

MC/22/1713

Date Received: 11 July 2022
Location: Land South Of View Road Cliffe
Medway ME3 8UE
Proposal: Construction of 50 retirement homes comprising of 42 apartments and 8 bungalows with communal facilities, electric scooter store and management offices with associated parking, landscape improvements and on-site allotments
Applicant Stonechart Developments Ltd
Mr Richard Monaghan
Agent Tetlow King Planning
Jonathan Lee
32 High Street
West Malling
ME19 6QR
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 14th December 2022.

Recommendation: Approval subject to:

- A. Notifying Natural England of the intention to approve.
- B. Section 106 agreement to secure the following:
 - i. To pay the Council their reasonable costs in making the Traffic Regulation Order for the provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.
 - ii. To allocate 12 units from the total number of proposed housing units within the Development to be sold at Discounted Market Value. All subsequent transfers of ownership of these 12 housing units shall be at Discounted Market Value.
 - iii. The implementation and ongoing management and monitoring of a 'no cat policy' for the lifetime of the development.

Financial contributions as follows:

- iv. £12,250 towards public realm improvements to assist with the development of improved civic space and gateways to Strood town centre (greening projects, bollards and signage).

- v. £9,277.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
- vi. £9,721 For the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vii. £35,523 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- viii. £10,293.50 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- ix. £13,794 towards Designated Habitats Mitigation.

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:

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PD-10 Rev P2 - Block A and C - Ground and First Floor Plan
PD-11 Rev P3 - Block A and C - Second Floor and Roof Plan
PD-15 Rev P3 - Block A and C - Elevations
PD-16 Rev P3 - Block A and C - Sections
PD-20 Rev P3 - Block B - Ground and First Floor Plan
PD-21 Rev P2 - Block B - Second Floor and Roof Plan
PD-25 Rev P4 - Block B - Elevations
PD-30 Rev P2 - Block D - Floor Plans and Elevations
PD-40 Rev P2 - Block E - Floor Plans and Elevations
PD-50 Rev P2 - Block F - Floor Plans and Elevations

Received 2 September 2022

PD-60 Rev P2 - Proposed Site Sections
6125-LLB-XX-XX-DR-L-0001 Rev P03 - Landscape Masterplan
23715 111 Rev C - Site Sections

Received 28 October 2022

PD-08 Rev P3 - Location and Block Plan
PD-09 Rev P10 - Proposed Site Plan
PD-70 Rev P4 - Open Space Typology Plan
PD-71 Rev P2 - Reptile Mitigation Plan
23715 101 Rev D - Proposed Site Levels
23715 102 Rev E - Proposed Drainage Plan

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

- 3 No development shall take place, until a detailed arboricultural impact and construction 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 impact and 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/welfare facilities 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;

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.

- 4 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 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: To ensure the development does not prejudice neighbouring amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 5 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority.

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 CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

- 6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

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

- 7 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. 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 approved scheme.

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

- 8 No scrub or vegetation clearance required by the development shall take place on the site, including the creation of the new access onto View Road, 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.

9 No development or site clearance shall take place, until a detailed reptile mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The mitigation strategy must provide the following information:

- Updated reptile survey if existing survey data is over 2 years old.
- Details of how the receptor site will be enhanced to support the reptile population.
- Proposed methodology to translocate the reptile population.
- Details of how the reptile receptor site will be protected during construction.
- Details of its ongoing management during the construction period.
- Details of the ongoing management of the reptile receptor site post occupation.

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

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

10 The tree adjacent to the proposed new access on View Road (Tree T3 as identified within the Arboricultural Report Ref; AR0350/11-22 dated 2 November 2022) shall not be felled until an updated bat emergence survey and bat mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The bat mitigation strategy must thereafter be implemented in accordance with the details approved.

Reason: 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.

11 No development shall take place above slab level until a detailed ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The ecological enhancement plan must demonstrate how the site and buildings will be enhanced to benefit biodiversity through the use of native species planting within the site (including the swale), enhancement of

retained site boundaries and additional enhancement features within the site and buildings, including measures to maintain habitat connectivity for hedgehogs and details of the location of bat, bird and hedgehog boxes and a timetable for delivery. The development shall be undertaken in accordance with the approved details and retained thereafter.

Reason: In accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 12 No development shall take place until full details of the following air quality mitigation measures have been submitted and approved in writing by the Local Planning Authority:

- a) The provision of 5 electric vehicle charging points
- b) All gas-fired boilers to meet an emissions standard of <math><40\text{mgNO}_x/\text{kWh}</math>

All works, which form part of the approved details, shall be completed before any individual building 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 conditions of amenity by way of poor air quality in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 13 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 has obtained written approval of the same from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The contamination method statement 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.

- 14 Notwithstanding the approved plans, 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, fascias and soffits. The development shall be implemented in accordance with the approved details thereafter 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.

- 16 No part of the development shall be occupied until the final details of the Travel Plan measures as outlined in the Pre-Development Travel Plan (ref; 23715 Rev 1.1, dated 7 July 2022) including the ongoing management and monitoring of these measures have been submitted to and approved in writing by the Local Planning Authority. Implementation of the Final Travel Plan shall then be implemented in accordance with the approved details.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 17 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 23715 06 Rev A (Appendix 6 - Transport Statement ref; 23715 Rev 1.2). 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.

- 18 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking spaces has been provided, surfaced and drained. Thereafter the vehicle parking spaces 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 these reserved parking space(s)/garaging and visitor spaces.

Reason: Development without provision of adequate accommodation for the parking 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.

- 19 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. This plan should include the proposed boundary treatments to the perimeter of the site, the boundary treatments to the private garden areas serving the bungalows and the boundary treatments to the ancient woodland buffer and reptile mitigation zone. The boundary treatments 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, and to prevent the deterioration and or loss of irreplaceable habitats and ecology in accordance with Policy BNE1 of the Medway Local Plan 2003 and paragraphs 174 and 180 of the NPPF.

- 20 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, SUDs and recreation space including the allotments. Soft landscape works shall include details of a structural planting plan, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules and species of all plants, including hedgerows and trees, 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 how habitats will be created and established on site and how this will be managed while the buffer area is establishing. 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 including the buffer to the SSSI in accordance with Policies BNE1, BNE6 and BNE35 of the Medway Local Plan 2003.

- 21 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 landscape areas (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.

- 22 The reptile mitigation area as detailed within the Reptile Mitigation Plan; (Drawing number PD-71 Rev P2) must be implemented in accordance with the details submitted and retained for the lifetime of the development.

Reason: 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.

- 23 No part of the development shall be occupied until a detailed design, implementation and ongoing management and monitoring plan for the 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. 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.

- 24 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 their location, 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.

- 25 No part of the development shall be occupied until details of the proposed information packs and signage/interpretation boards promoting responsible pet ownership have been submitted to and approved in writing by the Local Planning Authority. This should include details of the proposed location of signage/interpretation boards within the site, a timetable for implementation and ongoing management. The information packs shall be provided in accordance with the approved details prior to or upon first occupation of individual dwellings and the signage/interpretation boards in accordance with the approved timetable 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 prevent an adverse effect on the SSSI through increased recreational disturbance in accordance with Policy BNE35 of the Medway Local Plan 2003.

- 26 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 in writing 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 National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 27 Prior to the first occupation of any part of the development, a timetable providing details for the submission of a verification report prepared by a suitably qualified professional confirming that all the measures to address energy efficiency and climate change as set out within the Energy Strategy Report (Ref; 22084 Rev I01) have been undertaken for each dwelling shall be submitted to and approved in writing by the Local Planning Authority.

