

MC/19/3328

Date Received: 24 December 2019

Location: Land At Hillcrest Ratcliffe Highway Hoo Rochester ME3 8PX

Proposal: Construction of 21 dwellings including affordable housing, together with access, parking, landscaping and infrastructure works.

Applicant Bellway Homes Ltd,
C/o Agent

Agent Barton Willmore
Miss Rosie Cavalier The Observatory
Castle Hill Drive
Castle Hill
Ebbsfleet Valley
DA10 1EE

Ward: Peninsula Ward

Case Officer: Tom Stubbs

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 March 2020.

Recommendation – Approved Subject to:

- A. A Section 106 under the terms of the Town and Country Planning Act 1990 being entered into to secure the following:
- i. £53,581.50 towards improvements of open spaces within the vicinity of the Site in consultation with Hoo Parish Council (£50,902.32) and Great Lines Heritage Park (£2,679.08).
 - ii. £13,279.56 towards improvements to a healthy living centre or equivalent in Hoo.
 - iii. £3,634.05 towards provision maintenance and improvements to local waste centres.

- iv. £1,644.72 towards youth provision programme delivery for young people in the Rochester area.
- v. £5,112.87 towards sports facilities at Hoo Sports Centre
- vi. £3,848.04 for community facilities within the vicinity of the site.
- vii. £141,875.56 for Education consisting of:-
 - Nursery £28,958.58 and Primary £71, 079.96 one or more Chattenden Primary, Hundred of Hoo Primary, Hoo St Werburgh Primary, or a new free school.
 - Secondary £41,837.02 to Hundred of Hoo, or a new free school.
- viii. £5,156.76 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- ix. £3,468.15 towards equipment and facilities at Hoo Library.
- x. £23,376.20 towards the provision and maintenance of offsite trees within the vicinity of the site and improvements to Victoria Lane burial ground.
- xi. £500 towards the provision of two kissing gates to either end of public footpath RS103.
- xii. £5,431.00 towards the provision of sustainable transport initiatives.
- xiii. 5 Affordable housing units.
- xiv. Meeting the Council's costs.

B. And the following conditions:

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

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

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

Drawing numbers FA19-1726-100, FA19-1726-105, FA19-1726-115, FA19-1726-120, FA19-1726-125, FA19-1726-130, FA19-1726-135, FA19-1726-145, FA19-1726-150, FA19-1726-155, FA19-1726-165, FA19-1726-175, FA19-1726-180, FA19-1726-185, FA19-1726-190 and FA19-1726-195 recieved on 24 December 2019; drawing numbers 2898-LA-01 Revision P3, FA19-1726-050 Rev A and FA19-1726-055 recieved on 10 February

2020 and drawing numbers FA19-1726-110 Rev B, FA19-1726-140 Rev B, FA19-1726-160 Rev B and FA19-1726-170 Rev B received on 13 February 2020.

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

- 3 No development shall take place (excluding the cutting down of approved removed trees to stump level) until an investigation and risk assessment, in addition to any assessment provided with the planning application, has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

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

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

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003

- 4 No development shall take place (excluding the cutting down of approved removed trees to stump level) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed

remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health or water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 5 No development shall take place (other than development required to enable the remediation process to be implemented and excluding the cutting down of approved removed trees to stump level) until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and water courses as a result of the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 6 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 4, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 5, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 5.

Reason: To ensure that the development is undertaken in a manner which acknowledges interests of amenity and safety in accordance with Policy BNE23 of the Medway Local Plan 2003.

- 7 No development (excluding the cutting down of approved removed trees to stump level) shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, deliveries to the site, noise, dust and lighting arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to BNE2 of the Medway Local Plan 2003.

- 8 No development (excluding the cutting down of approved removed trees to stump level) shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

- 9 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Tree protection plan - Appendix C ; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of the building for its permitted use.

