

MC/24/0279

Date Received: 7 February 2024

Location: Land south of View Road, Cliffe Woods, Rochester, Kent

Proposal: Construction of 25 dwellings with associated landscaping, parking, earthworks and new vehicular access from View Road.

Applicant Esquire Developments Ltd

Agent Mr James Daughtry

Ward: Strood Rural

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 5th June 2024.

Recommendation: Approval subject to:

- A. Notify Natural England of the intention to approve.
- B. Section 106 agreement to secure the following:
 - a) To allocate 6 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 6 housing units shall be at Discounted Market Value.
 - b) Financial contributions as follows:
 - i) £6,125 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) £5,519.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
 - iii) £5,783.50 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.

- iv) £21,134.25 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- v) £6,124 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- vi) £8,137.25 towards the development of a gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which will enable the help and supervision of carers at Hoo Sports Centre.
- vii) £8,411.08 towards mitigating the impact of the additional pupils generated by the development comprising.
 - Sixth Form - £8,411.08
- viii) £31,183.47 towards improving open space provision within the vicinity of the site, in consultation with the parish council.
- ix) £8,206.75 towards Designated Habitats Mitigation.
- x) £4,000 towards making a Traffic Regulation Order- provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.

Other non-financial obligations include.

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

C. The imposition of 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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29947D/20 - Proposed Plans and Elevations (Plots 70, 75 and 79)
29947D/21 - Proposed Plans and Elevations (Plots 69, 71, 74, 76 and 80)
29947D/22 - Proposed Plans and Elevations (Plots 81, 82, 85 and 86)
29947D/23 - Proposed Plans and Elevations (Plots 83 and 84)
29947D/24 - Proposed Plans and Elevations (Plots 88, 90 and 92)
29947D/25 - Proposed Plans and Elevations (Plots 87, 89, 91 and 93)
29947D/26 - Proposed Plans and Elevations (Plots 72, 73, 77 and 78)

29947D/27 - Proposed Plans and Elevations (Garages)
VIE-EDL-ZZ-XX-DR-L-0100 P2 - General Arrangement Plan

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29947D/01 Rev A - Site Location Plan
29947D/02 Rev A - Block Plan
29947D/10 Rev A - Proposed Site Plan
29947D/12 Rev A - Proposed Parking Strategy
29947D/13 Rev A - Proposed Refuse Strategy
29947D/14 Rev A - Proposed Fire Strategy
29947D/15 Rev A - Proposed Boundary Treatment Plan
29947D/16 Rev A - Proposed Movement Plan
29947D/17 Rev A - Proposed Housing Mix Plan

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29947D/1000 - Proposed Site Sections

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control, lighting and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

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

- 4 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority (LLFA). The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

Reason: Required prior to commencement to manage surface water during construction and for the lifetime of the development as outlined at Paragraph 173 of National Planning Policy Framework 2023.

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

The scheme shall include (where applicable):

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

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

Reason: Required before commencement of the development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 173 of National Planning Policy Framework 2023.

- 6 No development shall take place, until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include the following:

- I. A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities.
- II. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection.
- III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.

- IV. The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees.
- V. The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels.
- VI. The details of the materials and method of construction of any development within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.

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.

- 7 Prior to works commencing within the site an ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The ecological mitigation strategy must include the following:
 - o Preliminary Ecological Appraisal (less than 1 year old).
 - o Updated specific species surveys (if required).
 - o Overview of the mitigation required.
 - o Detailed methodology to implement mitigation.
 - o Timing of works.
 - o Details of who will implement it.
 - o Interim management plan.
 - o Details of any monitoring required.

The plan must be implemented in accordance with the details approved.

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

- 8 Prior to works commencing details of a habitat creation and establishment plan must be submitted to and approved in writing by the Local Planning Authority. The habitat creation and establishment plan must include the following:
 - o Landscaping plan.
 - o Details of how the habitats will be established.
 - o Species list.
 - o Timings of the works to be carried out.
 - o Interim management Plan to establish the habitats.
 - o Details of monitoring.

The plan must be implemented in accordance with the details approved.

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

- 9 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.

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

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

- 11 No development above ground floor slab level shall take place until details of the design, siting and ongoing management of the cat proof fencing along the western boundary to the SSSI has been submitted to and approved in writing by the Local Planning Authority. The cat proof fencing shall be installed in accordance with the approved details before any of the dwellings are occupied and shall thereafter be retained, monitored and maintained in accordance with the details approved.

Reason: Required before commencement of development to ensure that an acceptable cat proof fence can be secured to prevent adverse effects of cat predation on nightingales and other wildlife interest within the adjacent SSSI in accordance with Policy BNE35 of the Medway Local Plan 2003.

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

Reason: In the interests of sustainability in accordance with paragraph 116e of National Planning Policy Framework 2023.

- 13 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: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 173 of the National Planning Policy Framework 2023.

- 14 Prior to first occupation a habitat management plan must be submitted to and approved in writing by the Local Planning Authority. The plan must include the following information:

- o Details of habitats on site and existing conditions.
- o Landscaping plan.
- o Overview of management to be implemented.
- o Timetable of management requirements - capable of being a 5-year rolling plan.
- o Details of who will implement the management.
- o Details of how it will be funded.
- o Ongoing monitoring and management plan reviews.

The plan must be implemented in accordance with the details approved.

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

- 15 No part of the development shall be occupied until visibility splays of 2.4m x 43m at the junctions of the application site with View Road have been provided. 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.

- 16 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 where applicable all public seating, footpaths, litter and dog bins, paving, underground utilities, SUDs and recreation space. 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.

