

MC/19/3129

Date Received: 28 November 2019

Location: Land to The South of Stoke Road Adjacent Yew Tree
Hoo St Werburgh
Rochester Medway

Proposal: Outline planning application with all matters (except for access) reserved for up to 100 dwellings and associated works and infrastructure

Applicant: Dean Lewis Estates Limited

Agent: WeWork
Mr Marc Hourigan 1 St Peters Square
Manchester
M2 3DE

Ward: Peninsula Ward

Case Officer: Hannah Gunner

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 6th April 2022.

Approval subject to:

A. Section 106 agreement to secure the following:

- i) Secure a minimum of 25% affordable housing

A financial contribution of £1,809,400.00 in total to be proportionately split into the following:

- £474,423.93 towards Highways Improvements related to the development including improvements to junctions on the Strategic Highway Network
- £54,872 towards Nursery and Primary Education improvements directly related to the development
- £427,732.66 towards Secondary Education directly related to the development

- £223,641.35 towards Health and Social Care including improvements to Walter Brice Centre , new ambulance community response and new healthy living centre on Hoo peninsula.
- £282,594.38 towards Community and Cultural Facilities including improvements/replacement sports centre, upgrades to community facilities including Library and Hoo Cultural and Heritage facilities including wayfinding
- £103,320 towards Green and Blue Infrastructure including improvements/provision public open space and facilities, improvements/provision of bridleways/public rights of way
- £48,300 towards SAMMS plus
- £194, 516 towards further infrastructure improvements in the area.

B. And the following conditions: -

- 1 Approval of the details of the layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of two years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 18 months from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Location Plan 8593-L-A & Access Arrangement Drawing: P18095-001E.

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

- 5 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, and the development shall be carried out in accordance with the approved details.

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

- 6 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife, and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 7 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) which shall include provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting. It shall also detail the implementation of the public open space to the south of the site including the timetable and phasing of this space in relation to the residential development. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Local Planning Authority. 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 unless the Local Planning Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, and type of all boundary treatments to be erected (perimeter and within the site) along with a timetable for its implementation. The approved boundary treatment shall be completed before the relevant dwelling is occupied or in accordance with the approved timetable.

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.

- 9 Prior to the first occupation of any part of the development, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the management plan for the Public Open Space at the southern end of the site also. The landscape management plan shall be carried out as approved.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No development above slab level shall commence until full details of the areas to be set aside for equipped play facilities together with the play equipment and safe surfacing to be provided has been submitted to and approved in writing by the Local Planning Authority. These details shall also include the proposed public open space along with the proposed footpaths. Any play area or areas shall be provided in accordance with the approved scheme of details prior to the first occupation of the residential accommodation and shall thereafter be retained in accordance with the approved details.

Reason: To ensure the satisfactory provision of play equipment and public open space are in accordance with Policy L4 of the Medway Local Plan 2003.

- 11 The Saxon Shore Way Public Right of Way located to the east of the application site shall be kept open and accessible to all users throughout the construction of the development.

Reason: To ensure that the PROW network remains available for public use continuously throughout the course of development in accordance with paragraph 100 of the NPPF 2021

- 12 No development above slab level shall take place until details of crime prevention measures and considerations that are to be incorporated within the proposal have been submitted to and approved in writing by the Local Planning Authority. These measures shall meet with SBD and BREEAM standards to avoid future problems with Community Safety Unit and local policing.

Reason: To ensure that the design helps create an accessible and safe environment whilst minimising crime and disorder and fear of crime, compliant with Policy BNE8 of the Medway Local Plan 2003 and paragraphs 92 and 130 of the NPPF.

- 13 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until conditions 14 to 16 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 5 has been complied with in relation to that contamination.

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.

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

- (i) a survey of the extent, scale and nature of contamination.
- (ii) an assessment of the potential risks to:
 - o human health
 - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes.
 - o adjoining land,
 - o groundwaters and surface waters,
 - o ecological systems,
 - o 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: 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.

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

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.

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

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

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.

- 17 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 14, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 15, 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 15 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 16.