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

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

c) No development, no excavation works shall take place (excluding the cutting down of approved removed trees to stump level) until a method statement for the protection of trees during the construction phase has been submitted to and

approved in writing by the Local Planning Authority. The method statement shall include: the storage of any materials, waste or equipment and site compound to avoid the root protection areas and measures. The approved details shall be implemented on site prior to commencement of development and shall be maintained on site for the duration of the construction phase.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on the trees and future tree planting which form an important character to the area, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. Those details shall include (if applicable):

- i. a timetable for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

Reason: Required prior to commencement of development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 11 Prior to occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 12 No development shall take place above slab level until an Ecological Enhancement Plan which shall include details of biodiversity enhancements and a timetable for delivery of these enhancements shall be submitted to and approved in writing by the Local Planning Authority. This will include recommendations in

section 6.3 of the Ecological Appraisal (Aspect Ecology December 2019). The Ecological Enhancement Plan shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In order to enhance biodiversity in accordance with Policies BNE37 and BNE38 of the Medway Local Plan 2003.

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

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

- 14 No development shall take place above slab level until details of the following architectural elements have been submitted to and approved in writing by the Local Planning Authority:

- Details of brick blends to create variation in the proposed dwellings
- Window/wall and door/wall junctions- elevations and sections at a scale of 1/10
- Gutters and down pipes - manufacturer's details and specification
- Eaves, parapets and verges - elevations and sections at a scale of 1/20

The development shall be implemented in accordance with the approved details and shall be retained thereafter.

Reason: To ensure conditions of visual amenity in the locality in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 15 Prior to occupation of any of the residential dwelling herein approved, mitigation in relation to air quality emissions in the form of all gas-fired boilers to meet a minimum standard of <40mgNOx/kWh shall be implemented on site and shall thereafter be maintained.

Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Medway Local Plan 2003.

- 16 No development shall take place above slab level until a scheme for protecting the proposed development from transport noise sources has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 40dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme

shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). The development shall be implemented in accordance with the approved details before any of the dwellings are occupied and shall thereafter be retained.

Reason: To safeguard conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 17 No development shall take place above slab level until an acoustic assessment has been undertaken to determine the impact of noise arising from commercial noise and recreational ground sources. The noise rating level (LAr,Tr) of these sources shall be at least 10dB below the background noise level (LA90,T) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. The results of the assessment and details of any mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved measures before any of the dwellings are occupied and shall thereafter be retained.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 18 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 110E of National Planning Policy Framework 201

- 19 No dwelling shall be occupied until full details of both hard and soft landscape works (including provision of replacement trees) and a timetable for implementation have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 20 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected (including sections to show the height of the boundary treatment from both the site and the adjoining land) has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

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

- 21 No dwelling shall be occupied until a plan indicating the positions, design and materials of the access between the site herein approved and Kingshill Recreation ground illustrated on drawing number DA19-1726-050 has been submitted to and approved in writing by the Local Planning Authority. The access shall be completed in accordance with the approved details before any dwelling is occupied and shall thereafter be retained.

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

- 22 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the wildlife and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 23 Site clearance works shall be undertaken in accordance with all precautionary mitigation measures as set out in sections 6.2.2 through to 6.2.4 and 6.2.6 through to 6.2.7 of the Ecological Appraisal (Aspect Ecology December 2019).

Reason: In order to limit the impact of the on protected wildlife and with regard to Policy BNE39 of the Medway Local Plan 2003.

- 24 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking and associated hardstanding has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so

shown or in such a position as to preclude vehicular access to this reserved parking and turning space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to hazardous on-street parking and turning and in accordance with Policies T1, T2 and T13 of the Medway Local Plan 2003.

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

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

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

Reason: To enable the Local Planning Authority to control such development in the interests of impact on the visual amenity of the countryside, ecology and residential amenity in accordance with Policies BNE2, BNE25 and BNE34 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for the construction of 21 dwellings including affordable housing, together with access, parking, landscaping and infrastructure works.

The proposal would result in the redevelopment of the site to provide an extension to an existing development site for 232 houses which was granted planning permission under MC/17/1884. This proposal would utilise the access onto Ratcliffe Highway approved under the MC/17/1884 application.