Verification reports shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable and the development shall be maintained in accordance with the approved details.

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.

- 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, D, E, F and G 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.

Proposal

This application seeks planning permission for the construction of 50 retirement homes comprising 3 separate blocks (A, B and C) designed over three floors with a further 8 bungalows to the north of the site. Blocks A and C will both provide a total of 15 apartments each consisting of 7 x 1 bed apartments and 8 x 2 bed apartments, and Block B will provide a total of 12 apartments consisting of 9 x 1 bed apartments and 3 x 2 bed apartments. All apartments would benefit from either a balcony or private terrace area. Within Block B and located on the ground floor there will also be an office, 3 scooter stores, a clubhouse and wellness room. Of the 8 bungalows proposed (Blocks D, E and F) 3 would be 1 x bed and 5 would be 2 x bed. These would also benefit from a private garden to the rear.

Blocks A and C would measure approx. 9.4m in height, approx. 25m in length and approx. 22m in width and Block B would measure approx. 9.1m in height, approx. 40m in length and approx. 17m in width. The proposed bungalows (Blocks D, E and F) would measure approx. 5.8m in height, with the footprint of the largest building (Block D) measuring approx. 23.7m in length and approx. 10.2m in width. The external appearance and design of the buildings aims to draw from the existing vernacular within the area with an emphasis on more recent development approved on Town

Road (opposite Merryboys). This includes using design features such as hipped and barn hipped roofs, dark cladding colours and multi-tone brickwork.

Access to the development will be from View Road and will be relocated slightly to the west in comparison to the access previously approved at appeal for outline permission for 50 retirement homes on the same site under MC/16/3742. Internally the site will also provide 50 parking spaces of which 8 would be accessible spaces, as well as a community allotment/garden, open spaces, a pond / swale and landscaping.

Site Area/Density

Site Area: 1.4 hectares (3.5 acres)

Site Density: 35 dph (15 dpa)

Relevant Planning History

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
Appeal Dismissed 14 December 2021

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

Adjacent Site

MC/21/1694

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.

Decision: Committee agreed resolution to approve subject to S106 and notification to NE.

Date: 27 July 2022

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, EDF Energy, Kent Police, Natural England, Kent Wildlife Trust, Royal Society for Protection of Birds, KCC Biodiversity and KCC Archaeology have also been consulted.

34 letters of representation have been received from 26 separate households objecting to the application raising the following concerns:

- Harm to character, appearance and function of the countryside.
- Scale of development and blocks A, B and C is out of character with local area.
- Unacceptable visual impact/ landscape harm.
- Impact of amenity via a loss of privacy
- Loss of Greenfield site and agricultural land.
- Loss of outlook and daylight to neighbouring properties.
- Development is too dense.
- Unacceptable impact on existing infrastructure and local amenities.
- Impact on Highway Safety.
- Proposed access is unsuitable and unsafe
- Lack of parking.
- Impact of additional traffic, noise 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.

A period of re-consultation was undertaken following the submission of amended plans. A further 4 letters of representation were received objecting to the application citing the same reasons listed above.

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

- Concern with traffic generation from the site.
- Impact on the Great Chattenden Woods and Lodge Hill SSSI by the intensification of residential development adjacent to the site and additional permitted development since the original, outline, application was approved.
- The altered design has not overcome the previous reasons for the refusal of planning permission. The suggestion of three residential blocks continues to create an urban feel. These properties are out of keeping with existing neighbouring properties.
- Development would put further pressure on local community facilities.

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

- Concerns regarding the visual impact of the development from the south.
- Density of development is out of character with Cliffe Woods.
- Blocks A and C will appear as having excessive bulk, block B is also a large building in the context of Cliffe Woods.
- Development will appear as an abrupt urban extension into the rural landscape.

The Environment Agency have written to advise that they have assessed the application as having a low environmental risk. Therefore, they don't have any comments to make.

Southern Water Services have advised that they can provide foul and surface water sewage 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 Sustainable Drainage Systems (SuDS).

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 have confirmed that they welcome the revised development layout that has been submitted to ensure that the buffer of natural habitats to the ancient woodland and Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI) to the east of the application site is secured to a minimum of 15 metres. They also welcome confirmation from the applicant, that the measures previously agreed under application reference MC/16/3742 will be carried forward, secured and fully

implemented for this revised application. These relate to the enforceability of the restrictive pet covenant for the leasehold development. However, the applicant is now proposing to modify the previous restrictive covenant agreed at appeal to allow residents to have dogs and other pets. The restriction proposed will now only apply to residents keeping cats as pets. As such Natural England are now **objecting** to the application given the close proximity of the site to the SSSI (with direct access to the woodland from Hilton Road), combined with the lack of on-site greenspace provision for dog walking and exercise proposed for this development, which could result in significant impacts to the habitats and species associated with the designated site.

KCC Biodiversity have advised that a preliminary ecological appraisal has been submitted with this application which recommended that reptile, dormouse, bat and Great Crested Newts (GCN) surveys were required. Dormouse and bat surveys have been submitted but the GCN or reptile surveys have not been provided. However, a number of surveys have been carried out within and adjacent to the site as part of applications MC/21/1694 and MC/21/0323 which have previously assessed the presence of these species. They have also confirmed that ideally, they would have preferred an ecological impact assessment to have been submitted which provided details of the results of all surveys (carried out as part of this and other applications), assessed the impacts and provided details of the ecological mitigation required. However, KCC have commented on the ecological information with respect to dormice, bats, reptiles, GCN and ecological enhancements and have confirmed that they are satisfied that this can all be addressed through conditions as outlined in the Ecology Section of this report.

They have also advised that the development is directly adjacent to the Chattenden Woods and Lodge Hill SSSI woodland and Great Chattenden Wood Ancient woodland and limited information has been submitted assessing the impact the proposal will have on the SSSI and Ancient Woodland. However, they confirm that they would defer to Natural England with respect to the information that has been provided by the applicant on this matter. They have also advised that if planning permission is granted an ancient woodland buffer plan would be required detailing how the buffer will be created which could be secured via condition.

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 (NHP) 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 through 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

Background

As detailed within the relevant planning history section of this report above, outline planning permission (with all matters reserved except for access) was granted at appeal for the construction of 50 retirement homes comprising a 2/3 storey block of apartments and single storey bungalows with an ancillary meeting room, gymnasium, office, parking and garaging under MC/16/3742. Details relating to the reserved matters (appearance, landscaping, layout and scale), as well as those relating to conditions imposed as part of the appeal decision were then submitted under reference MC/19/2836. The application was refused as it was considered that the layout was inappropriately urban in character being dominated by roads and parking. The landscaping proposals were also considered to be inadequate bearing in mind the sites rural edge. In addition, it was considered that the proposal would have an adverse impact on occupier amenity with regards to a lack of privacy, the applicants had failed to demonstrate the internal highway network was suitable for larger vehicles, there was insufficient mobility scooter parking, and the proposal also failed to secure sustainable drainage to enhance biodiversity.

A subsequent reserved matters application was then submitted (MC/21/0323) as a resubmission of MC/19/2836 to try and address the previous refusal reasons. However, this application was also refused as it was considered that the proposal had failed to address concerns regarding the inner site layout or landscape impact, previous concerns with respect to amenity or mobility scooter parking, or the impacts of flood risk. In addition, the proposal also failed to provide an adequate buffer to the SSSI and ancient woodland.

