

MC/21/1694

Date Received: 9 June 2021
Location: Land South of View Road Cliffe Woods
Rochester Kent
Proposal: Construction of 68 residential dwellings including affordable housing, associated vehicular parking, landscaping, open spaces, drainage and earthworks and formation of a new access from View Road.
Applicant Esquire Developments
Mr Andrew Wilford
Ward: Strood Rural Ward
Case Officer: Nick Roberts
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 27th July 2022.

Recommendation – Approval subject to:

- A. Notifying Natural England of the intention to approve
- B. Section 106 agreement to secure the following:
 - i) 25% of all housing to be provided as affordable housing.
 - ii) £16,660 towards public realm improvements to assist with the development of improved civic spaces.
 - iii) £11,608.28 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site
 - iv) £12,163.84 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - v) £401,753.39 toward mitigating the impact of the additional pupils.
 - vi) Nursery - £88,376.66
 - vii) Primary - £161,143.35
 - viii) Secondary - £152,233.38
 - ix) £3,9990 to mitigate against the footfall that will occur on the bridleways and adjacent PRow.

- x) £44,448.88 to support the creation of additional capacity in Primary Care premises.
- xi) £99,450 towards bus improvements to promote sustainable transport modes.
- xii) £17,260.44 towards Designated Habitats Mitigation.
- xiii) The implementation and ongoing management and monitoring of the 'No Cat Policy' for the lifetime of the development.
- xiv) The production and implementation of Ecology and Landscape Management Plan specifically for the area of land that will be owned by the applicant within the Chattenden Wood and Lodge Hill SSSI for the lifetime of the development to enhance the habitat for Nightingales and other species within the SSSI.

C. And the following conditions:

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

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

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

Received 9 June 2022

15190-H-01 REV P2 - Proposed Access Design

29947A/30 - Proposed Plans and Elevations House Type 4B (Plots 39, 57 and 1, 42 Handed)

29947A/31 - Proposed Plans and Elevations House Type 3B (Plots 2, 64)

29947A/32 - Proposed Plans and Elevations House Type 3B (Plot 3)

29947A/33 - Proposed Plans and Elevations House Type 3C (Plots 4, 38)

29947A/34 - Proposed Plans and Elevations House Type 4B (Plots 5 and 16 Handed)

29947A/36 - Proposed Plans and Elevations House Type 2A (Plots 7, 8, 14, 15, 51, 52)

29947A/37 - Proposed Plans and Elevations House Type 3B (Plot 9)

29947A/46 - Proposed Plans and Elevations House Type 3C (Plots 41, 47 and 36, 40 Handed)

29947A/48 - Proposed Plans and Elevations House Type 5A (Plot 43 and 58 Handed)

29947A/51 - Proposed Plans and Elevations House Type 3C (Plots 53, 63 and 49 Handed)

29947A/52 - Proposed Plans and Elevations House Type 3B (Plot 50)

29947A/54 - Proposed Plans and Elevations House Type 4D (Plots 56, 59)

29947A/56 - Proposed Plans and Elevations House Type 3B (Plot 65)

29947A/58 - Proposed Plans and Elevations Detached Single Garage

29947A/59 - Proposed Plans and Elevations Detached Double Garage

Received 22 June 2021

29947A/13 - Proposed Housing Mix Plan
29947A/14 - Proposed Fire Strategy Plan
29947A/15 - Proposed Refuse Strategy Plan
29947A/16 - Proposed Parking Strategy Plan
29947A/38 - Proposed Plans and Elevations (Plots 10, 11, 12 and 13)
29947A/40 - Proposed Plans and Elevations (Plots 18, 48 and 46, 60 Handed)
29947A/41 - Proposed Plans and Elevations Affordable (Plots 19, 20)
29947A/42 - Proposed Plans and Elevations Affordable (Plots 21, 22)
29947A/43 - Proposed Plans and Elevations Affordable (Plots 23, 24, 25)
29947A/44 - Proposed Plans and Elevations Affordable (Plots 33, 34, 35 and 26, 27, 28 Handed)
29947A/45 - Proposed Plans and Elevations Affordable (Plots 29, 30, 31, 32)
29947A/47 - Proposed Plans and Elevations House Type 3E (Plots 37, 44, 68)
29947A/50 - Proposed Plans and Elevations House Type 4A (Plot 54)
29947A/70 - Proposed Street Scenes A-A and B-B
VR-ETL-XX-ZZ-DR-L-2000 REV 1 - Landscape Masterplan

Received 25 June 2021

29947A/10 - Proposed Site Layout Plan
29947A/11 - Proposed Site Layout Plan with Indicative Landscaping
29947A/35 - Proposed Plans and Elevations House Type 4C (Plots 6, 61)
29947A/39 - Proposed Plans and Elevations House Type 4C (Plots 17, 66)
29947A/49 - Proposed Plans and Elevations House Type 4C (Plot 45)
29947A/53 - Proposed Plans and Elevations House Type 4C (Plot 55)
29947A/55 - Proposed Plans and Elevations House Type 4D (Plot 62)
29947A/57 - Proposed Plans and Elevations House Type 5A (Plot 67)

Received 8 November 2021

VR-ETL-XX-ZZ-DR-L-2000 REV 1 - Open Space Typology Plan

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

- 3 No development shall take place until the detailed design, siting, implementation and ongoing management and monitoring of the cat proof fencing has been submitted to and approved in writing by the Local Planning Authority. The cat proof fencing shall be installed in accordance with the approved details before any of the dwellings are occupied and shall thereafter be retained, monitored and maintained in accordance with the details approved.

Reason: Required before commencement of development to ensure that an acceptable cat proof fence can be secured to minimise the effects of cat

predation on nightingales and other wildlife interest within the adjacent SSSI in accordance with Policy BNE35 of the Medway Local Plan 2003.

4. No development or site clearance shall take place, until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include the following:
 - I. A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities.
 - II. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection.
 - III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.
 - IV. The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees.
 - V. The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels.
 - VI. The details of the materials and method of construction of any roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.
 - VII. Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

Thereafter the development shall be carried out in accordance with the approved details with the approved measures being kept in place during the entire course of construction activity

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE43 of the Medway Local Plan 2003.

5. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction

working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting 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.

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

- 6 No scrub or vegetation clearance required by the development shall take place on the site, including the creation of the new access, during the bird breeding season (this being the months of March through to August, inclusive), unless the site has been surveyed, by a suitably qualified ecologist, immediately prior to the vegetation or scrub clearance and the ecologist provides a written confirmation of their findings which are agreed in writing by the Local Planning Authority. If any bird breeding be recorded on site during the construction works, then all works must cease within that area of the site, until the bird breeding recorded ceases, or an appropriately qualified ecologist provides sufficient evidence that is agreed in writing by the Local Planning Authority that the site clearance can recommence prior to the end of the bird breeding season.

Reason: To ensure the protection of breeding birds during the construction process in accordance with paragraph 180 of the National Planning Policy Framework 2021.

- 7 No development shall take place (including site clearance), until an Ecological Enhancement and Management Plan has been submitted to and approved in writing by the Local Planning Authority. This plan shall include:
- o Details of securing an ecological watching brief overseeing all vegetation clearance and dismantling of habitat features by hand.
 - o A timetable for implementation and delivery of all aspects of mitigation measures and ecological enhancement.
 - o Measures to maintain habitat connectivity for hedgehogs.
 - o An updated badger survey setting out any mitigation works required as a result.
 - o Any other habitat maintenance and mitigation that is to be incorporated as part of the development.

The development shall then be undertaken in accordance with the approved details including the measures set out in Section 6 the Ecological Appraisal (aspect Ecology dated May 2021) and Section 4 of the Phase II Survey Appraisal (aspect Ecology dated September 2021) and retained thereafter.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and to ensure that any

future works take account of existing and future wildlife habitats present within the site in line with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 8 No development or site clearance shall take place until additional information with respect to the proposed receptor sites for reptiles has been submitted to and approved in writing by the Local Planning Authority. The additional information shall include a timetable for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: Required prior to commencement of development to ensure that the wildlife features present in this location are not lost as a direct result of the proposals, compliant with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 9 No development shall take place 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 approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (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 approved details.

Reason: Required prior to commencement to manage surface water during construction and for the lifetime of the development as outlined at Paragraph 169 of National Planning Policy Framework 2021.

- 10 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: Required before commencement of the development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 169 of National Planning Policy Framework 2021.

- 11 No development shall take place until an acoustic assessment has been undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). 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 prior to commencement of development to ensure the development does not prejudice occupier amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 12 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall give full details of the measures that will be implemented as part of the development to mitigate the development related road transport emissions. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement of development to ensure the development does not prejudice conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 13 No development shall take place until the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority has been secured so that the excavation is observed, and items of

interest and finds are recorded. The watching brief shall be carried out in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

- 15 No development above slab level shall take place until the following architectural details have been submitted to and approved in writing by the Local Planning Authority. These details shall include 1:20 drawings (as a minimum) of window frames and cills, doors, door frames and cills, weatherboarding, fascia's, soffits and porches. The development shall be implemented in accordance with the approved details retained thereafter.

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.

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

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 17 No part of the development shall be occupied until details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided have been submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

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

- 18 Prior to the first occupation of any dwelling herein approved (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 167 and 169 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.

- 19 No part of the development shall be occupied until details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Proposed access arrangements and pedestrian crossings as outlined in drawing 15190-H-01 Rev P2

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: To ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 20 No part of the development shall be occupied until the visibility splays at the junctions of the application site with View Road have been provided in accordance with the details provided in drawing number 15190-H-01 Rev P2. Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 21 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking spaces/garaging has been provided, surfaced and drained. Thereafter they shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (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/garaging and visitor spaces.

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

- 22 No part of the development shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to herein use approved being occupied and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan

- 23 No part of the development shall be occupied until details of the proposed external lighting scheme including a plan showing the lighting design, underground cabling and location of the lighting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of the height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels), demonstrating that areas to be lit will not disturb bats and other nocturnal animals. All external lighting will be installed in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure that the lighting design is appropriate in this location and does not impact on bats present in the area, in accordance with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 24 No part of the development shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the building to which they relate are first occupied and shall thereafter be retained.

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

- 25 No part of the development shall be occupied until full details of both hard and soft landscape works and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include all public seating, footpaths, litter and dog bins, paving, underground utilities and recreation space. Soft landscape works shall include

details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. It shall also specifically set out the details of the proposed buffer zone to the adjacent SSSI (Chattenden Woods and Lodge Hill) including delivery and maintenance specific to this part of the site. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping and to mitigate potential recreational disturbance to the SSSI in accordance with Policies BNE1, BNE6 and BNE35 of the Medway Local Plan 2003.

- 26 No part of the development shall be occupied until a detailed design, implementation and ongoing management and monitoring plan for the 30m wide landscape buffer to the SSSI has been submitted to and approved in writing by the Local Planning Authority. The plan should detail how this buffer will be managed and monitored to prevent informal access including the closure of informal footpaths that may be created within this buffer as well as the application site and the SSSI. The development shall thereafter be implemented and maintained in accordance with the approved details.

Reason: To prevent informal access and recreational disturbance to the SSSI in accordance with Policy BNE35 of the Medway Local Plan 2003.

- 27 No part of the development shall be occupied until a Landscape Management Plan (LMP), has been submitted to and approved in writing by the Local Planning Authority. The LMP shall include long term design objectives, management responsibilities and maintenance schedules for all hard (including footpaths) and soft landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

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

- 28 No part of the development shall be occupied until a detail of the proposed interpretation boards detailing walking routes to the west of the site have been submitted to and approved in writing by the Local Planning Authority. This should include details of their location, and ongoing management and monitoring. The interpretation boards shall be erected in accordance with the approved details prior to occupation of any dwelling and shall thereafter be maintained in accordance with the approved details.

Reason: To direct recreational activities away from the SSSI to the east of the site and therefore minimise potential disturbance to the SSSI in accordance with Policy BNE35 of the Medway Local Plan 2003.

- 29 No part of the development shall be occupied until a statement has been submitted and approved in writing by the Local Planning Authority demonstrating how the proposal achieves the 12.26% biodiversity net gain, as set out in the submitted Ecological Appraisal.

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change in accordance with paragraph 174 of the National Planning Policy Framework 2021.

- 30 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved details.

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.

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

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring and occupier amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 32 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings herein approved shall remain in use as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

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

- 33 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Planning Statement. Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

Proposal

This application seeks planning permission for the construction of 68 residential dwellings of which 17 would be affordable homes with associated vehicular parking, landscaping, open spaces, sustainable urban drainage features and associated new vehicular access from View Road.