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.

- 18 Prior to the commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted and approved in writing by the Local Planning Authority. The emissions mitigation assessment should include a damage cost assessment that uses the DEFRA emissions factor toolkit and should include details of mitigation to be included in the development which will reduce the emissions from the development during construction and when in operation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 19 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before the relevant property is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 20 The details submitted in pursuance to condition 1 shall include:
- o 1 Electric Vehicle charging point for each dwelling within the site (allocated spaces only).

Thereafter all approved electric vehicles charging facilities shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 space.

Reason: Development should make provisions for changes in car technology and in the interests of environmental benefits

- 21 No development shall take place (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003

- 22 No development (of the residential part) above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Travel Plan which encompasses a range of measures to encourage the use of sustainable and non-car related transport modes.

Reason: To demonstrate that all development impacts are assessed in relation to the wider area, in accordance with Policy T1 of the Medway Local Plan 2003.

- 23 No development (of the residential part) above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of vehicular and pedestrian access points to the site, including kerb lines, junction radii, sightlines and pedestrian facilities.

Reason: In the interests of highway safety and in accordance with Policy T1 of the Medway Local Plan 2003.

- 24 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 25 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 168 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.

- 26 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

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

Proposal

This is an outline planning application with all matters, other than means of access, reserved for up to 100 dwellings. This is proposed to be located on the south side of Stoke Road, immediately adjacent to the Yew Tree Lodge Assisted Living Residence to the East and the development currently being undertaken by Wimpey Homes to the west (approved permissions for 327 homes ref no: MC/18/0702 and MC/19/0888).

The housing scheme proposed is located to the west of the existing footpath that links Stoke Road with Saxon Shore Way (RS95) and is shown on the submitted plans to occupy the majority of the site, with the bottom south-eastern part of the site proposed as open space with an attenuation pond and footpath. The design at this illustrative stage demonstrates that it is possible to link the scheme to adjacent schemes and the existing footpaths around the site.

The residential area will provide the 100 proposed new homes at an average net density of up to 27 dwellings per hectare (taking into account the whole site, including open space). This will be formed of a mix of dwelling types however the exact mix of the units is not known at this stage as design and layout will form part of the reserved matters. It should be noted that the masterplan does indicate that there is to be a maximum height of 2.5 stories. The proposals will need to provide a good and varied mix of market housing.

Site Area/Density

OVERALL SITE

Site Area: 3.74 hectares (9.24 acres)

Site Density: 27 dph (10.82 dpa)

DEVELOPED AREA (not including road network and open spaces)

Site Area: 2.7 hectares (6.65 acres)

Site Density: 37.04 dph (15.04 dpa)

Relevant Planning History

On adjacent sites:

MC/18/0702 Application for approval of reserved matters being appearance, landscaping, layout, and scale pursuant to planning permission MC/16/2837 - outline planning application with some matters reserved for up to 127 dwellings
Decision - Approval with Conditions
Date – 13/07/2018

MC/16/2837 Outline planning application with some matters reserved (appearance, landscaping, layout, and scale) for up to 127 dwellings
Decision - Approval with Conditions
Decided - 13/02/2017

MC/19/0888 Approval of reserved matters application (appearance, landscaping, layout, and scale) for outline application MC/17/4424 for the erection of 200 dwellings (including 25% affordable), parking, publicly accessible open space, play area and associated works on land south of Stoke Road, Hoo St Werburgh
Decision - Approval with Conditions
Date - 01/07/2019

MC/17/4424 Outline planning application for up to 200 residential dwellings (including 25% affordable housing), open space, drainage, access, and associated works, with all matters reserved except for access
Decision – Approval with Conditions
Date – 14/08/2018

Representations

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

The Environment Agency, Natural England, Southern Water, EDF Energy, Southern Gas and Kent Police have also been consulted.