The applications were subsequently dismissed at appeal on the 14 December 2021 under reference APP/A2280/W/21/3270823 & APP/A2280/W/21/3279943. In dismissing the appeals whilst the Inspector was satisfied that the inner layout of both proposals would “*create a community feel to the central amenity*”, and the road, parking areas and the mobility scooter parking was acceptable, they concluded that the proposed landscape mitigation along the southern and western boundaries would not significantly filter views and would “*create a visually harmful settlement edge directly adjacent to the countryside*”. In addition, there would also be an adverse and harmful impact on future occupiers with regard to a lack of privacy derived from the proximity of the perimeter path to the units. The Inspector also concluded that the proposal would not provide suitable sustainable drainage arrangements, and the presence of the path and allotments adjacent to the SSSI and adjacent woodland would lead to disturbance to these sensitive areas.

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 adaptation 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 and that the needs of groups with specific housing requirements are addressed, this includes for the elderly. The adopted Local Plan does not identify sites to meet specialist accommodation needs for the elderly. Medway's Authority Monitoring Report (March 2021) also indicates Medway's population is predicted to grow by 3.7% to 2037. Within this the number of older persons in Medway is expected to increase significantly, with an extra 12,600 older residents by 2037. Moreover, by then it is expected that a fifth of the population will be aged 65+, thus emphasising the need for older person accommodation.

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

communities. In addition, paragraph 38 of the NPPF requires Local Planning Authorities to take a positive approach to decision making to secure development that can improve the economic, social and environmental conditions of the area.

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. The application site is located on the southern edge of the village albeit outside the settlement and the built of area of Cliffe Woods.

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 of the draft Cliffe and Cliffe Woods NHP also supports proposals for new housing development on previously undeveloped land that meet an identified local need as defined within the neighbourhood plan.

The outline planning permission that was granted at appeal under APP/A2280/W/18/3202264, has previously established the principle of the development on this site, and the quantum of development proposed would accord with that granted outline permission. Although it is recognised that the outline permission has now expired, as detailed within this section of the report there have not been any significant changes in planning policy at either the local or national level since it was allowed at appeal. Furthermore, and since the original outline application was considered, an application has been approved by planning committee for the construction of 68 dwellings on land extending further into the countryside to the south under MC/21/1694, which would abut the southern and western boundaries of this site.

In determining whether this proposal is acceptable, it will therefore be important to assess the wider implications of the development as detailed under the relevant headings below and consider whether this new proposal has addressed the concerns previously raised by the Inspector.

Loss of Agricultural Land

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 Cliffe and Cliffe Woods NHP 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 Grade 3a (the lowest grade of “best and most versatile” (BMV) agricultural land.

When taking into account, the size of the development is fairly modest in the context of Medway's housing requirement, and that the principle of development on this site has previously been established, albeit now expired, it is not considered that this proposal would amount to a significant loss of agricultural land when considered in relation to the wider extent of best and most versatile land on the Hoo Peninsula. Therefore, it 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 Cliffe and Cliffe Woods NHP.

Policy SUSDEV4 of the draft Cliffe and Cliffe Woods NHP 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 has been submitted with a Landscape and Visual Appraisal (Ref; 6125-LLB-RP-L-0001, Rev P2) dated 5 July 2022.

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. Examples 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), as well as the application approved by committee for 68 dwellings on the adjacent parcels to the south and west

(MC/21/1694). The overall condition and sensitivity is identified as being 'moderate' with a strong / moderate sense of place, apparent landform, intermittent tree cover and moderate visibility.

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, residential properties on Englefield Crescent and the Chattenden Wood and Lodge Hill SSSI to the east and agricultural land and orchards to the south and west. The latter of which forms part of the land recently granted planning permission by committee for 68 dwellings. 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 northern boundary and eastern boundary of the site runs along View Road and to the rear of the residential properties on Englefield Crescent. Therefore, development would take place within a part-edge-of-settlement context but would extend the built form out into open countryside to the south and east. The development would therefore leapfrog the existing edge of the village and introduce new buildings 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 retirement complex. 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, albeit that it is part of the wider rural landscape and influences the defined character of this area on a local scale, and it is also affected by to a lesser extent the existing urban edge of Cliffe Woods. There is also existing housing adjacent to the site itself (Englefield Crescent), and as such, and as currently perceived it has something of a 'settlement edge character'. In addition, planning permission has recently been granted on the orchard and agricultural land immediately to the south and west for 68 dwellings. Although this

has not yet been built, if this does come forward it would significantly change the way in which this site is viewed in the context of the existing southern edge of Cliffe Woods.

The applicants Landscape and Visual Appraisal (LVA) has identified 10 selected representative viewpoints located immediately around the site and from PROW's and existing roads/settlements further to the south and west. Of these 10 selected viewpoints, the LVA has identified that there is the potential for some local scale adverse impact. However, these would be limited to private residential properties located immediately adjacent to the site, specifically views from View Road and Englefield Crescent, as well as some longer distance views from the south (Lee Green Road, Ham River Hill). It is considered that the visual landscape has a low susceptibility to the proposed development, by virtue of its location and characteristics. The development would be visible from a localised area adjacent to the site where views into the site are currently of a former agricultural landscape and seen in the context of existing residential development in views from afar. Although the landscape and visual character of the site itself would be fundamentally changed by converting a former agricultural site to residential use, when considering any adverse changes to the prevailing landscape and visual character of the wider area this would only be low magnitude. In addition, the site appears to have limited lawful public access except for some gaps in the vegetation along View Road, 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, the presence of the built-up area of Cliffe Woods is apparent in longer distance views from the south and west. It has therefore been assessed that the development will not cause significantly adverse changes to general public visual amenity.

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. Notwithstanding this, and to minimise the visual impact on adjoining residential properties, the bungalows have been located on the higher north-eastern part of the site and along the eastern boundary with Englefield Crescent. With the apartment blocks on the lower parts of the site.

As summarised within the *background* section of this report above, both previous reserved matters applications for this site were refused, and dismissed at appeal, due to inadequate landscape mitigation. Particularly along the southern and western boundaries of the site. In this respect the Inspector stated that "*given the extent of built development proposed close to the southern and western boundaries of the site, the proposal would not be sympathetic to the rural context south and west of the site and would create a visually harmful settlement edge directly adjacent to the countryside*".

The proposals therefore include specific landscape mitigation measures to minimise the visual impacts in response to previous concerns raised by both the Council and Inspector. The previous schemes featured a large linear footprint of built form with little or no space for any contextual landscape mitigation to filter views of the development. Within the current proposal, the scheme has been designed to feature three separate apartment blocks, and three blocks of bungalows set apart from each other. In increasing the number of apartments this has allowed for circulation space between the buildings and around the periphery of the site which in turn has then created a greater offset from the site boundaries allowing for a sufficient buffer width along the

southern and western boundaries for effective and contextual landscape mitigation. The retention and enhancement of existing landscape structure is therefore a key component and new planting is proposed along all boundaries, with sufficient space to allow it to mature and provide meaningful screening. The existing boundary trees on the eastern boundary will be retained, and new native species hedge and tree planting is proposed to mitigate the impacts from the properties on Englefield Crescent. The southern boundary will be defined by a new native species hedgerow and trees to provide a strong visual landscape buffer and enhance habitat connections. Further meaningful planting, including new trees is also proposed along the western boundary to mitigate impacts of the development from the west. Whilst some vegetation will inevitably require removal to create the site access on View Road, the landscape scheme will ensure a green frontage to View Road is maintained. The current proposals will ensure that the proposal will be sympathetic to the rural context south and west of the site, and that there will be no significant visual impact on the views available towards the site. 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 considered that this new proposal has overcome previous concerns raised by both the Council and the Inspector regarding the visual impact of the development and as a result the scheme would not result in any unacceptable harm to the landscape, nor the wider countryside. Furthermore, any visual impact is likely to be further mitigated by the proposal to the south. However, it is important to highlight that this proposal has been assessed based on the landscape proposals submitted with the application and is not based on a reliance of any adjacent schemes to provide suitable screening as there is no guarantee that it will be built out. Equally the impact that this proposal could have on the adjacent site to the south and west has also been taken into account and is considered acceptable

Consequently, and subject to conditions requiring further details of boundary treatments, hard and soft landscape works, lighting and landscape management no objection is raised under Policies BNE6 and BNE25 of the Local Plan, paragraph 174 of the NPPF and policy SUSDEV4 of the draft Cliffe and Cliffe Woods NHP.

