

## **MC/21/0323**

Date Received: 4 February 2021

Location: Land South of View Road Cliffe Woods  
Rochester Kent

Proposal: Application for approval of reserved matters being appearance, landscaping, layout and scale and the discharge of conditions 1(Approval of details) 5(Materials) 6(Landscaping) 7(Landscape management plan) 16(Flood risk) 18(Parking) 20(Electric charging points) pursuant to Outline planning permission MC/16/3742 (Allowed under appeal reference APP/A2280/W/18/3202264) - for construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd June 2021.**

### **Recommendation - Refusal**

- 1 The layout of the proposal in this rural edge location is inappropriately urban in character. The inner site layout of street parking and service corridor unsympathetically encircles the development's central amenity focus for resident's daily community and social activities, resulting in the development

being dominated by the appearance of roads and parking, which in turn results a poor quality of amenity space. In addition, the landscaping proposals which are considered fundamental to the design are inadequate, as they fail to achieve:

- o A transition from urban to rural.
- o An effective screen from visual receptor(s) to the south and south-west.
- o An adequate buffer to the Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient woodland; and
- o A receptor site for reptiles.

The proposal is contrary to Policies BNE1 and BNE6 of the Medway Local Plan 2003 and Paragraphs 127 and 170 of the National Planning Policy Framework 2019.

- 2 As a result of the limited amenity space between the proposed units and the perimeter boundaries and given the ability for people to walk around the perimeter path within close proximity to the habitable room windows of the units, the proposal would result in an adverse impact on future occupiers of the units within Block A and the western facing ground floor units of Block D with regard to lack of privacy from those using the perimeter path. This proposal is contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127(f) of the National Planning Policy Framework 2019.
- 3 As a result of insufficient depth to the landscape and ecology buffer area to the east and lack of suitable habitat for reptiles as well as the proximity and presence of other sources of disturbance such as allotments, a swale, trees and a circular walk, the proposal is likely to result in an adverse impact to ecology within the site and to the adjacent SSSI and ancient woodland contrary to Policies BNE35 and BNE39 of the Local Plan and paragraph 170(b) of the National Planning Policy Framework 2019.
- 4 The provision of the mobility scooter parking is considered unsuitable accommodation in terms of its location. The application is, therefore considered to be contrary to Policy T22 of the Medway Local Plan 2003 and Paragraph 110 of the National Planning Policy Framework 2019.
- 5 It is not clear from the submitted details that the drainage system takes account of the entire developable area and has sufficient storage to cater for the Greenfield Runoff Rates from the permeable areas. The details of maintenance and management are insufficient and phasing plan should be submitted outlining how surface water will be managed on the site during construction, and details of any temporary surface water management system. Without sufficient details in relation to flood risk, the proposal would conflict with Paragraph 164 of the National Planning Policy Framework 2019.

## **Application Number: MC/21/0323**

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

### **Proposal**

This is an application seeking approval of reserved matters (appearance, landscaping, layout, and scale) following the grant of outline planning permission at appeal (Appeal reference APP/A2280/W/18/3202264, Medway Council reference MC/16/3742) for the construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging. This application follows the refusal of a previously submitted application for the reserved matters, reference MC/19/2836.

This application also seeks approval of details of materials (Condition 5), landscaping (Condition 6), landscape management plan (Condition 7), flood risk mitigation (Condition 16), parking (Condition 18) and electric charging points (Condition 20).

A new access and egress would be created from View Road, as approved under the outline planning permission, with a one-way road system around the site. Four individual blocks are shown, and two dwellings are proposed to be attached to the clubhouse/gym. Three blocks would comprise terraces of chalet style bungalows (Blocks A, B and C). The fourth block would be a two/three storey 'L'-shaped block (Block D). The details of each block are as follows:

- Block A: A single storey block of 12 units (3 x Type 1 units and 9 x Type 3 units) located towards the southern end of the site and facing north towards the service road.
- Block B: A single storey block of 9 units (2 x Type 2 units and 7 x Type 3 units) located towards the eastern site of the site and facing west towards the service road.
- Block C: A single storey block of 3 units (3 x Type 1 units) located within the central part of the site facing north towards the service road.
- Block D: A two/three story block of 24 units (12 x Type 4 units and 12 x Type 5 units) located at the western end of the site, with a return along the southern part.
- 2 units (Type 6) are shown attached to the northwestern side of the clubhouse.

The house types are as follows:

- Type 1: (98 sq.m.) A bungalow with a bedroom and study at front kitchen/living area and bathroom to rear and a second bedroom (en-suite) in the roofspace. There would be a rooflight and a high-level dormer to the front and a dormer to the rear.
- Type 2: (77 sq.m.) A bungalow with two bedrooms at front, kitchen/living area, and bathroom to rear. There would be a high-level dormer to the front to illuminate the rear of the living area.
- Type 3: (58 sq.m.) A bungalow with a bedroom at front, and kitchen/living area and bathroom to rear. Two rooflights to the front roofslope would illuminate the rear of the kitchen/living area.

- Type 4: One-bedroom flat (55 sq.m.) comprising a kitchen/living area, bedroom, bathroom, and terrace.
- Type 5: Two-bedroom flat (88 sq.m.) comprising a kitchen/living area, bedroom, bathroom, and terrace at ground floor, with an additional bedroom and bathroom in roof space. There would be high-level dormers on both elevations.
- Type 6: Bungalow (67 sq.m.) comprising kitchen/living area, two bedrooms and a bathroom.

In addition to the dwellings, there would also be a single storey office building, near the site entrance and a clubhouse/gym behind the office.