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

- 18 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.

- 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. 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, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 20 No part of the development shall be occupied until details of the proposed information packs and signage have been submitted to and approved in writing by the Local Planning Authority. The information packs and signage should detail the presence of the SSSI, how to enjoy the designation in a sustainable

way and lists alternative areas of green space to visit. The information packs shall be provided in accordance with the approved details prior to or upon first occupation of any individual dwelling and the signage/interpretation boards shall be provided in accordance with an 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.

- 21 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 shall 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.

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

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

- 23 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking spaces/garaging has been provided, surfaced and drained. Thereafter they shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging and visitor spaces.

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

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

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

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

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

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 159 of the National Planning Policy Framework 2023.

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

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

- 28 No dwellings hereby approved shall be occupied at any time other than by a person aged 55 or older together with their spouse, partner or companion as appropriate, or dependent providing they are aged 16 or older, except that where a person aged at least 55 years is predeceased having resided within

the development as a spouse, partner or companion, that person may continue to reside within the development.

Reason: In view of the need for older persons accommodation in the area as highlighted in Policy H7 of the Cliffe and Cliffe Woods Neighbourhood Plan and in accordance with paragraph 63 of the National Planning Policy Framework 2023.

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

Proposal

This application seeks planning permission for the construction of 25 age restricted dwellings for owners/occupiers in the over 55 age group. The proposal is not providing extra care or high-level care facilities, but for the active elderly, looking to 'downsize'.

The dwellings would comprise a mix of 2 and 3 bed bungalows and houses, consisting of the following mix.

- 2- bed Bungalow - Total of 13 (7 private, 6 discount market)
- 3- bed Chalet Bungalow – Total of 8 (all private)
- 3- bed House – Total of 4 (all private)

In view of the specialised nature of the proposal providing housing for the over 55s, it is not proposed to provide affordable homes, as the development is aimed at the downsizer market. Instead, it is proposed to meet the affordable housing need via a 'Discount Market Sales' system, whereby 6 of the properties will be sold at a discount of at least 20% below local market value. A similar approach was agreed in granting extant permission under MC/22/1713 for the retirement homes on the same site which was secured within the legal agreement.

Parking would be provided either in the form of garages or surface parking, and a pallet of materials and architectural detailing has been adopted within the design to reflect the architectural styles and materials of the adjacent development (MC/21/1694). This includes indicative materials such as red clay tiles, reconstituted blue slate, facing brick and weatherboarding.

Access to the development will be from View Road via a new priority junction. This access arrangement would be the same to that already approved under MC/22/1713. Upon entering the site, it is proposed that the road will extend into the southern section of the site with a footway running along the western side of the road for pedestrians. This footway will terminate after approximately 45m, where a shared surface will continue throughout the remainder of the site. A pedestrian link will also be provided to the adjacent site.

Four dwellings (Plots 69- 72) will gain vehicular access from the adjacent scheme, secured under permission MC/21/1694. The application also proposes a landscape strategy with a scrub buffer to the ancient woodland and Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI). The existing landscaped frontage

along View Road (in the form of trees and hedgerow) will also be retained/enhanced and each dwelling will be provided with a private garden.

Site Area/Density

Site Area: 1.24 hectares (3.1 acres)

Site Density: 20 dph (8 dpa)

Relevant Planning History

MC/22/1713

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.
Decision: Approval with conditions
Date: 10 May 2023

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: Approved with Conditions.

Date: 30 January 2023

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, Lower Medway Internal Drainage Board, National Gas Transmission, Southern Gas Networks, UK Power Networks, Kent Police, Kent Fire and Rescue Service, Dickens Country Protection Society, Natural England, Kent Wildlife Trust, Royal Society for Protection of Birds, KCC Biodiversity and KCC Archaeology have also been consulted.

12 letters of representation from **10** different addresses have been received objecting to the application for the following reasons.

- Harm to the character and appearance of the local area.
- Proximity of development to Englefield Crescent and the lack of a buffer.
- Visual impact of the development.
- Potential loss of privacy.
- Loss of Greenfield site and agricultural land.
- Public transport in the area is inadequate.
- Impact on existing infrastructure and local amenities such as doctors, dentists, schools and local amenities.
- Proposed access is unsuitable and unsafe due to visibility.
- Pedestrian safety due to additional vehicle movement and no footpaths.
- Impact of additional traffic and congestion on B2000.
- Noise and pollution/air quality.
- Environmental Impacts (loss of habitats and wildlife).
- Impact during construction period.
- Impact on SSSI/Ancient Woodland.
- Cumulative impact of existing committed/consented developments on Cliffe Woods.
- Increased Flood Risk.

The following comments received would be non-material planning considerations.

- The loss of access from the gardens of adjacent properties on Englefield Crescent into what are presently fields.
- Complaints in respect to the developer on other development sites.

Cliffe and Cliffe Woods Parish Council have advised that if it was not for the previous application that was approved on the site at appeal they would have objected to the application. They have however made some observations in respect to the development as now proposed and notably the removal of the buffer zone between the back gardens of Englefield Crescent which they would like to see reinstated. They would also support changes to incorporate one access to serve both this application and the development proposed under MC/21/1694. The Parish Council have advised that they would also expect to see a Section 106 contribution towards community facilities in Cliffe Woods.

The Environment Agency have written to advise that they have no comments to make on the application.

Southern Water Services have advised that they require a formal application for a connection to the public sewer to be made. Standing advice has also been provided regarding the adoption of Sustainable Drainage Systems (SuDS) and sewerage systems. 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.

