

**MC/23/0531**

**Date Received:** 2 March 2023  
**Location:** Land south of Buckland Road, Cliffe Woods, Rochester, Medway  
**Proposal:** Construction of 45 dwellings (25% of which will be affordable), together with access, public open space and landscaping and associated works.  
**Applicant** Redrow Homes South East  
Josephine Baker  
**Agent** DHA Planning  
Mr David Harvey  
Eclipse House  
Eclipse Park  
Sittingbourne Rd  
Maidstone  
ME14 3EN  
**Ward:** Strood Rural Ward  
**Case Officer:** Hannah Gunner  
**Contact Number:** 01634 331700

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 23rd October 2024.**

**Recommendation - Approval subject to:**

- A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure the following:
- Secure a minimum of 25% affordable housing.
  - A contribution of £8,349.75 (£185.55 pd) toward Libraries. Specifically, to improve equipment and facilities at Hoo Library and/or the Community Mobile Library and/or Strood Library.
  - A contribution of £12,309.75 (£273.55 pd) toward Leisure. Specifically, the creation of a mindfulness studio with yoga hot pods at Hoo Sports Centre.
  - A contribution of £8,478.90 (£194.42 pd) toward waste and recycling services. Specifically the provision, improvement and promotion of waste and recycling services.
  - A contribution of £53,661.77 for nursery school provision within 2 miles of the development and/or SEND education in Medway.

- A contribution of £114,084.00 for primary school provision within 2 miles of the development and/or SEND education in Medway.
- A contribution of £66,088.62 for secondary school provision in mainstream or SEND secondary within Medway.
- A contribution of £11,025 (£245 pd) toward Public Realm. Specifically, toward improved civic space and gateways to Strood Town Centre.
- A contribution of £3,959.55 (£87.99 pd) toward youth development. Specifically, to aid youth development within the Cliffe Woods area.
- A contribution of £14,443.88 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- A contribution of £14,393.25 towards improving interpretation at Upnor Castle.
- Meeting the Council's costs.

B. 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:

A 937 011 Site Location Plan  
A1003 01 G Planning Layout  
A1003 01 G Planning Layout Colour  
A937 003 D Planning Layout - Character Areas Plan  
A937 003 D Planning Layout - Materials Plan  
A937 004 D Planning Layout - Massing Plan  
A937 005 D Planning Layout - Occupancy Plan  
A937 006 D Planning Layout - Parking Plan  
A937 007 D Planning Layout - Affordable Housing Layout  
A937 008 E Planning Layout - Enclosure Plan  
A937 009 D Refuse Strategy Plan  
A937 013 A Fire Attenuation Plan  
A1003 55 E Street Scenes A-D

A1003 3A Letchworth Plans  
A1003 65 Letchworth Part Cladding  
A1003 66 Leamington Lifestyle Brick  
A1003 67 Leamington Lifestyle Render  
A1003 66 Overton Render

A1003 17A Cambridge Brick  
 A1003 18A Cambridge Part Cladding  
 A1003 50A Harrogate Full Render  
 A1003 20A Harrogate Part Cladding  
 A1003 51A Harrogate Full Cladding  
 A1003 70 Henley Plans  
 A1003 71 Henley Brick  
 A1003 38A Leadsham Plans  
 A1003 40A Leadsham Render  
 A1003 24A Richmond Plans  
 A1003 25A Richmond Brick  
 A1003 26A Richmond Render  
 A1003 28A Hampstead Plans  
 A1003 29A Hampstead Brick  
 A1003 30 Hampstead Render  
 A1003 31A Tavy Spey 2 Block Plans  
 A1003 32A Tavy Spey 2 Block Cladding  
 A1003 33A Tavy Spey 4 Block Plans  
 A1003 34A Tavy Spey 4 Block Cladding  
 A1003 54A Buxton 2 Block Brick  
 A1003 36 Single Garage  
 A1003 37 Twin Garage

2968-EXT-PP-01 P4 Planting Plan Sheet 1 of 4  
 2968-EXT-PP-02 P2 Planting Plan Sheet 2 of 4  
 2968-EXT-PP-03 P2 Planting Plan Sheet 3 of 4  
 2968-EXT-PP-04 POS P2 Planting Plan Sheet 4 of 4  
 22-033-111 A Proposed Landscaping Plan  
 2968-DT-09 P2 Technical Detail Planting on Bund

22-033-107 E Surface Water Drainage Strategy  
 22-033-108 E Foul Water Drainage Strategy

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

- 3 All materials used externally shall match those approved under Condition 6 of MC/19/0287 (MC/24/0101) for the adjacent Redrow site at Town Road, Cliffe Woods.