The Design, Access, and Planning Statement states 44 parking spaces but the layout drawing shows 47 parking spaces: 14 in front of Block B, 14 in front of Block A (2 with electric vehicle charging points), 10 in front of the southern section of Block D, 5 to north opposite Block C, 3 between Block C and the office building (2 with electric vehicle charging points), and 1 adjacent to the office building with an electric charging point. Of the 47 total parking spaces, 6 spaces would be for disabled persons' vehicles and 5 would have electric vehicle charging points.

### **Site Area/Density**

Site Area: 1.2 hectares (2.9 acres)

Site Density: 41.6 dph (16.8 dpa)

### **Relevant Planning History**

MC/19/2836      Application for approval of reserved matters being appearance, landscaping, layout, and scale pursuant to planning permission MC/16/3742 (Allowed under appeal reference APP/A2280/W/18/3202264) - for construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking, and garaging.

Refused, 17 September 2020

MC/16/3742      Outline application with some matters reserved (appearance, landscaping, layout, and scale) for the construction of 50 retirement homes comprising a mix of 2/3 storey apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging with new vehicular access to View Road.

Refused, 10 November 2017

Appeal allowed, 27 December 2018

## Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Cliffe and Cliffe Woods Parish Council, Natural England, Kent Wildlife Trust (KWT), RSPB, KCC Biodiversity, KCC Archaeology, NHS Commissioning Group, Kent Police, Southern Water Services, Southern Gas Networks and EDF Energy have also been consulted.

**21** letters of representation have been received, objecting on the following grounds:

- Highway safety – Inadequate access, indiscriminate parking
- Traffic generation
- Privacy issues – Existing and proposed residents
- Impact on local services and infrastructure E.g., public transport, doctor, school, water, electric
- Architecture is out of character with the locality
- Inappropriate layout
- Impact on outlook
- Insufficient parking, including disabled bays
- Proximity of buildings to the boundary and existing homes
- Height at three-storey is out of keeping with the specific location and the village in general.
- Cramped and too dense
- Impact on ecology
- Loss of agricultural land
- Urbanisation
- Flood risk
- Inadequate landscaping
- Poor choice of materials
- Smells from refuse storage areas.

Kelly Tolhurst MP has written to object to the proposal for the following reasons:

- The plans do not appear to have materially changed especially with the layout of the previously refused MC/19/2836 which the Council stated was inappropriately urban in character.
- No change to the outer appearance of the buildings themselves.
- Local infrastructure, including water and electricity supply, is becoming more and more strained.
- The application makes no mention of the increased demand on local GP surgeries and pharmacies which are already very busy.
- Lack of parking provided on the site, with only 43 parking spaces for 50 properties.
- Lack of thought as to where staff employed at the site would park and how this will affect the number of available spaces for residents and their visitors.
- Poorly thought out, and this lack of parking space would inevitably cause people needing to access the site to spill over into surrounding roads.

- This application again threatens another valuable greenfield site and the loss of further arable land in the area, with green spaces becoming steadily built over and closed in.

**Cliffe and Cliffe Woods Parish Council** have written to object to the proposal stating that there is little change to overcome the previous concerns. The development being on the edge will be visible and is likely to impact the Chattenden SSSI.

**Dickens Country Protection Society** have written stating:

- The location is on periphery of the village where it is desirable to produce a soft edge.
- The development will be clearly visible from Ham Hill to the south.
- Cliffe Woods is typified by medium density of conventional housing, low rise and for most part single or semi-detached properties. It is not formed of long terraces of three storey buildings.
- Block D lacks form and looks totally out of place and suggests low roof lights
- Blocks A and B are in the form of long terraces out of character with Cliffe Woods. The blocks should be broken up which in the case of Block A may also provide amenity space.

**KCC Ecology** have written stating satisfaction with proposed retention of reptiles on site, but that the stated mitigation area is not proposed within the layout. Concern is expressed that the reptile population can no longer be retained on site and the mitigation strategy is no longer valid. It is highlighted that the site plan does not demonstrate a sufficient 15m buffer between the SSSI and ancient woodland but shows a circular walk immediately adjacent to the designated sites. It is stated that the management plan does not allow for retention of reptiles.

**Southern Gas Networks** have written advising of the location of gas mains within the locality and providing advice on safe digging practices.

**UK Power Networks** have written advising of the location of electrical lines and/or plant within the locality as well as enclosing a fact sheet.

**Southern Water** have written advising they have no objection.

**Kent Police** have written to advise they have no comments to make.

### **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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

## Planning Appraisal

### *Background*

This application is a resubmission of the previously refused reserved matters application MC/19/2836 which was refused for the following reasons:

- 1 The layout of the proposal is inappropriately urban in character. The inner site layout of street parking and service corridor unsympathetically encircles the development's central amenity focus for resident's daily community and social activities, resulting in the development being dominated by the appearance of roads and parking, which in turn results in a poor quality of amenity space. In addition, the landscaping proposals which are considered fundamental to the design of this rural edge application site are inadequate to achieve a transition from urban to rural, or an effective screen from visual receptor(s) to the south and south-west contrary to Policies BNE1 and BNE6 of the Medway Local Plan 2003 and Paragraphs 127 and 170 of the National Planning Policy Framework 2019.
- 2 The proposal offers limited amenity space between the proposed units and the perimeter boundaries, particularly for a rural site and the lack of boundary treatment to define individual garden areas would result in an adverse impact on future occupiers with regard to lack of privacy contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127f of the National Planning Policy Framework 2019.
- 3 In absence of swept path analysis for large vehicles, the applicants have failed to demonstrate the internal highway network is safe and suitable for all vehicles. In addition, the provision of the mobility scooter parking is considered unsuitable accommodation in terms of its location. The application is, therefore considered to be contrary to Policies T1 and T22 of the Medway Local Plan 2003 and Paragraph 110 of the National Planning Policy Framework 2019.
- 4 Opportunities to secure sustainable drainage such as ponds and swales and enhance biodiversity have been missed. The site is large and located on clay geology which would increase SuDS options. As such the proposal would conflict with Paragraphs 164, 170(d) and 175 of the National Planning Policy Framework 2019.

