

MC/23/0284**Date Received:** 6 February 2023**Location:** Land at Blowers Wood, Maidstone Road, Hempstead, Gillingham**Proposal:** Construction of 88 dwellings (including 25% affordable) together with associated parking, access, open space, landscaping and SuDS.**Applicant** Redrow Homes Southeast

Mrs Josephine Baker

Agent DHA Planning Ltd

Mr David Harvey Eclipse Park,

Sittingbourne Road

Maidstone

ME14 3EN

Ward: Hempstead And Wigmore Ward**Case Officer:** Nick Roberts**Contact Number:** 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 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 contributions:
- i) £21,560 to assist with development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Shopping Centre and town centre gateways.
 - ii) £239,064.32 to enhance open space facilities within the vicinity of the development.
 - iii) £16,328.40 to improve equipment and facilities at Hempstead library and/or Wigmore library.
 - iv) £18,116.56 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
 - v) £17,108.96 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
 - vi) £504,521.28 toward mitigating the impact of the additional pupils generated by the development comprising.
 - Nursery - £109,436.21

- Primary - £177,427.78
 - Secondary - £213,612.22
 - Sixth Form - £4,045.07
- vii) £24072.40 to support the creation of a new swimming gala timing system and improved facility for club and community users at Medway Park.
- viii) £100,000 for the upgrading of the existing shared cycle/pedestrian footpath on Hoath Way. Improvements include widening and resurfacing.
- ix) £13,200 for the provision of travel vouchers to be issued to each dwelling to the value of £150 per voucher per dwelling.
- x) £62,520.48 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.
- xi) £7743.12 to support youth development in the Wigmore and Rainham Area.
- xii) £36,000 to mitigate against the extra footfall on PROW GB40. Contribution to be ring fenced to fund its future maintenance.
- xiii) £24,277.44 towards Designated Habitats Mitigation.
- xiv) 25% of all housing to be provided as affordable housing.

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:

Received 6 February 2023
11977/2100 Rev P1 - Site Access Plan

Received 28 February 2023
10745-FPCR-ZZ-XX-DR-A-0009 P03 - Block Plan
10745-FPCR-ZZ-XX-DR-A-0120 P02 - Letchworth Plans
10745-FPCR-ZZ-XX-DR-A-0121 P03 - Letchworth Elevations
10745-FPCR-ZZ-XX-DR-A-0131 P03 - Stratford Elevations
10745-FPCR-ZZ-XX-DR-A-0141 P03 - Oxford Elevations
10745-FPCR-ZZ-XX-DR-A-0151 P03 - Cambridge Elevations

10745-FPCR-ZZ-XX-DR-A-0160 P02 - Overton Plans
10745-FPCR-ZZ-XX-DR-A-0161 P03 - Overton Elevations
10745-FPCR-ZZ-XX-DR-A-0171 P03 - Leamington Elevations
10745-FPCR-ZZ-XX-DR-A-0181 P02 - Harrogate Elevations
10745-FPCR-ZZ-XX-DR-A-0191 P02 - Henley Elevations
10745-FPCR-ZZ-XX-DR-A-0201 P03 - Hampstead Elevations
10745-FPCR-ZZ-XX-DR-A-0210 P02 - Apartment Plans
10745-FPCR-ZZ-XX-DR-A-0211 P02 - Apartment Elevations
10745-FPCR-ZZ-XX-DR-A-0220 P02 - Garages
EDS-07-3102-05 - Sub Station Details

Received 3 March 2023

10745-FPCR-ZZ-XX-DR-A-0009 P04 - Site Location Plan

Received 12 June 2024

10745-FPCR-ZZ-XX-DR-A-0130 P03 - Stratford Plans
10745-FPCR-ZZ-XX-DR-A-0135 P02 - Stratford Corner Plans
10745-FPCR-ZZ-XX-DR-A-0140 P03 - Oxford Plans
10745-FPCR-ZZ-XX-DR-A-0150 P03 - Cambridge Plans
10745-FPCR-ZZ-XX-DR-A-0155 P03 - Cambridge Corner Plans
10745-FPCR-ZZ-XX-DR-A-0170 P03 - Leamington Plans
10745-FPCR-ZZ-XX-DR-A-0180 P03 - Harrogate Plans
10745-FPCR-ZZ-XX-DR-A-0190 P03 - Henley Plans
10745-FPCR-ZZ-XX-DR-A-0195 P02 - Henley Corner Plans
10745-FPCR-ZZ-XX-DR-A-0196 P02 - Henley Corner Elevations
10745-FPCR-ZZ-XX-DR-A-0200 P03 - Hampstead Plans
10745-FPCR-ZZ-XX-DR-A-0205 P02 - Hampstead Corner Plans
10745-FPCR-ZZ-XX-DR-A-0232 P05 - Buxton (Mews) Plans

Received 14 June 2024

10745-FPCR-ZZ-XX-DR-A-0102 P04 - Dart (Mews) Plans
10745-FPCR-ZZ-XX-DR-A-0103 P03 - Dart (Mews) Elevations
10745-FPCR-ZZ-XX-DR-A-0104 P03 - Dart (Mews) Elevations
10745-FPCR-ZZ-XX-DR-A-0136 P02 - Stratford Corner Elevations
10745-FPCR-ZZ-XX-DR-A-0156 P02 - Cambridge Corner Elevations
10745-FPCR-ZZ-XX-DR-A-0175 P02 - Leamington Corner Plans
10745-FPCR-ZZ-XX-DR-A-0176 P02 - Leamington Corner Elevations
10745-FPCR-ZZ-XX-DR-A-0206 P02 - Hampstead Corner Elevations
10745-FPCR-ZZ-XX-DR-A-0230 P05 - Buxton Plans
10745-FPCR-ZZ-XX-DR-A-0231 P04 - Buxton Elevations
10745-FPCR-ZZ-XX-DR-A-0233 P05 - Buxton (Mews) Plans

Received 23 August 2024

10745-FPCR-ZZ-XX-DR-A-0001 P30 - Site Layout
10745-FPCR-ZZ-XX-DR-A-0003 P09 - Storeys Height Plan
10745-FPCR-ZZ-XX-DR-A-0004 P08 - Tenure Plan
10745-FPCR-ZZ-XX-DR-A-0005 P08 - Parking Plan
10745-FPCR-ZZ-XX-DR-A-0006 P09 - Materials Plan
10745-FPCR-ZZ-XX-DR-A-0007 P07 - Surface and Boundary Treatment Plan
11977/2101 Rev P1 - Maidstone Road Footway Improvements

11977/2200 Rev P12 - Refuse Vehicle Tracking
11977/2201 Rev P9 - Fire Tender Tracking

Received 27 September 2024

10745-FPCR-ZZ-XX-DR-L-0011 Rev P05 - Indicative Footpath Detail

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 and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 4 No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall be based on Section 6 of the submitted Ecological Assessment, Aspect Ecology, January 2023 and the Arboricultural Impact Assessment, Aspect Ecology, February 2023 and will include the following:

- a) An update site walk-over completed no earlier than 3 months prior to commencement to:
- Confirm that the condition/management of the onsite habitats is consistent with that recorded during the ecological assessment, such that the potential for protected species to occur has not changed. The CEMP will state that where potential for additional impacts on protected species is noted, all required surveys and mitigation/licensing will be implemented prior to any works (including site clearance) being undertaken;
 - Identify any badger setts. The CEMP will state that if new setts are identified during the pre-works walk over, all required surveys and mitigation/licensing will be implemented prior to further works being undertaken in the vicinity of the sett/s;
 - confirm the current extent of non-native/invasive plant species;
- b) Details of the purpose and objectives of proposed mitigation works during construction.

- c) The identification of biodiversity protection zones and proposed use of protective fences, exclusion barriers and warning signs.
- d) Details of methods, timing, extent and location of proposed mitigation works including appropriate scale maps and plans, with reference to: standard pollution prevention and control measures; protection of ancient and priority habitat woodlands bordering the site, and precautionary mitigation measures for breeding birds, badger and hedgehog.
- e) A method statement for the removal and control of Schedule 9 plant species including giant hogweed.
- f) All working measures needed to comply with the terms of the EPS derogation licence for hazel dormouse.
- g) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction.
- h) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works.
- i) Initial aftercare and reference to a long-term maintenance plan (where relevant).
- j) Disposal of any wastes for implementing work.