The housing mix would comprise:

- 1-bed units – Total of 4 (all affordable)
- 2-bed units – Total of 12 (6 market, 6 affordable)
- 3-bed units – Total of 27 (22 market, 5 affordable)
- 4-bed units – Total of 22 (22 market, 2 affordable)
- 5-bed units – Total of 3 (all market)

All dwellings would be two storeys in height and would include a mix of detached and semi-detached properties, with private amenity areas to the rear and landscaping proposed to the fronts. Parking would also be provided either in the form of garages or surface parking. The applicants state that a pallet of materials and architectural detailing has been adopted within the design to reflect the wide variety of architectural styles and materials in the surrounding area. This includes indicative materials such as red clay tiles, reconstituted blue slate, facing brick, weatherboarding, UPVC windows and rainwater goods and permeable paving.

The proposed new vehicular access to the site will come from a new priority junction with View Road and would consist of one road into the site which would then divide to enable vehicular access to the enclaves of houses.

The landscape strategy would consist of a hedgerow of approx. 1.5-2m in height fronting View Road with an approx. 30m woodland buffer to the eastern boundary with the adjacent SSSI and an approx. 15-20m buffer to the southern boundary of the site. Further landscaping would also be provided along the reservoir boundary, and along the western boundary where the site adjoins Town Road. Within the site there would be planted fruit trees as you enter the development, three areas of open space which would incorporate SUDs ponds, further landscaping and an area of formal play equipment, with pedestrian trim trails and footpaths.

Site Area/Density

Site Area: 5.2 hectares (12.8 acres)

Site Density: 13.2 dph (5.3 dpa)

Relevant Planning History

No relevant planning applications at this site.

Adjacent Site

MC/21/3380

Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of nine detached houses

Decision: Withdrawn

Date: 31 January 2022

MC/21/0323

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

Decision: Refusal

Date: 28 June 2021

Appeal Dismissed 14 December 2021

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

Decision: Refusal

Date: 17 September 2020

MC/16/3742

Outline application with some matters reserved (appearance, landscaping, layout and scale) for the construction of 50 retirement homes.

Decision: Allowed at Appeal

Date: 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, The Environment Agency, Southern Water Services, Southern Gas Networks, UK Power Networks, Kent Police, Natural England, Kent Wildlife Trust, Royal Society for Protection of Birds, KCC Biodiversity, KCC Archaeology and Rural Planning Limited have also been consulted.

47 letters of representation have been received objecting to the application raising the following concerns:

- Harm to character, appearance and function of the countryside.
- Unacceptable Visual Impact/ landscape harm.
- Loss of Greenfield site and commercial orchard/ agricultural land.
- Development is too dense.
- Unacceptable impact on existing infrastructure and local amenities.
- Reliance on the private motor vehicle.
- Highway Safety.
- Lack of parking.
- Limited employment opportunities in Cliffe Woods to support development.
- Impact of additional traffic and pollution/air quality.
- Environmental Impacts (loss of habitats and wildlife).
- Impact from construction period.
- Impact on SSSI.
- Cumulative impact of existing committed/consented developments on Cliffe Woods.
- Increased Flood Risk.
- Site not identified within the Strategic Land Availability Assessment 2019.

Cliffe and Cliffe Woods Parish Council object for the following reasons:

- The community infrastructure with respect to doctors, schools, shops, and the community centre is not adequate to support further development.

- Development would add further pressure to the Wainscot Bypass and B200 junction.
- Impact of the development on Highway Safety (View Road and Town Road junction).
- There is no practical pedestrian and cycle access towards Strood.
- The Cliffe and Cliffe Woods Neighbourhood Plan requires special care in the design of housing and landscaping to reduce the impact of development.
- The site is unsustainable.

Kelly Tolhurst Member of Parliament for Rochester and Strood objects for the following reasons:

- The development will place additional strain on local infrastructure including water supply, GP surgeries and the local primary school which is already regularly oversubscribed.
- The development would place even more stress on the road system which is already under pressure.
- The orchard forms part of the vital green lung for the area which is becoming increasingly built up

Ward Councillor Elizabeth Turpin objects for the following reasons:

- The site has not been identified within the Strategic Land Availability Assessment in 2019 and is outside the village envelope.
- The B2000 is the only road in and out of the village and already struggles to deal with the existing demand.
- The site is in a rural location with an inadequate bus service which will lead to car dependency.
- The impact of the development on existing infrastructure including schools and GP surgeries.
- The development would have an unacceptable impact on the valued landscape and Great Chattenden Woods SSSI and would result in the loss of agricultural fields including a commercial orchard.

Ward Councillor John Williams objects for the following reasons:

- The development will result in the loss of 5.2 hectares of valuable agricultural land which should be protected.
- The development would have a detrimental impact on the flora and fauna of the Great Chattenden Woods SSSI and the biodiversity of the area.
- The site has not been identified within the Strategic Land Availability Assessment in 2019.
- There will be a reliance on the car which will add more congestion to the B2000 and surrounding roads adding more noise and air pollution.
- The extra pressures being put on local services including schools and GP surgeries would be disastrous for Cliffe Woods and is totally unsustainable.

Dickens Country Protection Society have written to make the following comments:

- Development would result in a further incursion into the countryside.
- The society questions if a single point of access to a development of this size is adequate.
- Width of planting along View Road boundary should be increased to maintain a green edge.

The Environment Agency have written to advise that there are no constraints from their perspective and there was not a requirement for them to be consulted in this instance.

Southern Water Services have advised that they can facilitate foul sewerage run off disposal to serve the proposed development which would require a formal application. They have also confirmed that it is possible that a sewer now deemed to be public could be crossing the development site and therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Standing advice has also been provided regarding the adoption of SUDs.

Southern Gas Networks have provided standing advice with regards to mechanical excavations near low/medium and intermediate gas pressure mains. They have also advised that safe digging practices in accordance with HSE HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains pipes, services and other apparatus.

UK Power Networks have provided details of electrical lines and plant in the area. They have also provided standing advice with regards to working near their equipment. The applicant is also advised to contact UK Power Networks should excavation affect extra high voltage equipment (6.6KV, 22 KV, 33 KV or 132 KV).

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with respect to lighting, boundary treatments, natural surveillance and other approaches that could be implemented within the development.

Natural England are objecting to the application given the close proximity of the site to the SSSI boundary and the potential for urbanisation effects (including cat predation to nightingales). In the absence of robust, site specific, evidence based ecological impact assessments, they contend that the scale of the impact and the effectiveness of the mitigation measures proposed for the development are unknown. As the development lies immediately adjacent to the SSSI, the mitigation measures proposed (a combination of scrub planting and cat proof fencing along a portion of the application site boundaries) are also unlikely to be effective in avoiding or fully mitigating the potential impacts. They have requested further information with respect to a detailed impact assessment and clarity on the likely impacts of the proposal to the population of Nightingales within the Chattenden Woods and Lodge Hill Site of Special Scientific Interest, further detail on the proposed mitigation measures to provide a high degree of certainty that impacts from cat predation and urbanising effects upon the nationally important Nightingale population will be fully avoided and further information on the

likely impact and effectiveness of the measures proposed to avoid recreational impacts and urbanising effects to the SSSI.

The **Royal Society for Protection of Birds** object to the application on the basis that the application site is immediately adjacent to the Chattenden Woods and Lodge Hill SSSI boundary. As a result, nightingales will be highly vulnerable to the indirect long-term impacts arising from the proposed housing, including disturbance from noise and artificial lighting, recreational disturbance and predation by domestic cats. They have also advised that the proposed mitigation put forward by the applicant will be ineffective in protecting breeding nightingales. They consider that 400m would be an appropriate and proportionate buffer for the Chattenden Woods and Lodge Hill SSSI.

KCC Biodiversity have advised that they have reviewed the ecological surveys and additional information submitted and they are satisfied that it provides a good understanding of the ecological interest of the site. They also accept that a sensitive lighting scheme can be implemented to minimise light spill and they are happy for further details to be conditioned. Similarly, they have also advised that additional details with respect to the proposed reptile mitigation is not required prior to determination and can be secured as a condition.

In relation to the SSSI they advise that an updated breeding bird survey has not been carried out within the adjacent woodland to fully understand the impact the proposal will have on nightingale populations and instead has relied on a site visit and nightingale survey data from 2012. They have confirmed they would have expected an updated breeding bird survey to be carried out to enable the assessment to be carried out with up-to-date survey data. They have also confirmed that the 2012 survey data did confirm that nightingale were recorded within 500m of the proposed development site and therefore it is possible that nightingales are present within the area of woodland directly adjacent to the proposed development site. However, they have acknowledged that the woodland within that area may not currently provide optimum habitat for breeding nightingales and there are other dwellings directly adjacent to the SSSI boundaries which may minimise the suitability of that area of the woodland to be used by nightingales.

It is their view that the proposed development will result in an increase in residents within the woodland. They recommend that the current management plan for that area of the SSSI owned by the applicant is reviewed, updated if necessary, and the area is actively managed. They are also concerned that any off-site mitigation cannot be agreed post determination and therefore would need to be provided prior to determination.

Rural Planning Limited have advised that an Agricultural Land Classification survey, shows the site to comprise a combination of Grade 3a (the lowest grade of “best and most versatile” agricultural land) and Grade 3b (outside the definition of “best and most versatile” agricultural land). When taking into account that other local development proposals affect better quality Grade 1 and 2 agricultural lands, they consider that development here would not amount to a significant loss of agricultural land and would not be in conflict with the principle that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

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 (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), and the draft Cliffe and Cliffe Woods Neighbourhood Plan (CCWNHP) is also applicable.

National Planning Practice Guidance (NPPG) states that an 'emerging neighbourhood plan may be a material consideration'. However, it also states that in deciding how much weight should be given to an emerging Neighbourhood Plan, an LPA needs to consider the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

Although Cliffe and Cliffe Woods Parish Council have submitted its draft neighbourhood plan to Medway Council, it has not yet been progressed to the examination stage. Therefore, although it is a material consideration in the decision-making process it would carry limited weight due to its current stage of preparation.

Planning Appraisal

Principle

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

The site is located outside the built confines of Cliffe Woods as defined in the proposal maps to the Local Plan and therefore lies within open countryside. As such, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan. 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 is also applicable and sets out the approach for development in the open countryside. This policy states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions. Mainly it is on a site allocated for that use; the development essentially demands a rural location, or it would involve the re-use or adaption of an existing built-up area. In this regard, the site is not allocated for housing or any redevelopment within the Local Plan, and the proposal would be for the development of agricultural land which is excluded from the definition of 'previously developed land' in Annex 2 of the NPPF. Thus, the development would also conflict with this Policy.

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, and as of the recently published 2021-2022 Housing Delivery Test, the Council had only delivered 67% of its target number of dwellings compared with the defined housing requirement. The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Those elements of Policy BNE25 which therefore seek to control the supply of land for housing are therefore considered to be out of date as the LPA cannot currently demonstrate a 5-year supply of deliverable housing land.

In terms of national policy, paragraph 60 of the NPPF seeks to significantly boost the supply of homes by ensuring that a sufficient amount and variety of land can come forward where it is needed. Paragraph 69 also recognises the contribution that small and medium sized sites can make to meeting the housing requirement. 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. Paragraph 105 also states that the planning system should actively manage patterns of growth to address transport issues and that significant development should be focussed on locations which are, or can be made, sustainable. While this emphasises limiting the need to travel and offering genuine travel choices, it recognises that opportunities to maximise sustainable travel will vary between urban and rural areas.

Policy H1 of the draft Cliffe and Cliffe Woods NHP also states that major development proposals for housing on greenfield sites should contribute to sustainable development by including uses other than housing providing that they are appropriate and do not conflict with other policies in the plan. Policy H3 also supports proposals for new housing development on previously undeveloped land that meet an identified local need as defined within the neighbourhood plan.

The principle of residential development has already been established on land to the northeast of the site through an outline application (MC/16/3742) that was granted at appeal under APP/A2280/W/18/3202264 for 50 retirement homes. Similarly, to this site, the development proposal was located on land outside the built confines of Cliffe Woods, and therefore, and given its proximity to the application site, would also be a material consideration in the decision-making process.

In determining whether this proposal is acceptable, it will therefore be important to assess the matter of sustainability as well as the wider implications of the development as detailed under the relevant headings below. In addition, the eastern boundary of the site would also adjoin the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) so the impact of the development on this nationally designated site also needs to be carefully considered.

Loss of Agricultural Land

The application site comprises two adjoining rectangular parcels of land consisting of a commercial orchard and an open field. Whilst the submission documents have stated that the orchard is coming to the end of its economic life, the need to replant an orchard is part and parcel of modern fruit farming and would not in itself indicate that the potential agricultural use of the land was of little importance.

Paragraph 174(b) of the NPPF states that planning decisions should recognise *'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'*.