It is stated in the Planning, Design and Access Statement (DAS) that this resubmission concentrates on addressing these reasons for refusal. In an attempt to do that, this submission includes a landscape strategy, detailed landscape design and management plan; identification of amenity space on the plan privacy being provided between individual garden areas; swept path analysis; further information regarding the scooter storage; a transport statement; and a sustainable drainage system which incorporates swales into the landscape design.

There has been no change to the layout of the development, the number of units or the architectural design of units.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The principle of the development for residential purposes, and particularly for dwellings for people of retirement age, was accepted with the grant of outline planning permission. No further matters of principle are raised by this application. The acceptability of this proposal rests with considering matters of detail as set out in the assessment below.

### *Design, Appearance, Landscape and Visual Impact*

Acceptance of the principle of development within the countryside does not mean that the protection of the countryside and landscape character is a matter to be set aside.

The reserved matters, for which approval is sought, are scale, layout, appearance, and landscaping which fall to be assessed under Policies BNE1 and BNE6 of the Local Plan and paragraphs 124, 127 and 170 of the NPPF. Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the design of the built environment. Paragraph 127 of the NPPF states that developments should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. Development should also be sympathetic to the surrounding built environment and landscape setting, maintain a strong sense of place and optimise the potential of the site. Paragraph 170(b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

Whilst the application site adjoins the rear boundaries to the residential properties in View Road and Englefield Crescent, which is to the north and east of the application site, the site itself is outside of the rural settlement boundary of Cliffe Woods and within open countryside as shown on the accompanying map to the Local Plan. The site is considered by the Council to be an urban-rural landscape (in that it is on the edge of the settlement, but the character of the site itself is essentially rural).

The application site also sits within the Cliffe Woods Farmland Character Area as set out in the MLCA where the character is described as flat or undulating complex mix of arable farmland and orchards – diverse, small-scale, and intimate. Poplar shelterbelts are dominant features along lanes, roads, and fields, providing a strong sense of



enclosure. The main road of the B2000 is described as a detracting feature with heavy traffic including lorries servicing aggregate works and industrial estates along with the suburbanisation of village edges.

All new development proposals within the countryside should be assessed in the context of their sensitivity to landscape, avoidance of material harm to landscape character and provide evidence that proactive steps are being taken to strengthen and enhance landscape character and distinctiveness.

### Layout and Density

The quantum of development accords with the terms of the outline planning permission insofar as it comprises 50 retirement units, together with an ancillary building comprising a clubhouse/gym and meeting room, and a single storey office building. The design of layout, scale, landscaping, and appearance of this application package are fundamentally similar to the previous application MC/19/2836.

All buildings would be single storey in height and appearance apart from Block D, which is proposed to be two/three storeys high. Block D would be located at the western end of the site, furthest away from existing neighbouring dwellings. There is one point of entry and exit from View Road for both pedestrians and vehicles, as approved at outline stage. Barriers at the entrance and exit make this development a gated community, providing a feeling of security for the residents. The layout is such that there is one road within the development that is effectively a loop around a central island.

The location of the proposal within a site that is considered an edge of rural settlement requires a landscape led approach to design. Effective landscape mitigation along the boundaries that are contextual and reflect locally distinct landscape elements should be established as a primary principle of the site layout. It would follow that the areas required for the landscape to grow and mature would indicate the remaining site area for built development. This application for reserved matters has been submitted without the benefit of seeking pre-application advice.

Unfortunately, the unit density objectives of the applicant remain unchanged from the previous application (MC/19/2836), this impairs both the quality of the layout, landscape, amenity space and the ability for the development to sit comfortably in the wider landscape. The proposal carries forward the inappropriate compromises from the previous application.

The layout of development within the site is inappropriately urban in character as it brings about a density more appropriately found in a town where space is at a premium and the maximization of sites can be more acceptable. An inner site layout of street parking and service corridor unsympathetically encircles the development's central amenity space which should be the focus for resident's daily community and social activities. This layout results in the development being dominated by the appearance of roads and parking, which in turn results in poor quality amenity space.

In terms of movement and views, the circulation route is a one-way traffic flow around the site. The edges of the loop road are dominated by surface car parking, secure cycle parking and refuse storage areas.

A separate pedestrian route providing footpaths crossing the site to the community buildings and providing links along what is described in the DAS as desire lines for residents walking from home to these facilities is shown. There is the provision of a birch boulevard to the clubhouse/gym entrance. It is noted that the footpaths providing the stated crossing points are mainly located next to refuse storage areas and it appears only two of these crossing points would link to the pedestrian routes within the central space. It is considered that the 'desire lines' between residences and clubhouse/gym still do not appear to have been fully incorporated into the current circulation network. This is of particular concern with regard to residents with limited mobility.

The central island also appears dominated by three buildings – one containing the clubhouse/gym and two dwellings: another being the office and then three dwellings in Block C together with four parking spaces and some small pieces of left-over land. The principal area of communal open space serving the proposed development, measures approx. 40m by approx. 20m and lies between the clubhouse to the west, the rear of Block C to the north and the service road to the east and south. Part would be occupied by an allotment, two boules' courts with a shaded seating area and the remainder grassed, although the grassed area would be divided by a tree lined boulevard crossing the site. It is considered that the amenity area is poor in both quality and function. Landscaped amenity spaces should provide for valuable passive activities for the wellbeing of residents. This limited amenity space within the layout would provide little opportunity for activities on offer to residents.