The construction and ecological mitigation works shall thereafter be carried out at all times in accordance with the approved details and shall thereafter be retained.

Reason: To safeguard the ecological interests of the site before works commence that could cause irrevocable harm and to ensure adequate maintenance for the protection of landscape and habitat with regard to Policies BNE2 and BNE37 of the Medway Local Plan 2003 and paragraph 186 of the NPPF.

- 5 No development shall take place (including site clearance) until a detailed scheme for the translocation of reptiles has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a) A methodology for the collection of reptiles and measures to prevent reptiles returning to the site prior to and during the development.
 - b) Details of how the onsite receptor area will be enhanced and be in a suitable condition to support the likely number of animals which will be moved, prior to any animals being translocated.
 - c) Details of the management of the translocation site in perpetuity.
 - d) Details of reptile monitoring surveys to be undertaken for a minimum of two years.

The translocation shall be undertaken in strict accordance with the approved details and the development shall not commence until a verification report has been submitted to and approved in writing by the Local Planning Authority confirming that works to the receptor site have been undertaken in accordance with the approved details and the reptiles have been removed from the development site.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on wildlife habitats in accordance with Policy BNE37 of the Medway Local Plan 2003.

6 No development shall take place (including site clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP will be based on the outline information within the Ecological Assessment and Update Habitat Survey and Biodiversity Net Gain Assessment, Aspect Ecology, January 2023 and Technical Note 02, Aspect Ecology, February 2024. The Plan will include the following:

- Details of a diverse native-species planting scheme to protect the integrity of the adjacent ancient woodland and priority habitat woodland. Planting will include significant areas of dense thicket as an anti-predation measure for reptiles, breeding birds and hazel dormouse.
- Proposed location for robust protective fencing to protect adjacent woodland habitats.
- Details of additional biodiversity enhancements to be provided, including type, number and location of habitat features for bats, birds and invertebrates.
- Aims and objectives of management, in alignment with the Biodiversity Net Gain habitat and condition targets.
- Appropriate management prescriptions for achieving aims and objectives;
- Description and evaluation of all features to be managed.
- Details of information to be provided to residents regarding potential impacts of recreation, non-native invasive garden plants and domestic pets.
- Location and proposed content for interpretation boards regarding the biodiversity of the adjacent woodland habitats.
- Constraints on site that might influence management.
- Proposals regarding remedial measures.
- Preparation of a work schedule including an annual work plan capable of being rolled forward over a five-year period, for the lifetime of the development.
- A timetable for monitoring surveys, in alignment with the final Biodiversity Net Gain habitat and condition targets.
- Details of the body or organisation responsible for implementation of the plan.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer, with details of the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: To safeguard ecological interests and adjacent wildlife habitats in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 7 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority 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 thereafter 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 175 of NPPF.

- 8 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) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Planning 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 agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 173 of NPPF.

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

damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

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

- 10 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 roadway, parking, pathway or other surfacing within the RPA, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.
 - vii. Provision for the supervision of ANY works within the root protection areas of trees to be retained, and for the monitoring of continuing compliance with the protective measures specified, by an appropriately qualified arboricultural consultant, to be appointed at the developer's expense and notified to the Local Planning Authority, prior to the commencement of development; and provision for the regular reporting of continued compliance or any departure there from to the Local Planning Authority.

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

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE41 and BNE43 of the Medway Local Plan 2003.

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

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

- 12 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.

- 13 No development shall take place above ground floor slab level until details for the provision of electric vehicle charging points at a ratio of 1 per dwelling and 3 for the apartment block have 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.

- 14 No part of the development shall be occupied until the visibility splays at the junction of the application site with Maidstone Road have been provided in accordance with the details in drawing number 11977/2100 Rev P1. 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.

- 15 No part of the development shall be occupied until the areas shown on the submitted layout as vehicle parking spaces/garaging have 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 these reserved parking spaces/garages.

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.

- 16 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 of the development 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.

- 17 No part of the development shall be occupied until full details of both hard and soft landscape works and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include all public seating, footpaths, litter and dog bins, paving, underground utilities and recreation space. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. It shall also specifically set out the details of the proposed buffer zone to Blowers Wood Ancient Woodland including delivery and maintenance details specific to this part of the site. The development shall thereafter be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping and to prevent access into the buffer zone to the Ancient Woodland in accordance with Policies BNE1 and BNE6 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 (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. 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.

- 19 Prior to final 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 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.

- 20 No part of the development shall be occupied until details of the Locally Equipped Area for Play (LEAP) have been submitted to and approved in writing by the Local Planning Authority. The details shall include the layout, drainage, equipment, landscaping, fencing and future management of the areas to be provided. The play area shall be implemented in accordance with the approved details prior to the occupation of the 49th dwelling or in accordance with an alternative timetable which has been agreed in writing by the Local Planning Authority. The play area shall be maintained in accordance with the approved details thereafter.

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

- 21 Prior to the occupation of the proposed development, a full Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved travel plan shall be implemented upon first occupation. The Travel Plan is to incorporate details of an information pack to be provided to all initial residents regarding the availability of and whereabouts of local public transport/ walking/ cycling /car sharing clubs /car clubs, as well as providing for travel vouchers to be issued to each dwelling.

Reason: To encourage sustainable forms of transport in accordance with Policies T6, T11 and T14 of the Medway Local Plan 2003.

- 22 Notwithstanding drawing 10745-FPCR-ZZ-XX-DR-L-0011 Rev P05 no works shall commence to the PRoW upgrades through Blowers Wood Ancient Woodland until a lighting scheme associated with those improvements has been submitted to and approved in writing by the Local Planning Authority. This should include details and positions of the proposed handrail lighting, service trenches, appearance, any shielding, light intensity, colour, spillage (lux level plans showing the proposed levels), horizontal and vertical illumination and consideration of bats. The approved details shall be completed prior to the first occupation of any of the dwellings.

Reason: Required prior to commencement to ensure that a suitable link to the existing residential development to the west is secured without harm to ecology with regard to Policies BNE1, BNE2, BNE5, BNE7, BNE37, BNE39, BNE41 and T3 of the Medway Local Plan 2003.

- 23 Prior to first occupation of any part of the development, a lighting plan for biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. Lighting will be designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23'. The Plan will show the type and locations of proposed external lighting, as well as the expected horizontal and vertical light spill in lux levels, to demonstrate that areas to be lit will not adversely impact biodiversity including woodland habitats, existing dark corridors and proposed areas of landscaping. This will include details of any measures to reduce impacts from emitted internal lighting, such as cowls, recessed lighting or glazing treatments. All lighting within the development shall thereafter be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter.

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

- 24 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.

- 25 The design and fabric of the buildings shall be of such a standard that it will protect residents within it from existing external noise so that they are not exposed to levels indoors of more than 35dB LAeq 16 hrs daytime and of more than 30dB LAeq 8 hrs in bedrooms at night.

To ensure that the amenity of occupiers of the development site are not adversely affected by noise from transport noise sources in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 26 In respect of any proposed air source heat pumps (ASHPs) or associated plant, the development shall ensure that the existing background noise level is not increased when measured one metre from the nearest noise sensitive elevation. In order to achieve this the plant must be designed / selected or the noise attenuated so that it is 10dB below the existing background level. This will maintain the existing noise climate and prevent 'ambient noise creep'.

Reason: To ensure that the amenity of occupiers of the development site are not adversely affected by noise from mechanical installations/ equipment in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 27 All mitigation for hazel dormouse shall be carried out in accordance with the details contained in paragraphs 6.1.9 - 6.1.14 of the Ecological Appraisal, Aspect Ecology, dated January 2023, unless additional measures are required by Natural England. Should Natural England require less mitigation than that proposed, then all remaining measures will be included as enhancements as per the advice set out in the NPPF. The mitigation implemented in accordance with these details shall be retained thereafter. Within three months of the commencement of works, a copy of the EPS Licence Method Statement submitted as part of the EPS Licence application and approved by Natural England shall be submitted to the Local Planning Authority.