25 letters have been received raising the following objections:

- Lack of schools/doctor's surgeries already
- Will take views away from the nursing home
- Proposal will destroy The Hoo Stop Line
- Proposal could add up to 200 cars in the area
- Contrary to what the application states this land is designated as ancient orchard.
- This application is not supported by several sections of the current NPPF.
- The small addition of 100 dwellings is by far outweighed by the historical loss not only to the community, but the nation and Europe, especially when there is so much more suitable land in Medway.
- The equine community has already been squeezed by previous developments and is in danger of disappearing altogether.
- The quality of life for the residents of Yew Tree Lodge will be reduced.
- The applicant has to follow the NPPF and has chosen a few parts to back up the application whilst ignoring or playing down those parts that would deny this application.
- Since other applications were approved nearby, Climate Change has come more into focus. There are 2 designations of vulnerability, low and medium. This area is at the highest risk.
- This site shows up on surface water flood risk maps and indeed there will be underground waterways running through the site and I have observed at least one culvert on the other side of the southern boundary.
- The site is on London Clay which could cause foundation issues.
- Loss of wildlife habitat
- Will cause a deterioration to air quality.
- Public transport links are poor here – unsustainable location
- There is an existing oversubscription to the schools in the area

Natural England have stated that since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the

appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

Kent Police have asked that details for Design for Crime Prevention and Community Safety be addressed in the design going forward. Applicants may want to comply with the SDB Homes 2019 document. A condition would satisfactorily deal with ensuring this information is addressed at Reserved Matters stage.

Southern Gas Networks have submitted a plan showing that there are no mains in the immediate vicinity. They have also stated that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system. The closest low-pressure mains serve Yew Tree Lodge and runs the length of Stoke Road.

Southern Water have stated that they can provide foul sewage disposal to service the proposed development. This would require a formal application for a connection to the public sewer. An informative is suggested to alert the applicants of this.

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 2021 and are considered to conform.

Planning Appraisal

Background

There are a number of sites to the west and to the north west (across Stoke Road) that are currently under construction or have been completed. On the northern side of Stoke Road there is the Esquire development on the former Street Farm site (50 units) and to the East of that the Jones Homes development (65 dwellings) currently under construction. To the south side of Stoke Road and west of the application site are 2 sites currently being developed out by Wimpey Homes for a total of 327 dwellings. As a result of these developments there have been some improvements to Stoke Road and footpaths linking the sites to the main village centre.

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 proposed scheme is in open countryside outside of the confines of the village of Hoo St Werburgh.

As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to

prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted on a site allocated for that use; development essentially demanding a rural location, or the re-use or adaptation of an existing built-up area.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply (as sought by paragraph 74 of the NPPF).

There is therefore a significant need for new housing in the Medway Area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) applies, which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:
 - ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, and where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As of the 2020-21 Housing Delivery Test, the Council only delivered 55% of its target number of dwellings in the preceding 3 years.

The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 79, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

In determining whether the principle of this proposal is acceptable, it will be important to assess the matter of sustainability within the planning balance giving significant weight to the benefits the proposal brings to the delivery of much needed housing to contribute towards the five-year land supply. It is also important to have regard to the current development taking place within the immediate vicinity of this site, not just with the Taylor Wimpey sites adjacent, but also the development that has taken place and is taking place on the opposite side of Stoke Road.

The proposed scheme comprises the development of a residential scheme for 100 units outside of the urban area. Under normal circumstances the scheme would be considered contrary to the Local Plan due to the inconformity to policy S1 that seeks to direct development to brownfield land first. However due to the 5-year supply issue the sustainability of the site needs to be assessed. The key issues for consideration from a Planning Policy perspective are:

- Countryside.
- Landscape.
- Agricultural land quality.
- Strategic Land Availability Assessment; and.
- Flood risk

The site lies outside of the urban boundary and so policy BNE25 (Development in the Countryside) applies. An assessment of the conformity of the policy with the NPPF has found it to have significant issues, except as a definition of the separation between the urban and rural areas. Therefore, we would expect an application to justify the sustainability of the site through the 3 strands in the NPPF (economic, social and environment).

The assessments will be in 3 parts as per the NPPF paragraph 8: economic, social, and environmental.