The majority of the residential units are outward facing in an attempt to engage with the landscape beyond the site, and this renders the facades overlooking the central amenity space as rears of buildings. The internal enclosure created by the siting of the buildings is effectively a car park and service area and this is not appropriate quality space for the concentration of the community social and leisure time.

Electing at the outset, to arrange accommodation blocks along the site's southern and western boundaries, set an unfortunate path in the design development of this proposal. Not unexpectedly, it has proved implausible to sensitively integrate the building and landscape proposals with the existing setting as a result. This is primarily an issue of unit numbers in the current configuration. These issues can only be reduced by a fundamental change to the design and layout of the site, likely to involve an increase in building heights if 50 units are to be achieved. However, in terms of scale, the building blocks as currently shown do not respond sympathetically to their wider rural surroundings along the rural boundaries, and do not sit comfortably within their setting in terms of morphology and height. An alternative option would be to reduce the number of units to facilitate improvements to landscape proposals.

In the event of this proposal going forward this would be most clearly visible in views from the south west, for residents at Ham River Hill and publicly accessible areas along Lee Green Road.

## Landscape Concerns Relating to the Previous Application - MC/19/2836

Officers previously considered there to be insufficient buffer width along the southern and western boundaries for effective and contextual landscape mitigation measures. A landscape and visual appraisal (LVIA) for the proposal was sought but what was submitted did not follow guidelines set out by GLVIA 3rd Edition or follow the Landscape Institute Technical Guidance Note 06/19 Visual Representation of Development Proposals.

Despite discussions with the applicant and agent and the submission of revised drawings with measures that included additional soft landscape to the southern boundary, the southern boundary planting remained too narrow to achieve a transition from urban to rural, or an effective screen from visual receptors to the south and south-west. From these views, the site receptor is characterised by a farmland foreground and hedgerow backdrop. The hedgerow backdrop defines the present rural edge of Cliffe Woods and screens residential structures behind it. This relationship was not adequately reformed in the previous proposals along the southern boundary. No technical images or planting plans supporting the applicant's verbal assurances that landscape proposals would effectively mitigate the development's impact were produced or submitted.

The revisions to the landscaping proposals at the time also included measures within the site such as planting between the service road and the proposed dwellings, hedge planting of native and ornamental species, tree planting of native species, amenity grassland and nectar-rich wildflower grassland. The approach made to the design of the landscape appeared as being largely incidental and offered very little in its contribution to supporting a wider place making narrative. No Landscape Management Plan was submitted as part of that application. The location of some species gave rise to concerns in the long term with regard to canopy sizes potentially impacting on the buildings and occupier amenity. Apart from the proposed chain-link fence along the southern boundary, requested by Natural England, no hard landscaping, lighting details or boundary information were submitted. Given the countryside location and the outward facing dwellings, it was felt that these aspects should have been designed in co-ordination with the landscaping as they are an integral part of the design process.

## Current Landscape Proposals

The approach made to the design of the landscape still appears largely incidental, offering little contribution to a wider place making narrative. Soft landscape proposals are identified as intentionally driven by a low maintenance rationale, and should the application be successful, would deliver an unfortunate absence of character and context to the amenity.

Amenity and buffer areas of the site layout have been revised, and show additional elements related to landscape amenity and SUDs. No summary of changes is included within the package of submitted documents.

Using the Illustrative Landscape Masterplan (Ref: 5683-LLB-XX-ZZ-DR-L-0012 Rev.P01) for reference, the changes in this current scheme in comparison to the previously refused MC/19/2836 appear to incorporate:

- Proposals for two allotment areas
- One allotment would be located within the central island amenity area, adjacent to the community centre entrance. The accompanying drawing Landscape GA (Ref: 5683-LLB-XX-ED-DR-L-0005 RevP01) identifies the area under paved/surfacing and does not provide details of the allotment proposal. The idea of an allotment within the site is a welcome introduction that adds variety, however, the details submitted are limited and further details are required.
- A second allotment is located within the landscape and ecology buffer to the SSSI and ancient woodland. Given the location next to the SSSI and the ancient woodland and within an area that is also proposed as an area for reptile mitigation, this allotment is unacceptable.
- Proposals for areas of swales related to SUDs.
- Western boundary swales. Construction appears to require digging out within root protection areas (RPA). Digging out within RPAs would not be permitted.
- Proposals for a perimeter path through the landscape and ecology buffer. Again, given the location next to the SSSI and the ancient woodland and within an area that is also proposed as an area for reptile mitigation, the route of the perimeter path is unacceptable.

The Landscape Statement (Lloyd Bore 29/01/2021) among other objectives, aims to establish the principle of arranging buildings along the rural boundaries of the site as an acceptable proposition. The landscape consultant has observed the current landscape context of the undeveloped site and generally points out:

- The setting possesses agricultural field boundary features that are linear, with native species hedgerows and trees.
- The existing landscape backdrop of the site contains residential dwellings, that form part of the characteristic setting of the wider Cliffe Woods southern settlement edge.

It is reasoned that the logical means of integrating the application proposals into the landscape setting, is to reflect landscape and architectural features observed in the current setting. Whilst it can be agreed that the stated landscape and architectural components are present in the setting, the proposed arrangement is neither a representative reflection of what currently exists or is arranged suitably to be considered appropriate for this setting.

### Existing Vegetation

Existing vegetation to site boundaries consists of the following:

- Northern boundary: Mixed species native hedgerow along the frontage with View Road (including Blackthorn).

- Southern boundary: Absent of any form of boundary/enclosure, opening out onto wider farmland.
- Western boundary: Features a young treeline of Alder, with a fruit orchard in neighbouring land. This boundary would benefit from further reinforcement.
- Eastern boundary: Devoid of any structural vegetation within the site. Rough grassland/developing scrub runs along the edge, with the Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient woodland adjacent to the south east corner.