The proposal comprises a mix of ten 2-bedroom dwellings and eleven 3-bedroom dwellings. Five of the dwellings are proposed as affordable housing. There are a variety of house types including a terrace, semi-detached and detached properties all of a two

storey nature with their own off-street parking. A further seven visitor parking spaces would be provided throughout the site.

Site Area/Density

Site Area: 0.47 Hectares (1.61 Acres)

Site Density: 44.68 dph (13.04 dpa)

Relevant Planning History

Adjacent development which this application adds too: Land South Of Ratcliffe Highway Junction With Bells Lane

MC/17/1884	Demolition of existing buildings and structures and redevelopment of the land south of Ratcliffe Highway, to provide 232 residential units in buildings of up to 3 storeys, retention of existing bowling green together with associated access, landscaping and open space. Decision Approved subject to conditions Decided 10/11/2017
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Representations

The application has been advertised on site and by individual neighbour notification letters to the owners and occupiers of neighbouring properties. Hoo Parish Council, Southern Water, Natural England, Southern Gas, EDF Energy, NHS, KCC Biodiversity and KCC Archaeology have also been consulted.

Seven letters of objection have been received one being the Dickens' Country Protection Society. The following concerns have been raised:

- Erosion of strategic gap between Hoo and Chattenden.
- Loss of greenery and trees and associated drainage, wellbeing and ecology concerns. Also impact of winds on recreation ground.
- Add to stress of existing infrastructure in Hoo.
- Additional noise and loss of light.
- Highways concerns on Ratcliffe Highway
- Increased traffic using Ratcliffe Highway and impact on Grade 2 listed Mill House.
- Brownfield sites should be developed on first.

Hoo Parish Council have written an objection to the application due to the further strain on Hoo village; the loss of trees, shrubs and plants and ecological impacts; additional noise; loss of light for neighbours; encroaching on the separation space of Hoo and

Chattenden; and the development being car reliant. The recreation ground to the south is maintained and owned by the Parish Council and the development shows little respect for that boundary.

KCC Biodiversity have confirmed the ecological information provided with the application is sufficient to determine the application. The report indicates one tree on site that has a low potential to support roosting bats. Precautionary mitigation measures are provided within the report for clearance and lighting and conditions for works to be undertaken in accordance with the precautionary mitigation and details of lighting scheme are required. The site also has a potential for badgers and hedgehogs. Again, precautionary mitigation measures are provided which are acceptable and should be conditioned. The site provides opportunities for breeding birds and an informative should be added regarding tree clearance within nesting season. The report provides biodiversity enhancements including native hedgerow planting and provision of birds nests. A condition is recommended to secure these and other enhancements.

KCC Archaeology have confirmed the archaeological information provided with the application is sufficient to determine the application. The report indicates there being potential for remains of WW2 date associated with a nearby military camp and defensive "stop line". A programme of archaeological works is put forward within the report and agreed. A precommencement condition is requested. In negotiation with the applicant, works to trees to stump level would be acceptable any more than stump level would impact on the potential archaeological remains onsite.

Southern Gas Networks have advised of a lower/medium/intermediate pressure gas main near the site and there should be no mechanical excavations taking place above or within 0.5m of mains or within 3m of an intermediate pressure system. Also safe digging practices in accordance with HSE publication HSG47. These issues will be advised of as an informative.

UK Power Networks have provided records of their electrical lines and/or plant in the area. The issues will be advised as an informative.

Natural England have confirmed that SAMMS contribution is suitable mitigation and there would subsequently not be an adverse effect on the integrity of the European protected sites in response to a Habitat Regulations Assessment.

Southern Water have provided records of their sewer records. There is a need for an application to Southern Water for foul sewage disposal and connection to the water supply. Information about SUDs. This letter has been forward to the applicant and an informative will be added.

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 2019 (NPPF) and are generally considered to conform. Where the Local Plan does not conform, it will be addressed in the relevant section of the report.

Planning Appraisal

Background

The developers of planning application MC/17/1884 have managed to secure additional land adjacent their existing site which has approval for 232 dwellings and is currently being developed. The scheme seeks to add a further 21 dwellings utilising the existing access arrangements from the previously approved scheme.