Policy ECON&EMP1 of the draft CCWNHP also states that *"development proposals that result in the loss of land classified as agricultural (Grades 1-3) will not be supported unless there is a proven need for sustainable development which demonstrates benefits which far outweigh the loss of food growing space in the NHP area and its contribution to national food security"*.

An Agricultural Land Classification survey shows the site to comprise a combination of Grade 3a (the lowest grade of "best and most versatile" (BMV) agricultural land) and Grade 3b (outside the definition of "best and most versatile" (BMV) agricultural land). The better Grade 3a land runs as a strip through the centre of the orchard area and on the western side of the open field. Given this fact, and its relatively small size, in practice the overall agricultural use and value of these fields is likely to be limited to that dictated by the presence of the lower quality, non BMV, land.

Natural England states that 'High quality agricultural land is valued because of its important contribution to food production, and it also offers much greater potential than poorer land for growing alternative fuel/energy crops'. Natural England observes that land protection policy 'is relevant to all planning applications, including those on smaller areas but it is for the planning authority to decide how significant are agricultural land issues ...'.

When taking into account, the size of the development is fairly modest in the context of Medway's housing requirement, and the fact other local development proposals affect better quality Grade 1 and 2 agricultural land (Town Road development), on balance it is not considered that this proposal would amount to a significant loss of agricultural land, and would not be in conflict with the principle that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality (footnote 58) of the NPPF.

Landscape and Visual Impact

The site is not within any nationally important landscape designations, and it is not identified within an area of local landscape importance as detailed within the proposal maps to the Local Plan. However, the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) is located to the east of the site. The implications of which are discussed under a separate heading.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it maintains, and where possible enhances the character, amenity and

functioning of the countryside. The NPPF also sets out at paragraph 174 that planning decisions should protect and enhance valued landscapes and sites of biodiversity and contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystems. This is also consistent with Policy E&H2 of the draft CCWNHP.

Policy SUSDEV4 of the draft CCWNHP also states that all new development, particularly on greenfield sites, should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. It also states that where appropriate, a Landscape and Visual Impact Assessment should be provided with proposals to ensure that impacts, mitigation, and enhancement opportunities are appropriately addressed.

The application site is undeveloped agricultural land located within the Cliffe Woods Farmland character area as identified by the MLCA. The MLCA describes the characteristics of the area as an undulating and complex mix of arable farmland and orchards with poplar shelter belts comprising a dominant feature. The description notes that there is a tranquil, rural feel away from roads, creating a distinctive landscape with few detracting features. However, it also notes principal detracting features that are present in this character area which include the B2000 with heavy traffic, including lorries servicing the aggregate works and industrial estates, together with pylons to the north and the suburbanisation of village edges. An example of which would be the Redrow site on the opposite side of Town Road which has planning permission for up to 225 dwellings (MC/19/0287). The overall condition and sensitivity are identified as being 'moderate' with a strong / moderate sense of place, apparent landform, intermittent tree cover and moderate visibility. However, and as identified within the applicants Landscape and Visual Impact Assessment (LVIA) (Ref; 0347 R01) dated May 2021 the eastern and southern edges of the site are considered to be of high sensitivity.

The guidelines within the MLCA seeks to resist loss and encourage reinstatement of traditional orchards, with hedgerow and poplar shelter belt field boundaries, seek to strengthen biodiversity value (increase woodland, hedgerows, wider field margins), resist proposals that would threaten loss of rural and locally distinctive character and promote use of native species to reflect and reinforce rural character. It is important that all new development proposals within the countryside are assessed in the context of their sensitivity to landscape, avoidance of material harm to landscape character and evidence that proactive steps are being taken to strengthen and enhance landscape character and distinctiveness.

The site is bound by View Road to the north, Town Road to the west, residential properties further to the north-east, Chattenden Wood and Lodge Hill SSSI to the east, orchards and agricultural land to the south and a reservoir to the southwest. The wider landscape is gently undulating, rising locally to an east-west wooded ridge formation to the east of Cliffe Woods. The land within the site and much of Cliffe Woods is part of the base of this wider ridgeline formation, however the easternmost part of Cliffe Woods is more elevated, resulting in the eastern part of Cliffe Woods being visible and recognisable from the wider landscape. The landscape consists of arable farmland and orchards enclosed by tree belts with dispersed areas of woodland interconnected

by the tree belts. The ridgeline extending eastwards from Cliffe Woods is largely wooded and includes Chattenden Woods.

The development would take place within a part-edge-of-settlement context but would extend the built form out into open countryside on the south side of View Road and the eastern side of Town Road (B2000). The southern edge of the village is reasonably well contained by virtue of the vegetation, however there are four properties at the junction with Town Road whose gardens would abut part of the site. The development would leapfrog the existing edge of the village and introduce new dwellings into an open and rural landscape. In this regard it is inevitable that there would be a high degree of landscape change within the site as the existing fields would become a new housing estate. According to the applicants LVIA there would be 'moderate to high adverse' effects on the character and landscape around the site including from along Town Road, View Road and Lee Green Road in year 1 and these effects would decrease over time. With the exception of View Road, the impact on the visual receptors identified at the highest sensitivity, most notably the surrounding public rights of way, and Englefield Crescent and Hilton Road would be 'negligible to low adverse' in year 1 and 'neutral to minor adverse' after 15 years when the proposed planting had established. Consequently, there would be conflict with Policy BNE25(i) of the Local Plan and paragraph 174(b) of the NPPF as the development would neither maintain nor enhance, the character, amenity and functioning of the countryside.

However, when assessing the extent of this impact it is accepted that there will be some harm arising from the development. That is almost unavoidable when open countryside is built on because green fields are perceived as more desirable than built development, but that does not, of itself, make the proposals unacceptable. In this instance, the site itself is not 'valued' in terms of its designation. It is affected by noise from Town Road (B2000), and to a lesser extent the existing urban edge of Cliffe Woods. There is housing adjacent to the appeal site itself, and as such it has something of a 'settlement edge character'.

In terms of the overall visual effects on the landscape character of the site itself and its immediate context, the initial 'moderate to high adverse' effect would reduce to 'moderate/minor' after 15 years and there would be no 'major' or 'high' adverse effects. Over time, the scheme would assimilate into the landscape. In addition, the site appears currently to have limited lawful public access except for some gaps in the vegetation along View Road which allow entry to the orchard, and it does not appear to have a recreational function. Although the public right of way through Chattenden Woods to the east, and those further to the south and west would be affected, this effect has been assessed as 'minor adverse'. In any event, the presence of the built-up area of Cliffe Woods is apparent in longer distance views from the south and west. Although the views from nearby residential properties might be regarded by residents as important, in general terms, the loss of a view cannot be a material planning consideration.

As detailed on the Landscape Masterplan, and within the LVIA and Landscape Strategy Sketchbook the scheme itself is also proposing mitigation measures to reduce the impact of the development on the wider landscape. This includes but is not limited to, an approx. 30m wide scrub and grassland buffer to the ancient woodland to enhance the habitat opportunities and protect the woodland edge, an approx. 15-

20m new landscape buffer along the southern edge of the site which would comprise native species and woodland planting and provide a new robust green edge to Cliffe Woods, hedgerow and new street tree planting along View Road to provide some visual softening of views from the nearby properties, retention and enhancement to the poplar belt to the southern and western boundaries, and public open space and play areas. This landscape strategy would effectively mitigate views of the proposals seen from receptors south and southwest. The rural setting of the village would therefore remain if the scheme was permitted, and a sensitive lighting scheme could be implemented to minimise any wider impacts on ecology which would be secured by condition.

In this instance the landscape is not of the type that the NPPF seeks to protect from development in terms of its hierarchy, where paragraph 174 of the NPPF states that protection should be commensurate with status. In addition, and where there is a housing supply deficit, development should be directed to areas of lesser environmental value. Visually it is not considered that the proposal would result in any unacceptable harm to the landscape, nor the wider countryside and the scheme could be developed in a way that leads to landscape enhancement, enabling the proposal to successfully assimilate with its surroundings.

Consequently, and subject to conditions requiring further details of boundary treatments, hard and soft landscape works, lighting, play equipment and landscape management, had this application been recommended for approval, no objection is raised under Policies BNE6 and BNE25 of the Local Plan, paragraph 174 of the NPPF and Policy SUSDEV4 of the draft CCWNHP.

Design and Layout

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. Paragraphs 126 and 130 of the NPPF also emphasises the importance of good design. In particular, decisions should be visually attractive as a result of good architecture.

Policies H6 and E&H4 of the draft CCWNHP also states that all new housing design should respect the rural character of the CCWNHP area having appropriate regard to the design guidelines. Policy H8 of the draft CCWNHP also identifies an appropriate density for new development on greenfield sites at no more than 30 dwellings per hectare. At 13.2 dph, the proposed development is in accordance with the CCWNHP.

Architecture

The applicants state that a palette of materials and architectural detailing has been adopted within the design to reflect the wide variety of architectural styles and materials in the surrounding area. This includes indicative materials such as red clay tiles, reconstituted blue slate, facing brick, weatherboarding, UPVC windows and rainwater goods and permeable paving. The dwellings have been well planned and the material palette, while not fully confirmed, is well described and considered acceptable. To ensure the final design quality of the architecture is reflected on site

should planning permission be granted, a condition is recommended to secure details of the external materials and the final architectural details relating to window frames and cills, doors, door frames and cills weatherboarding, fascia's and soffits.

Layout

The proposed layout has been informed by an approach that respects the site constraints, the pattern of settlement and landscape setting within Cliffe Woods. The residential enclave would be accessed from View Road via a spine road which would extend into the southern section of the site. There would then be a series of roads that would branch off and lead further into the site. The dwellings would then be arranged in clusters which would assist smaller scale, somewhat rustic, internal placemaking to create an experience within that could correspond with the rural edge nature of the site. In addition, the infrastructure (roads, footpaths, surfaces) within the development have been designed so they do not appear overly engineered which is important given the sites rural characteristics.

The NPPF promotes access to the countryside and open spaces (paragraphs 98 and 119) and the value of access to these open spaces, in providing important physical and mental health benefits. Open space has been provided throughout the site as detailed within the landscape masterplan with tree lined streets, including a collection of fruit trees which mark the arrival into the site, play space including a Local Area for Play (LAP) and Locally Equipped Area for Play (LEAP) in accordance with Fields in Trust guidance, as well as amenity green space and natural green space with trim trails and SUDs features. An extensive woodland buffer is also proposed along the eastern and southern edge of the site as detailed within the Landscape section of this report above. In recognition of the quantity and typology of the open space that is being provided on site a S106 contribution has not been requested. In addition, the density of the site (13.2 dph) is also considered acceptable and ensures that the site remains as open as possible. If the application were considered acceptable a condition would be recommended requiring further details of the proposed play equipment.

In summary, the scheme, in design and layout terms, has been well thought through and subject to detailing, would represent a high-quality development. The design and layout of the development is therefore considered acceptable with regard to Policy BNE1 of the Local Plan, paragraphs 126 and 130 of the NPPF and policy H6 and H8 of the draft CCWNHP.

Housing Mix and Affordable Housing

Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site exceeds 1 hectare, and the principle of development is acceptable. Providing for local housing need is also supported by paragraphs 60 and 61 of the NPPF. Policy H3 of the Local Plan also requires a proportion (minimum of 25%) of residential developments to be affordable housing where there is an identified need and where the development is of substantial scale as defined within the Local Plan. Policy H7 of the draft CCWNHP also states that new development should reflect local housing need with a desire for small bungalows and small family accommodation.

The proposed mix is as follows:

- 1-bed units – Total of 4 (all affordable)
- 2-bed units – Total of 12 (6 market, 6 affordable)
- 3-bed units – Total of 27 (22 market, 5 affordable)
- 4-bed units – Total of 22 (22 market, 2 affordable)
- 5-bed units – Total of 3 (all market)

The proposal is for 68 residential units, of which 17 are proposed as affordable units. This is 25% of the total number of units which would be policy compliant. The proposal also offers a good mix in terms of size and type of affordable units including 1-bed, 2-bed, 3-bed and 4-bed units. The proposal is therefore considered acceptable with regard to Policies H3 and H10 of the Local Plan and paragraphs 61 and 62 of the NPPF.