### Northern Boundary Landscape Proposals

Concern regarding the proposals for the northern boundary treatment now emerge in this application, as these appear to illustrate a considerable loss of hedgerow and therefore change in character along the street.

Tree constraints are not set out in the submitted tree report or associated plans. The tree report relates to a different layout and there is no meaningful or appropriate (BS5837:2012 compliant) assessment of the impact of the proposal on trees/hedgerows and vice versa. In view of the composition of the hedgerow fronting onto View Road (H2) it isn't clear or obvious that it will be practicable to retain any screening once growth has been cut back as shown on the 'General Activities – Landscape' drawing (5683-LLB-XX-ZZ-DR-L-0011 Rev P01). The impact of any level changes and use of surfacing within root protection areas hasn't been assessed or mitigated where necessary. To the rear of 9 View Road the current proposal conflicts with those parts of hedgerow H1 identified for retention. The area to be fenced off with tree protection fencing overlaps the proposed parking spaces as shown on the 'General Activities – Landscape' drawing (5683-LLB-XX-ZZ-DR-L-0011 Rev P01).

Views into the site are now more prominent and it was previously understood the screening of this view to neighbouring residents, along with the number of units, was a constant principle in decisions driving the layout.

### Southern Boundary Landscape Proposals

In summary, the submitted details describe a 2m chain-link security fence, running the full length east to west across the southern boundary. This would be in addition to a slightly staggered single row of trees to be planted, some trees more modest in stature than others. The trees will mostly be planted in a native hedgerow cut at a height of approx. 2.5 – 3m and a width of no more than approx. 1.5m. Planting proposals appear to be inset from the proposed chain-link fence. The uniformity of the 2m height horizontal chain-link fencing line is not sympathetic to the rural setting and would read as an inappropriate visual impact given the essentially rural context.

The soft landscape proposals along this boundary will provide some summer screening of residential Blocks A and D, intermittently along its frontage, mainly at ground floor level.

In view of the tree species proposed, screening from the trees will be very limited, especially in the winter when out of leaf. Winter screening of Blocks A and D would be marginal as at approx. no more than 1.5m width, the bare branches of the southern boundary hedgerow would provide little to filter views and the native hedgerow will offer no screening whatsoever above ground floor. The proposed southern boundary landscaping will do little to soften the appearance of the proposed development, especially when out of leaf.

In addition, regardless of the season, the ridgeline and roofscape of the unrelentless Block A would remain visible and monotonous above the hedge all year round. The proposed building scale and unbroken massing is out of character with the current backdrop of Cliffe Woods southern settlement edge.

The southern boundary hedgerows western extent fronts the taller Block D, which is much closer to the southern boundary than Block A. A minimum 6m offset from buildings is required for tree planting, and at 4m between boundary and building the summer screening of the taller block would be provided by the hedge alone. Block D is 2-2.5 storeys and much of the upper floor frontage and roofscape above would not benefit from any screening, leaving the building to dominate over the rural boundary all year round. Without adequate screening, the proposed building scale and its dominance over the rural setting is out of character with the current backdrop of Cliffe Woods southern settlement edge.

Finally, tree crowns should not meet the 2m chain-link boundary fence to avoid damage of both. The current proposals therefore require any tree planting to have a minimum clear stem height of at least 2.0m. The effectiveness of landscape mitigation proposals will be reduced beneath tree crowns, due to shade and therefore the ability of southern facing perimeter planting to screen the development will also be reduced.

### Eastern Boundary Landscape Proposals

The Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient woodland is immediately adjacent the site boundary's southeast corner. The previous layout showed a more substantial, but not necessarily sufficient, ecology buffer was to be provided on the eastern boundary. This current application also shows a landscape and ecological buffer are proposed along the extent of the eastern boundary of approx. 15m width. This is a reduction from the previously shown approx. 20m.

A number of the reports and drawings submitted with this application, in particular, the 'Reptile Survey Report' dated 25 July 2019; the 'Development Tree Survey, Tree Protection' report dated 14 August 2019 and the 'Site Strategy 2 Routes and Views' drawing dated 21 July 2020 all relate to a previously refused proposal (MC/19/2836).

There is no mention of the ancient woodland in the tree report, no arboricultural impact assessment of the current proposal and the proposed tree protection measures relate to the previous application (MC/19/2836). The tree protection measures associated with the previous application involved fencing off part of the area where Block B is proposed, as well as the proposed path inside the buffer to the ancient woodland and the allotment. The tree report submitted as part of this application is not fit for purpose

and is not compliant with British Standard 5837:2012 'Trees in relation to design, demolition, and construction – Recommendations'.

15m is the minimum distance recommended for providing a buffer to ancient woodland. Each site should be assessed on its individual merits, therefore in some cases, buffers in excess of 15m will be sought. There is a strong argument that the buffer to the ancient woodland should be wider than 15m in this location.

In the current proposal, part of Block A, a path and an allotment are proposed inside this landscape and ecology buffer. The path inside the minimum 15m buffer to the ancient woodland will result in increased disturbance to wildlife from additional pedestrian traffic and depending on means of construction might have a direct impact on tree roots. There may also be lighting and drainage to this path that will exacerbate harm to the ancient woodland. The proposed boundary treatment between this site and the ancient woodland is not clear, however bearing in mind the fact that the area is relatively well hidden it is foreseeable that people might dispose of garden waste and other materials into the ancient woodland. Experience has shown that on other sites it isn't necessarily the residents that do this.

In addition, the location of the buffer does not appear as being in the most suitable location to encourage reptilian basking (for both Common Lizards and Slow Worms). The extent of grassland habitat will become partially shaded, being located behind Block B. The area for reptile mitigation would instead benefit from being within an area of full sun.