The **Lower Medway Internal Drainage Board** have questioned why surface water discharge to a watercourse has been discounted especially as gravity isn't a limiting factor with a pumped outlet being proposed. They have also advised that if the design is amended, the applicant should be aware that any proposal to alter a watercourse or discharge to a watercourse within the vicinity of the site would require consent under the Land Drainage Act 1991 and /or from the North Kent Marshes Internal Drainage Board. Should the Council be minded to grant permission, they advise that it would be prudent to condition a full scheme for surface water disposal based on SuDS principles, a maintenance schedule and a Construction Surface Water Management Plan.

National Gas Transmission have advised that the area has been found to not affect any of National Gas Transmission apparatus.

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

UK Power Networks have provided details of electrical lines and plant in the area. They have also provided standing advice with regards to working near their equipment.

The applicant is also advised to contact UK Power Networks should excavation affect extra high voltage equipment (6.6KV, 22 KV, 33 KV or 132 KV).

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

Kent Fire and Rescue have advised that their access requirements appear to have been met and would be subject to a Building Regulation consultation.

The **Dickens Country Protection Society** have advised that the buildings in the top northeast corner of the site would appear out of place and would present an almost continuous expanse of development impacting unfairly on the amenity of existing residents.

Natural England are objecting to the application due to its potential significant effects on the Chattenden Woods and Lodge Hill Site of Special Scientific Interest. This is given the proximity of the site to the SSSI boundary and the potential for urbanisation effects (including cat predation to nightingales). In the absence of robust, site specific, evidence-based appraisals they contend that the scale of the impact and the effectiveness of the mitigation measures proposed for the development are unknown. As the development lies immediately adjacent to the SSSI, the mitigation measures proposed are also unlikely to be effective in avoiding or fully mitigating the potential impacts. They have requested further information with respect to a detailed impact assessment and clarity on the likely impacts of the proposal to the population of Nightingales within the Chattenden Woods and Lodge Hill Site of Special Scientific Interest, further detail on the proposed mitigation measures to provide a high degree of certainty that impacts from cat predation and urbanising effects upon the nationally important Nightingale population will be fully avoided and further information on the likely impact and effectiveness of the measures proposed to avoid recreational impacts and urbanising effects to the SSSI. They have also requested details of the monitoring, management and maintenance of the proposed measures to ensure the effectiveness of the avoidance and mitigation measures in-perpetuity.

The **Kent Wildlife Trust** have objected to the application on the grounds that the proposal will result in negative impacts to the Chattenden Woods and Lodge Hill SSSI and its sensitive features which include breeding nightingales. They consider that the proposed mitigation measures that have been put forward by the applicants are unenforceable, likely to be ineffective, difficult to monitor, and untested.

The **Royal Society for Protection of Birds** have objected to the application as in their view the proposal would have an adverse effect on the integrity of Chattenden Woods and Lodge Hill SSSI and its Nightingale population, locking in harmful impacts to this designated feature in perpetuity, undermining any habitat improvement in the future, and adding to the pressures created by adjacent development MC/21/1694.

KCC Biodiversity have advised that they have reviewed the ecological surveys, and they are satisfied that appropriate species mitigation can be implemented within the site itself. 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 and the important habitats its supports. They have advised that additional information is required assessing the impact the proposal will have on the SSSI.

KCC Archaeology have advised that the archaeological field evaluation carried out by Wessex Archaeology encompasses the proposed development site and part of the adjoining residential development site (under MC/21/1694). Within the red-line area no significant archaeology was identified during the evaluation and no further archaeological work is therefore required within the application site

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and the Cliffe and Cliffe Woods Neighbourhood Plan May 2023 (NHP). As the NHP was made in May 2023 it is therefore the most-up-date Development Plan document. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework (December) 2023 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

Planning Appraisal

Background

As detailed within the relevant planning history section of this report above, this site has been subject to several planning applications over the past 6 years, whereby the principle of residential development has previously been accepted.

In 2018, outline planning permission (with all matters reserved except for access) was originally allowed at appeal by the Planning Inspectorate for the construction of 50 retirement homes on this site comprising a 2/3 storey block of apartments and single storey bungalows with an ancillary meeting room, gymnasium, office and parking 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, the landscaping proposals were inadequate and there were amenity concerns. The applicants had also 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 2022 an application was then submitted under reference MC/22/1713 for the construction of 50 new retirement homes comprising three 3-storey apartment blocks for 42 flats and 8 bungalows. This application adopted a different design approach by repurposing the layout, orientation and the placement of buildings within the site. This scheme provided larger apartment blocks located at the southern and eastern edge with smaller bungalows located to the north of the site. A resolution to approve the application was subsequently agreed by committee on 14 December 2022 subject to the completion of a legal agreement and notification to Natural England under Section 281(6)(a) of the Wildlife and Countryside Act 1981. The decision notice approving the application was issued on 10 May 2023.

This current application seeks planning permission for the construction of 25 age restricted dwellings for owners/occupiers in the over 55 age group. The dwellings would comprise a mix of 2 and 3 bed bungalows and houses, which would align to the prevailing character of the surrounding area in terms of building heights.

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 but would fall within the village boundary as designated within the NHP area and as shown on Map 1 on page 4 of the NHP.

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 this means that 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.

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 31 March 2023 Medway's 5-year housing land supply stands at 3.3 years. 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. Paragraph 70 of the NPPF also recognises the contribution that small and medium sized sites can make to meeting the housing requirement and are often built-out relatively quickly.

The NPPF also provides a narrative in terms of housing proposals for the rural area at paragraph 83, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Paragraph 82 of the NPPF also requires that decisions should be responsive to local circumstances and support housing developments that reflect local needs.