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, proposals should be visually attractive as a result of good architecture.

Policies H6 and E&H4 of the draft Cliffe and Cliffe Woods NHP also states that all new housing design should respect the rural character of the NHP area having appropriate regard to their design guidelines.

Architecture

The external appearance and design of the buildings aims to draw from the existing vernacular within the area with an emphasis on more recent development approved on Town Road (opposite Merryboys) and on the adjacent site to the south (MC/21/1694). The design of the proposed apartment blocks also seeks to add variety and interest to the roofs, incorporating dormers and design features such as hipped and barn hipped roofs, dark cladding colours and multi-tone brickwork which would reflect the wide variety of architectural styles and materials in the surrounding area. This includes indicative materials such as black and red clay tiles, a mix of facing brick, weatherboarding and UPVC windows and rainwater goods.

The material palette, while not fully confirmed, is well described and considered acceptable. 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, fascias and soffits.

Scale and Layout

The Cliffe and Cliffe Woods NHP design guidelines state that buildings should be sympathetic in scale to the context and should not pass 2-2.5 storey in residential areas.

The proposed apartment blocks would sit over three floors. To minimise the overall scale of the development the roof space has been utilised to provide second floor accommodation, thus giving the overall appearance of 2.5 storey apartment blocks. Whilst the bulk and mass of built form, with three apartment blocks, would represent a step change from the prevailing pattern of development in the immediate area, the principle of accepting a two/three storey building has already been largely accepted as part of the previous reserved matters applications for this site. Under these previous proposals a two/three storey apartment was proposed running almost the entire length of the southern boundary. In dismissing both appeals whilst the Inspector concluded that *“the proposal would create a visually harmful settlement edge”*, and therefore would be harmful to the character and appearance of the area, this was attributed to its visual impact and the lack of sufficient planting to filter views of the development, rather than its scale, design and appearance in isolation.

Whilst the quantum of development would continue to accord with that granted outline permission, this current proposal responds to the context of the site in a different way. The previous schemes featured a large linear footprint of built form around the perimeter of the site albeit with a larger number of bungalows. However, and as stated above the inspector was critical of the proposal stating that the development failed *“to transition successfully from urban to rural”*.

Within the current proposal, the scheme has been designed to feature three separate apartment blocks, and three blocks of bungalows set apart from each other. In increasing the number of apartments this has allowed for circulation space between the buildings and around the periphery of the site. This has then created a greater offset from the site boundaries allowing for a sufficient buffer width along the southern and western boundaries for effective and contextual landscape mitigation for screen planting, landscaping and potential biodiversity enhancement. In addition, there is sufficient space for adequate provision of parking and servicing arrangements.

The layout also indicates an opportunity for some planting and softening of the access road which combined with the set back of built form means that the scale and layout of the proposal would not appear incongruous in the street scene. The visibility and prominence of the proposed buildings would also be mitigated by the trees and hedgerows alongside View Road.

The NPPF promotes access to open spaces (paragraph 98) and the value of access to these open spaces, in providing important physical and mental health benefits. Policy L4 of the Local Plan and Policy CF2 of the draft Cliffe and Cliffe Woods NHP also encourages proposals which include new leisure and recreation facilities where they are adequate to meet the needs generated by new proposals.

Open space has been provided on site as detailed on the open space typology plan and includes a community allotment/garden area, natural greenspace and amenity greenspace. In addition, a clubhouse and wellness room is also proposed within Block B which would have access onto a large patio area. Taking account of the fact that this is a retirement facility, children's play space would not be deemed appropriate and therefore has not been provided. In recognition of the quantity and typology of the open space that is being provided on site as a result of this new layout a S106 contribution has not been requested.

Whilst at 35 dwellings per hectare the density of the proposal would exceed the parameters set within Policy H8 of the draft Cliffe and Cliffe Woods NHP, which stipulates no more than 30 dwellings per hectare, the quantum of development accords with that granted outline planning permission. Furthermore, and despite its conflict with this policy, the draft Cliffe and Cliffe Woods NHP would carry limited weight due to its current stage of preparation.

The design, scale and layout of the development is therefore considered acceptable and subject to a condition with respect to external material no objections are raised with regard to Policy BNE1 of the Local Plan, paragraphs 126 and 130 of the NPPF and Policies and CF2 of the draft Cliffe and Cliffe Woods NHP.

Affordable Housing

Policy H3 of the Local Plan sets a target of 25% for developments of 15 or more dwellings on a site larger than 0.5 hectare in rural locations with settlements of less than 3,000. Policy H6 of the draft Cliffe and Cliffe Woods NHP also states that new development should reflect local housing need with a desire for small bungalows and small family accommodation.

The UK Office for National Statistics indicates that Cliffe Woods has a population of approx. 2,662. In the proposed location the Council would therefore require an affordable housing level of 25% of the total homes built to be policy compliant.

The applicant has submitted that they shall meet the affordable housing need via a 'reduced market value' system. In view of the specialised nature of the proposal providing retirement housing, it would be considered inappropriate to seek a percentage of affordable homes, as the development is not for family housing. This approach was agreed by the Inspector in granting outline permission at appeal for the previous scheme which was secured within the Section 106 agreement.

The proposal is therefore considered acceptable with regard to Policy H3 of the Local Plan and paragraph 62 of the NPPF. Notwithstanding the fact that the draft Cliffe and Cliffe Woods NHP would carry limited weight due to its current stage of preparation, the proposal would also be providing 8 bungalows for which there is a local need. While there would be no small family accommodation, this is due to the specialist nature of the proposal in providing specific housing requirements for the elderly.

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 is bound by View Road to the north, the rear gardens of 4-14 (even) Englefield Crescent to the east and agricultural fields to the south and west which have recently been granted planning permission for the construction of 68 dwellings by committee under MC/21/1694.

When considering the impact of the development on neighbouring amenity in turn, there would be an approx. 33m separation distance between apartment Block A and the nearest properties to the north on the opposite site of View Road (39 – 41 View Road). Although Blocks E and F would be located adjacent to the rear garden of 6 View Road, given the separation distance between the rear elevation of Blocks E and F from the site boundary (approx. 11.5m – 12m), and when also taking into account that these blocks would be bungalows, and therefore would be limited to a single storey, it is considered there would be no adverse impact on the properties on View Road in terms of overlooking, or loss of daylight or sunlight.