Further landscape management information is required to demonstrate an appropriate management regime for this habitat.

### Western Boundary Landscape Proposals

The existing hedge of common alder forms the boundary at present. The 'Development Tree Survey, Tree Protection' report (tree report) dated 14 August 2019 identify the trees forming this hedge for removal "to aid the development". The majority of other drawings and plans show this row of trees as retained. Immediately to the east of this hedgerow a series of swales and two new trees are proposed.

### Architecture

In terms of the architectural design of the buildings, this aspect of the proposal has not altered since the previous submission (MC/19/2836). The general style is considered acceptable, having regard to nearby residential buildings which offer little vernacular consistency. However, providing a 'new distinctive style,' should take account of the rural edge location and the site's prominent position overlooking the rural countryside. There are no drawings in the submission that place the proposals in context with its broader surroundings.

There is scope for further improvements, particularly, breaking up Blocks A and B, which currently comprise relentless terraces of 12 and 9 units, respectively, along the southern and eastern edges. The southern frontage in particular is the site's interface

with the rural landscape and superimposing such an unbroken urban form on this edge is inappropriate.

In summary, the layout of the proposal is inappropriately urban in character. The inner site layout of street parking and service corridor unsympathetically encircles the development's central amenity focus for resident's daily community and social activities, resulting in the development being dominated by the appearance of roads and parking, which in turn results in a poor quality of amenity space. The landscaping proposals which are considered fundamental to the design of this rural edge application site are inadequate to achieve a transition from urban to rural, or an effective screen from visual receptor(s) to the south and south-west contrary to Policies BNE1 and BNE6 of the Local Plan and Paragraphs 127 and 170(b) of the NPPF.

### *Amenity*

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relates to the protection of these amenities.

### Neighbours Amenity

The application site is surrounded to the west and south by farmland. To the east it is bound by the rear gardens of 4 -14 (even) Englefield Crescent. At the northern end, 4 Englefield Crescent has a rear garden of between approx. 14m and approx. 18m deep, and the end unit in Block B would be approx. 25m from the rear of that property. At the southern end, 14 Englefield Crescent has an approx. 8.5m deep west facing garden, but also a large south facing garden. Block B would be approx. 29m from the rear of that property. The unit at the northern end of Block B would have an approx. 2.6m deep rear garden. However, there would be a landscape and ecology buffer zone between the proposed development and Englefield Crescent which widens out to approx. 15m to the south. Furthermore, this block is single storey along this part of the development site and the land level rises from west to east, so Englefield Crescent is situated at a higher level than the application site. There would therefore be no unacceptable overlooking, loss of light or loss of outlook from the proposed development to the properties in Englefield Crescent.

The only other property close enough to potentially be impacted by the proposal is 6 View Road. However, given the distance between the rear garden and the flank wall of this property with the single storey Block C, it is considered there would be no adverse impact in terms overlooking or light loss to that property.

The two/three storey Block D has been located at the western end of the site, away from any existing neighbouring properties.

No objection is therefore raised to the reserved matters in terms of neighbour amenity.



## Occupier Amenity

With regard to the amenities of future occupiers of the development itself, the proposed units have been assessed with regard to the technical housing standards – nationally described space standard 2015 (the national standard).

All units would meet the requirements of the national standard with regard to gross internal area and in relation to the widths and areas for single and double bedrooms.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that gardens should be 10m in depth and 7m when constraints exist.

The garden depths of the units within Block B, would be approx. 3m to approx. 4m, which appears to be exclusive of the landscape and ecology buffer. This is in comparison to the previous scheme which showed the garden areas to be within the buffer.

The garden depth between the units in Block A and the perimeter path is approx. 3.4m to 4m. The perimeter path measures approx. 1.2m wide and abuts a wildflower meadow (approx. 1.7m wide) and hedge (approx. 1.5m wide) which gives a landscape strip of approx. 3.2m wide.

The southern facing units of Block D have terraces of approx. 1.5m deep by approx. 4m wide rather than gardens. There is then a landscape strip approx. 1.15m depth between the terraces of Block D and the perimeter path. The perimeter path is approx. 1.2m wide. On the other side of the path is the landscape hedgerow of approx. 1.5m wide, intended for screening the development.

The western facing units on Block D also offer terraces of approx. 1.5m depth and approx. 4m wide. Then there is a landscape strip approx. 2.4m depth between the Block D terraces and the perimeter path. The perimeter path is approx. 1.2m wide. On the other side of the path is the landscape hedgerow of approx. 1.5m wide intended for screening the development.

It is unfortunate that given the rural location a garden depth of 10m, or at least 7m has not been achieved for the majority of units within the site. The proximity of the landscaping strips along the southern and western boundaries to the units within Blocks A and D is likely to impact the occupiers of those units in terms of light.

With regard to the previous application (MC/19/2836) it was unclear as to whether there would be boundary treatment dividing garden spaces for each dwelling. At a previous site meeting in relation to that application, the applicant advised there would be no boundary treatment. It was acknowledged that whilst that would've likely have resulted in a more attractive, open environment, it raised issues with regard to privacy for the occupiers of the units. This was particularly a concern given that residents of the development site would be able to access all landscaped areas within the site which were of limited depth and therefore allowing anyone walking around the edges of site to be within close proximity to habitable room windows of most units.

The applicants have sought to address this by introducing boundary treatment of approx. 1.6m high fencing between units. However, the concern was not in relation to neighbouring properties being able to overlook adjacent garden areas. The concern related to the ability for residents and visitors to freely walk around the site potentially within very close proximity to habitable room windows of the units. This is still the case given the proximity of the perimeter path which is proposed to be sandwiched between the landscape screening strip along the outer boundaries of the site and the units themselves which have their main habitable room windows facing out on to this path. There is some screening proposed in terms of a landscaped border across part of the frontage of each unit, however, this is unlikely to prevent the ability to afford direct views into the habitable room accommodation of the units. This issue is better resolved by revising the number of units and the layout of the development on the site, which would also in turn allow for adequate space for landscaping.