Notwithstanding the fact that the draft CCWNHP would carry limited weight due to its current stage of preparation, and although Policy H7 of the draft CCWNHP also seeks a requirement for bungalows reflecting local housing need, the development would be providing a proportion of homes suitable for small families and therefore is capable of being compliant in part with this policy. Furthermore, the mix would be appropriate to the size, location and characteristics of the site as well as to the established character and density of the surrounding area.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 130 of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

The application site would be accessed from View Road. A development of 68 new dwellings would therefore result in an intensification in the use of View Road, which would generate more vehicle trips and associated comings and goings. In this regard there will be an impact on the existing residents on View Road, due to increased activity, change to outlook and the introduction of built form within this area. In recognising that the boundary at the north-western corner of the site would abut the rear gardens of the properties on View Road, the principal elevations of plots 26 – 35 have been set approx. 22m from the site's boundary. In addition, a separation distance of at least approx. 21m would be retained between the properties proposed to be nearest View Road and the existing properties on the opposite side of the road.

Given the arrangement of the proposed dwellings within the site and their relationship with the dwellings in View Road, the impact to neighbouring amenity is considered to be acceptable with regard to loss of daylight, outlook, privacy and overshadowing. Similarly, and by virtue of the location of the site, and its distance from the residential properties on Town Road, Bronte Close, Brookmead Road and Englefield Crescent, it is considered that the proposal would not have a detrimental impact on the amenity of the residents of those properties either.

Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the technical housing standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise:

4 x 1-bed units
12 x 2-bed units
27 x 3-bed units
22 x 4-bed units
3 x 5-bed units

Below is a table showing the proposed floorspace for each dwelling based on the number of bedrooms and number of bedspaces in comparison to the Technical Housing Standards Nationally Described Space Standard. As indicated in the table all dwellings would exceed the national standards. Private amenity space is also provided which would be compliant with the guidance as set out in the Medway Housing Design Standards. In addition, off-road parking is also included for the proposed dwellings which is considered acceptable.

Number of bedrooms and bedspaces	National Standard (in sqm)	Proposed (in sqm)
1b/2p	50	50.5
2b/3p	61	61.9
2b/4p	79	80.6
3b/4p	84	93.4
3b/5p	93	104 120
3b/6p	102	115
4b/6p	106	121 133
5b/8p	128	178.9

Given the back to back arrangement of many of the properties and when also taking account of the rural nature of the site where further development and the intensification of units could alter the visual amenity of the development, have direct implications on neighbouring amenity and could also have wider implications in terms of traffic generation, particularly if this resulted in the creation of additional bedrooms, it is recommended that householder permitted development rights are removed with regard to Classes A, B, D, E, F, G and H, and also with regard to the change of use from Class C3 dwellinghouse to Class C4 small HMO.

The construction of the development itself could also lead to noise and dust emissions to nearby residential properties. If the application were to be considered acceptable a condition would be recommended for a Construction Environmental Management Plan (CEMP) to be submitted.

Subject to the suggested conditions being imposed, no objections are raised by the Council in terms of the impact on amenities of both the future occupiers and neighbours. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF in this regard.

Noise

Although from a noise perspective the site would be considered relatively low risk, there may be elevated noise levels for the properties proposed closest to Town Road. In view of this an acoustic assessment would be required to determine the impact of noise from transport related sources, which where relevant should include details of sufficient acoustic protection to ensure guideline internal noise levels are not exceeded. Subject to the inclusion of the suggested condition, the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraphs 130, 174 and 185 of the NPPF.

Air Quality

Due to the size and nature of the proposed development, and in accordance with the requirements as set out in Medway Councils Air Quality Planning Guidance the applicant has submitted an Air Quality Assessment (AQA) undertaken by Lustre Consulting, (Ref; 4049/MD/10/2021) dated October 2021.

Adopting a worst-case scenario, and when including the proposed and previously committed developments the AQA has predicted that the air quality impacts of the development itself are unlikely to be significant. In addition, the report also includes appropriate mitigation measures, including the implementation of best practice measures to reduce the impact of dust during construction activities and an assessment of the impact of the development with respect to vehicle emissions.

In view of the above, and subject to a condition requiring the submission of an Air Quality Emissions Mitigation Statement giving full details of the measures that will be implemented as part of the development with regards to road transport emissions, as well as further details of dust control measures, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Contamination

The application has been submitted with a Phase 1 Desk Study and Phase 2 Intrusive Investigation undertaken by Leap Environmental, (Ref; LP2414), dated 12 January 2021. The combined desk study and intrusive investigation is considered to be in line with current guidance and the findings of the report indicate that no contaminants of concern were identified. However, as there is evidence of made ground across the site it is recommended that should permission be granted, a condition is attached requiring the submission of a method statement in the event that contamination not previously identified is found to be present.

An unexploded ordnance (UXO) specialist preliminary screening assessment has also been carried out. Historical mapping does not indicate any military use on or near the

site and no ruins were identified in the immediate area with the Zetica risk maps indicating a moderate risk. Hence the overall risk of UXO is rated as Moderate.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraphs 174, 183 and 184 of the NPPF.

Flooding and Drainage

A revised Flood Risk Assessment and Drainage Strategy (FRA) undertaken by Considine, (Ref; 4143 FRA P03), dated 22 December 2021 has been submitted with the application and assessed with regards to Policy CF13 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

A review of the Environment Agency's (EA) online mapping tool has identified that the development site is within Flood Zone 1, an area with a low probability of flooding from Rivers and Sea. Mapping also shows that the site is subject to both Low and Medium risk of surface water flooding. In addition, the Lead Local Flood Authority do not have any records with regards to flooding affecting the site. Although the site would be adjacent to a reservoir located along its southern boundary, the EA's Flood Risk from Reservoirs map has also been reviewed and the risk of flooding from reservoirs and other artificial sources is considered very low.

The NPPF requires that a risk based Sequential Test should be applied at all stages of planning with the aim of steering new development to areas at the lowest probability of flooding. The proposed development is located entirely within Flood Zone 1 and as such it is considered to satisfy the Sequential Test.

A review of the British Geology online mapping tool has identified that the development site is not likely to be underlain by any superficial deposits, but a primary constraint associated with this site is the underlying clay geology. Therefore, the proposed drainage scheme seeks to connect to the existing surface water sewer located within View Road, utilising permeable paving, attenuation tanks and detention basins within the site before discharging into this system.

Paragraph 6.4.5 of the FRA states that the offsite discharge rate will be restricted to 10l/s for the 1:100-year event plus a 40% climate change allowance which would be an improvement on the anticipated pre-development scenario. Southern Water have also confirmed, via a capacity check, that there is currently adequate capacity in the local surface water network to accommodate a surface water flow of 10.36l/s from this development. This discharge rate should be confirmed through the detailed design stage. The use of SUDs within the site will also fulfil other planning objectives such as increased biodiversity, landscaping and enhanced amenity. The Council also recommends the use of rainwater harvesting, grey water recycling and water butts where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

An assessment of peak foul water flow has also been carried out in accordance with 'British Water Flows & Loads' and it is anticipated that there shall be an increase in peak flow by approximately 2.904 l/s. It is proposed that the foul network is connected

to the existing public foul sewer within Town Road. A connection would be subject to a formal agreement with Southern Water.

In view of the above, and subject to conditions requiring the submission of further details with respect to a sustainable drainage scheme, the temporary management of surface water throughout the construction phase and a signed verification report confirming the agreed surface water system has been constructed as per the agreed scheme if approval is recommended, the proposal is in accordance with Policy CF13 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

Archaeology

The application has been submitted with an Archaeological Desk Based Assessment undertaken by the HCUK Group, (Ref; 06430), dated December 2020. The report includes an assessment of the archaeological potential of the site, an assessment of the significance of any archaeological remains that may be present, and an assessment of the likely effects of the proposed development on heritage assets.

The report confirms that the application site does not contain any designated archaeological heritage assets of archaeological interest, such as world heritage sites, scheduled monuments, registered parks and gardens or registered battlefields, where there would be a presumption in favour of their physical preservation. In addition, and based on information contained within the Kent Historic Environment Record, other mapping and documentary research, the site is considered to have a low potential for archaeology to survive for all archaeological and historical periods, with the exception of a low potential for evidence relating to the early prehistoric, and post-medieval and modern periods. However, past agricultural and horticultural cultivation, in particular planting of fruit trees, and their removal and ploughing, are considered to have had superficial impacts upon sub-surface archaeological remains present on the site, and therefore areas of archaeology, if present, may survive.

It is considered the archaeological potential for the site has been sufficiently investigated and with a condition requiring a watching brief to be attached to any forthcoming planning permission, the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

Ecology

An Ecological Appraisal (Ref; 6084 EcoAp vf/MC/MD/DM) dated 12 May 2021 has been submitted with the application. The site was initially surveyed in November 2020 based on standard extended Phase 1 survey methodology. A general appraisal of faunal species was also undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect of bats and badgers. Phase II survey results in relation to dormice, reptiles, water voles and otters were submitted under a separate addendum (Ref; 6084 Phil dv2/MC/DM) dated 16 September 2021. These reports set out the results of the survey work, together with an assessment of potential effects on these species and any additional requirements for mitigation.

The habitat evaluation summary as detailed within the Ecological Appraisal confirms that the hedgerows and trees within and adjacent to the site are considered to form important ecological features. However other habitats present such as the orchard, arable field, recolonising ground, and ditches do not form important ecological features and are considered to be of limited value.

Bats

A number of trees are present at the site boundaries associated with hedgerows and treelines along with the adjacent woodland. These trees were assessed for their potential to support roosting Bats and the survey concluded that there was low suitability for roosting bats. Habitats at the margins of the site (notably hedgerows) may also offer some potential for foraging and commuting Bats, although the majority of the site, being dominated by an arable field and an intensively managed orchard, is likely to be of low value for Bats. Furthermore, given the site comprises only a small area of land, bats would use the site as part of a wider foraging area, and it is unlikely to be of particular significance in a local context. The adjacent woodland is likely of value to foraging and commuting bats, however this will be fully retained and safeguarded, and would include a sensitive lighting scheme to minimise lighting impacts on the habitats which would be secured by condition. It is also acknowledged that there is a reservoir adjacent to the southwest of the site, however given this is an artificial feature it is considered that this is not likely to be of elevated value to Bats.

Dormice

Whilst the majority of the site is not considered to support suitable habitat for dormice, being dominated by arable land and an intensive orchard, some habitats of potential value are present including hedgerows along with the woodland which lies adjacent to the eastern site boundary. Accordingly, dormice surveys were undertaken within the site between April to September 2021. Survey work followed the methodology set out within best practice guidance. Accordingly, a total of 75 Dormouse nest tubes were deployed within the site and checked on 3 separate occasions. No evidence of dormouse activity was recorded within the nest tubes, with an absence of individuals or any characteristic nests. Accordingly, these species are considered unlikely to be present within the onsite habitats.

Great Crested Newts

As set out within the Ecological Appraisal ponds within the surrounds of the site are considered unlikely to support Great Crested Newts. Nevertheless, to confirm absence of this species, environmental surveys were carried out within the four off-site ponds. Water samples were collected following the procedure outlined in the methods manual prepared for DEFRA, and the survey fell within the acceptable seasonal window set out by Natural England. The results for all the ponds returned as negative results, and therefore and due to the absence of Great Crested Newts from the offsite ponds coupled with the low suitability of the onsite habitats, this species is considered to be absent.

Badgers

No badger setts were found within or immediately adjacent to the site, nor were any latrines or dung pits recorded. In addition, there were no recorded signs of badgers foraging in, or commuting through, the site.

As such, based on the lack of evidence for this species, it is considered that badgers are unlikely to be present at the site, albeit there is potential for this species to colonise the site and wider survey area in the future, and as such it is recommended that a precautionary approach is taken during the construction phase and an updated survey be submitted prior to works starting on site. As such a condition would be required to secure this as part of the site wide mitigation strategy.

Water Voles and Otters

The habitats within the site itself are generally unsuitable for water voles and otters, comprising of an intensive orchard, an arable field and a former arable field. Ditches are however present at the southern boundary of the site, and whilst these were recorded to support little water there is some low potential for use by water vole. The reservoir to the south may also be of some use to otters and as such this species may make occasional use of the ditches given the close proximity. As such, a Water Vole and Otter survey was completed in June 2021 of the ditches present on site. The ditches were heavily overgrown, shaded and largely dry/damp with only short sections holding a small amount of water which provides sub-optimal habitat for these species. No evidence of water voles or otters was found during the survey work. Accordingly, these species are considered unlikely to be present within the onsite habitats.

Reptiles

An overview of the mitigation for reptiles has been provided and due to the low numbers of reptiles recorded it is proposed to carry out a precautionary approach. Additional information has been provided by the applicant's Ecologist demonstrating that the intention is to push the reptiles in to the ancient woodland buffer or protected habitats which are to be retained on site. In recognition that the buffer to the ancient woodland would consist of dense scrub which does not provide suitable habitat for reptile's additional information is required on this point. This information will be requested as a planning condition, if approval is recommended, as it is not considered a requirement to provide this prior to determination.