Reason: Required to avoid any irreversible detrimental impact on protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

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

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

- 29 No part of the development shall be occupied until details of the following highway works have been completed in accordance with details agreed and consents obtained from the Highways Authority;

- Proposed access arrangements and footway improvements on Maidstone Road as outlined on drawings 11977/2100 Rev P1 and 11977/2101 Rev P1.
- Proposed upgrades to Public Right of Way GB40 as outlined on drawing 10745-FPCR-ZZ-XX-DR-L-0011 Rev P05.
- Proposed upgrades to the surfacing of the remainder of Public Right of Way GB40 where it passes from the Woodland and adjoins Lambsfrith Grove to the Southwest.

Reason: To ensure the development is sustainable and in accordance with Policies T1, T2 and T3 of the Medway Local Plan 2003.

- 30 No part of the development shall be occupied until details of the proposed bin collection points and refuse storage arrangements for the apartments including provision for the storage of recyclable materials, have been submitted to and approved in writing by the Local Planning Authority. All bin collection points and refuse storage arrangements shall be provided in accordance with the approved details prior to the occupation of the building to which it relates and thereafter retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 31 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Climate Change and Energy Efficiency Statement (dated January 2023). 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 the National Planning Policy Framework 2023.

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

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

33 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, C, D, E, F, G and H of that Order unless planning permission has been granted on an application relating thereto.

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

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 88 residential dwellings (including 22 affordable homes) together with associated vehicular parking, landscaping, open spaces, sustainable urban drainage features and associated new vehicular access from Maidstone Road.

The housing mix would comprise:

- 1 bed units – Total of 13 (comprising 7 affordable units)
- 2 bed units – Total of 20 (comprising 12 affordable units)
- 3 bed units – Total of 27 (comprising 3 affordable units)
- 4 bed units – Total of 15
- 5 bed units – Total of 13

A range of house types are proposed including detached, semi-detached and terraced dwellings, the majority of the proposed dwellings would be two storeys in height. A three-storey apartment building is also proposed to the northern corner. Parking would be provided either in the form of garages or surface parking. The dwellings would have a variation in form and design to provide contrast and interest.

The applicants state that a core palette of materials will be used comprising facing brickwork, render, timber cladding, hanging tiles and red and slate tone roofing materials. Combinations of materials and detailing will be used to provide variation. The proposed new vehicular access to the site will be from Maidstone Road and would consist of one road into the site which would then divide to enable vehicular access to the enclave of houses.

The landscape strategy would retain existing trees and landscape features along the site boundary with a minimum 15m buffer to the ancient woodland consisting of native scrub planting to the north-west. The main street and entrance to the development will be lined with larger street trees, and within the site there would be additional tree planting and landscape features. An area of open space which would incorporate Sustainable Drainage Systems (SuDs), further landscaping and an area of formal play equipment, will also be provided along the south-western boundary. The existing

public right of way running through the site would also be rediverted, with sensitive upgrades proposed through the ancient woodland.

Site Area/Density

Site Area: 3.96 hectares (9.9 acres)

Site Density: 22 dph (9 dpa)

Relevant Planning History

No relevant planning history.

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Maidstone Borough Council, The Environment Agency, Southern Water Services, Southern Gas Networks, UK Power Networks, Kent Downs Area of Outstanding Natural Beauty (AONB) Unit, Kent Police, Natural England, Kent Wildlife Trust, Royal Society for Protection of Birds, Kent County Council (KCC) Biodiversity, KCC Archaeology and National Highways have also been consulted.

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

- Loss of greenfield site and important open space.
- Encroachment on Capstone Valley.
- Impact on biodiversity and protected species.
- Lack of local infrastructure and the pressure on existing services (Doctors, Schools, Hospitals, Dentists).
- Increased noise, light and air pollution.
- Impact of proposal on the existing road network and M2 junction.
- Increased congestion in the local area.
- Proposal is contrary to Local Plan Policies and the Medway Landscape Character Assessment.
- Development is unsustainable and would be car dependant.
- Impact on climate change and global warning.
- Impact on existing utilities.
- Should be building on brownfield sites.
- Land is designated as an area of local landscape importance.
- Development would constitute significant urban expansion.
- Impact on ancient woodland.
- Impact of proposal on AONB.
- Loss of privacy and light to adjacent properties.
- Impact during construction.
- Proposal would compromise the separation of existing settlements.
- Proposal will ruin the rural character of the area.
- Houses are not in keeping with existing housing stock.

- Cumulative impact if Gibraltar Farm and Lidsing Garden Village proposals come forward.

One letter of support has also been received.

Former Member of Parliament for Gillingham and Rainham, Rehman Chishti objects for the following reasons:

- The proposal is not on a brownfield site nor is it within the urban area of Gillingham.
- The site lies within the Capstone Valley, a critical open countryside space.
- A public right of way runs through the site and therefore local residents are able to enjoy this tranquil setting whether they go out jogging, go to walk their dogs or for other recreational purposes.
- The proposal is unsustainable and may lead to increased speculative proposals in this open countryside area.
- The proposal could lead to localised parking difficulties, would have a disproportionate impact on the local road network and the developer is not proposing any enhancements to local public transport.
- The development will place additional strain on local infrastructure including GP surgeries and schools.

Hempstead and Wigmore Ward Councillor Andrew Lawrence objects for the following reasons:

- Development will increase congestion on Wigmore Road.

Medway Green Party objects for the following reasons:

- The application is premature as the Hempstead residents have not yet produced their own neighbourhood plan.
- It would only deliver 25% affordable dwellings in the form of maisonettes and doesn't consider the elderly.
- Impact of development on Ancient Woodland.
- The proposal will impact food security and the natural environment.
- The layout and roof design are not suitable for solar panels.

Bredhurst Parish Council object for the following reasons:

- The development is contrary to Local Plan Policies and would further encroach on this essential 'green lung' for the Medway Towns.
- There should be more emphasis on better use of more sustainable brownfield sites rather than countryside sites.
- The site is surrounded by Ancient Woodland that provides an important habitat for endangered species which would be directly impacted by the development.
- There would also be adverse impacts on the Ancient Woodland caused by increased human activity.
- The development would also result in the loss of the rural character of the public right of way.

- The site is unsustainable and there would be a heavy reliance on the private motor vehicle.
- Unclear whether safe access could be achieved by virtue of the land level difference between the site and Maidstone Road and the development and there is no filter lane for vehicles turning right which could construct the free flow of traffic.
- In the event of Lidsing development proceeding there would be changes to the road alignment and a substantial increase in traffic flows.
- S106 contributions will not overcome immediate need for new doctor and hospital provision and schools.

Boxley Parish Council object for the following reasons:

- The area is part of a vital green lung, and any large-scale development would increase urban sprawl.
- Cumulative impact and pressures of development on green lung when taking into account other development approved on appeal at Gibraltar Farm, East Hill, Gleaming Wood Drive as well as proposed garden settlement at Lidsing.
- It would harm the character, function and appearance of the countryside and ALLI.
- Would result in the loss of valued green space.
- Proposal would have an unacceptable impact the local road network and rural footpath network.
- Development would be contrary to Medway Local Plan and NPPF.
- Impact on neighbouring amenity in respect to noise/air pollution, outlook and increased traffic.
- Impact of development on local services such as doctors, dentist, hospitals and schools.
- The proposal would not enhance the natural and local environment and would impact the ancient woodland and wildlife.
- Impacts during construction.

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

Southern Water Services have advised that it would appear that the applicant is proposing to divert a public sewer. Any public sewer diversion proposals will need to be approved by Southern Water. Their investigations would also indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. They have also confirmed that it is possible that a sewer now deemed to be public could be crossing the development site and therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Standing advice has also been provided regarding the adoption of SuDs.