Principle

The application site is located outside of any defined urban area and therefore comprises development in the countryside. The site is not covered by any other specific designation. The site is within the Deangate Ridge character area as set out in the Medway Landscape Character Assessment, 2011. The land was originally an orchard, it then became part of the Hillcrest Nursery in the 1960s and is currently land associated with Hillcrest as a residential dwelling since approx. 2013. The site is not designated as public open space.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. However, this policy is not in full accordance with the subsequent advice of the NPPF. Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, permission should be granted unless given circumstances apply. In the current case the Council has a shortfall in housing land supply and therefore the development cannot reasonably be refused on principle alone just because it is within a rural area. In these circumstances, consideration has been given as to whether or not a development in this location would be sustainable and with regard to the advice on rural housing in paragraphs 77-79 of the NPPF.

With regard to sustainability, consideration needs to be given to economic, social and environmental objectives. In the current case the development would provide some economic and social benefit providing houses (including affordable housing provision) which would be sensible boundary extension countryside location adjacent to the approved development being constructed to the east, which would prevent an isolated development in the countryside in accordance with paragraph 79 of the NPPF. The proposal would also allow the social benefits of a potential link access to the Kingshill Recreation ground to the south for the application site and the 232 houses currently being

built at the adjacent the site. Furthermore, the mapping system, Magic by DEFRA indicates the application site itself does not consist of grade 1 agricultural land.

Environmentally the application would result in the loss of trees and a hedgerow. As part of the application, the proposed landscaping will provide some replacement trees, but it should be noted that this cannot be at the same level of the removal. However, an offsite s106 contribution has been agreed to allow offsite planting in the vicinity.

In these circumstances it is considered that the proposed development would be sustainable and that it can therefore be supported in principle with regard to paragraphs 8, 10, 11 and 77-79 of the NPPF. However it is still necessary to consider the impact on the character, amenity and functioning of the countryside in more detail and with Policy BNE25 of the Local Plan in mind. This will be addressed in the sections below.

Impact on the Countryside, Design and Trees

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policies BNE1 and BNE25 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area and sensitive to the character and appearance of the countryside.

The Medway Landscape Character Assessment 2011 (MLCA) shows the site within the Deangate Ridge Character Area. This area is characterised by flat, small to medium scale mixed farmland with undulating arable fields divided by hedgerows. Guidelines set out in the document seek to protect the countryside from development that effects openness and diminishes rural character and distinctiveness and to strengthen and enhance native hedgerows and tree planting on field boundaries.

The application would redevelop a parcel of land associated with the property at Hillcrest which was previously a nursery. The development is reflective of the residential scheme approved under MC/17/1884 forming a natural extension of the previous approved development and creating a distinctive end to the urban creep of Hoo being bounded by Kingshill Recreation ground to the south and Mill Farm to the east. These boundaries would provide the suitable separation between Hoo and Chattenden which has been raised as a concern within consultation responses.

The layout, appearance, size and scale of the properties would be in keeping with the neighbouring development currently being built and no objection is raised. There would be encroachment into a 20m buffer of the play equipment within Kingshill Recreation ground however as discussed in the amenity section below there is no objection on balance to this encroachment. There will be an opportunity for some soft landscaping and replacement trees on site. However, a s106 contribution has been agreed for offsite planting due there not being an ability for like for like replacement. It is proposed to use the s106 contribution to provide planting either along the southern boundary by way of additional tree and hedge planting on the Kingshill Recreation ground or within the proposed Hoo Country Park.

The application site is bounded along the south west by a hedgerow which is to be retained which will respect the countryside appearance. The submitted arboricultural impact indicates the use of manual excavation and tree protection fencing to protect the hedge and trees to the north of the site, however this plan demonstrates the superseded layout and will need to be amended. It is also necessary to ensure that the protective fencing does not go through the retained hedge. It is essential that boundary treatment along this elevation does not impact on the appearance of the retained hedge and it is recommended that permitted development rights are removed in this regard and in relation to the ability to provide development to the rear of properties within their gardens as any changes could result in harm to the hedge.