The concern with regard to the relationship of the siting of Block A and Block B, which was raised when considering the same layout for MC/19/2836, remains. This relates to the flank wall of the southern end unit (single storey) of Block B being located within approx. 4.7m of the front elevation of the third unit (single storey) from the eastern end of Block A. Again, it is noted that as a result of the layout of accommodation within the units, being that the main daytime habitable accommodation is outward facing, the impact on outlook would be to the bedroom of this unit in Block A and on balance, is not considered detrimental to the amenity of this future occupier.

In summary, it is considered that the proposal offers limited amenity space between the proposed units and the perimeter boundaries, particularly for a rural site and the proximity of the perimeter path and the limited depth of individual garden areas would result in an adverse impact on future occupiers with regard to lack of privacy contrary to Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

### *Highways*

The vehicular access to the site was approved at appeal at the outline stage and remains unchanged. No concerns were raised in terms of traffic generation. With regards to the internal layout, a swept path analysis for large vehicles was previously missing with the submitted documentation. This has been included with this current application. Whilst in certain sections of the internal layout there are tight spots, it is considered that the movement of large vehicles can be achieved within the site.

47 car parking spaces are proposed, with 6 spaces for disabled users and 5 electric charging spaces. One space would be dedicated for the car club vehicle.

In relation to parking, the applicant has provided a Transport Note to justify the level of parking provision. This contains a statement saying that a Parking Management Plan would be arranged for the site which would include a 'car club' vehicle available to hire for residents.

In the event of planning permission being granted for the reserved matters, further details would be required in relation of the car club and a Parking Management Plan. These could be secured by additional planning conditions and a deed of variation to the Section 106 agreement.

In terms of mobility scooter parking, concerns were previously raised that this parking is located a significant distance away from the residential units and therefore its user ability is diminished. This has not been addressed in the latest submission.

The provision of the mobility scooter parking is considered unsuitable accommodation in terms of its location. The application is, therefore considered to be contrary to Policy T22 of the Local Plan and Paragraph 110 of the NPPF.

### *Flood Risk*

The Environment Agency's Flood Map shows that a small section of the central part of the site is at a low risk (1 in 1,000) chance of flooding occurring in any one year. A Flood Risk Assessment was submitted with the outline application and was considered acceptable, subject to an appropriate condition requiring the submission and approval of details of flood risk mitigation measures. Details pursuant to that condition (16) have been submitted as part of this application.

There have been minimal changes since the previous application (MC/19/2836).

The proposals seek to limit peak flows and runoff from the site via water butts, permeable paving, catch pits and modular underground storage tanks. It is proposed that the peak flow from the site will be limited to 1.6ls and will discharge via hydrobrake into a nearby Southern Water surface water network and has been agreed in principle with Southern Water. The system is designed based on the impermeable area, with a 10% increase for Urban Creep.

In terms of being able to approve details in relation to flood risk, the details submitted are insufficient. It is not clear that the drainage system takes account of the entire developable area and has sufficient storage to also cater for the Greenfield Runoff Rates from the permeable areas. Although permeable, the underlying clay ensures that there is little infiltration before overland flow is generated and this would need to be considered to ensure suitability of the receiving drainage system.

The drainage condition specifies the need for a phasing plan and details of maintenance and management. A maintenance outline for all components has been submitted; however, details of the Service Management Company has not been submitted as is required. Access points for jetting the modular storage crates will need to be confirmed.

A phasing plan should be submitted outlining how surface water will be managed on the site during construction, and details of any temporary surface water management system. During the construction process, the Site Manager should sign up to Met Office weather warnings.

Without sufficient details in relation to flood risk, the proposal would conflict with Paragraph 164 of the NPPF.

### *Ecology*

The previous reserved matters application sought to discharge conditions 8 (Reptile survey), 9 (Ecological enhancement measures) and 10 (No Vegetation Clearance – Nesting Season). This current application does not seek to discharge these conditions

at this time. However, the landscape proposals would have an impact on these conditions.

Paragraph 170(d) of the NPPF states that planning decisions contribute to and enhance the natural and local environment by: minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

### Reptiles

A reptile survey has been submitted confirming slow worms and common lizards are present on the site. The reptile mitigation strategy makes recommendations to retain the reptiles on site which is considered acceptable. However, the reptile mitigation area, a wildflower meadow, detailed within the report is not within the proposed site layout. The proposed site layout details that the proposed reptile mitigation area will also include allotments, a swale, trees, and circular walk – whilst allotments and swales can support reptiles, they must not be included as part of a receptor site as they will not continuously provide suitable habitat. There is a concern that the reptile population can no longer be retained within the site and the reptile mitigation strategy is no longer valid. Without an updated reptile mitigation strategy based on the current site layout or an updated site plan to demonstrate that the reptile mitigation area will be incorporated into the site as detailed in the reptile mitigation strategy, the details submitted are unacceptable.

In addition, although it is stated that the intention is to retain the reptile population within the development site, the submitted management plan does not refer to the reptile population. Typically, grasslands managed to support a reptile population will be mown to a minimum of 150mm to ensure that reptiles are not killed/injured during the works and the grassland will retain sections/areas which have minimal management to ensure that suitable habitat for reptiles are continuously present.

The submitted management plan details that the wildflower grassland will be cut twice a year to a height of 40-70mm and therefore there is a risk that reptiles will be killed/injured during the vegetation cutting and no areas of long grassland will be retained on site to support the population.