Southern Gas Networks have advised that there are low/medium/intermediate pressure gas mains near the site. They have therefore provided standing advice with regards to mechanical excavations near low/medium and intermediate gas pressure

mains. They have also advised that safe digging practices in accordance with HSE HSG47 “Avoiding Danger from Underground Services” must be used to verify and establish the actual position of the mains pipes, services and other apparatus.

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

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

Natural England raise no objection subject to securing appropriate mitigation for recreational pressure impacts on European habitat sites. They have also provided standing advice in respect to considering any impacts on ancient woodland and have advised that the Council use their landscape colleague’s expertise to assess the impact of the proposal on the setting of the Kent Down AONB. Further general advice on the consideration of protected species and other natural environment issues has also been provided.

National Highways originally raised a holding objection based on the concerns they had reading the potential impact of the proposal on the safe and efficient operation of the Strategic Road Network (SRN), particularly within the vicinity of the M2 junction 4. However, and following the submission of additional information, including a transport modelling methodology note and associated transport model outputs, National Highways are now satisfied that, if permitted, the proposal would add a very limited amount of additional traffic to the SRN that would not be severe. Accordingly, and subject to a condition in respect to a Construction Environmental Management Plan (CEMP) they are content that the development would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN in the vicinity of the site.

Kent Downs AONB Unit (now National Landscapes) have advised that due to the containment of the site in the wider landscape and lack of intervisibility with the AONB and relationship with existing development, they raise no objection to the proposed development.

KCC Biodiversity initially identified a trading error in respect to the Biodiversity Net Gain (BNG) assessment and also questioned whether BNG could be achieved on site. They also raised concerns in respect to the ancient woodland buffer and the potential recreational impacts that may arise to the ancient woodland.

Following revisions to the site layout and landscape proposals and the submission of an Ecological Technical Note and Updated BNG Assessment, KCC were reconsulted.

Following a review of the ecological surveys and additional information submitted they are now satisfied that sufficient information has been provided to determine the application. Whilst they still have reservations in respect to the quantum of open space

provided on site, subject to conditions to secure appropriate ecological mitigation they raise no objection.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 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

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 Gillingham as defined in the proposal maps to the Local Plan and therefore lies within open countryside. As such, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable sites using a sequential approach to location. Policy BNE25 of the Local Plan is also applicable and sets out the approach for development in the open countryside. This policy states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions. Mainly it is on a site allocated for that use; the development essentially demands a rural location, or it would involve the re-use or adaption of an existing built-up area. In this regard, the site is not allocated for housing or any redevelopment within the Local Plan. Thus, the development would also conflict with this Policy.

The site is also located within an Area of Local Landscape Importance (ALLI). Unlike Policy BNE25, Policy BNE34 does not necessarily prohibit particular forms of development. However, under the terms of Policy BNE34 development will only be permitted if it does not materially harm the landscape character and function of the area, or the social and economic benefits, are so important that they outweigh the local priority to conserve the areas landscape. Paragraph 180 of the NPPF also states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, as well as recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, the Council does not currently have a five-year land supply, and as of the 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 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 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.

In determining whether this proposal is acceptable, it will therefore be important to consider the impact of the development on the wider landscape, ancient woodland, matters of sustainability as well as the various matters discussed under the relevant headings below. In doing so an assessment will then need to be made as to whether *"Any adverse impacts of [granting planning permission] would significantly and demonstrably outweigh the benefits, when assessed against the policies in [the NPPF] taken as a whole"*. It is thereby necessary to assess the planning application against all the relevant policies of the NPPF before completing an overall assessment of impacts and benefits.

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'*.

Natural England's Agricultural Land Classification digitised mapping system shows the site to comprise subgrade 3b (moderate quality) agricultural land. In accordance with

Natural England's guidance this is land capable of producing moderate yields of a narrow range of crops, principally cereals and grass. However, and although the site is classified as agricultural land, it currently comprises a grassland field, bisected by a public footpath, with areas of dense low-lying bramble growth scattered across it. Historical aerial imagery would also appear to indicate that the site has not been used for agricultural purposes in excess of 20 - 25+ years.

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

When considering, that the size of the development is fairly modest in the context of Medway's housing requirement, and the fact that the overall agricultural use and value of the fields is of the lower quality it is not considered that this proposal would amount to a significant loss of agricultural land. Furthermore, records would indicate that it has not been used for agriculture for a significant period. Consequently, the proposal would not 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

Although the site is not located within any nationally important landscape designations, it is identified as an Area of Local Landscape Importance (ALLI) within the Local Plan. In addition, the Kent Downs National Landscape is located circa 215m to the south on the opposite side of the M2. 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. Policy BNE34 is less restrictive, and states that development will only be permitted if it does not materially harm the landscape character and function of the area, or the social and economic benefits, are so important that they outweigh the local priority to conserve the areas landscape. The NPPF also sets out at paragraph 180(b) that planning decisions should protect and enhance valued landscapes and sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan).

The application site is also located within the Elm Court (Capstone & Horsted Valleys) character area as identified by the MLCA. The MLCA describes the characteristics of the Elm Court area as an undulating open arable farmland rising in the south towards the North Downs, with indistinct field pattern and weak hedgerow structure. It also refers to a lack of landform containment that results in a large-scale landscape, albeit this is not an identifying characteristic of the application site, which is visually contained by virtue of the local topography and adjacent woodland parcels. The overall condition is identified as being 'poor' but with a 'high' sensitivity by virtue of the

openness of the landscape and lack of tree cover more generally within the Elm Court character area.

The guidelines within the MLCA seeks to resist proposals for new development that do not fully respect or are likely to harm the rural character of the area, do not improve biodiversity or strengthen the landscape structure, or that don't manage urban fringe activities and introduce better cycle and pedestrian links. It is important that all new development proposals within the countryside are assessed in the context of their sensitivity to landscape and avoidance of material harm to landscape character.

The site is bound by woodland and trees along its northern, eastern, southern and western boundaries. The A278 (Hoath Way) runs along the northeastern boundary of the site (but is elevated above the level of the site) with Maidstone Road running along the southeastern edge. The area to the northwest of the site consists predominantly of residential properties while the area beyond the woodland to the southwest comprises extensive agricultural farmland. The parcel of land to the southeast of the site is laid to hardstanding and previously operated as a commuter car park.

The development would leapfrog the existing urban boundary of Hempstead and Wigmore and introduce new dwellings into a rural landscape. In this regard it is inevitable that there would be a high degree of landscape change within the site as the existing field would become a new housing estate. The scale of development, associated lighting, activity and change to the area would therefore have an adverse impact on the rural landscape within the site. It would also adversely affect the existing Public Right of Way (PRoW) that runs through the site, as its current rural character would be lost and permanently changed as a result of the proposal. This would amount to a significant change in the user experience as they would be passing through a housing estate. However, when considering the landscape impact from longer distance vantage points the application site is generally well contained due to the extent of existing landscape features, including the areas of woodland along its northern, southern and western boundaries. Accordingly, the landscape harm that would arise from the development would be more localised in nature. Nevertheless, when viewed from local receptors, including from the PRoW, the residential properties to the northwest and from Maidstone Road, where existing trees would need to be removed to facilitate access into the site, the proposal would result in harm through urbanisation.

In conclusion, the proposed development would erode the rural character of the immediate area by developing the countryside to the south of Hempstead and Wigmore. This loss of countryside would be particularly apparent to users of the local PRoW network. Therefore, the proposed development would result in localised harm to the character and appearance of the area. Notwithstanding this, the sites rural character is to a degree somewhat influenced by the proximity of the site to the existing urban settlement, the adjacent coach park and heavily trafficked M2 motorway, as well as the Hoath Way bypass immediately to the north.

Consequently, there would be conflict with Policy BNE25 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 as it would introduce a permanent urbanising feature which would result in localised harm.

However, when assessing the extent of this impact it is accepted that there will be harm arising from the development. That is almost unavoidable when open countryside is built on, however that does not, of itself, make the proposals unacceptable in planning terms as this must be weighed in context with the overall planning balance.