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. of the existing building.

- 4 No dwelling and/or building shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwelling and/or building is 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.

- 5 No development above slab level shall take place until a timetable for the implementation of the landscape shown on the approved landscape plans (2968-EXT-PP-01 P4 - Planting Plan Sheet 1 of 4, 2968-EXT-PP-02 P2 - Planting Plan Sheet 2 of 4, 968-EXT-PP-03 P2 - Planting Plan Sheet 3 of 4, 2968-EXT-PP-04 POS P2 - Planting Plan Sheet 4 of 4, 22-033-111 A - Proposed Landscaping Plan, 2968-DT-09 P2 Technical Detail Planting on Bund) has been submitted to and approved in writing by the Local Planning Authority. Once agreed, the timetable shall then be adhered to in conjunction with the Approved Plans and Landscape Management Plan.

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

- 6 Prior to the first occupation of any dwelling herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all 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. Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company.

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

- 7 Prior to the commencement of any development, a scheme for the protection of trees, hedges and green infrastructure to be retained on site and along the full length of the boundaries shall be submitted to and approved in writing by the Local Planning Authority. All trees and hedgerows to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". The approved protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Nothing shall be stored or placed nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with Policy BNE 43 and NPPF.

- 8 Any tree and/or shrub planted pursuant to the approved landscape/planting details and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 9 Throughout the course of the development and also on/after the completion of works the ecological mitigation and enhancement strategy as set out in the Aspect Ecology - Ecological Appraisal (dated Feb 2023) must be implemented as detailed within the submitted strategy.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

- 10 Within 3 months of construction commencing a detailed ecological management plan shall be produced and submitted to and approved in writing by the Local Planning Authority. It must detail how the buffer strips will be managed and include the following:

- Details of the habitats to be managed
- Details of the aims/objectives of the management
- Rolling 5 years management plan
- Details of enhancements to be incorporated into the site
- Details of who will be implementing the management
- Details of on-going monitoring

The plan must be implemented as approved.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

- 11 No development above slab level shall take place until an Ecological Enhancement Plan (EEP) which shall include a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The EEP must provide details of ecological enhancements to be incorporated into the buildings and the wider site. The EEP must confirm what habitats will

be retained, enhanced and created within the site. The EEP shall be implemented in accordance with the approved details.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 12 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 approved scheme.

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

- 13 Prior to first occupation (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved in writing by the Local Planning Authority to confirm that the approved surface water system has been constructed as per the approved scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 168 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 14 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been 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 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: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 15 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; route of the construction vehicles, measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; fugitive dust and air quality control measures; pollution incident control, site compound, on site staff car parking, material storage 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: Reason: Reason: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

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

Reason To mitigate the impact on air quality in compliance with Policy BNE24 of the Local Plan and the NPPF.

- 17 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by 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 Method Statement.

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

- 18 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use] together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

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

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

- 20 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Iceni Climate Change and Energy Efficiency Statement (dated January 2023). The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

- 21 No part of the development shall be occupied until the final details of the cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details prior to first occupation of the dwelling to which they relate and thereafter retained.



Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 22 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) all dwellinghouses herein approved shall remain in use as a 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 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.

- 23 No dwelling herein approved shall be occupied until the area shown on the submitted layout as vehicle parking space and garaging has been provided, surfaced and drained. Thereafter it 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 and garaging.

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 and E 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 preserving garden spaces and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

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

## **Proposal**

This proposal is for 44 dwellings on land adjacent to the approved Redrow development at Town Road Cliffe Woods, for 184 dwellings. The site is a former agricultural field, sitting to the south of Buckland Road. The site sits to the north and west of the approved Town Road development. The access to this proposal is to be via the consented development which is now well under construction.

The application includes 33 private market and 11 affordable homes, along with associated infrastructure such as access roads and footpaths, parking for residents and visitors, private amenity space, public open space as well as enhanced drainage and landscaping features.