Similarly, and when taking into account the impact of the development on the properties on Englefield Crescent (2-12), Block D has been offset from the site boundary with 10 Englefield Crescent by approx. 10m, and from 12 and 14 Englefield Crescent by approx. 12 – 18m respectively. Block E would also be approx. 16m from the boundary with 6 and 8 Englefield Crescent. As per Blocks E and F, Block D would also be single storey, which would limit its impact. In addition, and although apartment Block C would be more visually prominent given its height and scale, it has been offset from the boundary with the nearest residential property (14 Englefield Crescent) by

approx. 28m. Furthermore, the land level rises from west to east, so Englefield Crescent is situated at a higher level than the application site. There would, therefore, be no unacceptable loss of sunlight, daylight or loss of outlook from the proposed development to the properties in Englefield Crescent, and for the same reason it would not be considered overbearing. With regards to overlooking and loss of privacy, although the presence of apartment blocks has raised concerns amongst local residents regarding potential overlooking, as guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that a visual separation distance of approx. 20m between the private rear facades is acceptable. Although this guidance relates to new housing developments, the separation distance between the nearest apartment Block (Block C), and rear facade of the properties on Englefield Crescent would be a minimum of approx. 35m and as such would be considered an adequate distance to maintain privacy

In addition, and when considering the impact of the development on the dwellings recently approved on the land to the south and west, Blocks B and C would be offset from the southern boundary by approx. 9-13m, and when taking account of the associated buffer would be located a further approx. 18 -19m from the boundary of the rear gardens of the nearest residential properties as shown on the approved layout. This would equate to a distance of approx. 28m – 33m between apartment blocks B and C and the rear facades of these properties when also calculating the garden depths. Furthermore, Block A would be offset from the western boundary by approx. 11m and when also taking into account the internal access road of the adjacent scheme would run alongside the eastern boundary, the block would be located approx. 20m from the principal elevation of the nearest residential properties. Subsequently, there would be no detrimental impact with regards to loss of outlook, daylight or sunlight.

Given the arrangement of the proposed blocks within the site and their relationship with the dwellings in View Road, Englefield Crescent and those approved on the land to the south and west the impact to neighbouring amenity is considered acceptable with regards to daylight, outlook, privacy and overshadowing. Similarly, and by virtue of the location of the site, and its distance from the residential properties the proposal would not have an overbearing impact on the residents of those properties either. However, in recognition of the rural nature of the site where further development of Blocks D, E and F could alter the visual amenity of the development, and have direct implications on neighbouring amenity, particularly if they were to be extended upwards, it is recommended that householder permitted development rights are removed with regard to Classes A, B, D, E, F and G.

It is also considered appropriate to impose a condition requiring the submission of a Construction Environment Management Plan due to the scale of the proposal and the impact that the construction period could have on the amenities of local residents.

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:

26 x 1-bed units (1 bed 2 person)

24 x 2-bed units (18 x 2 bed 3 person & 6 x 2 bed 4 person)

All dwellings would either meet or exceed the nationally described space standards and all habitable rooms would be provided with suitable outlook. Private amenity space is also provided, either in the form of a private terrace/balcony for the apartments, and private gardens in the case of the bungalows which would be compliant with the guidance as set out in the Medway Housing Design Standards. Whilst previously, and as part of the previous reserved matter applications, the Inspector raised concerns regarding the proximity of the perimeter pathway along the southern and western boundary of the site to the habitable windows of the residential units, the new layout has now allowed for a greater offset between the pathway and the apartments. Where, previously this was only approx. 2.5m this has been increased to approx. 5m – 8.5m. When balanced against the overall benefits of the scheme, and the fact that the provision of the pathway could foster a community spirit, providing access to the open space and SuDS within the development, this relationship is now considered to be acceptable.

The proposal is therefore considered to comply with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

Noise

There are no significant commercial noise sources in the vicinity, and the development is located sufficiently far from any busy roads. As such, and with the inclusion of a condition requiring the submission of a CEMP to manage the construction impacts, 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), (Ref; J0653/1/D1) dated 30 June 2022.

The AQA has scoped out a detailed assessment of operational air quality impacts based only upon the development related trips that would be generated. Although the assessment has not considered cumulative air quality impacts, given the relatively modest number of vehicle trips generated by the development it is unlikely to result in a significant impact upon local air quality. However, it will still be appropriate for air quality mitigation to be provided and electric vehicle (EV) charging points are proposed, which is consistent with the Medway Air Quality Planning Guidance requirements for standard air quality mitigation. The guidance also requires the installation of low NOx gas fired boilers (if gas appliances are to be installed), and details of this, as well as further details regarding the EV charging points will be requested by condition.

In view of the above, and subject to a condition requiring the submission of the air quality mitigation measures, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 174 and 186 of the NPPF.

Contamination

Although the application has not been submitted with a Phase 1 contaminated land assessment, a Phase 1 Desk Study and Phase 2 Intrusive Investigation was undertaken on the adjacent parcel of land under planning reference MC/21/1694. This investigation did not find any results of concern and a watching brief condition was recommended.

When considering the report's findings for the adjacent site, and when bearing in mind the characteristics of this site and its relationship to the adjacent land parcel, no objection would be raised subject to a condition requiring the submission of a method statement in the event that contamination not previously identified is found to be present.

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, (Ref; 23715, REV 1.4), dated October 2022 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 there is a reservoir located further to the south west of the application site adjacent to Town Road, 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 and an infiltration drainage system is unlikely to be suitable. A SuDS drainage system is therefore proposed with a restricted discharge to the existing public surface water sewer on View Road. Preliminary calculations also indicate that surface water runoff generated by the proposed development can be attenuated on site for all rainfall events up to the 1:100

year event plus a 40% climate change allowance, and water quality improvement will also be provided to mitigate against any risk to any receiving waterbody.

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, and they have advised that they can provide foul and surface water sewage disposal to serve the proposed development.

In view of the above, it is considered that previous concerns raised by the Inspector have now been addressed, and the proposal has secured opportunities to provide sustainable drainage. This includes an attenuation pond within the southwest corner of the site which will also provide wider amenity and biodiversity benefits. Therefore, 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, the proposal is in accordance with Policy CF13 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

Archaeology

Although an Archaeological Assessment has not been submitted with the application, based on information contained within the Kent Historic Environment Record, and 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. Furthermore, 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. However, past agricultural and horticultural cultivation could have had superficial impacts upon sub-surface archaeological remains present on the site, and therefore areas of archaeology, if present, may survive.

Subject to a condition to secure the implementation of a programme of archaeological work prior to commencement, as previously requested under the outline planning permission, no objection is raised under Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

Ecology

A Preliminary Ecological Appraisal Survey Report (Ref; 6774/2022), dated 1 June 2022 has been submitted with the application. In addition, a Bat Emergence Survey (Ref; FEL/6774), dated August 2022 and Dormouse Assessment Field Analysis Report (Ref; FEL/6774), dated 25 August 2022 were also submitted during the course of the application. A number of surveys have also been previously carried out within and adjacent to the site as part of applications MC/21/1694 and MC/21/0323 which have assessed the ecological potential within the site and surrounding areas.

The site was initially surveyed in June 2022 based on standard extended Phase 1 survey methodology and there were no limitations to the survey which may have had

a negative impact on its conclusions. The current site conditions are considered negligible in terms of potential habitat for protected species such as badgers and as a result no further surveys have been recommended for this species.