Paragraph 109 of the NPPF 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 NHP was made in May 2023, and it is therefore the most-up-date Development Plan document. The NHP does not allocate sites for housing, however Policy H1 of the NHP is supportive of new housing development coming forward on Greenfield sites provided that it contributes to sustainable development. Policy H3 of the 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 principle of residential development at this location has previously been accepted by virtue of the original outline planning permission that was granted at appeal under APP/A2280/W/18/3202264 (now expired), and more recently extant permission MC/22/1713. Furthermore, and prior to the approval of MC/22/1713, an application was approved by planning committee for the construction of 68 dwellings on land extending further to the south and west 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.

Loss of Agricultural Land

Paragraph 180(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 NHP 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 was submitted alongside application MC/22/1713 which shows the site to comprise Grade 3a (the lowest grade of “best and most versatile” (BMV) agricultural land. E&E Map 2 within the NHP also identifies the site as Grade 3 agricultural land, and within an area that is no longer actively farmed.

The principle of development on this site has previously been established as outlined in the previous section of this report, and 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 62) of the NPPF.

Landscape and Visual Impact

The site itself 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 180 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 (Biodiversity) of the NHP.

Policy SUSDEV4 of the NHP 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.

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. 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.

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 granted planning permission by committee for 68 dwellings under MC/21/1694. 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 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 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 be replaced with housing. Consequently, there would be conflict with Policy BNE25(i) of the Local Plan and paragraph 180(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 visually 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 also been granted on the orchard and agricultural land immediately to the south and west for 68 dwellings. Although this has not yet been built, preparatory works have started on site and when this does come forward it will significantly change the way in which this site is viewed in the context of the existing southern edge of Cliffe Woods.

A Landscape and Visual Appraisal was undertaken and submitted as part of application MC/22/1713. This assessment was based on a scheme of 50 units comprising three 3-storey apartment blocks for 42 flats and 8 bungalows. The LVA identified that there was 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). Given the presence of the built-up area of Cliffe Woods is apparent in longer distance views from the south and west, it was also assessed that the development would not cause significantly adverse changes to general public visual amenity.

In determining the previous application, it was acknowledged that the landscape and visual character of the site itself would be fundamentally changed by converting a former agricultural site to a residential use, however this was deemed to be only of low magnitude when considering the wider changes to the prevailing landscape and visual character of the wider area.

A series of landscape mitigation measures were proposed as part of application MC/22/1713 to minimise the visual impact. This included buffer planting along the southern and western boundaries for effective and contextual landscape mitigation as well as the retention and enhancement of existing landscape structure. A similar approach has been adopted with this current application to reduce the impact of the development on the wider landscape. This includes but is not limited to providing an approx. 20m wide scrub and grassland buffer to the ancient woodland to enhance the habitat opportunities and protect the woodland edge; maintaining and enhancing the green frontage to View Road and providing new street tree planting and green infrastructure within the development itself.

Furthermore, the reduction in the size and scale of development when compared to the extant permission (MC/22/1713), is more in keeping with the landscape setting of the surrounding area. The lower densities will also give the impression of the site appearing more open and will provide a 'softer' backdrop to the existing built-up area. In addition, the scheme has also been designed to assimilate with the adjoining residential development for 68 homes. It follows its layout arrangement, as well as adopting its hard and soft landscaping strategy thereby providing consistency across the two sites.

Overall, it is considered that the scheme would not result in any unacceptable harm to the landscape, nor the wider countryside. 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 180 of the NPPF and policy SUSDEV4 of the 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 131 and 135 of the NPPF also emphasises the importance of good design and that proposals should be visually attractive as a result of good architecture.

Policies H6 and E&H4 of the NHP also state 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 respond to the design principles adopted on the adjacent site to the south (MC/21/1694) and would comply with policies promoting good design. The design of the properties and choice of materials would also be acceptable when viewed in context with the existing properties in the surrounding area. There would also be a mix of bungalows, chalet bungalows and houses which would add contrast and diversity to the scheme.

The design of the proposed dwellings also seeks to add variety and interest to the roofs, incorporating dormers (chalet bungalows) and design features such as hipped and gabled roofs, wooden cladding 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 vertical tile hanging.

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, fascia's and soffits.

Scale and Layout

The NHP design guidelines state that buildings should be sympathetic in scale to the context and should not exceed 2-2.5 storey in residential areas. There would be a mix of bungalows, chalet bungalows and houses which would not exceed 2 storeys in height. The scale of the development would therefore be acceptable, and the lower density now proposed in comparison to extant permission MC/22/1713, would be more in keeping with the urban form in the surrounding area. Furthermore, and at 20 dwellings per hectare, the density of the proposal would fall below the parameters set within Policy H8 of the NHP, which stipulates no more than 30 dwellings per hectare on greenfield sites.

The layout of the development would also respond to the design principles adopted for the adjacent site and would provide a pedestrian link into the adjacent parcel. The NPPF promotes access to open spaces (paragraph 102) and recognises 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 NHP also encourages proposals which include new leisure and recreation facilities where they are adequate to meet the needs generated by new proposals.

Although there would be very limited open space provision on site, the proposed development has been designed to appear as a continuing arm of the neighbouring development, rather than a separate entity. As such, future residents would have access to the open space and amenities that will be delivered as part of the adjacent development. In addition, and in recognition of the need to contribute to enhancements to new and existing open space a S106 contribution has also been requested.

The design, scale and layout of the development is therefore considered acceptable and subject to a condition with respect to external materials no objections are raised with regard to Policy BNE1 of the Local Plan, paragraphs 131 and 135 of the NPPF and Policies H6 and E&H4 of the NHP.