The buildings proposed are to be 2 storey dwellings with a mix of detached, semi-detached and terrace properties. In terms of size, these vary between 1 and 5 bed dwellings.

Size of dwelling	Number of units
1 bed	6
2 bed	5
3 bed	5
4 bed	21
5 bed	7

### Relevant Planning History

**MC/21/3045** Change of use of land for the provision of allotments, associated landscaping, open space and access.

**Decision** Approval with conditions  
**Date** 10 Feb 2022

**MC/21/1287** Application for approval of reserved matters being appearance, landscaping, layout and scale, pursuant to planning permission MC/19/0287 - Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

**Decision** Approval with conditions  
**Date** 10 Feb 2022

**MC/19/0287** Outline planning permission with some matters reserved (appearance landscaping layout and scale) for up to 225 residential dwellings including up to 25% affordable housing, introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

**Decision** Approval with conditions  
**Date** 24 Feb 2021

**MC/16/3669**

Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for up to 225 residential dwellings (including up to 25% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flood mitigation and attenuation, vehicular access point from Town Road and associated ancillary works.

**Decision** Dismissed at Appeal  
**Date** 8 November 2018

There have been a number of discharge of conditions applications, variation of condition applications and non-material amendment applications in relation to the adjacent Redrow site, however they are not considered relevant to this application so have not been included here.

### **Representations**

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

The Environment Agency, Kent police, KCC Ecology, North Kent Marshes Internal Drainage Board, National Grid, Natural England, SGN, UKPN and Sothern Water Services have also been consulted.

**80 letters** of representation have been received from neighbouring residents with the following concerns:

- Existing infrastructure doesn't cope with current development and this will make it worse
- Local Transport here is poor
- B2000 can't cope with more development
- Not enough local shops
- No room in schools
- Not enough mitigation for surface water flooding
- Fails to take account of Neighbourhood Plan
- Losing valuable open space
- Loss of agricultural land
- No spaces at doctors and people can't get appointments
- Crossing from this development to the main shops at Cliffe Woods is dangerous and a serious accident is imminent
- Development should not impede the existing PROWs
- Need more affordable smaller homes, not 4 and 5 bed executive homes
- House designs bear no relation to the rest of the village
- Local green environment being trashed by unsustainable development
- Construction noise causes a lot of disruption
- Object to loss of trees

The **Dickens Country Protection Society** have objected to the application on the following grounds:

- Site is an unspoilt area outside rural confines
- Sits on the edge of the Green Belt
- Brings housing up to Buckland Road which is a narrow country lane with no housing on it
- The approved allotments have a lesser impact as there are no buildings as part of that approval

The **Cliffe and Cliffe Woods Parish Council** have objected to the application on the following grounds:

- Development is outside of the village boundary
- The Neighbourhood Plan policies need to be adhered to

**KCC Ecology** have stated that there is a sufficient understanding of the ecological interest of the site. Conditions relating to implementation of mitigation, details of habitat creation/enhancements and a site wide management plan are requested. A lighting condition is also required to ensure that the site boundaries and open space/allotments have minimal and/or no lighting. Overall satisfied with the principle and ecological approached.

**Kent Police** have requested that the developers consult the Designing out Crime Officers to address CPTED and incorporate Secured by Design as appropriate. Site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

**North Kent Marshes Internal Drainage Board** have stated that they strongly recommend that the required consents relating to the Land Drainage Act and Byelaw 4 are sought as a priority prior to the implementation of any planning permission. A condition to secure a Construction Surface Water Management Plan is also suggested

It has also been requested to condition any permission that prior to development a full scheme for surface water disposal based on SuDS principles and a maintenance schedule is submitted to and approved by the Local Planning Authority and it is verified on site once constructed by a competent engineer.

**National Grid** have confirmed that this site has been found to not affect any NGET apparatus.

**Natural England** have stated that there is no objection, subject to securing appropriate mitigation for recreational pressure impacts on Habitat Sites.

**SGN** have confirmed that there are no pressure mains within the development area.

**Southern Water** requires a formal application for a connection to the public foul sewer which needs to be made by the applicant or developer. Informatives are suggested for any permission coming forward relating to surface water disposal, foul sewerage, discovery of any public sewer and compliance with the Design and Construction Guidance and Section 104 of the Water Industry Act 1991.