The applicant has submitted a Landscape and Visual Appraisal (LVA) (dated 23 February 2024). The LVA concludes that the effects upon the site at the immediate context arising from the proposals would be no more than moderate adverse at completion and moderate/minor adverse at year 15 when the proposed planting has established. Similarly, and for the residential receptors of Lambsfrith Grove and Copperpenny Drive the overall visual effect for these residential receptors is assessed as minor adverse/negligible at completion and at year 15. For the residential receptors of Wigmore Road, Maidstone Road and Deanwood Drive located approximately 50-140m to the east, the overall visual effect for these residential receptors is assessed as negligible/none at completion and at year 15.

Views of the development will also be restricted to users travelling along the local road network adjacent to the site, such as Maidstone Road to the south. Where views towards the site are possible along the route the overall visual effects upon receptors are assessed as moderate/minor adverse at completion and minor adverse at year 15. Visual effects for other vehicular receptors would be no greater than negligible/none at completion and at year 15 according to the applicants LVA.

As detailed within the applicants supporting documents the scheme itself is also proposing mitigation measures to reduce the impact of the development on the wider landscape. This includes but is not limited to, a minimum approx. 15m buffer to the ancient woodland to enhance the habitat opportunities and protect the woodland edge, the retention of the majority of the site's existing vegetation with removal limited to a section of hedgerow and a group of 3 category C trees (G3) to provide site access. The retained trees to the site boundaries will also be complemented by new planting along the northeastern and southern boundaries with tree-lined streets and on plot landscaping including formal and informal open spaces.

The application proposals will undoubtedly change the character and function of this existing greenfield site. The site will go from an undeveloped field to a suburban residential estate. It must therefore be concluded that the application proposals will give rise to harm to the ALLI. The second strand of Policy BNE34 requires a planning judgement to be made as to whether the economic and social benefits of the additional housing proposed outweigh the harm to the landscape character and function of the application site. As discussed above, the harm caused by the proposed development to the area's landscape would be permanent. However, the housing proposed would make an important contribution towards meeting Medway's acute housing needs and would thereby give rise to significant and important social and economic, benefits.

The planning judgement that is required by the second clause of BNE34 must be undertaken with reference to the supporting text of the policy. It must be noted that ALLI designations are considered "*locally significant landscapes*" (paragraph 3.4.104). It is emphasised that there is a need to "*protect the landscape character and functions of each of the designated ALLIs*" (paragraph 3.4.104). To this end the Council has

upheld the ALLI landscape designation, including in recent years where the housing land supply shortfall has been acknowledged.

It is recognised that not all parts of an ALLI are as important as others and the Council (and the Planning Inspectorate) has allowed development on parts of ALLI's where it is felt that the landscape importance does not outweigh the social and economic benefits. It is accepted in relation to this site that the contained nature of the site, and surrounding woodland is such that the landscape character in this specific area is not open and 'undulating', as identified as one of the key characteristics of the wider Elm Court character area.

For the reasons as outlined above, the proposal would be contrary to Policies BNE25 and BNE34 of the Local Plan. The weight to be attached to these conclusions is set out in the planning balance section at the end of this report.

Impact on Kent Downs National Landscape

Policy BNE32 of the Medway Local Plan seeks to restrict major development within National Landscapes (formerly known as AONB's). The Policy states that major development will only be permitted under this Policy in exceptional circumstances. Paragraph 182 of the NPPF also gives great weight to conserving and enhancing the scenic beauty of National Landscapes. It also states that development within their setting should be sensitively located and designed to minimise adverse impacts on the designated areas.

As mentioned in the Landscape section above, the site is not located within the Kent Downs National Landscape Area and therefore Policy BNE32 would not be applicable as it only relates to development within these designated areas. However, as the Kent Downs National Landscape Area is located circa 215m to the south of the site on the opposite side of the M2, and in accordance with paragraph 182 of the NPPF, it is important to consider the implications of this on its setting.

Due to the physical containment of the site in the wider landscape, topography of the land sitting at a lower level to the M2 embankment and Kent Downs National Landscape Area beyond, and the subsequent lack of intervisibility with this designated area, there would be no adverse impacts to its setting. Furthermore, the Kent Downs AONB Unit were also consulted as part of this application and reached the same conclusion.

Impact on Ancient Woodland

Adjacent to the northwestern site boundary is Blowers Wood Ancient Woodland, this woodland is subject to two Tree Preservation Orders (G9/1969 & G6/1971). Paragraph 186 of the NPPF identifies ancient woodland as an irreplaceable habitat. It further states that that development resulting in loss or deterioration should be refused unless there are wholly exceptional reasons, and a suitable compensation strategy exists.

There would be a minimum 15m wide buffer from the outer edge of the proposed development to the ancient woodland in accordance with Natural England's and the Forestry Commissions standing advice. It is proposed that the buffer zone would be

fenced off with a post and rail fence to deter access. The buffer zone will also be planted with a semi natural habitat, including dense shrub and grassland to not only function as a defensive barrier but improve the ecological functionality of the woodland edge.

In respect to recreational impacts any single visit to an ancient woodland by a member of the public for recreational purposes would give rise to some form of impact. That impact might be adverse. There is however no stated position in national policy or guidance that the public should be prohibited from accessing ancient woodland on that basis. Indeed, the Forestry Commission's 2010 practice guide, *Managing Ancient and Native Woodland in England (the Practice Guide)*, highlights the value of ancient woodland for recreation, and encourages the provision of permissive access. The *Planning Practice Guidance (PPG)* likewise identifies recreational opportunities in relation to green infrastructure, including woodland.

Insofar as the *Standing Advice* published by the Forestry Commission and Natural England includes impacts arising from public access amongst the ways in which deterioration can occur, the *Practice Guide* explains that almost all recreational activities can be a problem if carried out intensively. There is however no established threshold at which deterioration of ancient woodland can be held to occur. In relation to existing woodland condition, the *PPG* further indicates that this can usually be improved with good management. Balancing recreational use with conservation is clearly an important role of management. Given the above, public access to ancient woodland for recreational purposes cannot be considered possible in principle without some form of impact which logically falls short of 'deterioration'. Were this not the case then a simplistic linkage of impact with deterioration would form a basis to refuse any development which might lead to an additional visit.

In this case there is an existing PRow that crosses through the ancient woodland North to South, connecting the site to the existing settlement at Lambsfrith Grove. Low levels of existing pedestrian footfall were observed within the ancient woodland belt, along a single permissive path in the western part of Blowers Wood. This continues in a similar vein through further woodland to the north, where it skirts the existing residential development. Although this existing path is already well established, it forms a discrete palpable path through the linear woodlands to the west of Hempstead and there is no obvious evidence of widespread trampling, or other adverse effects of footfall or other recreational pressure, most likely owing to what appears to be free-draining conditions. A dog waste bin is already provided at the northern end of the path, meaning that eutrophication could be controlled both in the existing and proposed scenarios.

The applicant is proposing to upgrade the existing byway through the ancient woodland, in a sympathetic manner, which would allow improved pedestrian use without damage to the ancient woodland. The section of PRow in question runs through the woodland itself and extends to some approx. 35m in length. There is evidence in areas along the PRow that some form of aggregate material has been deposited as a form of servicing in the past and there is limited evidence of surface tree roots more generally along this route.

The design would comprise a 2m wide geocellular supported path with stone infill and resin bound gravel surface. The surfacing would be installed above the existing groundline and contained with a timber retaining edge, secured by screw piles. The path would be formed using the Adweb three dimensional geocell system. A timber handrail would be provided to the east, with low level lighting recessed into fence posts, with hit and miss timber fencing panels used to help manage light spill. The lighting cable route would be dug using a compressed air system to form a trench with minimal impact on any tree roots which are present, under the supervision of an appropriately qualified Arboriculturist. The use of a compressed air digging system to provide for cabling relating to lighting has already been accepted by the Council at the nearby Gibraltar Farm planning permission. It is proposed that the final detail of the lighting to be installed would be required and provided through means of a condition.