In summary, it is considered that the visual impact of the development including with regard to the character of the surrounding countryside is acceptable subject to conditions for details of landscaping, boundary treatment (including the design of the access into Kingshill Recreation ground), tree protection and s106 contributions for off-site tree planting, in accordance with Policies BNE1, BNE6 and BNE25 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwellings on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127 (f) of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

With regards to privacy, outlook, sunlight and daylight the scheme by virtue of the siting, size and scale of the development and the distance and relationship to neighbouring properties their windows and their gardens, path of the sun and orientation of the site the development would not result in unacceptable loss of privacy or overlooking from these windows or to neighbouring gardens.

Concerns have been raised within consultation responses regarding the noise. Due to the close proximity to a number of neighbouring properties, there is a potential impact from noise and dust during construction, and accordingly a condition is recommended for a Construction Environment Management Plan (CEMP).

Amenity of Future Occupiers

The proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015 (the national standard). Within the assessment houses plots 4, 12, 17, 18, 19, 20 are all depicted on the floor plans as two bedroom four person dwellings but due to the size of the second bedroom not meeting double bedroom criteria these properties have been considered as two bedroom three

person dwellings. All properties would meet the requirements in terms of gross internal floor areas required by the national standard for two three person properties, two person four people and three bedroom four person properties. All bedrooms meet the national standards area and width requirements and all habitable rooms would be provided with suitable outlook. As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should 10m in depth and 7m when constraints exist. The garden depths would exceed 7m deep and no objections are therefore raised.

Given the size of the rear gardens and the siting of the properties in relation to each other within the site and adjacent development, it is recommended that householder permitted development rights be removed by way of condition with regard to extensions (Class A), additions to the roof (Class B) and outbuildings (Class E) to ensure no detrimental harm with regard to occupier and neighbouring residential amenity.

Furthermore, given the size of the units there is potential for future conversion to Use Class C4 (small HMO) under permitted development rights. This would have the potential to result in harm to any surrounding residents in terms of additional noise and disturbance and therefore it is recommended that permitted development rights are removed in this regard by way of condition.

House plot 11 is located within 20m of the existing Kingshill Recreation ground and play equipment to the south of the site. The Fields in Trust (*Fields in Trust – 'Planning and Design for Outdoor Sport & Play' (2008)*) states "a minimum of 20 metres should normally be provided between the activity zone and the habitable room façade of the nearest dwelling." The document indicates this is for noise protection and privacy of future occupiers from users of the park. By virtue of the layout and relationship to the recreation ground it is considered that suitable noise protection and privacy can be provided to the future occupier.

Due to the relationship of the site to the A228 dual carriageway, Ratcliffe Highway and neighbouring farm and recreational play area there is potential for future occupiers to be impacted by noise from transport related sources. It was not considered a noise assessment was required at submission stage however conditions for noise assessment and mitigation would be required.

Subject to the recommended conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policies BNE2 of the Local Plan and paragraphs 127f and 180 of the NPPF.

Highways

Concerns have been raised in consultation responses regarding the impacts of the development on the Ratcliffe Highway.

The application seeks to utilise the site access approved under MC/17/1884 and no objection is raised regarding the access to highway with footpaths on both sides of the road. The submitted transport assessment indicates TRICS trip generation database to estimate that the proposed residential development could be expected to generate up to 8 vehicle trips in the morning peak hour and up to 8 vehicle trips in the evening peak hour in line with the accepted principles for the adjacent site. This level of trips would not result in a severe impact on the public highway and therefore no objection is raised.

The Council's Interim Parking Standards require a minimum provision of 42 spaces including 5 spaces for visitor use. The application provides 44 spaces with includes 7 visitor spaces. It is noted that concerns were raised with regard to visitor spaces with some likely to become used by the occupiers of properties located in front of the spaces. The applicant provided an additional two spaces to the south boundary of the site, as a result there is no objection to the proposed parking layout. The road layout also demonstrates via vehicle tracking, the ability of large vehicles for access and turn within the site. It should be noted that the NPPF has put sustainable development as a central core and paragraph 110E outlines that development should provide electric charging facilities. In terms of cycle provision, the site plan indicated sufficient space to accommodate cycle storage within the rear gardens. It is recommended that the electric charging points be secured by planning condition.