**UKPN** have confirmed with a copy of their records that there are no electrical lines and/or electrical plant within the area of 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. The policies referred to within these documents and used in the processing of this application have been assessed against the National Planning Policy Framework 2023 (NPPF) and are considered to conform.

## **Planning Appraisal**

### *Background*

The adjacent site to this application (Land at Town Road, Cliffe Woods) went to public inquiry and was then called in by the Secretary of State (SoS) for decision. In the decision it was concluded that the proposed scheme was not in accordance with policies BNE25, S1 and S2 of the Local Plan. The SoS considered these local Plan Policies are not fully consistent with the NPPF and that Policies S1 and S2 run counter to the objectives of the Framework to significantly boost the supply of homes, and that the weight that should be attached to Policies BNE25, S1 and S2 should be reduced to **moderate weight** and that the conflict with them in terms of protection of the countryside also carries **moderate weight**.

The SoS in his assessment of the case concluded that **significant weight** should be given to the housing benefits of the proposal and **moderate weight** to the economic benefits.

Notwithstanding that the SoS dismissed the appeal on 2 grounds, the first relating to a technical legal matter re the Habitat Regs which has subsequently been resolved, and secondly in relation to sustainable means of transport, in particular the frequency of the bus service through the village. The second matter was subsequently resolved with the bus company in the consideration of the revised application which was accordingly approved and is now being implemented by Redrow.

### *Principle*

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

The principle of development has been established to an extent with the adjacent site which is currently under construction by the applicants for this site, Redrow Homes.

The original outline planning consent at the adjacent site was for up to 225 homes, however when the reserved matters came through it was for 184 dwellings. The difference between the outline permission and the reserved matters permission is a total of 41 units. It is acknowledged that this proposal for 44 units is therefore only 3 units over the original outline permission.

As stated above the adjacent site was considered initially in an application that was subject to an appeal determined by the SoS. The Inspector and the SoS considered the application in relation to the 3 strands of sustainable development set out in the NPPF.

Economic – the proposal will provide employment during construction and will bring new people into the area with additional spending to help support existing services and facilities. The Inspector considered the economic benefits carried **moderate weight** in his recommendation and this was not disputed by the SoS.

Social – the proposal will provide much-needed market and affordable housing. The provision of which in the absence of a 5 year housing land supply and a recognised under delivery of housing, carries **significant weight** in the decision making process. This was agreed by both Inspector and SoS.

Environmental – The Inspector commented that while the development would result in the loss of open agricultural land and would result in the urbanisation of the existing fields, the existing landscape is adjacent to and perceived in the context of the urban edge of Cliffe Woods. It contains few landscape features of intrinsic value and is not a “valued landscape”. The impact of the scheme would significantly reduce as the proposed structural planting and landscape matures. There is no reason why the development could not be adequately assimilated over time. (para 129 Inspectors report). The SoS did not disagree with these conclusions.

As stated above, although the appeal was dismissed, the 2 grounds relating to that dismissal were addressed within a subsequent application to which the Council had no alternative but to approve.

It is therefore considered that having regard to the above, the proposal the subject of the current application, in this location, is capable of forming a sustainable development that would be in accordance with NPPF guidance and is acceptable in principle.

It is acknowledged that the Local Plan is of some age, being adopted in 2003, the Council does not currently have a five-year land supply, and as of the June 2024 Housing Delivery Test Action Plan, the Council had only delivered 79% of its target number of dwellings compared with the defined housing requirement. This is despite a significant increase in the number of homes delivered (1,181) in 2019-20, compared with preceding years and indeed the highest levels of delivery Medway has had since its inception in 1998. These levels of delivery have been sustained over the last four 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 Policies 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 also recognises the contribution that small and medium sized sites can make to meeting the housing requirement. The NPPF also provides a narrative in terms of housing proposals in rural areas 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 also states that the planning system should actively manage patterns of growth to address transport issues, and that significant development should be focussed on locations which are, or can be made, sustainable. While this emphasises limiting the need to travel and offering genuine travel choices, it recognises that opportunities to maximise sustainable travel will vary between urban and rural areas.

Since the determination of the original application on the adjacent land, the Cliffe and Cliffe Woods Neighbourhood Plan (NP) has been adopted and this Plan should be given significant weight in the determination process.

