme than a toucan crossing on this busy dual carriageway and should this application come forward it is considered that this payment should remain a factor in the decision.

The total contribution sum, taking into account the 'per household' contribution and the separate footbridge contribution therefore is **£7,029,241.60**.

#### *Local Finance Considerations*

None relevant here.

#### *Planning Balance*

For the reasons stated above, the proposal is in conflict with the development plan for the area, including Policies S2, T1, T2, BNE1, BNE25 and BNE35. It follows that the statutory presumption in section 38(6) PCPA 2004 is against the grant of permission. Consideration is therefore given as to whether other material considerations justify departing from the development plan and granting permission.

National policy is an important material consideration. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development. In terms of decision-taking this means approving development plan proposals that accord with an up-to-date development plan without delay; or where the policies which are most important for determining planning applications are out-of-date, granting permission unless the application of policies in the Framework protect areas or assets of particular importance provides a clear reason for refusing the development proposals; or any adverse impacts 'significantly and demonstrably' outweigh the benefits, when weighed against policies in the Framework taken as a whole.

Policies are deemed to be out of date, for applications involving the provision of housing, where the LPA cannot demonstrate a 5 year supply of housing. The Council acknowledges that it cannot demonstrate such a supply.

The Council acknowledges that the principle of this land being developed as part of a wider strategic expansion project is acceptable. It also acknowledges that the provision of market and affordable housing and a larger primary school are benefits that need to be weighed in the planning balance. However, the Council has demonstrated in this report that as a stand-alone development the scheme as proposed would result in significant adverse impacts on the wider area and would not be sustainable. This is because the development as proposed would:

- Have a detrimental and unacceptable impact on highway safety;
- Result in a severe, adverse cumulative impact on the local road network;
- As a result of it having been developed in isolation of the strategic framework being produced by the Council, the proposal would fail to contribute to the wider sustainability of the area
- Give rise to a strong dependency on unsustainable modes of transport
- fails to demonstrate that the impacts on the SSSI/SPA, particularly from cat predation, can be effectively mitigated
- Result in significant adverse impacts in landscape and visual terms

Due to the potential impact of the development on the Chattenden Woods and Lodge Hill Site of Special Scientific Interest, the 'tilted balance' as set out paragraph 11 of the Framework does not apply in this case.

However, even if the tilted balance were engaged, the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits. Accordingly, the proposal should be refused.

## **Conclusions and Reasons for Refusal**

The above report sets out clearly the reasons why the current proposal is considered to be unacceptable. The scheme is considered to have significant impact to the wider area and despite the principle of this land being developed being acceptable, there is

significant work that needs to be carried out to ensure an acceptable strategic scheme comes forward that overcomes the Council's concerns.

This application is currently being appealed by the applicants on non-determination and this recommendation is therefore coming to Members of the Planning Committee to agree the recommendation and suggested refusal reasons in order to take this forward to the Public Inquiry.

---

## **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/>