Bats

A number of trees are present at the site boundaries associated with hedgerows and treelines along with the adjacent woodland and these features were assessed for their potential to support roosting bats. The bat emergence survey did not fully cover the tree on View Road that will be removed to facilitate the access and therefore it is possible that bats emerged from the other side of the tree unseen by the ecologist. Two ecologists should have carried out the survey to ensure that a negative result could be demonstrated. The results of the surveys do confirm that bats were recorded around the time that they would be emerging from roosts so the presence of roosting bats within the tree cannot be ruled out. However, based on the figures provided it appears that if the tree is a roost, it is unlikely to be a significant maternity roost. Therefore, and if planning permission is granted an updated bat emergence survey and mitigation strategy would be required prior to the removal of the tree. In addition, a detailed lighting plan would also be required demonstrating that the light spill on the site boundaries is minimal to foraging bats.

Dormice

The 2021 survey of land to the south and west of the application site both received negative results with no dormice recorded. In addition, the results from the onsite dormouse assessment completed as part of this application found no signs of Dormouse recorded within the site, therefore indicating likely absence of Dormice. However, ecological enhancement measures have been recommended as part of this application, including additional planting in the form of native hedgerows along the southern boundary to provide an improved habitat corridor for dormice and encourage other local wildlife species.

Great Crested Newts

The Ecological Appraisal submitted for the adjacent site (Ref; 6084 EcoAp vf/MC/MD/DM) dated 12 May 2021, indicated that waterbodies within the surrounds of that site were unlikely to support Great Crested Newts. 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, and the geographical connection between this site and the adjacent parcels, this species is considered to be absent. Therefore, and based on these findings, it was not considered necessary to undertake a separate Great Crested Newt survey for this site.

Badgers

No field signs of badgers or setts were identified during the survey. Suitable habitat

was found to be present in the longer grassland bordering the arable field, however the presence of badgers is considered negligible with no evidence found during the field survey. As such, based on the lack of evidence for this species, it is considered that badgers are unlikely to be present at the site.

Water Voles and Otters

The habitats within the site itself are generally considered to be unsuitable for water voles and otters, comprising of an arable field. However, the Preliminary Ecological Appraisal identified evidence of an existing water body (reservoir to south-west) which is within 250m of the site. Although a Water Vole and Otter survey has not been undertaken as part of this application, a Water Vole and Otter survey was completed in June 2021 as part of the application for the adjacent site (MC/21/1694). The survey looked at ditches present around the reservoir and concluded that 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, and accordingly, and given the geographical connection between the two sites, and the distance of this site from the nearest waterbody (approx. 100m), these species are considered unlikely to be present within the onsite habitats.

Reptiles

A Reptile Survey Report was undertaken by Corylus Ecology for this site as part of the previous reserved matters applications in June 2019, and by Aspect Ecology on the adjacent parcels of land in April and June 2021 as part of application MC/21/1694. Both surveys recorded a low population of reptiles, and in relation to this site the reptiles were recorded solely along the eastern boundary. The area where the reptiles were recorded within the site will be retained with no direct impacts from the development. A reptile mitigation plan has been submitted with the application which identifies a reptile mitigation zone. This also includes a mitigation strategy which sets out a series of measures to protect, enhance and manage the reptile habitat. This includes the creation of artificial refugia such as log piles and hibernacula, the management of trees and scrub which can otherwise over-shade basking areas, the installation of a fence that allows visual use of the area but provides a physical barrier, and a monitoring and management programme. Subject to conditions with respect to the implementation and retention of the reptile receptor site as detailed in the ecology mitigation plan, and further details of a reptile mitigation strategy to cover updated surveys, the methodology for translocating the reptile population and its enhancement and ongoing management no objection is raised.

Breeding Birds

During the site survey 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

Although the survey indicates that the potential for other mammals is low there are suitable habitats present for hedgehogs within the rough grassland field edges and hedgerows. Therefore, a precautionary approach must be adopted, particularly when creating the new access onto View Road. It is therefore considered appropriate to impose a watching brief condition (overseeing all vegetation clearance) and dismantling of habitat features by hand.

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

Trees and Hedgerows

The Arboricultural Report (Ref; AR0350/11-22) dated 2 November 2022 states that one tree will need to be removed to facilitate the access. The report suggests that a further two trees located within the north-west corner of the site should also be removed. This is due to their poor condition (U Grade) and not because they will be directly impacted by the proposal. The tree report states that an approx. 5-6m length of hedgerow will also need to be removed for the new access road. All other 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 to safeguard the root protection areas of retained trees / hedgerows. A condition to secure a more detailed arboricultural impact and method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation during the construction phase will be imposed if approval is recommended.

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 to the east, new native tree planting, a new wetland habitat to the south-west, 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 Cliffe and Cliffe Woods NHP. 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 wildlife enhancements have been proposed as detailed within the Ecology section above. If approval is recommended, a condition

would be imposed requiring an ecological enhancement plan to be submitted demonstrating how the site and buildings will be enhanced to benefit biodiversity.

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 SSSIs unless the development is connected with, or necessary to, the management of the sites wildlife interest. Furthermore, Policies BNE37 and BNE39 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;

Residential development in close proximity to the SSSI has the potential to result in significant impacts to this designated site 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. In previously granting outline permission at appeal under MC/16/3742 a 'No Pets Policy', was accepted and secured by means of a Section 106 agreement. In accordance with the advice from Natural England this prevented future occupiers from both acquiring new pets whilst in residence and also bringing pets with them when they moved, with the exception of caged pets and/or fish.

The applicant has confirmed that under this current application that they are proposing a similar methodology with respect to pet ownership to that agreed at the previous outline planning permission and would be enforced, monitored and managed by a

specialist retirement operator and dedicated facilities manager. In addition, the operator will ensure that this restriction is reflected and protected in the legal documentation including any potential freehold ownership. Whilst Natural England welcomes confirmation from the applicant that the measures previously agreed under application reference MC/16/3742 will be carried forward, secured and fully implemented for this new application, the applicant is seeking to amend the legal agreement to restrict cat ownership only. This is proposed on the basis that the principle of a 'No Cat Policy' was accepted on the adjacent site approved by committee members under MC/21/1694.

On the basis that the applicant is proposing to modify the legal agreement, which would allow residents to have "dogs and other pets", Natural England have objected to this proposal. This is on the basis of the site's close proximity to the Chattenden Woods and Lodge SSSI, combined with the lack of on-site greenspace provision for dog walking and exercise proposed in the development, which could then lead to increased recreational disturbance to the designated site and potential significant impacts to habitats and species associated with it.

In considering this objection, the principle of allowing residential development on this site has already been accepted by Natural England under MC/16/3742, subject to a 'No Pets Policy'. Therefore, and even if the residents were restricted from owning a pet, they may still choose to undertake recreational activities i.e., walking/exercise, within the designated site. The main point of contention is therefore whether allowing future occupiers to own dogs would result in an additional increase in recreational activities which could impact the habitats and wildlife within the SSSI.

In reviewing the previous applications for this site, the permission granted at appeal was an outline planning permission with all matters other than access reserved (MC/16/3742). Therefore, and at the time that this permission was granted, although the quantum of development had been established i.e., 50 units, details with respect to appearance, landscaping, layout and scale had not, and for the purposes of the plans submitted as part of the outline application were purely illustrative. As a result, and at that stage, the proposed housing typology (i.e., ratio of bungalows, house, flats) that would make up the 50 units was unknown.