Affordable Housing

Policy H3 of the Local Plan sets a target of 25% affordable housing 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 NHP also states that new development should reflect local housing need with a desire for small bungalows and small family accommodation.

It is proposed that six of the 25 dwellings will be discounted market sale housing. These will be sold at 80% of the open market value thereby meeting the needs of the elderly who have reduced incomes. Discounted market sale housing is recognised as a type of affordable housing under Annex 2 of the NPPF and a similar approach was agreed by the Council in granting the extant permission for the retirement homes under MC/22/1713.

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 135 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 has been granted planning permission for the construction of 68 dwellings under MC/21/1694.

There would be a separation distance ranging from approx. 11m – 15m between the rear elevation of the proposed bungalows (plots 81- 86) along the eastern boundary and the boundary line with the adjacent properties on Englefield Crescent. Furthermore, the land level rises from west to east, so Englefield Crescent is situated at a higher level than the application site. When taking account of this distance and the fact that these dwellings would be bungalows, and therefore would be limited to a single storey, it is considered there would be no adverse impact in terms of loss of privacy, or loss of daylight or sunlight.

Similarly, and although built form would be located closer to the boundary with 4 View Road, when compared to the previous consented scheme, both plots 86 and 89, would also be bungalows, and therefore limited to a single storey. Furthermore, the orientation of 4 View Road is such there would be oblique views of plot 89, which would be the closest property to its boundary at circa 2.8m, and plot 86 would be located at a distance of approx. 22.5m from its rear elevation. Subsequently, there would be no adverse impact in terms of loss of privacy, or loss of daylight or sunlight.

In summary and given the arrangement of the proposed dwellings within the site and their relationship with the dwellings in View Road and Englefield Crescent, as well as those approved on the adjacent site, the impact on neighbouring amenity is considered acceptable with regards to daylight, outlook, privacy and overshadowing. Similarly, and by virtue of the scale of the proposed dwellings, and their siting in relation to the existing residential properties to the north and east, the proposal would not have an unacceptable overbearing impact on neighbouring residents either.

However, in recognition of the rural nature of the site and where extensions to the properties, and particularly those located along the eastern boundary, could alter the visual cohesion 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, AA, B, D, E, F and G. It is also recommended that permitted development rights are removed with regard to the change of use from Class C3 dwellinghouse to Class C4 small HMO in the interest of amenity given the prevailing character of the area and its location.

A condition requiring the submission of a Construction Environment Management Plan will also be imposed 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.

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 in the form of private gardens which would be compliant with the guidance as set out in the Medway Housing Design Standards.

The proposal is therefore considered to comply with Policy BNE2 of the Local Plan and paragraph 135 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 as mentioned in the amenity section above, the proposal is considered to be in

accordance with Policy BNE2 of the Local Plan and paragraphs 135, 180 and 191 of the NPPF.

Air Quality

An Air Quality Assessment (AQA), (Ref; J0653/1/D1) was submitted under the previous application for this site under MC/22/1713. An Air Quality Assessment (AQA) (Ref; 4049/MD/10/2021) was also undertaken for the adjacent site under MC/21/1694.

Whilst the development itself is unlikely to have an impact on air quality when considered in isolation, the adjacent site in combination with the current proposals for this site present a cumulative increase in emissions. The adjacent development site permitted under MC/21/1694 included a specific condition for an emissions mitigations statement (condition 12), however with this site, and given the extent of development, it would be appropriate to only require the provision of standard air quality mitigation. This can be secured by condition and would require the provision of 1 electric vehicle charging point per dwelling. As the development would be utilising air source heat pumps the standard requirement for all gas fired boilers to meet an emissions rate of less 40mgNOx/kWh would not be applicable.

In view of the above, and subject to the above-mentioned condition, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

Contamination

A Phase 1 contaminated land assessment, a Phase 1 Desk Study and Phase 2 Intrusive Investigation was undertaken on areas of the site as part of planning reference MC/21/1694. This investigation did not find any results of concern and a watching brief condition was recommended.

When considering the previous report's findings, 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 189 and 190 of the NPPF.

Flooding and Drainage

A Flood Risk Assessment, (Ref; AMA824 Rev 0) and Drainage Strategy Report (Ref; IDL/1220/DS/001) has been submitted with the application and assessed with regards to Policy CF13 of the Local Plan and paragraphs 168, 173 and 175 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 southwest 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. Therefore, the proposed surface water drainage will discharge to the Southern Water sewer on View Road.

The adjacent residential scheme approved under MC/21/1694 proposes a pumped-fed surface water drainage system with SuDS features such as balancing ponds and permeable paving. Given the proposed site layout, natural topography, and density, it is proposed to discharge surface water runoff from this scheme via the proposed adjacent surface water network and onsite SuDS (balancing ponds), which will then be pumped to the surface water sewer in View Road. A connection would be subject to a formal agreement with Southern Water. It is proposed that the foul network will discharge into a lateral spur connection on the adjacent residential scheme approved under MC/21/1694.

The drainage details are considered acceptable, 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 would be in accordance with Policy CF13 of the Local Plan and paragraphs 168, 173 and 175 of the NPPF.

Archaeology

An Archaeological Evaluation (Ref; JAC28735) has been submitted with the application. The report by RPS Consulting sets out the results of an archaeological field evaluation carried out by Wessex Archaeology. The evaluation encompasses the proposed development site and part of the adjoining residential development site approved under MC/21/1694. Within the red-line area no significant archaeology was identified during the evaluation and no further archaeological work is therefore required within the application site

Subsequently, no objection is raised under Policy BNE21 of the Local Plan and paragraph 200 of the NPPF.