Policy SUSDEV1 seeks to protect the villages of Cliffe and Cliffe Woods from proposals which would result in the coalescence of the villages. The application proposes development to the west of the village and therefore is not contrary to this policy.

The site is outside of the confines of the village of Cliffe Woods as identified on Map 2 of the NP and policy H1 states that major development proposals on green field sites will contribute to sustainable development by including uses other than housing that are appropriate to the size and location of the site.

In this respect the site proposes only 3 more dwellings than the quantum of development approved as part of the outline application on the adjacent site. The proposal will benefit from the allotments agreed as part of the S106 for that adjacent site which are currently being provided in discussion with the Parish Council on land immediately adjacent to this site. The development will also benefit from the proximity to the employment and nursery provisions within the Esquire site to the east.

Policy H3 of the NP relates to rural exception sites and development on greenfield sites to meet housing need. In this instance the proposal will deliver only 3 additional homes from the quantum already approved at outline but 22% of the 44 proposed within the site will be affordable and the S106 recommended will need to include local connection to meet this policy requirement.

It is not considered that the principle of development runs contrary to the NP.

### *Layout, Scale and Design*

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

NPPF Chapter 12 'Achieving well-designed and beautiful places' reinforces that design is a key aspect of sustainable development and indivisible from good planning and should contribute positively to making places better for people. Chapter 12 also confirms that high-quality design includes consideration of individual buildings, public and private spaces. Policies and decisions should ensure that development responds to local character and history and reflects the identity of local surroundings and materials, to create distinctive places, with a consistent and high-quality standard of design. However, the level of detail and degree of prescription should be tailored to the circumstances in each place and should allow a suitable degree of variety where this would be justified.

Policy SUSDEV4 Character of the NP states that all new development on greenfield sites should be sensitive to the landscape and be of a height that does not impact on views from the surrounding countryside.

Policy H6 states that all new housing should respect the rural character of the NP area. Residential development will be permitted to encourage a sustainable mix of house types and sizes to address local requirements to include social housing.. Particular attention will be given to building heights. Policy H8 seeks to limit density to no more than 30dph to maintain rural character.

The house designs that are coming forward in this proposal are akin to the approved housing development on the adjacent Town Road site with a mix of 1 to 5 bed dwellings being provided in detached, semi-detached and terrace properties all no more than 2 storeys in height to respect the local character. Specifically, the House Types have been stated to be:

- Letchworth
- Leamington
- Overton
- Cambridge
- Harrogate
- Henley
- Leadsham
- Richmond
- Hampstead
- Tavy Spey (affordable)
- Buxton (affordable)



All of the above feature in the adjacent Town Road development site.

Overall, it is considered that the house design and appearance is considered to be acceptable in this location and will be in character with the surrounding area. In terms of design, scale and layout the proposal is therefore considered to be compliant with Policy BNE1 of the Local Plan, paragraphs 131 and 135 of the NPPF 2023 and policies SUSDEV4, H6 and H8 of the Neighbourhood Plan.

### *Landscaping*

A significant consideration for this scheme, given its rural location is that of landscaping and the impact that the proposal will have on the wider landscape. This is critical in relation to Policy SUSDEV4 (Character) of the NP which states that all new development on greenfield sites should be sensitive to the landscape and be of a height that does not impact on views from the surrounding countryside.

From the very start the main concern has been the impact that this development will have when viewed from Buckland Road as this is a rural lane with no housing fronting it and the introduction of rear fences and garden paraphernalia would be considered to be unacceptable and out of place.

As a result of the above concern, comment and discussion has taken place with the applicants, who as a result have reviewed and amended the original scheme to incorporate a larger gap and bunding between Buckland Road and the proposed housing. There is now around 18m between the edge of the road and the rear garden fences, and around 11m of new planting. There are a limited number of trees proposed but with additional dense planting proposed which includes a number of species (hawthorn, hazel, crab apple, elder etc) which should be able to reach 3m or so within 5 years, creating a fairly dense screen up to (together with the bund) around 4.5m in height, which would grow higher over time. This has been assessed by the Council's landscape consultant who considers that this would create a reasonable screen to the new houses.

It is considered that the bund scheme with planting would create a reasonable degree of separation and screening/softening between the road and the new houses, within a reasonable period of time.

Internally, the landscaping for the site includes a green corridor that links up the path to the west of the site with the allotments to the east. This green corridor creates a usable space with play areas, seating and footpaths.