The subsequent applications then sought to provide further details with respect to those matters listed above that had been reserved under MC/19/2836 and MC/21/0323. Both these reserved matter applications proposed 50 units consisting of 26 bungalows and 24 flats with the bungalows benefiting from a garden area. Under this current application, and in order to address previous concerns raised by the Council and Planning Inspector as detailed within the *background* section of this report, the layout has now been amended to 8 bungalows and 42 flats. This equates to 84% of the development typology comprising flats and 16% bungalows, in comparison to a split between 52% bungalows and 48% flats under both reserved matters applications. As a result, and now as a predominantly flatted development, only the 8 bungalows would have access to private garden areas. The applicant has stated that on this basis it is therefore likely that dog ownership will be lower than a residential scheme offering more traditional family housing, or a proposal where a larger proportion of the units had direct access to their own private garden area.

Whilst both reserved matters applications would have been bound by the original section 106 agreement restricting a 'No Pets Policy', this was not a point that was being disputed by the applicant at the time. Furthermore, this was prior to the application approved by committee members under MC/21/1694 on the adjacent site. It must be made clear that Natural England also objected to that application, and as required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) Natural England were notified of the Councils intention to approve the application.

In considering the implications of rewording this policy to allow future occupiers to own dogs, whilst if you were to own a dog one might assume that you may participate in more walking activities, and in turn dogs may be allowed to exercise off their leads, in the context of this site, and when considering the end user, a perimeter walkway and areas of open space, although limited in size, would still be provided on site which could be used for dog walking. In addition, there would also be alternative dog walking facilities within the area that would be closer than the access track into the SSSI from Hilton Road and would have a more direct route along a formal footpath which would also be less secluded. This would include the open space on View Road at the junction of Woodside Green, as well as the large area of open space to the south side of View Road that connects through to Goodwin Road and Archery Close. These areas of open space would be approx. 0.2 miles from the site and would also benefit from the provision of dog bins which would identify that dog walking/exercising in these areas is actively encouraged. In addition, the adjacent site to the south (MC/21/1694) and the site currently under construction and being delivered by Redrow on Town Road (opposite the Junction with View Road) will also provide future occupants with a more diverse offering in terms of open space provision. Whilst these particular schemes have not been completed, it is envisaged that by the time the S106 has been finalised for this site, pre-commencement conditions have been discharged and the site is built out and is ready to be occupied, they should be well under way. However, and irrespective of this, occupiers of the proposed development would still have access to alternative areas of open space locally, in the event that the adjacent scheme was not delivered.

In addition, the applicant has also confirmed that new residents will be provided with an information pack when they move promoting responsible pet ownership. This would detail the presence of the SSSI, how to enjoy the designation in a sustainable way, alternative areas of green space to visit in closer proximity with more direct and formal routes, as well as advice regarding responsible dog ownership practices (such as keeping dogs on a lead if walking in the SSSI). They have also confirmed that information regarding the point above would also be displayed in the communal areas. In addition to the information packs and signage, the applicant has also confirmed that the dedicated site facilities manager will be available to ensure that responsible dog ownership is employed, to encourage the use of local alternative green spaces for dog walking and ensure the sensitivities relating to the SSSI are understood and respected.

When taking all of the matters as detailed above into consideration, including the fact that the principle of allowing residential development on this site has already been accepted, albeit this application would be seeking to vary the previous "no pets policy" to allow dogs, the areas of open space available nearby in closer proximity to the SSSI, as well as the imposition of mitigation measures with respect to encouraging

responsible dog ownership which could be secured by condition, it is considered that on balance the proposal would not have an adverse effect on the SSSI either individually or in combination with other developments. However, it would be entirely appropriate to impose a 'No Cat Policy', including details of its implementation, management and monitoring which would be secured within the Section 106 agreement given that they are more likely to roam freely without the supervision of their owners. 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.

Ancient Woodland Buffer

Natural England's and the Forestry Commission's standing advice states that for ancient woodlands, proposals should have a buffer zone of at least 15 metres from the boundary of the woodland to avoid root damage. The plans show a minimum 15m buffer to the Ancient Woodland which Natural England have confirmed would be acceptable. The buffer zone will also be secured to prevent any access and will include grassland and native species planting. Further details of the proposed buffer will be secured by condition.

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 £275.88 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 tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicants have agreed to this tariff and would be secured as part of a section 106 Obligation. The proposal is therefore 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. Policy INFRA4 of the draft Cliffe and Cliffe Woods NHP 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 Statement (Ref; 23715, Rev 1.2) dated 24 August 2022.

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. These footways connect with Town Road to the west and the village centre to the north. 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. In addition, two uncontrolled pedestrian crossings are also proposed as part of the development approved on the adjacent site (MC/21/1694) which will improve connections to the northern side of View Road.

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. There are existing local services and facilities available within Cliffe Woods which are within the 800m preferred maximum distance. These include, bus stops, Parkside shopping centre, a community centre, a pharmacy, a GP surgery, a post office, and convenience store all within walking distance of the site along established highway footpaths.

Public Transport

The closest bus stops are located on View Road, approximately 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 (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 addition, a further £99,450 has also been secured via S106 to further improve service provision within the local vicinity at evening times as part of the residential scheme approved under MC/21/1694. This would be of benefit to future occupants of this development. Although additional contributions are not being sought as part of this proposal, these were not considered necessary when the original outline permission was granted, and the quantum of development proposed would still accord with that previously approved. Furthermore, this proposal would be for retirement homes as opposed to family housing and therefore this is unlikely to create the same level of demand during peak periods.

Access and Highway Safety

Access to the development would be from a new bell mouth junction with View Road and would be relocated slightly to the west in comparison to the access previously approved when outline permission was granted. Drawing number 23715 06 REV A has been provided within appendix 6 of the Transport Assessment which demonstrates the access arrangements for the site with a carriageway width of approx. 6m on entry to the site. This would safely allow two-way vehicle movements through this stretch of carriageway. Refuse and fire tender vehicle tracking has also been provided which demonstrates that the movement of large vehicles can be achieved within the site. Manual for Street compliant minimum visibility splays can also be achieved from the access. Given that the proposed access is on a bend it is likely that some parking restrictions on View Road in the vicinity of the access would be required in order to keep these sightlines clear. The applicant has agreed to pay the cost of providing waiting restrictions in View Road to secure the sight lines to address this. In the event of planning permission being granted, this would be secured by means of a Section 106 agreement.

As part of the application for the adjacent site the applicants also provided details of the highway safety record of the B2000 between its junction with View Road to the north and the double mini-roundabout junctions with the B2108 Brompton Farm Road and Hollywood Lane. Whilst three incidents have occurred on this stretch, 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.

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.

It is forecast that the proposed development has the capacity to generate approximately 110 vehicle trips across the 12-hour weekday period, of which 9 would occur in the AM peak hour and 8 in the PM peak hour. This equates to just over 9 vehicle movements per hour, or one vehicle movement every six minutes on average during the 12-hour period. This low number of trips would not have a material impact on highway safety or capacity on the local road network and no objection is raised in this regard under Policy T1 of the Local Plan.

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. When taking into account that the quantum of development would accord with the previous outline permission, and that the transport assessment submitted for the adjacent site also considered the impact of other cumulative developments in the area, it is not considered that the highway impacts would be of a sufficient level to warrant refusal of this application.