Ecology

An Ecological Appraisal (Ref; EC0-6752), dated 30 January 2024 and Reptile Mitigation Strategy, dated April 2024 has been submitted with the application.

Alongside this appraisal the applicant has also submitted the SSSI Technical Briefing Note and Independent Review of Ecological Technical Briefing Note and Supporting Ecological Evidence on Nightingales that was submitted as part of MC/21/1694.

The site was surveyed in November 2023 based on standard extended Phase 1 survey methodology. In addition, a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific surveys conducted in respect to bats and badgers. The report is also informed by previous survey work undertaken within the adjacent land to the south and west under planning reference MC/21/1694.

Bats

No specific records of bats from within or adjacent to the site were returned from the study. Whilst habitats at the margins of the site (notably hedgerows) may offer some potential for foraging and commuting bats, the majority of the site, being dominated by a grassland field, is likely to be of low value to bats. Furthermore, given the site comprises only a small area of land, bats are likely to use the site as part of a wider foraging area, and it is unlikely to be of particular significance in a local context. The adjacent woodland is likely of value to foraging and commuting bats, however this will be fully retained.

Badgers

No Badger setts were found within or immediately adjacent to the site, nor were any latrines or dung pits recorded. There were no recorded signs of Badgers foraging in or commuting through the site. As such, based on the lack of evidence for this species, it is considered that they are unlikely to be present at the site. Albeit there is potential for this species to colonise the site and wider survey area in the future, and as such safeguards have been recommended. This includes an updated survey prior to the commencement of site works, and specific measures that will be implemented during construction including a watching brief.

Dormouse

No specific records of Dormouse were returned from the desktop study from within the site or in a 2km radius. The 2021 survey of land to the south and west of the application site also received negative results with no dormice recorded and the species was considered to be absent from the site. The site itself is dominated by modified grassland which is unsuitable for Dormice. The hedgerows and off-site woodland provide potential habitats, however given the absence of this species during surveys of the adjacent land (which included habitats immediately adjacent to those within the site), it is considered that this species is not considered to form a constraint to the proposals.

Water Voles and Otters

The habitats within the site itself are generally unsuitable for Water Voles and Otters, comprising mostly a modified grassland field with no wetland features. 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, it is considered that Water Voles and Otters are unlikely to be present within the onsite habitats and they do not form a constraint to the proposals.

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.

Amphibians

Great Crested Newt surveys were undertaken during 2021 for four ponds within the surrounding area to inform the application for the land adjacent under MC/21/1694, utilising environmental DNA (eDNA) analysis. All the ponds surveyed returned a negative result, indicating the absence of Great Crested Newts. Due to the absence of Great Crested Newts from the surveyed offsite ponds, and the low suitability of the onsite habitat, this species is considered to be absent and does not form a constraint to the proposals.

Reptiles

Reptile surveys have been completed within the land directly adjacent to the east and south under MC/21/1694. The surveys found the adjacent land supported low populations of Common Lizard, Slow Worm and Grass Snake. As part of this survey, refugia were placed along a transect within the land directly to the south of the site boundary which forms a continuation of grassland field. A Slow Worm was recorded along this transect during the survey work.

The grassland field and patches of taller grass sward adjacent to hedgerow margins offer potential to support reptiles. Given the survey work directly adjacent to the site recorded the presence of reptiles, it can be assumed that reptiles utilise habitats within the site and will be impacted by the proposed scheme. However, given the small area of habitat, the site is considered to be of importance for reptiles at the local level only.

Under the proposals the majority of the suitable reptile habitats are being lost. Areas adjacent to those where reptiles have been recorded will be affected by construction works posing the potential risk of injury or disturbance to reptile species. On the basis

of the survey results and the low reptile populations recorded, it is considered that these species can be appropriately safeguarded by a habitat manipulation exercise. This can be secured as a condition of the approval.

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 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.

Invertebrates

No evidence for the presence of any protected, rare or notable invertebrate species was recorded within the site. The site is dominated by modified grassland, which may be utilised by common species of invertebrate, however it is only likely to support a limited diversity of species. Given the habitat composition of the site, it is considered unlikely that the proposals will result in significant harm to any protected, rare or notable invertebrate populations, and the site is not considered to support an important invertebrate assemblage.

Trees and Hedgerows

The Arboricultural Report (Ref; GRS.124.23) dated 30 December 2023 states that one tree (category B) will need to be removed and a section of hedge (category B) to facilitate the access. All other hedgerows and trees to be retained within the proposed development shall be protected during construction in line with standard arboriculturist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturist. This will involve the use of protective fencing and temporary ground protection as well as other methods appropriate to safeguard the root protection areas of retained trees/ hedgerows. This includes excavation by hand where excavation is required within root protection areas. 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 is recommended.

Ecological Enhancements and Biodiversity Net Gain (BNG)

The application was submitted before the 12th of February 2024, and as such the mandatory requirement to deliver 10% BNG would not apply to this application.

The proposals present the opportunity to secure a number of biodiversity net gains, including new planting and areas of habitat creation, this includes new roosting

opportunities for bats, and more diverse nesting habitats for birds, bees and hedgehogs.

Paragraph 180(d) of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity and paragraph 186(d) states that plans should secure measurable biodiversity net gains. Policy E&H2 of the NHP also requires that development protects and enhances biodiversity in line with the NPPF and Local Plan requirements.