The application is considered to comply with Policies T1, T2, T3 and T13 of the Local Plan and 109 and 110E of the NPPF and no objection is raised.

Contamination

Policy BNE23 of the Local Plan requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The application has been supported by a phase 1 a desk study and a phase 2 ground investigation report. The reports indicate potential use of pesticides from the previous use as an orchard and nursery and further investigation regarding asbestos. The reports are considered acceptable subject to conditions for further investigation and risk assessment.

Subject to the recommended conditions no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraph 178 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF requires new development to take account of the impact on air quality.

Although the development is not in an Air Quality Management Area (AQMA), the traffic created would highly likely travel through the Four Elms AQMA. Although the additional

traffic is unlikely to result in a deterioration of the air quality in the AQMA the additional emissions generated by the development related traffic should be offset by a scheme of air quality mitigation. In accordance with the Medway Air Quality Planning Guidance (2016) development will be required to provide standard air quality mitigation in the form of the installation of electric vehicle charging points and low NOx gas fired boilers. This would need to be secured by condition.

Subject to the abovementioned condition no objection is raised to the proposal under Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF.

Ecology

The application is supported by an Ecological Appraisal which is considered sufficient to consider the application. Representations have been received raising concerns regarding the impact on ecology from tree removal.

The supporting details indicate that only one tree onsite has a low potential to support roosting bats and will be lost as part of the proposal. Due to their protection (bats) precautionary mitigation measures are suggested within the report which will be required to be conditioned during clearance. Furthermore, a lighting condition is required to protect against any potential adverse impact on bats.

The report states that there is a potential for both badgers and hedgehogs to utilise the site. The report provides further precautionary measures which are considered acceptable and will also be required as a condition. The loss of trees and hedges on site has the potential impact on breeding birds and an informative about works outside the bird breeding season will be required to avoid destroying or damaging bird nests.

The report recommends native hedgerow planting and provision of bird nest boxes. These ecological enhancements for biodiversity will need to be secured by conditions. The landscaping condition will require details of hedgerows within the redline and there is an intention for some replacement hedgerow off site to be secured as part of the s106 contributions.

Subject to the abovementioned conditions no objection is raised under Policy BNE37 of the Local Plan and paragraphs 175 and 180 of the NPPF.

Archaeology

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

An Archaeological Desk-Based Assessment has been submitted in support of this application. The report indicates that there is potential for remains from World War II associated with a nearby military camp and defensive “stop line”. The report recommends

a programme of archaeological be undertaken following the determination of the planning application. A condition is recommended to secure this.

Subject to the abovementioned condition the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 189 of the NPPF.

SUDs

As a major application a Drainage Strategy is required. This should set out a proposed scheme for the management of surface water to ensure there is not an increased risk to flooding on or off the site as a result of the development, which is a concern raised within consultation responses. The application has been supported by drainage plans which are sufficient enough that imposing a condition is suitable.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. A plan is required of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

The Flood Estimation Handbook (FEH) should be used for the design storms and runoff, as opposed to FSR.

MicroDrainage outputs (or other industry appropriate software) should be provided for the critical duration for a 2 year, 30 year and 1 in 100 year + 40% intensity climate change scenarios.

Urban creep, whereby the permeable surfaces are converted to impermeable over time should be considered as part of the design calculations. In this instance, it is recommended that an additional 10% impermeability is included.

Conditions are recommended to secure details of the disposal of surface water using SUDs, a management and maintenance plan and a verification report to ensure the development is in accordance with paragraph 165 of the NPPF.

Heritage

A representation was received regarding the impact on additional use of the Ratcliffe Highway and the impact on Mill House which is a Grade II listed building. It is considered that the development would not produce a significant amount of movement which would pass Mill House with the majority of the traffic turning right towards Peninsula Way instead of left towards Mill House. Mill House is also set back from the road and the impact of traffic movements in the form of vibration from any additional traffic would be low. It is considered that there would not be any substantial harm to the heritage asset

and the proposal is considered to be in accordance with Policy BNE18 of the Local Plan and paragraph 189 of the NPPF.