The management plan would not ensure that the reptile mitigation area is managed to support the reptile population and is therefore unacceptable.

### SSSI/Ancient Woodland

The Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient woodland are directly adjacent to the south east corner of the site. An ecology area/buffer area is required to minimise the impact of the development on the adjacent Chattenden Woods and Lodge Hill SSSI. The landscaping plan indicates an ecology area/buffer area which is inadequate in terms of its purpose.

The submitted site plan suggests that there will be a circular walk immediately adjacent to the designated sites. A vegetated buffer of at least 15m should be achieved between the woodland and the development.

As with the landscape proposals, to fully ensure the impact on ecology and sensitive areas such as the SSSI and ancient woodland is minimised, it is necessary to consider the lighting proposals for the site which are yet to be submitted under condition 11 of the outline planning permission. Light spill onto any ecology area/buffer area and the SSSI and ancient woodland should be minimised.

As a result of insufficient depth to the landscape and ecology buffer area to the east and lack of suitable habitat for reptiles as well as the proximity and presence of other sources of disturbance such as allotments, a swale, trees and a circular walk, the proposal is likely to result in an adverse impact to ecology within the site and to the adjacent SSSI and ancient woodland contrary to Policies BNE35 and BNE39 of the Local Plan and paragraph 170(b) of the NPPF.

#### *Climate Change*

No specific details have been submitted as part of the application documentation. However, the DAS mentions that the orientation of the buildings is to provide the main habitable rooms with aspects to the east, south and west to maximise sunlight. The DAS also states that cycle storage will be provided along with electric charging points for vehicles and a car club. These all offer the opportunity for sustainable transport options. In addition to this, the development will be required to comply with Approved Document: Part L of the Building Regulations.

#### *S106 Matters*

The granting of planning permission at appeal included a Unilateral Undertaking which secured the following:

- 1) £23,397.50 to be used for improvements to the Parks Medical Practice, Parkside
- 2) £21,274.78 towards open space provision
- 3) £11,179.00 towards bird mitigation measures
- 4) To pay to the Council's reasonable costs in making the Traffic Regulation Order, the provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.
- 5) To apply a 'No Pets Policy' that prevents occupiers of the proposed development from both acquiring new pets whilst in residence and also from bringing them with them when they move in, except caged pets, (e.g., birds) or fish.

Should this application for reserved matters be approved, it is recommended that the s106 be varied to include the provision of a car club and details of that car club including number of spaces, location of spaces and a review process.

### *Other Matters*

This application also sought to discharge the following conditions:

Condition 5 – Materials.

Condition 6 – Landscaping.

Condition 7 – Landscape Management Plan.

Condition 16 - Flood Risk Mitigation.

Condition 18 – Parking.

Condition 20 - Electric Charging Points.

In relation to the materials, given the objection to the layout and the Council's opinion that a fundamental change is required, it is likely that the architecture would need to change and therefore cannot support discharge of condition 5. The changes required to layout are also likely to impact the parking layout and numbers as well as the electric charging points and therefore conditions 18 and 20 are also not discharged.

For the reasons set out above in the assessment, conditions 6 and 7 related to landscaping and condition 16 related to flood risk mitigation cannot be discharged.

### *Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five-Year Land Supply)*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 73 of the NPPF. There is therefore a significant need for new housing in the Medway area, including housing for an ageing population. In granting outline planning permission, the Inspector considered the development sustainable. The Council accepts the principle of residential development at this site.

However, in assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates a presumption in favour of sustainable development unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so.

In considering these matters of detail, the appraisal above and the conclusion below sets out clear reasons as to why the proposal is not acceptable and that the adverse impacts the scheme significantly and demonstrably outweigh the benefit of the housing to the 5-year land supply.

With insufficient landscaping, the proposal would result in harm to the character and appearance of the rural locality and the insufficient landscape and ecology buffer to the eastern edge is likely to result in harm to ecology and to the designated sites of Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient

woodland. The proposal also fails to adequately address issues of privacy and accessibility to mobility scooter parking as well clarity for SUDs proposals. As such planning permission should be refused.

## **Conclusions and Reasons for Refusal**

Whilst the principle of the development and the access off View Road are acceptable and have been allowed on appeal, it is considered that the layout of the proposal is inappropriately urban in character resulting in the development being dominated by the appearance of roads and parking, which in turn results a poor quality of amenity space. The landscaping proposals are considered inadequate, as they fail to achieve:

- A transition from urban to rural;
- An effective screen from visual receptor(s) to the south and south-west;
- An adequate buffer to the Chattenden Woods and Lodge Hill SSSI and Great Chattenden Wood ancient woodland; and
- A receptor site for reptiles.

As a result of the limited amenity space between the proposed units and the perimeter boundaries and given the ability for people to walk around the perimeter path within close proximity to the habitable room windows of the units, the proposal would result in an adverse impact on future occupiers with regard to lack of privacy from those using the perimeter path.

As a result of insufficient depth to the landscape and ecology buffer area to the east and lack of suitable habitat for reptiles as well as the proximity and presence of other sources of disturbance such as allotments, a swale, trees and a circular walk, the proposal is likely to result in an adverse impact to ecology within the site and to the adjacent SSSI and ancient woodland.

It is considered that the accommodation proposed for mobility scooters for disabled persons is unsuitable and finally, the proposal fails to secure an acceptable scheme of sustainable drainage. The development would be contrary to Policies BNE1, BNE2, BNE6, BNE35, BNE39 and T22 of the Local Plan and Paragraphs 110, 127 and 164, 170 and 175 of the National Planning Policy Framework and the application is recommend for refusal.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the outline application and the previously refused reserved matters application being considered by Planning Committee.

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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website  
<https://publicaccess1.medway.gov.uk/online-applications/>