As part of the Ecological Appraisal wildlife enhancements have been proposed as mentioned above. An appropriate condition is recommended 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 bound to the east by the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI), with this area of the SSSI being of importance for the ancient and semi natural woodland habitat and the nationally important population of breeding nightingale that the site supports. Policy BNE35 of the Local Plan seeks to protect direct or indirect harm to the wildlife interest of international and national conservation sites including SSSI's 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 180 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 186 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 for 50 retirement homes under MC/16/3742 a 'No Pets Policy', was accepted by the Inspector and secured by means of a Section 106 agreement as part of the appeal process. In accordance with the advice issued at the time by 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.

In approving a subsequent application in May 2023 for the same quantum of development in terms of unit numbers under MC/22/1713, a similar methodology with respect to pet ownership was also secured by means of a legal agreement, however this was modified to allow residents to have “dogs and other pets”, but not cats. This modification was proposed on the basis that the principle of a 'No Cat Policy' was accepted by committee members on the adjacent site under MC/21/1694. A resolution to approve both applications was agreed by planning committee subject to notification to Natural England under Section 281(6)(a) of the Wildlife and Countryside Act 1981. This was on the basis that Natural England had objected to both applications. In discharging its duty, the Council wrote to Natural England setting out the terms of how it had taken account of their advice. In the case of both MC/21/1694 and MC/22/1713 although Natural England disagreed with the Council's decision, they did not exercise the remit and powers available to them.

Natural England have also objected to this current application due to the concerns they have in relation to its potential significant effects on the Chattenden Woods and Lodge Hill Site of Special Scientific Interest. In summary, and having considered the information submitted in support of this application, Natural England requested that the following information was provided:

- Further, evidence-based appraisal of the nature and scale of the likely impacts resulting from the proposal to the habitats and population of nightingales within the Chattenden Woods and Lodge Hill Site of Special Scientific Interest (SSSI);
- Evidence based information to demonstrate the effectiveness of the proposed measures to avoid or fully mitigate impacts to the SSSI from recreational impacts and urbanising effects including cat predation upon the nationally important nightingale population; and
- Details of the monitoring, management and maintenance of the proposed to ensure the effectiveness of the avoidance and mitigation measures in-perpetuity.

As outlined above the principle of allowing residential development on this site has previously been established subject to a 'No Cat Policy', and other mitigation measures including cat proof fencing, a dense shrub buffer to separate the proposed dwellings from the boundary with the SSSI and information packs which would detail the presence of the SSSI, alternative areas of green space to visit and advice regarding responsible pet ownership practices.

As part of this current proposal for 25 age restricted dwellings for owners/occupiers in the over 55 age group the applicant is proposing to implement and secure the same mitigation measures as previously accepted under MC/22/1713. This would include a 'no cat policy' within the proposed development to be secured through a legal agreement with Medway Council which means that future homeowners or occupants of the proposed development will not be allowed to own or look after a cat in their home. The 'no cat policy' also includes monitoring by the Management Company for the lifetime of the proposed development to ensure that the policy is complied with. The Management Company will also safeguard funding to pay for any legal costs associated with enforcing any breach or suspected breach of the policy.

If there are no cats within the proposed development, then there will be no new cat predation associated with it on Nightingales and other species within Chattenden Woods and Lodge Hill SSSI. Furthermore, any existing cats from residential dwellings to the north of the Site, will also be deterred from continuing to access Chattenden Woods and Lodge Hill SSSI through the site as cat proof fencing is proposed along the western boundary. This will help to reduce existing cat predation risks. This will also extend further around the eastern and southern boundary of the adjacent land parcel as part of the mitigation measures proposed under MC/21/1694.

The plans also show a minimum approx. 22m buffer from the outer edge of the proposed southern footpath to the Ancient Woodland. The buffer zone will also be planted with dense scrub/hedgerow planting, discouraging access and blocking up the existing informal access to the woodland, but also providing a new habitat adjacent to the development.

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.

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).

The Council have successfully defended two recent appeals for residential development on land off Lodge Hill Lane under APP/A2280/W/23/3325107 and APP/A2280/W/23/3325108. In both these cases the site was directly adjacent to the Chattenden Woods and Lodge Hill SSSI, where the main issues were the effect of the proposed development on the SSSI with regard to increased recreational activity and the effect on nightingale birds from cat predation. In dismissing the appeals and in both these cases the Inspector was not satisfied that the proposed mitigation measures including a 'no cat policy', cat proof fencing, green buffer and the provision of information packs would be fully effective in mitigating the impacts of the development.

However, each application must be considered on its own individual merits. In the case of this application the developments would be situated a greater distance from suitable habitats for nightingales than the proposed development, with the 2012 data showing less nightingale territories in the Cliffe Wood area when compared to those surrounding the appeal site. As part of the previous application for the adjacent site the applicant also surveyed the habitats within the Site and also land within the adjacent Chattenden Woods and Lodge Hill SSSI. During the Phase 1 Habitat Survey the ecologist did not identify or record habitat that was suitable for breeding Nightingales within at least 500m of the Application Site boundary within the Chattenden Woods and Lodge Hill SSSI. Therefore, the individual merits of the case are different, and as confirmed by the Inspector at paragraphs 20 and 21 of the respective appeal decisions when referring to the development proposals that had been consented on both this site and the adjacent parcel to the south, "the developments are not directly comparable to the appeal proposal".