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:

Greenspace Services

A contribution of £53,581.50 based on a contribution of £2,551.50 per dwelling. The contribution would be spent on improvements to open spaces within the vicinity of the site in consultation with Hoo Parish Council (£50,902.32) and Great Lines Heritage Park (£2,679.08).

NHS

A contribution of £13,279.56 based on a contribution of £632.36 per dwelling towards improvements at a healthy living centre or equivalent in Hoo.

Waste

A contribution of £3,634.05 towards the maintenance and improvements of local bring centres and waste education calculated as £173.05 per dwelling.

Youth Provision

A contribution of £1,644.72 based on a contribution of £78.32 per dwelling towards programme delivery for young people (ages 8-19 and up to 25 for with disabilities) in the Rochester area.

Sports Facilities

A contribution of £5,112.87 towards Sports Facilities to alterations to facilities at Hoo Sports Centre. Based on a contribution of £243.47 per dwelling.

Community Facilities

A contribution of £3,848.04 towards community facilities within the vicinity of the site based on a contribution of £183.24 per dwelling.

Education

A contribution of £141,875.56 for Education consisting of:- Nursery £28,958.58 and Primary £71, 079.96 to one or more Chattenden Primary, Hundred of Hoo Primary, Hoo St Werburgh Primary, or a new free school. Secondary £41,837.02 to Hundred of Hoo, or a new free school.

Libraries

A contribution of £3,468.15 towards equipment and facilities at Hoo Library. Based on a contribution of £165.15 per dwelling.

Replacement trees and maintenance/Burial ground improvements.

£23,376.20 for offsite tree planting in the vicinity of the site and improvements to Victoria Lane burial ground.

Public Rights of Way

£500 towards the provision of two kissing gates to either end of public footpath RS103.

Highways

£5,431.00 towards the provision of sustainable transport initiatives.

Affordable housing

5 of the 21 dwellings four 2- bedroom and one 3-bedroom.

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 £245.56 per dwelling 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 of £5,156.76 (21 x £245.56) and the abovementioned contributions and are in the process of drafting a s106 legal agreement. Concerns are raised regarding a lack of infrastructure within consultation responses but the scheme is providing all requested s106 contributions and no objection is therefore raised under paragraphs 54, 56, 76, 91, 92, 98, 108, 175 and 176 of the NPPF and Policies S6, H3, BNE2 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

Bellway Homes Energy Performance Certificate (EPC) rating for their proposed homes will achieve a B rating as a minimum however if the occupier uses the home as advised (for example keeping an ambient temperature of 18 degrees not 20 degrees) then the home will achieve an A rating. The applicant has indicated that all materials will meet and exceed the requirements of the latest building regulations and in particular Part L (Energy Use and Fabric Energy Efficiency Standard).

Energy consumption will also be reduced through energy saving devices. Fixed light fittings will be designated energy efficient fittings. All kitchens to have white goods including fridge, freezers, washing machines, dishwashers and tumble dryers to be 'A / A+' rated as far as possible, while taps, fittings and WCs to be low water consuming and electric car points are also conditioned as part of this application.

The developer will also use permeable paving as part of the drainage strategy and a financial contribution of £23,376.20 is to be used to plant trees in the local vicinity and a further financial contribution towards sustainable transport initiatives.

Conclusions and Reasons for Approval

In summary due to the site location and characteristics there is no overriding objection to the proposed development. There are no objections in with regard to the visual, amenity, ecological, archaeological and highways impacts. Approval is therefore recommended including with regard to Policies S6, H3, BNE1, BNE2, BNE21, BNE23, BNE24, BNE25, BNE35, BNE37, T1, T2, T3 and T13 of the Local Plan and paragraphs 8, 10, 11, 54, 56, 77-79, 91, 92, 98, 108, 109, 110E, 124, 127, 165, 170, 175, 176, 178, 180, 181 and 189 of the NPPF.

The application would normally be determined under delegated authority but is being referred to Members for decision due to the number of representation received expressing a view contrary to officer's recommendation including the objection from Parish Council.

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/>