Breeding Birds

No birds listed as having any special conservation status were recorded at the site, and there is no evidence to suggest the site is of elevated value at a local level for bird species. Precautionary safeguards in respect of nesting birds are proposed and it is therefore recommended that a condition be attached to planning permission if granted, to ensure that any work to vegetation that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests. If this is not practicable, any potential nesting habitat to be removed should first be checked by a competent ecologist in order to

determine the location of any active nests. Any active nests identified would then need to be cordoned off and protected until the end of the nesting season.

Hedgehogs and other small Mammals

There is potential for hedgehogs to be utilising the habitat on-site and so the report recommends precautionary mitigation measures for hedgehogs. This includes an ecological watching brief (overseeing all vegetation clearance) and dismantling of habitat features by hand. This should be secured as part of the condition for the site wide mitigation strategy if planning permission is granted.

It is also recommended that measures to maintain habitat connectivity for hedgehogs are included, this includes providing gaps in any close board fencing. This could be secured via a condition.

Hedgerows and Trees

The ecology Ecological Appraisal and Arboricultural Report (Ref; GRS/TS/TCP/AIP/TPP/AIA/127/20) dated 29 April 2020 states that all hedgerows and trees to be retained within the proposed development shall be protected during construction in line with standard arboriculturist best practice or as otherwise directed by a suitably competent arboriculturist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees / hedgerows. Any protection measures for vegetation during construction should be secured via condition should planning permission be granted.

Ecological Enhancements and Biodiversity Net Gain

The proposals present the opportunity to secure a number of biodiversity net gains, including new areas of habitat creation at the south and east, including new native tree planting, a new wetland habitat, new roosting opportunities for bats, and more diverse nesting habitats for birds.

Paragraph 174(d) of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity and paragraph 180(d) states that plans should secure measurable biodiversity net gains. This is also in accordance with Policy E&H2 of the draft CCWNHP. Further, the Government set out its commitment to achieve Biodiversity Net Gain within the Environment Bill which will require a mandatory 10% biodiversity net gain.

As part of the Ecological Appraisal biodiversity metric calculations have been provided. The methodology as set out in the submitted report states that the change in biodiversity value resulting from the scheme has been calculated using the Defra Biodiversity Metric 2.0 calculation tool and associated user guide. This takes account of the size, distinctiveness and ecological condition of existing and proposed habitat areas to provide a proxy measure of the present and forecast biodiversity value of a site, and therefore determine the overall change in biodiversity value. The result of the calculation shows that in relation to habitat units the total net percentage of change is 12.26% and therefore the site would achieve biodiversity net gain in excess of 10%.

Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI)

The application site is bounded to the east by the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI), with this area of the SSSI being of importance for the ancient and semi natural woodland habitat and the nationally important population of breeding nightingale that the site supports. Policy BNE35 of the Local Plan seeks to protect direct or indirect harm to the wildlife interest of international and national conservation sites including SSSI unless the development is connected with, or necessary to, the management of the sites wildlife interest. Furthermore, Policies BNE37 and BNE39 of the Local Plan also seek to protect important wildlife habitat and protected species and/or their habitat.

Paragraph 174 of the NPPF states that:

Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

Paragraph 180 of the NPPF also states that:

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest.

c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

Within footnote 63 of paragraph 180c of the NPPF an example of such development includes infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

Residential development in close proximity to the SSSI has the potential to result in significant impacts to the SSSI from factors such as noise, lighting, recreational disturbance and wider urbanising effects including cat predation to nightingales and impacts to their habitat within the SSSI.

Within their Ecological Appraisal the applicants propose a number of mitigation measures to prevent informal access to the SSSI, along with some additional measures to address cat predation. These measures can be summarised as follows:

- A minimum 30m wide buffer along the margin of the site with the SSSI with dense scrub/hedgerow planting to prevent informal access and also provide new wooded habitat adjacent to the development.
- Buffer planting along the southern boundary to provide additional supporting habitat whilst also preventing potential access routes around the south of the SSSI.
- Cat proof fencing along the western edge of the new scrub planting bounding the SSSI, in order to limit access to the SSSI from cats belonging to new residents.
- New residents will be provided with an information pack which would detail the presence of the SSSI, how to enjoy the designation in a sustainable way, alternative areas of green space to visit and advice regarding responsible pet ownership practices (such as providing bells on collars of cats).

Following consultation with KCC Biodiversity and Natural England in July 2021 they confirmed that the ecological appraisal did not provide a detailed assessment of the potential impacts resulting from this proposal in respect of the SSSI based upon site specific information. KCC Biodiversity and Natural England therefore requested further information in the form of a thorough assessment of the potential impacts that will result from this proposal to habitats and species associated with the designated site and a detailed mitigation strategy showing how impacts will be avoided or fully mitigated.

In response to this request for further information, the applicants Ecologists provided a Technical Briefing Note (dated September 2021) assessing the impact of the proposed development in relation to the SSSI. This included an overview of notified features within the SSSI utilising data obtained from a nightingale survey previously undertaken in 2012. This survey looked at the distribution of territories for nightingales and found that no territories were recorded within 400m of the site boundary. The Ecologists also concluded that the area of SSSI adjacent to the site is considered to provide unsuitable habitat for nightingale, comprising high canopy woodland with only a loose understorey, generally lacking the dense or scrub habitats which are identified as the main breeding habitat for this species. The Technical Briefing Note also looked at existing access and urbanising effects from existing residential properties where there was limited evidence of trampling or erosion along the margins to the SSSI.

In addition to the measures stated within the Ecological Appraisal, further mitigation is also proposed within the Technical Briefing Note to reduce recreational and urbanisation pressures on the SSSI resulting from the proposed development. This includes:

- Utilising the reservoir to the southwest as a focal point for recreation.
- Provision of new infrastructure associated with the new open space including dog waste bins and litter bins, along with benches and other features to encourage on site recreation.
- New interpretation boards detailing walking routes to the west of the site and information about wildlife associated with the waterbody.
- Attracting visitors away from the SSSI through new footpath connections to the west.

An assessment of the proposed development has also been undertaken taking into account the impact on habitat loss, damage to trees and vegetation, connectivity and functionality of habitats, air/water pollution, hydrological effects, recreational effects, urban edge effects and cat predation. The assessment concludes given the design of the proposed development, with a substantial vegetated buffer and cat proof fencing along the SSSI boundary, together with the additional mitigation measures as detailed, would not result in a significant impact on the notified features of the SSSI.

Following consultation with KCC Biodiversity and Natural England in September 2021 Natural England confirmed that they required further information in order to determine the significance of the potential impacts and the scope for mitigation. This included clarity on the likely impacts of the proposal to the population of nightingales within the SSSI, further detail on the proposed mitigation measures to avoid impacts from cat predation (including details of the cat proof fencing) and urbanising effects upon the nationally important nightingale population, as well as further information on the likely impact and effectiveness of the measures proposed to avoid recreational impacts and urbanising effects to the SSSI. They also recommended that the ecological impact assessment should be based upon more up-to-date survey information to ensure a robust consideration of the potential impacts to the SSSI is provided. Similarly, KCC Biodiversity also confirmed that in their view the proposed development will result in an increase in residents within the site, and there is a need to support the ongoing management of the woodland – particularly the area, which is directly adjacent to the proposed development, which would need to be addressed prior to determination.

In response to this request for further information the applicants Ecologists provided a Technical Briefing Note TN2 (dated January 2022) providing further commentary on the matters raised by Natural England, as well as further details that had been requested by KCC Biodiversity with respect to lighting, reptile mitigation and bats. Within this response they confirm that advice had been sought from Natural England via its Discretionary Advice Service in February 2021 (prior to the breeding bird season) to confirm its requirements for updated survey work. However, Natural England were not able to respond due to a lack of capacity. They also reiterate the previous points that were raised in the Technical Briefing Note (dated September 2021) and refer to the strategic approach that is being undertaken by the Council to mitigate the effects of developments on SSSIs within the Chattenden and the Hoo Peninsula.

Following consultation with KCC Biodiversity and Natural England in February 2022, Natural England confirmed that their previous comments were still applicable and further information was still required. KCC Biodiversity advised that details of any off-site mitigation would need to be provided prior to determination. They also advised that there is a need for the proposed development to support the ongoing management of the woodland, and Medway Council would need to be satisfied that appropriate management can be implemented long term to prevent direct access from the development being created and established within the site.

In response to Natural England's and KCC's request for further information, the applicants Ecologists provided an updated Technical Briefing Note (dated March 2022). The updated assessment is supported by a walkover survey of the area of SSSI adjacent to the site also under the landowner's control, which was undertaken on 21

February 2022. A desk-based mapping exercise has also been undertaken based on a review of OS mapping and historical aerial photography to assess the suitability of habitats for nightingale, based on factors such as habitat type, elevation, and presence of waterbodies. The Technical Note concludes that the area of SSSI adjacent to the site is considered to provide unsuitable habitat for nightingale, comprising high canopy woodland with only a loose understorey, generally lacking the dense shrub or scrub habitats which are identified as the main breeding habitat for this species. The updated Technical Note confirms that their findings accord with the distribution of territories recorded in the 2012 nightingale Survey with an absence of nightingales from the western part of the woodland and the closest territory located approx. 600m from the site boundary. Within the Technical Note the Ecologist has also referred to studies carried out in relation to cat roaming distances and referenced the 400m exclusion zone identified by Natural England in relation to the Thames Basin Heaths Special Protection Area (SPA). On the basis of applying a 400m roaming distance this would fall outside of the nearest nightingale territory recorded during the 2012 survey. In addition, the Technical Note also confirms that the developer would be happy to accept a no cat policy, with a restrictive covenant placed on the title deeds of each property and enforced by the management company. A similar restriction of which was accepted by an Inspector in relation to the adjacent retirement home development to the north allowed at appeal under MC/16/3742.

Following consultation with Natural England in March 2022 they confirmed that insufficient detail has been provided as to how the proposed mitigation measures will be effective in avoiding or fully mitigating the impacts from a residential development in such close proximity to the designated site. They also advised that the updated information suggests that the habitat in close proximity to the application site is unsuitable for nightingales. However, the management prescription for the woodland within the SSSI is to undertake rotational coppicing to maintain the woodland habitat and its suitability for breeding nightingales and Natural England work with landowners to enable the appropriate management of the site. They also reiterated that reliance upon bird survey information from 2012 and a lack of consideration of the management prescriptions for the woodland will mean the potential impacts from this proposal to the SSSI are likely to have been underestimated. They also confirmed that no detailed information has been provided in relation to the location, design, maintenance, and nature of the cat proof fencing proposed along the eastern boundary of the application site or how this will prevent any pets from the new properties accessing the SSSI. They also dismissed the use of a restrictive covenant preventing homeowners from keeping cats as pets. In reference to the covenant placed on application reference MC/16/3742, they advise that the development was for leasehold properties, and a number of robust safeguards were put in place including the daily presence of a site manager and/or security staff who would ensure compliance with the restrictive covenant along with strict measures should the freehold be transferred in the future. As no such safeguards are proposed for this development, Natural England would not consider the use of a restrictive covenant to be an effective mitigation measure.

Independent Review

In light of the information submitted by the applicant, as detailed in the relevant section above, and the comments received from Natural England, KCC Biodiversity and the RSPB, the Council commissioned a technical review from an Independent Ecologist

to assess the robustness of the information that had been provided by the applicant including the effectiveness of the mitigation measures proposed in relation to the SSSI. In providing the report, the Council asked the Ecologist to consider the following questions.

1. Is the report robust and in accordance with relevant industry guidance?
2. Notwithstanding the reliance on the 2012 Nightingale survey results, has appropriate, proportional survey work and a comprehensive review of available background information been undertaken to allow a robust assessment of the proposals?
3. Given the land ownership constraints prohibiting a full update survey of the SSSI, do the 2012 Nightingale survey results and 2022 habitat assessment undertaken within the land under the control of the applicant (approx. 600m within the SSSI) allow a reasonable assessment of likely impacts on this species?
4. Is the scope of potential effects/impact pathways considered as part of the report comprehensive?
5. Is the assessment of impacts site specific and evidence based?
6. Is sufficient information provided regarding mitigation measures and their likely effectiveness?
7. Is there any government guidance that identifies 150m (Natural England referenced distance) as a recognised off set distance for residential development from the boundary of a SSSI?
8. Having due regard to relevant local and national planning policy do you think the applicant put forward appropriate mitigation proposals in the event of any urbanising impact to protected species (specifically Nightingales), with those proposals being proportionate to the scale of development i.e., 68nr dwellings. We ask you to specifically consider the onsite measures, as well as the proposed no cat policy and legal land covenant which will be enforced upon the eventual homeowners and management company?
9. Do you deem that the evidence provided in relation to cat predation accurately reflects published data and sources?
10. On balance, has the applicant undertaken reasonable steps to mitigate the potential impacts of the development on protected species, when considering proportionality and scale of the proposed development?