Economic

Para. 8 of the NPPF states that the economic aim of the document is to build a 'strong, responsive and competitive economy'. The proposal provides jobs during construction phase and is located near to a designated employment sites in the Local Plan - Policy S12 (Kingsnorth and Hoo Marina industrial area) as well as being close to the village centre. The site is also close to local services in Hoo St Werburgh and increased development may support these, therefore according with para. 79 of the NPPF which seeks to 'promote sustainable development in rural areas... especially where this will support local services'.

However, the loss of Best and Most Versatile agricultural land (grades 2-3a) identified has not economically been assessed as per para 174 of the NPPF. It is acknowledged by the Council that some agricultural land will have to be released to meet housing need due to other environmental constraints of greater significance restricting development across Medway. In addition, the site is not in productive agricultural use at the moment (nor has it been for some time) and has most recently been used for equine uses.

Overall, economically the site is considered sustainable.

Social

The NPPF defines the social role as:

'A social role is supporting strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generation; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and supports communities' health social and cultural wellbeing'.

As highlighted, the Council is in need of housing and so this proposal would help to meet that need and could provide for a mix of dwelling types and sizes including 25% affordable housing as per policy H3 of Local Plan.

The site is also in short and walkable distance from the village centre to the west of the site providing access to local services. During the SLAA process this site was considered (ref: 1179) to be sustainable, achievable, available, can overcome constraints and inclusive.

Environmental

The environmental role of the NPPF seeks to: 'protect and enhance our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The site does not fall within any formal landscape policy or international/national or local environmental designation. The landscape is also deemed not to be significant. Section 11 of the Medway Landscape Character Appraisal 2011 'Hoo Peninsula Farmland' describes the site as having moderate sensitivity and poor condition. It does recommend that the separation between Hoo and other villages and also that suburbanisation of villages is resisted. The proposal would not affect either of these concerns.

To conclude, it has been considered that the development of the site is in principle acceptable in sustainability terms given the definition in the NPPF, the lack of a 5-year housing land supply and the balance of the relevant issues taking into account recent appeal decisions in Medway and the location of this site on the edge of the village but in close proximity to the village centre.

It was also considered that the development can be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources.

Design

Given that this application is in outline and that the design and appearance of the proposed residential units is a reserved matter, the design of the scheme cannot be assessed at this stage. This will be done so within the reserved matters submissions that will follow. However, it is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable layout and design for the number of units proposed. In principle therefore the development could comply with Policy BNE1 of the Local Plan.

Landscaping

Given that this application is in outline and the design, layout and landscaping are reserved matters, landscaping for this scheme cannot be assessed at this stage. This will be done so within the reserved matters submissions that will follow.

Despite this, it is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable degree of landscaping for this area and the number of units proposed. It demonstrates the views through the site can be achieved which are akin to the principles of the adjacent Wimpey Homes scheme, as well as providing planting, play space and an attenuation pond. In principle therefore the development could comply with Policies BNE1 and BNE2 of the Local Plan.

Amenity

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

There are two main amenity considerations, firstly the impact of the proposed development on existing neighbours and secondly the living conditions which would be created for potential occupants of the residential part of the development itself.

Neighbouring amenity

The closest neighbouring residents are the new occupants of the adjacent Wimpey Homes development site (Church View) and the residents of the Yew Tree Lodge Care Home.

By using the illustrative layout for an indication of building locations it is possible to assess that the closest neighbouring properties will be approximately 12m from the proposed buildings (the Care Home being the closest). Given that the buildings are shown close to the boundaries it is safe to assume that this will be achieved as a minimum.

Boundary planting including hedgerows, shrubs and trees has been approved on the Wimpey Homes site which will act as a visual buffer going forward.

Going forward, it will be important to assess the Reserved Matters application to ensure that the relationship between this site and its immediate neighbours is acceptable.

Overall, it is considered that in principle the relationship to neighbours will be acceptable and will not cause detrimental harm.