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 for a larger quantum of development, 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. Therefore, and subject to conditions and/or a section 106 agreement where applicable to secure the mitigation measures as outlined by the applicant the proposal would not have an adverse effect on the SSSI. Consequently, the proposal would be in accordance with Policies BNE35 and BNE37 of the Local Plan, paragraphs 180 and 186 of the NPPF and Policy E&H2 of the 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 approx. 22m buffer from the outer edge of the proposed southern footpath to the Ancient Woodland. The buffer zone will also be planted with dense scrub/hedgerow planting, discouraging access and blocking up the existing informal access. This buffer planting will also extend further to the south as part of MC/21/1694. 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 £328.27 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>

The applicants have agreed to pay this tariff, and this 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 187 and 188 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 109 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 115 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 NHP also stipulates parking standards for new development and Policy INFRA7 seeks improvements of visibility on the B2000 at its junction with View Road. In addition, Policy INFRA3 requires new developments to make improvements to existing footpaths, alleyways, public rights of way and bridleways.

The application has been submitted with a Transport Statement (Ref; PL/TV/32253).

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 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 under MC/16/3742, and subsequently under MC/22/1713. The quantum of development proposed in terms of units would be significantly lower than those previous approvals.

Access and Highway Safety

Access to Plots 73-93 would be from a new bell mouth junction with View Road and would be in the same location as the access approved under MC/22/1713. 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. This would be secured by means of a Section 106 agreement.

Access to Plots 69-72 will be derived via the neighbouring consented development MC/21/1694. The applicants have 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.

Compared to the previously consented development under MC/22/1713, the proposed development will result in a net decrease in vehicle movements, including seven trips in both the AM and PM weekday peak hours. 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 115 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 in terms of unit numbers would be lower than MC/22/1713, 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 1.5 spaces per two-bedroom unit, and 2 spaces per three-bedroom unit with a provision of 0.25 spaces per dwelling for visitors. This would yield a total requirement of 50 spaces including visitors. Under the proposed scheme, a total of 59 parking spaces (including 7 visitor spaces) would be provided according with these adopted standards.

However, Policy INFRA4 of the NHP also stipulates parking standards for new development within the neighbourhood plan area. This policy would yield a requirement for a higher number of parking spaces as the policy would require 2 spaces per two-bedroom unit, and 3 spaces per three-bedroom, with visitor provision at 1 space per 8 homes. Applying these standards that would equate to a total of 65 parking spaces.

However, Policy INFRA4 states that a lower provision of parking could be considered if there is a clear justification for applying a lower standard. In this case the development would be for age restricted dwellings for owners/occupiers in the over 55 age group and therefore the level of car ownership is likely to be lower than if this was traditional 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. Therefore, the number of parking spaces provided would be acceptable and would only equate to a shortfall of 6 spaces in comparison to the NHP requirements.

In addition, and although the NHP requires dimensions for individual parking spaces to be larger in comparison to those stipulated in the adopted vehicle parking standards, the size of spaces provided on site would be sufficient to accommodate most larger cars.

In view of the above the quantum of parking provided on site would be acceptable and a condition is recommended to secure the provision of the parking spaces prior to occupation and their future retention. It is noted that within paragraph 116 of the NPPF there is a requirement for new developments to be fitted with electric vehicle charging points and therefore a condition would be attached with any subsequent approval to fulfil this objective.

Summary of Highways

Paragraph 83 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. 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, T3, T4 and T13 of the Local Plan and paragraphs 109, 114 and 115 of the NPPF.

Climate Change and Energy Efficiency

The applicant has submitted a Sustainability Strategy as part of their Design and Access Statement which can be summarised as follows:

- The site proposes to adopt a fabric first approach, combined with Air Source Heat Pumps to provide heating and hot water.
- The development is seeking to bring forward a reduction in CO2 emissions in advance of and exceed Building Regulations requirements Part L and take a proactive approach in the construction of the dwellings to achieve CO2 reductions.
- Provision of EV charging points.

Further details of these measures will be requested as a condition if planning permission is granted in accordance with paragraph 159 of the NPPF.

S106 Matters

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken 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:

- a) To allocate 6 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 6 housing units shall be at Discounted Market Value.

b) Financial contributions as follows:

- i.) £6,125 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.) £5,519.50 towards improvements to library provision in the area and the mobile library visiting the vicinity of the site.
- iii.) £5,783.50 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- iv.) £21,134.25 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- v.) £6,124 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- vi.) £8,137.25 towards the development of a gender-neutral changing area including improved shower facilities with increased accessibility for families, schools and disability users which will enable the help and supervision of carers at Hoo Sports Centre.
- vii.) £8,411.08 towards mitigating the impact of the additional pupils generated by the development comprising:
 - Sixth Form - £8,411.08
- viii.) £31,183.47 towards improving open space provision within the vicinity of the site, in consultation with the parish council.
- ix.) £8,206.75 towards Designated Habitats Mitigation.
- x.) £4,000 towards making a Traffic Regulation Order- provision of yellow lines and signage for waiting restrictions on View Road, Cliffe Woods.

Other non-financial obligations include:

- c) 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.

In this regard, the Council is unable to demonstrate a five-year supply of housing land sought by paragraph 76 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, this includes age restricted general market housing for people aged over 55 and the actively elderly . 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 25 homes for over 55's, of which 6 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 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 contributions towards open space, 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 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. 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 and sensitivities.

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 over 55's, 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, BNE35, BNE37, BNE38, BNE39, BNE43, CF13, H3, L4, S6, T1, T2, T3, T4 and T13 of the Medway Local Plan 2003, paragraphs 11, 60, 70, 82, 83, 109, 114, 115, 131, 135, 159, 168, 173, 175, 180, 189, 190, 191 and 192 of the NPPF and Policies H1, H3, H6, E&H2, E&H4, INFRA4, INFRA7, CF2 and SUSDEV4 of the 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, its location and the number of objections received contrary to this recommendation.

Background Papers

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

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