The ecologists review of the information provided on the habitats within the SSSI and its associated population of Nightingales, as well as the information on the effectiveness of the mitigation measures to be implemented to minimise impacts and effects from the proposed development is detailed below.

1. Is the report robust and in accordance with relevant industry guidance?

The Ecological Appraisal and Technical Notes produced by Aspect Ecology have been undertaken in accordance with The Guidelines for Ecological Impact Assessment in the UK and Ireland (2018) (CIEEM Guidance) which is the recognised industry guidance for carrying out Ecological Impact Assessments for developments of this type. In accordance with the CIEEM Guidance to identify the baseline conditions at the Site and within the Zone of Influence of the Proposed Development, a desk-based assessment has been carried out followed by a habitat survey and

Phase 2 surveys for badgers, dormouse, water vole and reptiles as these species were identified as being potentially present within the Application Site boundary. Furthermore, this information was then supplemented in March 2022 when a Phase 1 habitat survey was carried out for the land that will be owned by the Applicant, subject to planning, within Chattenden Woods and Lodge Hill SSSI.

The desk-based assessment methodology involved the standard practice of gathering information on nearby ecological designations and known sites for protected and notable species. To do this Kent and Medway Biological Records Centre (KMBRC) were contacted. They also provided records held by Kent Bat Group, Kent Ornithology Society and Kent Reptile and Amphibian Group. Furthermore, the online Multi-Agency Geographic Information for the Countryside (MAGIC) database and the Woodland Trust database was also utilised. Furthermore, the 2012 national Nightingale surveys information was also interrogated for Chattenden Woods and Lodge Hill SSSI. These are the standard sources of information obtained for sites such as this. It is acknowledged that there were no records of Nightingale provided by KMBRC.

The habitat survey of the Site was carried out in November 2020 to ascertain the general ecological value of the Site and to identify the main habitats and ecological features present. During the survey particular attention was paid to the potential presence of protected, rare or notable species. The survey was carried out in accordance with Handbook for Phase 1 habitat survey: A technique for environmental audit¹ which is standard guidance for Phase 1 habitat surveys. The Phase 1 survey was extended into Chattenden Woods and Lodge Hill SSSI along with sections that are accessible from footpaths in the vicinity of the Site and was then supplemented with a more detailed habitat survey in this area in March 2022. The surveys were undertaken in accordance with best practice. It is noted however that the habitat survey was carried out outside of the period when Nightingales are present in the UK (see paragraph 3.3.1). However, any potentially suitable breeding habitat in the form of dense vegetation or coppiced woodland near freshwater would still have been recognisable during the survey. Instead within the area of the Chattenden Woods and Lodge Hill SSSI adjacent to the Site which was surveyed recorded high canopy woodland with frequent semi-mature trees and loose scrub understorey comprising occasional shrubs and young saplings with bramble scrub. Limited evidence of coppicing was recorded.

The Phase 2 Surveys for badgers, dormouse, water vole and reptiles were carried out in accordance with the Guidelines for Preliminary Ecological Appraisal² and species-specific guidance where available, which is standard practice for Phase 2 Surveys.

There is no industry guidance on the specific methodology for assessing impacts on Nightingales beyond the general guidance stated above.

Aspect Ecology also contacted Natural England via the Discretionary Advice Service about the assessment and proposed mitigation strategy in relation to Chattenden Woods and Lodge Hill SSSI with a specific request for an opinion and advice regarding the level of proposed mitigation. It is recorded in the Ecological Appraisal

¹ Joint Nature Conservation Committee (2010, as amended) Handbook for Phase 1 Habitat Survey: A technique for environmental audit.

² Chartered Institute for Ecology and Environmental Management (CIEEM) (2013) Guidelines for Preliminary Ecological Appraisal.

that Natural England were not able to respond to this request due to a lack of capacity.

Furthermore, access was not permitted for Aspect Ecology to survey any other land within Chattenden Woods and Lodge Hill SSSI.

Once the baseline conditions for the Site and the adjacent Chattenden Woods and Lodge Hill SSSI had been established, the impacts of the Proposed Development were identified, and mitigation measures embedded into the design of the Proposed Development to minimise the identified impacts and effects. This was carried out in accordance with the CIEEM Guidance as is standard best practice.

In summary the report is considered robust and in accordance with industry guidance.

2. Notwithstanding the reliance on the 2012 Nightingale survey results, has appropriate, proportional survey work and a comprehensive review of available background information been undertaken to allow a robust assessment of the proposals?

It is recognised in the industry that surveys can only be carried out in areas where access is permitted by the landowner. In this case Aspect Ecology surveyed the habitats within the Site and also land within the landowner's control within the adjacent Chattenden Woods and Lodge Hill SSSI.

It is understood that access was denied to the rest of Chattenden Woods and Lodge Hill SSSI and therefore the survey could not be carried out over a larger area of land and that no additional survey information was made available to the Applicant for wider land within Chattenden Woods and Lodge Hill SSSI outside of the landowner's control. Furthermore, during the Phase 1 Habitat Survey Aspect Ecology did not identify or record habitat that is suitable for breeding Nightingales and therefore it was considered that a Nightingale survey would not be undertaken. This is in accordance with standard industry practice.

Instead, Aspect Ecology relied on and fully analysed the existing data that was made accessible to them. Therefore, the assessment of effects has been correctly carried out on available and known information as well as worst case assumptions on the wider area which is considered an appropriate methodology and allows for a robust assessment of the Proposed Development based on the known information at the time of the planning application.

3. Given the land ownership constraints prohibiting a full update survey of the SSSI, do the 2012 Nightingale survey results and 2022 habitat assessment undertaken within the land under the control of the applicant (approx. 600m within the SSSI) allow a reasonable assessment of likely impacts on this species?

The extent of the survey as explained above has been dictated by land access constraints. However, the area surveyed does include the majority of the Zone of Influence for the Proposed Development. The key potential impacts that could extend beyond the Site boundary into Chattenden Woods and Lodge Hill SSSI relate to urbanising effects, recreational effects (dog walking) and cat predation.

To minimise urbanising and recreational effects from the Proposed Development, the built development is set back from the eastern Site boundary along the edge of Chattenden Woods and Lodge Hill SSSI by 35m with a 30m wide landscape buffer

dominating this buffer zone is proposed along the eastern Site boundary between the built development and the.

By setting the built development back from the eastern boundary and planting the 30m wide landscape buffer, there will be no opportunity for informal expansion of gardens or fly-tipping over garden fences to occur close to Chattenden Woods and Lodge Hill SSSI.

Furthermore, the landscape buffer will comprise dense woodland/scrub planting and fencing to prevent existing and future access by blocking up the existing informal access to Chattenden Woods and Lodge Hill SSSI and creating a barrier for further access. In addition, open space will be provided on-site as well as an alternative signposted footpath links in the opposite direction (to the west) which will link up to the wider footpath network and the reservoir providing an attractive alternative managed route for existing and new residents. Furthermore, information packs will be provided to the residents detailing the presence of the SSSI, how to enjoy the designation in a sustainable way and provide information on alternative destinations for recreation. These measures which can be effectively secured through planning conditions, will effectively discourage recreational access into Chattenden Woods and Lodge Hill SSSI.

To minimise the impacts of cat predation of Nightingales within Chattenden Woods and Lodge Hill SSSI, it is proposed to install a cat proof fencing along the western edge of the 30m wide landscape buffer (the built development side) which would be monitored and maintained for the lifetime of the Proposed Development. The specification and long-term maintenance of the cat proof fencing can be secured through a planning condition. Furthermore, in July 2022, the Applicant also proposed a 'no cat policy' within the Proposed Development to be secured through a legal agreement with Medway Council which means that future homeowners or occupants of the Proposed Development will not be allowed to own or look after a cat in their home. The 'no cat policy' also includes monitoring by the Management Company for the lifetime of the Proposed Development to ensure that the policy is complied with. The Management Company will also safeguard funding to pay for any legal costs associated with enforcing any breach or suspected breach of the policy.

If there are no cats within the Proposed Development, then there will be no new cat predation associated with the Proposed Development on Nightingales and other species within Chattenden Woods and Lodge Hill SSSI. Furthermore, any existing cats from residential dwellings to the north of the Site, will also be deterred from continuing to access Chattenden Woods and Lodge Hill SSSI through the Site by the proposed cat proof fencing which will help to reduce existing cat predation risks.

Through the measures discussed above the Zone of Influence of the Proposed Development will be less than 600m into Chattenden Woods and Lodge Hill SSSI and therefore the survey area is considered to be appropriate for the Proposed Development especially when considered in conjunction with the national Nightingale survey data collected in 2012. Therefore, the impact assessment is considered accurate and robust.

4. Is the scope of potential effects/impact pathways considered as part of the report comprehensive?

The Ecological Appraisal and Technical Notes provide a robust analysis of the baseline conditions within the Site and the adjacent area of Chattenden Woods and Lodge Hill SSSI and mitigation measures to minimise impacts and effects associated

with the Proposed Development. Impacts and effects without the proposed embedded mitigation measures were explicitly identified in Chapter 3 of the Ecological Appraisal and further clarified in the subsequent Technical Notes specifically on effects on Chattenden Woods and Lodge Hill SSSI and Nightingales. The key impact/effect pathways identified included:

- Existing localised urbanisation and recreational effects along and adjacent to footpaths which could be exacerbated by allowing additional informal access to the SSSI through the use of the informal access point along the boundary between the Site and Chattenden Woods and Lodge Hill SSSI;
- Gardens backing onto the Chattenden Woods and Lodge Hill SSSI which could create additional urbanisation effects; and
- Cat predation levels in the event that Nightingales do make use the area of Chattenden Woods and Lodge Hill SSSI adjacent to the Site.

The impact/effect pathways discussed are comprehensive. They also reflect the key threats identified by Natural England in 2013 (paragraph 3.2.4) and by Natural England and KCC Ecology within their consultation responses (Chapter 4). The identification of the worse-case realistic impact and effect pathways has been supported by a robust evidence base (appropriate to the Site, Proposed Development and constraints to surveys) which was then used to inform the mitigation measures incorporated into the design of the Proposed Development.

Therefore, the scope of potential effects/impact pathways considered as part of the Ecological Appraisal and subsequent Technical Notes is considered to be comprehensive.

5. Is the assessment of impacts site specific and evidence based?

The Ecological Appraisal and the subsequent information provided in the Technical Notes discussed in Chapter 4 have been carried out in accordance with legislation, policy and best practice guidance as set out in Chapter 2. The assessment of impacts and effects is based on a site-specific description of the baseline conditions with information gathered through both desk-based assessment and on-site survey information with the evidence base either clearly referenced or provided within the main body of the reports or in the appendices. Where there are constraints and limitations applied to the methodology these have been appropriately referenced.

Therefore, it is considered that the assessment of impacts is site specific, and evidence based.

6. Is sufficient information provided regarding mitigation measures and their likely effectiveness?

The most appropriate and viable mitigation measures for the Proposed Development have been chosen in a logical manner which reflects the baseline conditions within the Site and the adjacent land within Chattenden Woods and Lodge Hill SSSI as well as the identified potential impacts and effects associated with the Proposed Development. The initial design and implementation of the measures along with their monitoring and management can be secured through legal agreements and planning conditions as discussed under question 3 above and proposed within the Ecological Appraisal and Technical Notes.

Sufficient information is provided to inform a full planning application of this nature and scale.

7. Is there any government guidance that identifies 150m (Natural England referenced distance) as a recognised off set distance for residential development from the boundary of a SSSI?

During this independent review, no government or national guidance has been identified that identifies 150m as a recognised off-set distance for residential development from the boundary of a SSSI. The appropriate distance of a residential development is specific to the impact and effects associated with the individual developments and the recognised threats to the SSSI.

It is recognised that the Site is located within Natural England's Impact Risk Zones for Sites of Special Scientific Interest for Chattenden Woods and Lodge Hill SSSI³, however these Impact Risk Zones are to be used to generally assess planning applications for likely impacts on SSSIs and to help determine when to consult Natural England. They do not provide specific distances to offset residential developments.

From previous experience, it is considered likely that the 150m distance identified by Natural England is in relation to cat predation as cats tend to roam and hunt outside of the house and garden, they reside in. However, in this instance if the 'no cat policy' is agreed between the Applicant and Medway Council and effectively implemented there will be no cats present on the Site and therefore this distance is not relevant to this particular Proposed Development.