Future occupants

It should be noted that floor plans, layout and house types are not proposed at this stage. At the Reserved Matters it will be important to ensure that each house has suitable sized rooms and overall space as well as acceptable private amenity areas and parking, as well as ensuring that the relationship between the properties is acceptable to comply with both national and Medway housing standards.

Overall, it is considered that at outline stage, amenity of both neighbouring and future occupiers has been sufficiently taken into account and that Policies BNE1 and BNE2 will have to be complied with at Reserved Matters stage, along with Paragraphs 92 and 93 of the NPPF 2021.

Impact on Heritage

During the Second World War, the Hoo Peninsula was one of the most heavily fortified areas anywhere in England. Defensive 'Stop Lines' including pillboxes, barbed wire and anti-tank ditches cut a swathe across the whole landscape linking up the villages. The Hoo Stop Line; anti-invasion defence line stretched for approximately eight miles between the River Thames near Cliffe and the River Medway to the south-east of Hoo St Werburgh.

This site is adjacent to Stop Lines but does not form part of or cross the Stop Lines. The footpath/track at the side of Yew Tree Lodge clearly separates the site from the stop line. Due to land ownership issues, there are not any pedestrian links proposed to link in with the footpath. If links were to be incorporated it would have been aspirational to have placed some historic/information boards at the junction where the site met the path, however as this is not possible there will be no immediate link between the two aspects.

It is acknowledged that the Stop Lines are close but due to the fact that they are in no way compromised, the proposed development will not have a detrimental impact.

Highways

The site is accessed from Stoke Road Hoo, and details have been provided for the access itself. This demonstrates an access which is suitable to serve up to 100 dwellings with the necessary visibility and provides for a footpath across the front of the site to link with existing footways to the East and West - that in turn provides pedestrian links to the village centre. In addition, the approval of planning permission under Reference (MC / 18 / 0247) for Jones Homes Southern Limited on the North side of Stoke Road has secured the re-alignment of Stoke Road both East and West of the proposed access which will serve the application site. The new road alignment provides improved visibility to the requisite highway standard. These highway works are nearing completion. Appropriate conditions are recommended to secure the implementation of the access works.

In terms of accessing the site by vehicle, to the East, Stoke Road links to Ropers Lane roundabout which has been designed and built to provide sufficient capacity to accommodate this development. From there Ropers Lane goes north to join the A228 and the dual carriageway which runs all the way to the Four Elms roundabout and the Wainscott by-pass with connections then to the Medway Tunnel to the south and the M2 J1 to the west.

To the West Stoke Road goes to the village Centre where it joins with Main Road which then connects to the A228 to the west of Hoo. Within the village centre there are shops, services, and community facilities, including bus stops, that would serve the development. Up Bells Lane is the Hoo surgery and along Main Road the Walter

Brice surgery, Pottery Road Village Hall, Primary and Secondary schools and the Sports Centre.

The applicants have agreed a S106 contribution of just under £500,000 towards improving Road infrastructure that would access and capacity to Hoo and the application site.

While this is an outline application with all matters other than access reserved for later approval, it is considered that a scheme can be designed that provides for satisfactory internal road scheme with parking provided to meet the Council's parking standards.

Subject to the recommended conditions and S106 the proposal is acceptable in terms of highway capacity and access detail. Th proposal therefore complies with Policies T1, T2 and T13 of the Local Plan and paragraphs 102, 103, 109 and 110 of the NPPF.

Flooding and Drainage

Runoff rates

The application site hosts a newly constructed surface water attenuation pond at its southern most boundary which serves the consented development (MC / 18 / 0247) for the 65 dwellings, currently being built out by Jones Homes Southern Limited on north side of Stoke Road.

The pond construction is complete in respect of that phase of development. This pond will now be increased in size to meet the requisite surface water attenuation run off rates as specified by Medway and the LFA for both development parcels.

The drainage design has been based on the impermeable extent of land for both development parcels using the most up to date national and local requirements. The FRA Technical Note also states that an allowance of 10% urban creep has also been included as a precaution. Soft landscaping areas have also been allowed in terms of the potential for water infiltration, but importantly any runoff generated from these areas when infiltration capacity is exceeded would also be sharing the drainage system. This has also been taken into account in terms of the design and overall capacity of the attenuation pond.