Limited landscaping is shown off the primary and secondary routes, although tree and hedge planting is proposed and there are also private front garden areas to ensure that the areas here appear to be soft landscaped as well as hard landscaped. This is considered to be consistent with the aspirations of landscape references in the policies of the NP.

Overall, it is considered that the inclusion of the bund with appropriate planting, the green corridor and the wider street planting is reasonable and will ensure an

acceptable amount of landscaping throughout this scheme that also ties into the approved Town Road development that it links to.

The landscaping proposals are therefore considered to comply with Policies BNE1 and BNE2 of the Local Plan, paragraphs 131, 135 and 180 of the NPPF and Policy SUSDEV4 of the NP.

### *Amenity*

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 135 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

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

### Existing Neighbours

The proposed housing is to adjoin to an existing Redrow development site which is under construction. Whilst some of the properties are now occupied, construction still continues in the area immediate to this site. Neighbouring amenity is therefore not a significant consideration here as yet, as the neighbours are not on site. The nearest current residents to this site are in Oakleigh Grove, which is approximately 120m to the east of the site.

### Future Occupiers

In terms of the amenity of future occupants the proposals submitted show dwellings that meet the Nationally Described Space Standard for internal floorspace and the garden depths that meet the Medway Housing Design Standards (MHDS).

The proposal is considered acceptable with regard to the residential development element of the proposal both in considering the impact on existing and future occupiers. The proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Given that construction work in relation to aspects of this application can potentially harm residential amenity (especially as occupation continues in the adjacent development), it is recommended that conditions be attached to secure details of Construction Environmental Management Plans (CEMPs).

### *Access, parking and servicing*

Vehicular access for this site is taken from the Town Road scheme with the access having been approved under the outline application. The original outline was for 225 units and the vehicular access onto Town Road was assessed based on that number. Because the Reserved Matters was only for 184 units and this proposal is for 44 units

the difference between the outline and reserved plus this scheme is only 3 units. It is therefore considered that the addition of 3 units will not significantly impact the accepted travel movements for the original outline permission.

In line with Medway Interim Parking Standards, 1 car parking space should be provided for every 1-bedroom dwelling, 1.5 parking spaces for every 2-bedroom dwelling and 2 spaces for every 3+ bedroom dwelling. Policy INFRA4 of the NP has a slightly higher parking requirement of 1.5 spaces for every 1 bed property, 2 spaces for 2 beds, 3 for 3+ beds and 1 visitor space per 8 dwellings. This would equate to a requirement of 123 spaces. Based on the information provided within the submission, a total of 121 parking spaces (including visitor spaces) are being provided. The proposed development is therefore marginally below the NP standards (although exceeding Medway standards). As it is not unusual for garages not to be used for parking cars, the applicants have therefore not included the garages in their parking space calculation. In light of the fact that the garages are in addition to the number of parking spaces it is considered that the provision proposed (2 below the NP requirement) is acceptable in this instance.

The application is acceptable in respect of the transport and parking policies T1, T2 and T13 of the Medway Local Plan 2003 and paragraph 109 of National Planning Policy Framework 2018 and is considered acceptable in relation to Policy INFRA4 of the NP.

#### *Affordable homes*

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver up to 44 dwellings towards housing land supply, of which 25% (11) would be affordable dwellings contributing to the identified need in the Medway area. It is considered that significant weight can be attached to social benefits of the provision of 44 dwellings including 25% affordable housing to meet the lack of housing supply in accordance with the guidance in the NPPF.

The proposed affordable unit within this scheme are shown to be 1 and 2 bed houses, all 2 storeys in height. The 1 bed units are proposed to be maisonettes. It is considered that this mix is appropriate for the area and will go towards meeting the objectives of Policy H3 of the NP subject to the S106 securing a local connection as a first objective within a cascade.

#### *Flooding/ Sustainable Drainage Systems (SUDS)*

The application is supported by a Flood Risk Assessment, the site is located within flood zone 1 of the Environment Agency flood map and there are no records of surface water flooding. The LLFA are aware of flooding issues within the wider area and this application will need to ensure that flooding is not increase at the site.

Inspection of British Geological Mapping indicates the presence of London Clay Formation which will likely preclude the use of infiltration at the site. The proposed drainage scheme seeks to connect to the existing drainage ditches which border the site. This will include sustainable drainage measures such as an attenuation pond and swales.