Parking

The adopted vehicle parking standards require the provision of 1 space per one bedroom unit, and 1.5 spaces per two-bedroom unit making a total requirement of 62 spaces, plus 15.5 visitor spaces. Under the proposed scheme, a total of 50 parking spaces would be provided, this would include 8 spaces for disabled users and 5 electric charging spaces. While this parking provision would fall short of the Council's standard, it would still equate to one parking space per dwelling. Regard should also be paid to the fact that the proposal is for retirement homes and not for private dwellings and therefore the level of car ownership is likely to be less than for family housing. Furthermore, the proposed development, although outside of the urban area, is adjacent to the rural settlement of Cliffe Woods and within walking distance of village shops, a doctor's surgery and local facilities in general. A club house and wellness room are proposed to be provided on site, and the site is on a bus route, with bus stops close by. Furthermore, the proposal would also provide suitable motor scooter parking arrangements to serve the development. In addition, a pre-development Travel Plan (Ref; 23715 Rev 1.1, dated 7 July 2022) has also been submitted. Within the Travel Plan it states that a notice board will be provided within public areas displaying information with respect to bus timetables, route maps and cycle routes. A

travel pack will also be prepared and issued to all residents which will also include information with respect to approximate journey times to local amenities, information on bicycle shops offering discounts, details of local businesses providing home delivery services, information on the Liftshare.com car share scheme and contact details for local taxi firms. Having regard to these considerations, and subject to a condition to secure final details of the Travel Plan no objection is raised in terms of parking under Policy T13 of the Local Plan.

Policy INFRA4 of the Cliffe and Cliffe Woods NHP requires a higher provision of parking spaces than Medway's adopted standards. However, given the plans state of preparation limited weight is attached to this policy and the quantity of parking provided on site is considered acceptable.

A condition is also recommended to secure the provision of the parking 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 and could be combined as part of the air quality mitigation condition.

Summary of Highways

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 future residents would have access to the ancillary clubhouse and wellness room within Block B and Cliffe Woods has a reasonable range of facilities and services, including Parkside shopping centre, a community centre, a pharmacy, a GP surgery, a post office, and convenience store all within walking distance of the site along established highway footpaths. A bus stop is also situated a short walk from the site on View Road, which will be further enhanced as part of the s106 contributions secured from other residential development on Town Road and on the adjacent site.

In addition, the proposal would not have severe transport impacts. Subject to the associated conditions described above, the development is considered acceptable with regard to Policies T1, T2, T11, T13 and T14 of the Local Plan and paragraphs 105, 108, 110, 112 and 112 of the NPPF.

Climate Change and Energy Efficiency

The applicant has submitted an Energy Strategy Report (Ref; 22084 Rev I01) dated July 2022, which has been prepared in line with the Medway Climate Change Action Plan 2021 and Building Regulations Approved Document Part L 2021. The Energy Report can be summarised as follows:

- Passive design measures such as energy efficient lighting and ventilation, high levels of air tightness and increased insulation will be used.
- Gas combination boilers complete with flue gas heat recovery and photovoltaic technologies will be used.
- Air condition units complete with flue gas heat recovery and photovoltaic technologies will be used.

- Each property shall be complete with smart energy meters and all non-residential areas shall be provided with sub metering.
- The scheme has been designed to maximise, natural ventilation and lighting, high thermal mass and solar shading.
- Accredited Construction Details (ACD) shall be utilised to ensure the heat losses caused by thermal bridging are reduced as much as is practically possible.
- The water usage within the dwellings shall be designed to ensure that a maximum of 105 litres of water is consumed per person per day in line with the option requirement of Building Regulations Part G.
- It is recommended that underfloor heating is provided.
- The dwellings shall be provided with an independent ventilation system.
- 100% low energy LED lighting will be selected throughout.
- External lighting shall be controlled automatically, by photocell and timeclock override.
- Mechanical ventilation shall be provided to the office, wellness room and club house. The ventilation shall consist of de-centralised heat recovery units to ensure minimal fresh air loads. All mechanical ventilation systems shall be provided with summer modes that shall allow the plant to bypass the heat exchanger in warmer months to ensure overheating is minimised.
- Provision of EV charging points.

Wildlife enhancements including the provision of bird, bat and hedgerow boxes are also proposed, and there would be new planting, which would include native species, along all boundaries of the site which would ensure measurable gains for biodiversity are achieved. In addition, the development proposal allows for open space and landscaping for recreation, including allotments, and a communal clubhouse and wellness room.

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) To pay the Council their reasonable costs in making the Traffic Regulation Order, the provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.
- b) To allocate 12 units from the total number of proposed housing units within the Development to be sold at Discounted Market Value. All subsequent transfers of ownership of these 12 housing units shall be at Discounted Market Value.
- c) Financial contributions as follows:
 - i) £12,250 towards public realm improvements to assist with the development of improved civic space and gateways to Strood town centre (greening projects, bollards and signage).
 - ii) £9,277.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
 - iii) £9,721 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - iv) £35,523 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
 - v) £10,293.50 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
 - vi) £13,794 towards Designated Habitats Mitigation.

Other non-financial obligations include

- D) The implementation and ongoing management and monitoring of a 'no cat policy' for the lifetime of the development.

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 to be determined in accordance with the development plan unless material considerations indicate otherwise.

Whilst the site previously benefited from outline planning permission, and as such there was not a requirement to consider the supply of housing sites or tilted balance as part of the reserved matters applications, the original outline permission has now expired and as such this is now a relevant consideration.

In this regard, the Council is unable to 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. Paragraph 11 (d) of the NPPF indicates that in such circumstances permission should be granted unless: i. the application of policies in the

Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

As concluded within the SSSI section of this report above, the mitigation measures proposed by the applicant are appropriate to the proposed development and their implementation and management can be secured through planning conditions and via a section 106 agreement. Therefore, and subject to conditions and 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.

The proposal therefore falls to be considered against the second limb of paragraph 11(d). As identified within the Planning Practice Guidance (Paragraph: 001 Reference ID: 63-001-20190626), the need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing, therefore offering older people a better choice of accommodation to suit their needs can help them live independently for longer and feel more connected to their communities.

The proposal would provide 50 retirement homes, of which 12 would be sold at discounted market value. Given the significant shortfall of housing provision in Medway, and the demand for more suitable homes for older people within Medway, particularly in rural areas, this is a significant social benefit carrying substantial weight.

The contributions towards public realm improvements, library provision and community facilities, while necessary to mitigate the impacts of the additional population, would be a benefit to those living outside of the development. The provision of the ancillary clubhouse, wellness room and allotments would also have clear social benefits for the health and wellbeing of the future residents. This would carry moderate weight.

The site itself is of limited ecological value and the enhancement of wildlife and habitats, landscaping and the contribution towards strategic mitigation measures on the local SPAs and Ramsar sites would offer the opportunity to enhance biodiversity. The proposal would also offer open space provision and landscaping which would be of benefit to future occupiers, carrying moderate weight.

The site is also within walking distance of local services within Cliffe Woods sufficient to meet some of the day to day needs of the residents, and there is a bus stop available along View Road. The frequency of this service is already being enhanced and this could help to reduce car dependency. These are key objectives of the NPPF and would carry moderate weight.

The scheme would also bring benefits to the economy during construction and thereafter longer-term jobs associated with the clubhouse and managers office. 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. These economic benefits carry some positive weight in the balance. Whilst the development would also 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.

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. The proposal would therefore represent a sustainable form of development when assessed against the NPPF as a whole.

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 for the elderly, whilst safeguarding the environment and biodiversity, as well as being sympathetic to 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, L4, S1, S2, S6, T1, T2, T11, T13 and T14 of the Medway Local Plan 2003, paragraphs 8, 11, 60, 79, 98, 105, 110, 111, 112, 119, 126, 130, 162, 167, 169, 174, 179, 180, 181, 183, 185, and 186 of the NPPF and Policies H1, H3, H6, E&H2, E&H4, INFRA4, INFRA7, CF2 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 previous planning history associated with this site, 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 in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>