Instead, there is 35m between the built form and Chattenden Woods and Lodge Hill SSSI is considered appropriate in this instance especially with the provision of the mitigation measures associated with the intervening 30m landscape buffer which will prevent urbanising and recreational effects and no cat policy banning cats from being introduced into the Site. In addition, there is no suitable habitat for Nightingales within at least 500m of the SSSI boundary in this location which is in excess of 150m.

8. Having due regard to relevant local and national planning policy do you think the applicant put forward appropriate mitigation proposals in the event of any urbanising impact to protected species (specifically Nightingales), with those proposals being proportionate to the scale of development i.e. 68nr dwellings? We ask you to specifically consider the onsite measures, as well as the proposed no cat policy and legal land covenant which will be enforced upon the eventual homeowners and management company.

Wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). It is illegal to take or harm them, their nests (whilst in use or being built) or their eggs. Additionally for some species listed in Schedule 1 of the Act it is an offence to intentionally or recklessly disturb the adults while they are in and around their nest or intentionally or recklessly disturb their dependent young. This is carried through all relevant national and local planning policy.

There is no suitable habitat for nesting Nightingales within at least 500m of the Application Site boundary within the Chattenden Woods and Lodge Hill SSSI. Within the Application Site the built development has been set back from the eastern Application Site boundary by 35m. This provides a buffer of at least 535m between residential dwellings and the nearest suitable habitat for Nightingales. Within the 35m set back distance in the Site, a 30m landscape buffer comprising thick

³ Natural England (April 2021) Natural England's Impact Risk Zones for Sites of Special Scientific Interest

woodland/scrub habitat and cat proof fencing is located to deter urbanising effects (fly-tipping, informal garden extensions or residents carrying out maintenance along the woodland edge) recreational activities and cats within Chattenden Woods and Lodge Hill SSSI. Furthermore, a 'no cat policy' is proposed to be legally secured between the Applicant and Medway Council. In addition, open space within the Site as well as signposted and advertised footpath links have been created to the wider footpath network on the opposite side (west) of the Application Site which will encourage people to use those footpaths instead of the existing informal ones in Chattenden Woods and Lodge Hill SSSI. Furthermore, the Applicant is proposing to appropriately enhance the habitat for Nightingales within the land under their control within Chattenden Woods and Lodge Hill SSSI once planning permission is granted. Through the implementation of all these mitigation measures and their long-term monitoring and management, which can be secured through planning conditions and/or Section 106, the Applicant has put forward appropriate mitigation proposals in the event of any urbanising, recreational and cat predation impacts and effects to protected species (specifically Nightingales). However, it will be necessary and appropriate to secure appropriate ongoing management and monitoring measures to ensure that the measures will continue to operate effectively over time and are enhanced further if adverse effects occur.

9. Do you deem that the evidence provided in relation to cat predation accurately reflects published data and sources?

There is no formal national or government guidance relating to domestic cat predation in relation to new residential developments. Instead, there are published studies relating to the distance feral and domestic cats tend to travel from their place of residence within their home range in different countries across the world. Aspect Ecology refer to the following three studies:

- Review provided by: Woods, M., McDonald, R.A and Harris, S (2003) Predation of wildlife by domestic cats *Felis catus* in Great Britain. *Mammal Rev.* 2003, Volume 33, No.2 p174-188;
- www.rspb.org.uk/birds-and-wildlife/advice/gardening-for-wildlife/animal-deterrents/cats-and-garden-birds/are-cats-causing-bird-declines/; and
- Dickman, C.R (1996) Overview of the impacts of feral cats on Australian native fauna. Institute of Wildlife Research and School of Biological Sciences, University of Sydney. Prepared for Australian Nature Conservation Agency.

They have also referred to Natural England's key risk zone of 400m within which sensitive bird species could be adversely affected by cat predation used in relation to Thames Basin Heaths SPA.

Other studies on cat predation that could have been referenced include:

- <https://www.knowyourcat.info/info/territory.htm>
- <https://www.sciencedaily.com/releases/2011/05/110526114531.htm>
- <https://www.nature.com/articles/NCOMMS2380>

Each study reaches slightly different conclusions about the distance travelled by domestic cats (which is less than feral cats) due to the unique characteristics of each study, study area, type of cat (domestic and feral), whether they have been neutered and availability of food but on average the 400m from their place of residence cited

by Natural England is appropriate for assessing cat predation effects from this Proposed Development.

It is worth noting that studies on domestic cats have discovered that home ranges are less extensive for sterilised cats and those that live in an urban environment as house cats never create colonies with neighbouring cats, if they meet it is more to assert their territorial rights. In addition, there is greater abundance of food and shelter in urban areas which reduces the need to hunt. All these minimise the area of their home ranges.

The minimum 400m distance between the proposed built environment and potentially suitable habitat (which is in excess of 530m) has been applied by the Applicant to minimise effects on Nightingale, which in addition to the other mitigation measures, in particular the 'no cat policy' in conjunction with the erection and ongoing monitoring and management of the cat proof fencing will provide appropriate measures to protect Nightingales and their nests within Chattenden Woods and Lodge Hill SSSI from harm.

10. On balance, has the applicant undertaken reasonable steps to mitigate the potential impacts of the development on protected species, when considering proportionality and scale of the proposed development?

Yes. The mitigation measures proposed will deter people from recreational activities and cat's predation as well as other urbanising effects occurring within Chattenden Woods and Lodge Hill SSSI. No additional measures are considered necessary or appropriate for a residential development of this scale in this location.

In summary the Ecologists independent review has considered whether the proposed development will create an adverse effect on the Chattenden Woods and Lodge Hill SSSI and its associated breeding population of Nightingales. The review has also considered the potential for urbanising effects (fly-tipping, informal garden extensions and residents managing the woodland edge), recreational disturbance effects and effects from predation by domestic cats from the proposed development.

Nightingales were surveyed throughout the Chattenden Woods and Lodge Hill SSSI during the national Nightingale survey in 2012. The Applicant's ecologist, Aspect Ecology, then carried out a survey to identify suitable habitat for Nightingales within accessible land within the SSSI adjacent to the application site boundary which extended 600m into Chattenden Woods and Lodge Hill SSSI. The survey did not identify suitable habitat due to current land management which is outside of the control of the applicant. The survey did not extend any further into Chattenden Woods and Lodge Hill SSSI as access was denied and no further Nightingale surveys carried out by other people and organisations have been shared with the applicant.

The applicant has proposed setting the built development approx. 35m back from the eastern site boundary adjacent to Chattenden Woods and Lodge Hill SSSI. This results in the built development being in excess of the 400m between residential development and habitat suitable for sensitive birds which is used to define the zone of risk around Thames Heath for a similar issue. It also prevents urbanising effects resulting from residential dwellings and especially gardens as they are separated by distance and a landscape buffer from the SSSI.

Furthermore, to minimise recreational effects (mainly from dog walking), a 30m landscape buffer will be planted and managed in perpetuity through a Management Company which will block up the existing informal access point from the application site in to Chattenden Woods and Lodge Hill SSSI. In addition, to this deterrent on-site open space and footpath connections will be created in the western extent of the application site to encourage people to use the wider footpath to the west away from the SSSI. This recreational opportunity will be signposted and information on it provided within the packs presented to the owners of the dwellings on purchasing the property. The on-going management and monitoring of the footpaths can be secured through planning conditions.

To minimise cat predation effects, cat proof fencing will be installed between the residential dwellings and the landscaped buffer to the SSSI which will be monitored and maintained through the management company in perpetuity. This also can be secured through planning conditions/legal agreement. Furthermore, the applicant has also proposed a 'no cat policy' to be legally agreed with Medway Council and implemented and enforced through the Management Company. The Management Company will include on its board of Directors, Directors of Esquire Developments as well as future residents.

In combination the independent review concludes that the mitigation measures proposed are appropriate to the proposed development and their implementation and ongoing management and monitoring can be secured through planning conditions and Section 106. Results of the ongoing management and monitoring could also be shared with KCC Ecology and Natural England as appropriate to enable any remedial actions to be taken if required in agreement with all parties. Therefore, and subject to conditions and/or a section 106 agreement where applicable to secure the mitigation measures as outlined by the applicant the proposal would not have an adverse effect on the SSSI. Consequently, the proposal would be in accordance with Policies BNE35 and BNE37 of the Local Plan, paragraphs 174, 179 and 180 of the NPPF and Policy E&H2 of the draft Cliffe and Cliffe Woods NHP.

Medway Estuary and Marshes Special Protection Area (SPA) - 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, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities.

- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach.
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to this tariff which would be secured as part of a section 106 obligation. The proposal is in accordance with Policies S6 and BNE35 of the Local Plan and paragraphs 181 and 182 of the NPPF. A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Highways

Policies T1, T2 and T13 of the Local Plan states development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard.

Paragraph 105 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. In addition, paragraph 124 of the NPPF advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other matters), the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use. Policy INFRA4 of the draft CCWNHP also stipulates parking standards for new development and Policy INFRA7 seeks improvements of visibility on the B2000 at its junction with View Road.

The application has been submitted with a Transport Assessment undertaken by DHA Planning, (Ref; PL/IH/15190), dated May 2021 and a supplementary Transport Technical Note dated August 2021.

Existing Conditions

View Road is a single carriageway road that is subject to a 30mph speed limit. To the west, the B2000 Town Road is a single carriageway road measuring approximately 5.7m in width and is subject to a 30mph speed limit within Cliffe Woods, increasing to 40mph to the south of the junction with View Road. This road is subject to street lighting within the village. To the north of the site, Town Road continues to the village of Cliffe. Access to other villages on the Hoo Peninsula can also be gained via Cooling

Road. To the south, the B2000 continues to the A289, from where access to the A2/M2 can also be gained. The A289 also continues to the Medway Towns, which provide access to an extensive range of services and facilities.

Pedestrian and Cycling Infrastructure

Pedestrian footways are provided on both the northern and southern sides of View Road, measuring approx. 1.8m in width. These footways connect with Town Road to the west and the village centre to the north.

As outlined, within the Transport Assessment, further improvements are planned in relation to approved residential development to the west of Town Road (Planning Application Reference: MC/19/0287). These improvements include two new crossing points to the north of View Road (one signalised and one uncontrolled), together with upgrades to the eastern footway between View Road and Tennyson Avenue. A new footway will also be provided on the western side of Town Road along the site frontage. These works will improve access to the north and west of Cliffe Woods for residents of the proposed development. There are also public rights of way and bridleways (RS76 and RS86) to the east which provide connections to the wider countryside.

In terms of cycle infrastructure, although there are two national cycle routes within the vicinity of the site, generally this provision is limited with Town Road being an unsuitable route for day to day cycling needs. However short trips could be considered as a realistic alternative to the motor vehicle.

The Manual for Streets Guidance (2007) suggests walkable neighbourhoods are typically characterised by having a range of facilities located within 800m walk. The CIHT guidance on 'Providing for Journeys on Foot' (2000) also identifies 2,000m as the preferred maximum walking distance for commuting and schools and 1,200m to other destinations. The data that has been analysed within the Providing for Journeys on Foot guidance suggests that 80% of trips of up to one mile in urban areas are undertaken on foot with 31% of journeys between 1 and 2 miles also undertaken on foot.

It is stated within the Transport Statement that there are existing local services and facilities available within Cliffe Woods which are within the 800m preferred maximum distance. These include a day nursery, bus stops, Parkside shopping centre, a community centre, a pharmacy, a GP surgery, a post office, a convenience store and a primary school. Some of these services will be assisted in continued viability by the additional local spend the development will bring. However, future residents are likely to travel further afield to supermarkets, specialist shops, leisure, employment and secondary schools and these are likely to generate trips by cars.

The submission documentation states footways measuring 1.8m in width will be provided on both sides of the site access, adjoining the existing footways on the southern side of View Road. An uncontrolled pedestrian crossing (dropped kerbs and tactile paving) will be provided across the access junction, and an additional uncontrolled pedestrian crossing (dropped kerbs and tactile paving) will be provided to the west of the site access, to facilitate pedestrian crossing movements to the northern side of View Road. The internal footway will continue on the eastern side of

the spine road towards the southern site boundary, where it will link into shared surfaces on the side roads within the site.

The suggested pedestrian connection improvements allow for accessibility improvements within the locality and are considered acceptable subject to the submission of further details. Should the application be recommended for approval it is requested that there is mitigation against the footfall that will occur on the nearby public rights of way, including improvements to the sleeper bridges as well as signage. This would be secured through an appropriate mechanism such as part of a s106 agreement.