The applicant has also provided an example of where similar improvements were undertaken through Ancient Woodland in Tunbridge Wells and considered acceptable. This was a mixed-use scheme for 550 dwellings which included a new primary school and commercial floorspace at the Knights Park development (ref; 13/02885/OUT). As part of the consented scheme a path of approx. 800m in length through the Greggs Wood Ancient Woodland was surfaced and improved. This included a 3m wide self-compacting gravel path using no dig construction and which was built above existing levels.

The proposed improvements would not result in any direct loss of ancient woodland or the removal of any trees and would follow the same route as the existing PRow. The proposed timber and hit and miss fencing will also deter access into the eastern part of Blowers Wood and would therefore represent a betterment in comparison to the existing situation. Proposed native shrub planting is also proposed within the ancient woodland to the west of the PRow which overtime will deter permissive routes in this direction as well.

It is likely that the development would increase the use of the existing PRow as it would introduce new housing to the area and the subsequent additional foot traffic resulting from the new occupiers that would come with it. However, overall, it is not considered that the condition of the woodland would be likely to change dramatically as it can already be freely accessed by existing residents to the northwest. Furthermore, the application proposes to divert the existing PRow running through the site and maintain the provision of the existing walking routes to the south. Linking the development to the existing PRow, would also provide alternative scope for outdoor recreation. Furthermore, the existing PRow is fenced off along the entire length of its route through the site such that the areas of open space either side are not directly accessible. In contrast the proposed new open/play space would be accessible to new and existing residents.

Additional guidance on ancient woodland has been issued in the form of a new consultation direction (January 2024). This direction requires LPAs to consult the Secretary of State on any application recommended for approval if that development would result in the loss or deterioration of ancient woodland, where the local planning authority considers that potential adverse effects cannot be mitigated. However, this would only apply to applications received on or after 26 January 2024. As this application was received in February 2023 this direction would not apply.

In summary, based on the scale of the development, the limited evidence to substantiate any claims that any residual increase in visits would necessarily result in deterioration, the past unrestricted access to the ancient woodland that would have led to inevitable visitor impacts which may have caused some degree of harm, and the applicants proposed mitigation as further detailed above, it is considered the development would not have an adverse effect on Blowers Wood Ancient Woodland.

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. In particular, development should be visually attractive as a result of good architecture.

Architecture

The proposals consist of predominately two storey residential houses with one block of 3 storey apartments in the northern corner of the site. The applicants are proposing to use the Redrow 'Heritage Range' and a core palette of materials with the dwellings comprising facing brickwork, render, timber cladding, hanging tiles and red and slate tone roofing materials. Contrasting materials and detailing will also be used to provide variation, particularly at key locations, to highlight junctions and accentuate subtle changes along the building line.

The dwellings have been well planned and given that the character and appearance of the surrounding area to the north and east has a mixed, suburban character (Wigmore Road, Maidstone Road, Lambsfrith Grove) the design is considered appropriate. To ensure the final design quality of the architecture is reflected on site, a condition is recommended to secure details of the external materials and the final architectural details relating to window frames and cills, doors, door frames and cills weatherboarding, fascia's and soffits.

Layout

The proposed layout has been informed by an approach that takes account of the site's constraints and neighbouring properties to the northwest. This includes a sufficient buffer to the ancient woodland which varies between approx. 15m – 20.7m, and a minimum distance of approx. 45m between the proposed dwellings and the rear gardens of the existing residential properties on Copperpenny Drive and Lambsfrith Grove.

Vehicular access to the development would come via Maidstone Road with the network of roads and footpaths within the development following a hierarchy. The main street and entrance would feature footways on both sides of the carriageway with a grass verge and street trees on one side. The secondary streets and avenues would then feature a footway on a single side of the carriageway, with additional tree planting and visitor parking parallel to the road.

The development will also be pulled back from the edges of the site in order to allow existing trees to be retained. Policy L4 of the Local Plan also encourages proposals which include new leisure and recreation facilities where they are adequate to meet the needs generated by new proposals. Open space, including play space, has also been provided as detailed within the landscape masterplan with tree lined streets, as well as amenity green space, natural green space and SuDs features.

In summary, the proposal is acceptable in design and layout terms and accords with Policy BNE1 of the Local Plan and the principles of good design set out in the NPPF.

Housing Mix and Affordable Housing

Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site exceeds 1 hectare, and the principle of development is acceptable. Providing for local housing need is also supported by paragraph 60 of the NPPF. Policy H3 of the Local Plan also requires a proportion (minimum of 25%) of residential developments to be affordable housing where there is an identified need and where the development is of substantial scale as defined within the Local Plan.

The proposed mix is as follows:

- 1 bed units – Total of 13 (comprising 7 affordable units)
- 2 units – Total of 20 (comprising 12 affordable units)
- 3 bed units – Total of 27 (comprising 3 affordable units)
- 4 bed units – Total of 15
- 5 bed units – Total of 13

The proposal is for 88 residential units, of which 22 are proposed as affordable homes. This would equate to 25% of the total number of units which would be policy compliant. The proposal also offers a good mix in terms of size and type of affordable units particularly with more 2 beds and the inclusion of 3 beds. The proposal is therefore considered acceptable with regard to Policies H3 and H10 of the Local Plan and paragraph 60 of the NPPF.

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

Given the arrangement of the proposed dwellings within the site, and their relationship and distance from the nearest dwellings on Copperpenny Drive and Lambsfrith Grove, with the intervening woodland buffer, there would be no detrimental impact to neighbouring amenity with regard to loss of daylight, outlook, privacy and overshadowing. Similarly, and by virtue of the location of the site, the presence of the A278 Hoath Way and its distance from the residential properties on Wigmore Road, it

is considered that the proposal would not have a detrimental impact on the amenity of the residents of those properties either.

However, the construction of the development itself could lead to noise and dust emissions to nearby residential properties and the ancient woodland. It is therefore recommended that a condition is imposed requiring a Construction Environmental Management Plan (CEMP). This should clearly set out the measures that would be put in place during construction to mitigate this.

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 and balconies which would be compliant with the guidance as set out in the Medway Housing Design Standards.

Given the back to back arrangement of many of the properties and when also taking account of the rural nature of the site where further development and the intensification of units could alter the visual amenity of the development, have direct implications on neighbouring amenity and could also have wider implications in terms of traffic generation, particularly if this resulted in the creation of additional bedrooms, it is recommended that householder permitted development rights are removed with regard to Classes 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.

Subject to the suggested conditions being imposed, no objections are raised by the Council in terms of the impact on amenities of both the future occupiers and neighbours. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Noise

The application has been submitted with a Noise Assessment (Ref;70094117, dated February 2023). The site is bounded by the A278 Hoath Way which is elevated relative to the development site. Maidstone Road is immediately to the south-east of the site, beyond which is the grade separated junction serving the M2 and the A278. Woodland and agricultural land lie to the south-west, beyond which is the M2 motorway.

The Noise Assessment demonstrates that acceptable noise criteria have been achieved in external amenity spaces with the vast majority of garden spaces predicted to be exposed to sound levels below 55 dB LAeq,16h. A suitable glazing and ventilation strategy has also been proposed for the exposed façade of the first row of units opposite Hoath Way and Maidstone Road to ensure conditions in habitable rooms remain within the desired design criteria. Intermittent extract ventilation has also

been recommended for habitable rooms to allow noise sensitive residents to increase ventilation without opening windows. The noise levels generated by the operation of the proposed air source heat pumps has also been assessed, and it is concluded that any associated impacts will be acceptable.

Subject to the conditions requiring further details of the proposed sound insulation between the floor and ceilings of adjacent units, as well as conditions to ensure acceptable noise levels are maintained, 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

Due to the size and nature of the proposed development, and in accordance with the requirements as set out in Medway Councils Air Quality Planning Guidance, the applicant has submitted an Air Quality Assessment (AQA) (Ref; AQ1, dated January 2023).

The report concludes that providing there are suitable mitigation measures and good site practice throughout the construction phase, the residual effects on air quality will be negligible.