The approved Phase 1 development (Jones homes North of Stoke Road) has the capacity to attenuate 650m³ of surface water runoff. The increased capacity of the surface water attenuation pond within the Stoke Road South application site will now increase to 1600m³ in total, thereby ensuring the satisfactory attenuation of both Phases 1 & 2 development parcels.

The proposals have been designed using the most up to date National and Local Standards for SuDs to ensure there are no increased risks to and from a development site.

Notably, the Surface Water Management Plan completed for Hoo includes a recommendation supported by modelling to limit flows from this area to the 3.33%AEP

event or 6.98l/s/ha, therefore totalling 30l/s/ha maximum permitted runoff from the two development Parcels.

The design of the surface water attenuation system, which integrates both development parcels North and South of Stoke Road, demonstrated that the application proposals have been designed to meet this standard and therefore will not give rise to any unacceptable flood risk to either residents of the scheme or downstream.

Subject to the recommended conditions to secure the above no objection is raised from a flood and drainage perspective

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 £253.83 per dwelling (excluding legal and monitoring officer's costs) 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.

As the site is in close proximity to River Medway and it is likely that prospective residents would walk (including walking dogs) down to the river with potential greater negative impacts on the ecology of the river prior to delivery of SEMS it is considered appropriate to secure a larger contribution towards SAMMS and the provision of a ranger and additional monitoring. This greater tariff figure would equate to £483 per dwelling. The applicants have agreed to pay this tariff and it will be incorporated within the S106. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change

The NPPF identifies that good design "is a key aspect of sustainable development, creates better places in which to live and work and helps make development

acceptable to communities” (paragraph 124). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 150 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

No specific details have been submitted as part of the application documentation however it will be required as part of any Reserved Matters application coming forward.

S106

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 into 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 have been calculated based on the quantum and location of the proposal and are directly related to the development.

The total sum of all required contribution as set out in the Developer Contributions Guide (May 2018 – Version 4 April 2021) usually amount to £13,136.99 per dwelling, however due to the location on the peninsular in Hoo and the infrastructure needs being identified through the emerging Infrastructure Delivery Plan work as part of the Local Plan, the Council will be seeking escalated contributions equating to £18,094.00 per dwelling.

Normal required amount = £1,313,999.00
Required amount with escalated contribution = £1,809,400.00

This sum will be proportionately split into the following:

- £474,423.93 towards Highways Improvements related to the development including improvements to junctions on the Strategic Highway Network
- £54,872 towards Nursery and Primary Education improvements directly related to the development
- £427,732.66 towards Secondary Education directly related to the development
- £223,641.35 towards Health and Social Care including improvements to Walter Brice Centre , new ambulance community response and new healthy living centre on Hoo peninsula.
- £282,594.38 towards Community and Cultural Facilities including improvements/replacement sports centre, upgrades to community facilities including Library and Hoo Cultural and Heritage facilities including wayfinding
- £103,320 towards Green and Blue Infrastructure including improvements/provision public open space and facilities, improvements/provision of bridleways/public rights of way
- £48,300 towards SAMMS plus
- £194, 516 towards further infrastructure improvements in the area.

Local Finance Considerations

None.

Conclusions and Reasons for Approval

The proposal is considered acceptable in terms of principle and access with layout, scale, appearance, and landscaping to be detailed at the Reserved Matters stage. At outline stage the proposal accords with the provisions of Policies BNE1, BNE2, H3, H4, H5 of the Medway Local Plan 2003 and paragraphs 8, 11, 79, 92, 93, 150, 174, 180 and 181 of the NPPF. Accordingly, the application is recommended for approval subject to the completion of the section 106.

The proposal also complies with the requirement of the Conservation of Habitat and Species Regulations 2010 and is in accordance with paragraphs 180 and 181 of the NPPF and Policy BNE35 of the Medway Local Plan 2003.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation.

Background Papers

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

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