Public Transport

The closest bus stops are located on View Road, approx. 160m to the west of the proposed site access. From these stops, six routes can be accessed. As part of an ongoing residential development on Town Road by the same developer (MC/18/2961) funding of £132,660.00 for a period of 5 years was secured via s106 to improve the frequency of the existing Arriva operated 133 bus service between Cliffe Woods and Chatham Town Centre via Strood Railway Station. This service will be further enhanced in association with the Gladman site (being brought forward by Redrow) to the west of Town Road (MC/19/0287) which will be providing funding of £574,692.00 to provide a new weekday timetabled peak period shuttle service between the development site, Strood Railway station and Strood Town centre.

In recognition that this application would likely increase demand on these services a contribution of £99,450 would be sought via s106 to improve service provision within the local vicinity. This would provide additional support for these services particularly in the evening when they are extremely limited and would help to promote a realistic alternative to the private motor vehicle. This would be in accordance with paragraphs 105 and 110a of the NPPF.

Access and Highway Safety

Access to the development would be from View Road. Drawing number 15190-H-01 Rev P2 has been provided which demonstrates the access arrangements for the site with a carriageway width of approx. 5.5m on entry to the site. This would safely allow two-way vehicle movements through this stretch of carriageway and prevent vehicles when exiting the site from crossing the centre line of the carriageway. Manual for Street compliant minimum visibility splays can also be achieved from the access which would be on land under the control of the applicant and Highway Authority. An independent Stage 1 Road Safety Audit (RSA) of the proposed site access design has also been completed. This included further consideration, in the form of a Transport Technical Note (dated August 2021), of the highway safety record of the B2000 between its junctions with View Road to the north and the double mini-roundabout junctions with the B2108 Brompton Farm Road and Hollywood Lane. This was provided following initial concerns raised from the Highway Authority. Whilst it is recognised three incidents have occurred, given the level of movement through the junction, it is not considered that this incident rate is high for this type of junction. Furthermore, the proposed access design meets current guidance and therefore with suitable visibility splays no objection is raised in terms of highway safety.

To ensure that the proposed site layout is accessible to larger service vehicles, a swept path analysis has also been undertaken and is considered acceptable. In order to implement the arrangements, it will be necessary for the applicant to enter into a section 278 Agreement with the Council, however a condition would also be imposed requiring further details of these works.

Highway Capacity

In order to assess the movements associated with the proposed land use, the Transport Assessment has used TRICS to establish the trip generation. In this regard it was agreed with the Highways Authority that the assessment methodology would mirror that applied in the assessment submitted under application MC/19/0287 (Town Road) in terms of committed developments and background traffic growth. It is forecast that the proposed development has the capacity to generate approximately 340 vehicle trips across the 12-hour weekday period, of which 38 would occur in the AM peak hour and 36 in the PM peak hour. This equates to just over 28 vehicle movements per hour, or one vehicle movement every two minutes on average during the 12-hour period. At the request of the Highway Authority an assessment of trip distribution and assignment was also undertaken using Census data.

In addition, the applicants have carried out a capacity assessment on the B2000 Lower Rochester Road, B2108 Brompton Farm Road, B2000 Cooling Road and the B2108 Hollywood Lane double mini-roundabout junction. Due to COVID-19 restrictions in place during the preparation of the Transport Statement, baseline traffic survey data collected in support of application MC/19/0287 was used. This methodology was agreed following discussions with the Highway Authority.

The junction capacity assessment considered two scenarios, 'Do Nothing' (no development, but including committed development), and 'Do Minimum' (as above, plus the proposed development traffic). The opening year of 2026 was considered (i.e. year of application plus 5 years) to encapsulate the full build-out period for the proposed development. The modelling results demonstrate that even without the development the junction will operate over capacity in 2026. However, the difference between the 2026 (without development) and 2026 (with development) shows small increases in delays and queue lengths.

Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Therefore, whilst the junction will operate over capacity and may lead to longer delays, it would not be of a sufficient level to warrant refusal of the application.

Parking

In accordance with Medway Councils Interim Parking Standards 1 space should be provided for 1 bed, 1.5 spaces to 2 beds and 2 parking spaces for every 3+ bedroom dwelling. Based on the information submitted with the application, a total of 133 allocated parking spaces would be provided with an additional 45 spaces in the form of garages, totalling 178 spaces. A further 18 parking spaces would also be provided

for visitors. Although this would be in accordance with the Councils Interim Parking Standards, Policy INFRA4 of the CCWNHP requires a higher provision of parking spaces based on the number of bedrooms, which would be the equivalent to a total of 186 parking spaces. However, given the CCWNHP stage of preparation limited weight is attached to this policy and the quantity of parking provided on site is considered acceptable.

A condition is recommended to secure the provision of these spaces on site prior to occupation and their retention as parking spaces. It is noted that within paragraph 112 of the NPPF there is a requirement for new developments to be fitted with electric vehicle charging points and therefore a condition would be attached with any subsequent approval to fulfil this objective.

Summary of Highways

As detailed above there are existing local services and facilities available within Cliffe Woods which are within the preferred maximum distance of the site. Paragraph 79 of the NPPF states to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The creation of new footpath links as well as the contribution towards bus services would also result in development that would accord with the principles of sustainability in terms of offering alternative modes of travel. Although the proposal would be contrary to Policy H1 of the draft CCWNHP, as it would not include any non-residential uses sought by this policy, CCWNHP would carry limited weight due to its current stage of preparation. Furthermore, the overall benefits of the scheme including the supply of housing would outweigh the conflict with this policy.

In addition, the Transport Assessment has demonstrated the proposal would not have severe transport impacts. Subject to securing the stated highway improvements, s106 contribution and associated conditions described above, the development is considered acceptable with regard to Policies T1, T2, T4, T11 and T13 of the Local Plan and paragraphs 105, 108, 110, 112 and 111 of the NPPF.

Climate Change and Energy Efficiency

The Biodiversity metric calculations provided within the Ecological Appraisal demonstrate that the development will result in an overall biodiversity net gain of 12.26% from the current agricultural use. This will include new areas of habitat creation at the south and east, including new planting, wildflower grassland and wetland features.

In terms of carbon reduction, it is stated that the proposed development will be resilient to the impact of Climate Change incorporating energy efficient measures and SUDs to achieve a net Carbon reduction of 50% tested through a fabric first approach. This will include the use of air source heat pumps and electric vehicle charging points.

The Planning Statement also references how the COVID-19 pandemic has highlighted the need for dwellings to be adaptable, particularly allowing for the occupiers to spend a significant amount of time at home, including working from home and home

schooling. In response to this, the proposal has been designed to allow for flexibility in order to respond to lifestyle changes.

The proposal has also been designed with spacious plots, with properties that exceed the national space standards and can facilitate home working/schooling including the provision of fibre optic broadband. This contributes to and promotes well-being for the future occupiers of those properties that exceed the nationally described space standards.

In addition, the development proposal allows for open space and landscaping for recreation, including play areas within the development itself and bus services would also be improved encouraging more sustainable modes of travel.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken 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 following contributions are sought in accordance with Medway Council's Developer Contributions Guide 2021:

- a) 25% of all housing to be provided as affordable housing.
- b) Financial contributions as follows:
 - i) £16,660 towards public realm improvements to assist with the development of improved civic spaces.
 - ii) £11,608.28 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site
 - iii) £12,163.84 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iv) £401,753.39 toward mitigating the impact of the additional pupils.
 - Nursery - £88,376.66
 - Primary - £161,143.35
 - Secondary - £152,233.38

- v) £3,9990 to mitigate against the footfall that will occur on the bridleways and adjacent PRow as a result of the development.
- vi) £44,448.88 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- vii) £99,450 towards bus improvements to promote sustainable transport modes.
- viii) £17,260.44 towards Designated Habitats Mitigation.

Other non-financial obligations include

1. The implementation and ongoing management and monitoring of the 'No Cat Policy' for the lifetime of the development.
2. The production and implementation of Ecology and Landscape Management Plan specifically for the area of land that will be owned by the applicant within the Chattenden Wood and Lodge Hill SSSI for the lifetime of the development to enhance the habitat for Nightingales and other species within the SSSI.

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 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) 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-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - 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 7 of the NPPF states that the policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.

SSSI's are protected under the Wildlife and Countryside Act 1981 from harmful operations, including development proposals. Paragraph 180 of the NPPF gives a high level of protection to SSSI's, including on land within or outside these designated sites, and states that development which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. It also states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

As detailed within the SSSI section of this report above, the independent review concludes that in combination the mitigation measures proposed by the applicant are appropriate to the proposed development and their implementation and ongoing management and monitoring can be secured through planning conditions and via a section 106 agreement. Therefore, and subject to conditions and/or a section 106 agreement to secure the mitigation measures as outlined by the applicant the proposal would not have an adverse effect on the SSSI. Hence, the application of policies in the NPPF that protect areas or assets of particular importance would not provide a clear reason for refusing the development proposed.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations 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 recently published 2021-2022 Housing Delivery Test, the Council had delivered 67% of its target number of dwellings compared with the defined housing requirement.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

The new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy and vitality of Cliffe Woods. The

development would also boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period. There would also be the benefit of the New Homes Bonus and the support for a Small or Medium Enterprise (SME). Moderate weight would be given to these factors.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the increase in population and would, therefore, be a neutral effect.

The planning obligations set out in the s106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. Although the contributions to public transport services are welcomed and may provide some benefits for nearby residents these measures are largely mitigation for the existing level of provision and the delivery of housing in this location. Accordingly, limited weight is given to any public transport benefits.

Social

The NPPF confirms that the social objective is: “to support, 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 generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver 68 dwellings towards housing land supply, of which 25% would be affordable dwellings contributing to the identified need in the Medway area. It is considered that significant weight can be attached to the social benefits of the provision of 68 dwellings including 25% affordable housing to meet the lack of housing supply in accordance with the guidance in the NPPF.

The proposal will also be delivered by an SME developer and therefore could be delivered in a reasonable timeframe. However, this would be subject to the successful completion and signing of a section 106 agreement, compliance with the section 106 as well as any pre-commencement conditions.

Improvements to the local bus service would also provide an alternative to the private vehicle and the provision of new open space would also be a benefit to future occupants as well as those living nearby. However, these measures are largely mitigation associated with the delivery of housing in a countryside location. As such this would carry moderate weight.

The impacts from COVID have highlighted the need for dwellings to be adaptable, allowing for the occupiers to spend a significant amount of time at home, including working from home. Taking account of this, the proposal is designed with spacious plots and would also facilitate home working. This contributes to and promotes well-being for the future occupiers. Limited weight is attached in this regard given that it largely benefits the occupiers of the development itself and not the surrounding population.

Environmental

The proposed development will incorporate a high level of energy efficiency. This would include the use of air source heat pumps. All dwellings will also include the provision of an electric vehicle charging point. While this might exceed building regulations, these features are becoming more commonplace and merit moderate weight as a clear benefit of the development.

The proposal would also deliver biodiversity net gain, which would exceed the basic assumption of 10%. This is considered to carry limited weight given the nature of the site in its existing condition, which is currently undeveloped agricultural land. The proposal would also offer open space provision and landscaping which would be of benefit to future occupiers and those living nearby.

As outlined within the Ecologists Independent Review the mitigation measures proposed in relation to the SSSI are also appropriate to the proposed development and the implementation and ongoing management and monitoring can be secured through planning conditions and a section 106 agreement. As a result, no adverse effect is considered to arise in relation to the SSSI, natural environment and habitats and biodiversity. In addition, there would be no significant harm to the landscape or other ecological impacts that may arise as a result of the proposal. Subsequently there is no ecology reason to refuse the development as any adverse impact on site integrity can be suitably addressed as detailed within this report.

Taking all of the above into consideration and applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Conclusions and Reasons for Approval

Although not providing the required 5-year land supply, the Council's policies provide a plan-led approach to future growth. The NPPF reiterates the primacy of the statutory plan-led approach, which in this case would allow for meeting the housing needs in a manner that best protects its rural landscape setting.

The proposal is considered to make an effective contribution in meeting the need for homes, in a manner which delivers much needed homes, offers improved bus services and connections, whilst safeguarding the environment and biodiversity as well as being sympathetic to local character, including the surrounding landscape setting and intrinsic character of this countryside location.

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE6, BNE21, BNE23, BNE24, BNE25, BNE35, BNE37, BNE38, BNE39, BNE43, CF13, H3, H10, L4, S1, S2, S6, T1, T2, T4, T11 and T13 of the Medway Local Plan 2003, paragraphs 8, 11, 60, 61, 69, 79, 98, 105, 110, 111, 112, 119, 126, 130, 162, 167, 169, 174, 179, 180, 181, 183, 185, and 186 of the National Planning Policy Framework 2021 and Policies H1, H3, H6, H8, E&H2, E&H4, CF2, INFA4, INFA7 and SUSDEV4 of the Draft Cliffe and Cliffe Woods Neighbourhood Plan.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance of the proposal and the number of objections received contrary to this 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/>