Once operational, the proposed development will generate traffic movements on the local road network. A qualitative assessment of the potential impact of the proposed development on air quality was undertaken and the proposed trip generation is low in comparison to the existing traffic flows and below the necessary screening criteria. Therefore, the proposed development is not expected to have significant effects on local air quality at nearby receptors and a detailed assessment is not required.

The report concludes that mitigation equivalent to £31,302 should be provided within the site and a range of mitigation measures have been proposed throughout the development. These include electric vehicle charging points, cycle parking, a residential travel plan and tree planting throughout the site. The cost of the mitigation proposed is expected to exceed the costs calculated from the emissions mitigation assessment, and therefore no further mitigation is required.

In view of the above, and subject to a condition requiring the submission of an Air Quality Emissions Mitigation Statement giving full details of the measures that will be implemented as part of the development with regards to road transport emissions, as well as further details of dust control measures, no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

Contamination

The application has been submitted with a Geo-Environmental and Geotechnical Ground Investigation Report (Ref; P4266J2508/SC, dated 15 June 2022).

The report is in line with current guidance, and it is accepted that based on the results of the report, remediation of the site is not required. However, as the proposed

development is considered sensitive, as it is a residential development, it is recommended that a watching brief condition is secured.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraphs 180, 189 and 190 of the NPPF.

Flooding and Drainage

A Flood Risk Assessment (Ref; 11977, dated August 2023) has been submitted with the application. The assessment covers the identification of all sources of flooding, their impact on the development, their residual risk and mitigation.

The assessment concludes that the proposed site is in Flood Zone 1. The risk of flooding from tidal or fluvial sources is therefore deemed to be low. Flood risk from reservoirs, surface water, groundwater and sewers are also deemed relatively low, therefore no flood mitigation measures are required.

A drainage strategy is included, with a SuDS hierarchy being applied. The report states that the development's surface water will be routed via gravity to an infiltration basin located near to the southwest corner. The soil's soakage rate is high at this location having been determined by 2 tests. The infiltration basin provides the treatment necessary to mitigate the 3 pollution indices encountered in residential estates. The development also proposes a basin that has a basin volume larger than needed, meaning that there is additional capacity in extreme storm events. It has therefore been demonstrated that the development will not increase the flood risk, either on this site or to neighbouring properties.

In view of the above, and subject to conditions, requiring the submission of further details with respect to a sustainable drainage scheme, the temporary management of surface water throughout the construction phase and a signed verification report confirming the agreed surface water system has been constructed as per the agreed scheme the proposal is in accordance with Policy CF13 of the Local Plan and paragraphs 173 and 175 of the NPPF.

Archaeology

The application has been submitted with an Archaeological Desk Based Assessment undertaken by the HCUK Group, (Ref; 28427, dated January 2023). The assessment provides a review of the sites below-ground archaeological potential and addresses the information requirements of national, regional and local planning policy.

In terms of designated archaeological assets, no World Heritage Sites, Scheduled Monuments, Historic Wrecks or Historic Battlefields lie within the site or within three kilometres of the site, the closest being Binbury motte and bailey castle circa.3km to the south-east in the parish of Thurnham. However, the site does not form an important element of the historical setting of this scheduled monument and has no inter-visibility with the proposals, given the modest height of the residential development and the nature of the intervening topography, vegetation and built environment.

The report concludes that the site has low or low-moderate archaeological potential and any development on the site is considered unlikely to have a widespread or high level adverse effect on buried archaeology. Overall, it would appear that while it is possible that archaeological remains may be present within the site boundary, the balance of probability is that these would, in the context of the Secretary of State's non-statutory criteria for Scheduled Monuments (DCMS2013), most likely be of local significance.

It is considered the archaeological potential for the site has been sufficiently investigated and with a condition requiring a watching brief to be attached, the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 200 of the NPPF.

Ecology

An Ecological Appraisal (Ref; 6514 EcoAp vf1a AO/MRD) dated 31 January 2023 has been submitted with the application. An Ecological Technical Note (dated 8 February 2024) and updated BNG Metric was also submitted in response to initial comments received from KCC Ecology in respect to BNG and the ancient woodland buffer.

The site was initially surveyed in April 2022 based on standard extended Phase 1 survey methodology. A general appraisal of faunal species was also undertaken to record the potential presence of any protected, rare or notable species. Specific surveys were carried out for reptiles, bats and dormouse during the spring/summer of 2022.

The site comprises a species-poor semi-improved grassland field, bisected by a fenced footpath. It is surrounded by trees, secondary woodland and by ancient woodland on the northern western boundary. The ancient woodland is an important feature and will be provided with a suitable buffer zone from the housing development. An assessment has been made of potential indirect impacts to the Ancient Woodland and where necessary, appropriate mitigation measures are included.

Bats

The woodland and scrub within the site offer potential opportunities for foraging bats as they are likely to support a reasonable biomass of invertebrate prey. In addition, the woodland and hedgerow form linear corridors that could act as navigational aid for commuting bats and provide connectivity to similar off-site habitats in the surrounding area. As such, bat activity surveys were undertaken at the site in May, July and September 2022.

Visual inspection surveys were undertaken to assess the suitability of trees around the site to support roosting bats based on the presence of features such as holes, cracks, splits or loose bark. Transect surveys and automated static detector surveys were also carried out to ascertain the level of usage of the site by foraging or commuting bats. During the dusk and dawn surveys, the level of activity was found to be generally very low. During the walked transects, the highest levels of bat activity were recorded along the south-western boundary of the site, as well as along parts of the north-west boundary and on the woodland edge to the south-west, adjacent to the tree line.

Comparatively lower levels of bat activity (often negligible) were recorded along remaining parts of the site. Limited activity was recorded within the centre of the field. The majority of activity was limited to commuting passes, suggesting that the foraging potential of the site itself is limited.

The vast majority of the woodland, trees and scrub surrounding the site will be retained under the proposals (with only a small amount of removal required to accommodate the new access) whilst new tree, hedgerow and shrub planting will improve connectivity through the site and increase the foraging potential of the site. The proposal will also include upgrades to the existing PRow through the woodland, which in turn would require a small section of the PRow to be lit as it passes through the ancient woodland.

To minimise the impact of this it is proposed that bollard lighting will be utilised along a stretch of approx. 35m. As this would be low level lighting this would not create an impenetrable barrier across the woodland and bats would be able to continue to commute through, moving between the woodland. Furthermore, and as this would be low level lighting, it is unlikely that bats would need to alter their flight patterns to take account of the lighting, in contrast to more conventional column lighting.

Accordingly, and subject to a condition requiring a lighting plan for biodiversity, including details of the lighting for the PRow improvements no objection is raised.

Dormice

The study area provides good opportunities for dormouse, particularly in the form of areas of woodland, hedgerows and, to a lesser extent, scrub throughout the study area. The majority of the study area however is dominated by open grassland fields which are unsuitable for Dormouse.

Given the presence of potential dormouse habitat within the study area and local records of dormice, specific dormouse survey work was undertaken at the site between June and November 2022. Dormouse were found in two locations during the August survey. During the October survey dormouse were also found.

Dormouse were recorded in vegetation to the northeast, southeast and southwest of the site, and are also expected to occur in woodland to the north-west. Given the presence of a well-connected woodland and hedgerow network surrounding the site, these areas are expected to form the main area of habitat for dormouse within the study area. However, there is no suitable habitat within the fields forming the bulk of the site (only a small group of sparse trees is situated in the central part of the site, adjacent to the footpath, where no dormouse were recorded).

Due to a requirement to remove a section of hedgerow from the south-eastern boundary to facilitate access to the site, there will be a partial loss of dormouse habitat under the proposals (approximately 0.013ha). Based on typical population densities supported by hedgerow (1.3 adults per hectare along hedgerows, as set out in the Dormouse Conservation Handbook), this would result in loss of habitats supporting less than 1 adult Dormouse.