It is noted that the site has an existing water course and for the purposes of its land drainage functions any works within the channel of the watercourse including for example construction of a culvert or flow control structure requires prior consent from North Kent Marshes IDB under the Land Drainage Act 1991 (as amended by the Flood and Water Management Act 2010).

These measures would also maximise other benefits associated with the use of SuDs and fulfil other planning objectives such as increased biodiversity, landscaping and enhanced amenity.

Overall the scheme is considered to be acceptable subject to conditions relating to the submission of a SuDS scheme, verification report being submitted and a Construction Surface Water Management Plan submission.

#### *Air Quality*

Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF require new development to take account of the impact on air quality.

Whilst it was agreed initially in pre-app correspondence that an air quality assessment was not required, due to potential cumulative effects associated with other committed developments in the area, an emissions mitigation assessment and statement is required and an appropriate condition recommended.

Subject to the securing of the standard mitigation via condition as stated above, no objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

#### *Contamination*

Policy BNE23 of the Medway Local Plan 2003 requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

The RSK Geo-environmental and Geotechnical Site Investigation 52342 R01 (00) dated October 2021 is in line with current guidance and includes a desk top study and intrusive investigation. Based on the results of the investigation it is accepted that potential contaminants are within acceptable parameters for the proposed development and remediation is not required. However, due to the sensitivity of the development being residential a watching brief condition is recommended. Subject to suitably worded condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 180 of the NPPF.

### *Climate change and energy efficiency*

The applicant has provided a list of energy efficiency mitigation measures within the Climate Change and Energy Efficiency Statement submitted as part of this proposal.

The applicant intends to achieve a 61.7% reduction of CO2 emissions by utilising local materials to create energy efficient buildings with low embodied energy, reducing water consumption and the use of air source heat pumps. These measures are considered appropriate. An appropriate condition also requiring verification is recommended. The site would therefore be considered appropriate with regards to paragraph 159 of the NPPF.

### *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. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation). Giving a total contribution of £14,443.88.

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

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.

### *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 (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 and reflecting the requirements of Policy SUSDEV5 of the NP regarding development and impact on infrastructure:

- £8,349.75 (£185.55 pd) toward Libraries. Specifically, to improve equipment and facilities at Hoo Library and/or the Community Mobile Library and/or Strood Library.
- £12,309.75 (£273.55 pd) toward Leisure. Specifically, the creation of a mindfulness studio with yoga hot pods at Hoo Sports Centre.
- £8,478.90 (£194.42 pd) toward waste and recycling services. Specifically, the provision, improvement and promotion of waste and recycling services.
- £53,661.77 for nursery school provision within 2 miles of the development and/or SEND education in Medway.
- £114,084.00 for primary school provision within 2 miles of the development and/or SEND education in Medway.
- £66,088.62 for secondary school provision in mainstream or SEND secondary within Medway.
- £11,025 (£245 pd) toward Public Realm. Specifically, toward improved civic space and gateways to Strood Town Centre.
- £3,959.55 (£87.99 pd) toward youth development. Specifically, to aid youth development within the Cliffe Woods area.
- £14,393.25 towards improving interpretation at Upnor Castle.
- £14,443.88 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- Meeting the Council's costs.

In addition to the above any S106 agreement should include provision for a minimum of 25% affordable housing

### *Conclusions and Reasons for Approval*

Overall, it is considered that this proposal is acceptable due to the fact that this proposal is an extension to an already approved scheme, but overall does not excessively change the housing numbers from the original outline permission. The adjacent scheme is already well underway and this scheme will come forward promptly as a continual rollout. The scheme has been well designed in a way that is appropriate for this rural location and will be well landscaped. With the S106 mitigation and conditions proposed, the scheme is considered acceptable and is recommended for approval. In light of the above, the proposals are considered to comply with Policies S6, BNE1, BNE2, BNE24, BNE25, T1, T2, T3, T4 and T13 of the Local Plan, paragraphs 11, 55, 57, 58, 115, 135, 159, 175, 180, 186, 187 and 192 of the NPPF

and Policies SUSDEV4, SUSDEV5. H3, H6, H7, H8, and INFRA4 of the Neighbourhood Plan.

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

---

## **Background Papers**

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>