Connectivity for this species will be maintained through retention of the woodland surrounding the site to the southwest, northwest and northeast. There is a well-established network of hedgerows, treelines and wooded areas in the wider landscape, thus the small amount of habitat loss is likely to be of negligible significance for the local population. To compensate for habitat losses associated with the access road, areas of new mixed scrub and woodland planting are also proposed at the margins of the development. These habitats will strengthen and enhance the existing hedgerow and woodland boundaries. Furthermore, given the legal protection afforded to Dormice, consideration will be given to licensing and implementation of appropriate safeguarding measures during vegetation clearance.

Accordingly, and subject to a condition to secure the implementation of the recommendations outlined in paragraphs 6.1.9-14 of the Ecological Assessment no objection is raised.

Amphibians/Great Crested Newts

A number of waterbodies have been identified within 250m of the site, which is the range considered to be the zone of influence for great crested newts (GCN). Two ditches exist on the site boundaries and a further ditch exists on the opposite side of Maidstone Road, southeast of the site boundary. All three ditches were surveyed during the Phase 1 survey and found to be dry and containing no aquatic or marginal vegetation, suggesting these ditches rarely hold water and are unsuitable as GCN breeding areas. In view of the above the risk of GCN being present within the site is considered to be minimal, and as such GCN are not considered to present a constraint to the development.

Badgers

No evidence of badgers has been recorded within or adjacent to the site. Therefore, it is considered that badgers do not currently pose a constraint to development. Nonetheless, Badgers are dynamic animals and levels of badger activity can rapidly change at a site, with new setts being created at any time. It is therefore recommended that an updated site walkover is completed no earlier than 3 months prior to commencement to confirm the condition/management of onsite habitats and the presence of any new badger setts. This could be secured via a condition as part of a separate Biodiversity CEMP.

Water Voles and Otters

The habitats within the site itself are generally unsuitable for water voles and otters, comprising entirely grassland. The ditches adjacent to the site (forming the southern boundary and those on the other side of the road) were also inspected during the survey but found to be dry and unsuitable to support water vole or otters. In view of this no specific water vole or otter survey work has been undertaken and these species are unlikely to be affected by the proposals. As such, the site is not considered to be of importance for these species.

Reptiles

Given the presence of potentially suitable reptile habitat within the site, a specific survey was undertaken to establish the presence/absence of common reptile species between June and July 2022. A peak count of six slow-worm, two common lizards and one grass snake was recorded during the survey work at the site and individuals were recorded across the site through the grassland, with slightly higher numbers found in the northeast of the site.

It will not be possible to retain all areas of suitable reptile habitat under the proposals and therefore it will be necessary to carry out a reptile translocation exercise. Following consultation with KCC Biodiversity they have confirmed that details of the reptile translocation, including the methodology, on site receptor enhancements and details of its management and monitoring can be requested as a planning condition.

Breeding Birds

Several species of birds were observed within the site during the Phase 1 survey including wood pigeon, chaffinch, blackbird, house sparrow, pheasant and great tit. Most of the birds recorded at the site are not listed as having any special conservation status. Whilst there are records of various red-listed and priority bird species in the vicinity of the site, the habitats present are common in the surrounding area and there is no evidence to suggest the site is of elevated value at a local level for these species.

However, the proposal will result in the loss of several sections of hedgerow to facilitate site access and this could potentially affect any nesting birds that may be present at the time of works. Accordingly, precautionary safeguards in respect of nesting birds are proposed. It is 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.

Hedgehogs and other small Mammals

There is potential for hedgehogs to be utilising the habitat on-site and so the survey recommends precautionary mitigation measures for hedgehogs. This includes an ecological watching brief (overseeing all vegetation clearance) and dismantling of habitat features by hand. This could be secured via a condition as part of a separate Biodiversity CEMP.

Invertebrates

No evidence of any protected, rare or notable invertebrate species was recorded within the site. The site is dominated by poor semi-improved grassland and scrub, which are likely to support only a limited diversity of invertebrates. Accordingly, given the habitat composition of the site and lack of adjacent sites designated for significant invertebrate interest, 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.

Hedgerows and Trees

An Ecological Appraisal and Arboricultural Assessment (Ref; 11423_AIA.001, dated February 2023) has been submitted with the application. Along the northwestern site boundary is Blowers Wood Ancient Woodland, this woodland is subject to two Tree Preservation Orders (G9/1969 & G6/1971). With the exception of a section of hedgerow, scrub within the site itself, and a group of 3 category C trees (G3) fronting Maidstone Road, which will need to be removed to provide site access, all other arboricultural features and vegetation surrounding the site will be retained.

To the northeast and southwest of the site there are several instances where the extended limbs of trees on adjacent land have encroached over the application site. Subsequently, it will be necessary to undertake limited pruning works to install and use adjacent areas of new hard surfacing. In each case, the works are limited to a crown lift of the peripheries of the tree canopies to provide circa .2.4m clearance. The trees affected are T12, T16, T20, T23, T52 and T59. Although not required to facilitate construction, it is also recommended that dead branches are removed from the canopies of retained trees, where they will over sail areas of high public use. This will help mitigate the risk of future tree related hazards.

Though consideration has been given to how the proposal will interact with the site's retained trees, the majority of conflicts have been addressed through design revisions. However, the introduction of development features within the Root Protection Areas (RPAs) of three retained trees (T17, T52, T59) has proved unavoidable. The features requiring excavation within RPAs all relate to the introduction of small sections of new hard surfacing. The extent of new hard surfacing to be introduced to the previously unsurfaced RPA is minor and below the extent at which any detrimental effect on the trees would be anticipated. Furthermore, the excavation works are at the periphery of the trees' RPAs, where the presence of significant roots is infrequent, and the natural turnover of rooting material is at its highest. As a precautionary measure, to prevent avoidable root severance, and to allow correct pruning of affected roots, the Arboricultural Assessment states that all excavation works within the RPAs of retained trees will be carried out by hand to a depth of circa.600mm under direct arboricultural supervision, following the guidance under BS5837:2012.

All hedgerows and trees to be retained within the proposed development will also be protected during construction in line with standard arboriculturist best practice or as otherwise directed by a suitably competent arboriculturist. This will involve the use of protective fencing or other methods appropriate to safeguard the root protection areas of retained trees/hedgerows. The protection measures for trees and vegetation during construction, including any precautionary measures identified in respect to excavation within RPA's, will be secured by condition.

Ecological Enhancements and Biodiversity Net Gain

The proposals present the opportunity to secure a number of biodiversity net gains, including new native planting. Paragraph 174(d) of the NPPF states that planning

decisions should minimise impacts on and provide net gains for biodiversity. Paragraph 180(d) also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. Further, the Government set out its commitment to achieve Biodiversity Net Gain within the Environment Bill. As of the 12 February 2024 this requires all major applications submitted either on or after this date to provide a mandatory 10% biodiversity net gain.

Due to the date the original application was submitted (February 2023) mandatory Biodiversity Net Gain as stipulated by the Environment Act does not apply to this development. Notwithstanding this and as part of the Ecological Technical Note, biodiversity metric calculations have been provided. The result of the calculation shows that in relation to habitat units the total net percentage of change is +20.99%.

To ensure proposed target habitats are achieved and managed appropriately in the long term, there is a need for a detailed Landscape and Ecological Management Plan to be produced. This could be secured as a 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, that currently stands at £328.27 per dwelling (excluding legal and monitoring officer's costs) 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).

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

The applicants have agreed to pay this tariff, and this would be secured as part of a section 106 agreement. 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

Policy 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.

The application was originally submitted with a Transport Assessment (Ref; 11977, dated January 2023). Following a holding objection from National Highways, and a request for further information, the following additional information was submitted; Transport Advice Note (Ref; K362, 30 May 2024), M2 Junction 4 Technical Note (Ref; 11977, dated May 2024) and associated M2 J4 modelling outputs and peak count data.

Existing Conditions

The site is situated north of Maidstone Road, west of the A278 and lies to the north of the M2 motorway. The site is proposed to be accessed via Maidstone Road which is a single carriageway road that is subject to a 30mph speed limit. A PRow 'GB40' runs across the west of the site, providing pedestrian access to the north from Maidstone Road to Lambsfrith Grove. Hempstead Valley shopping centre is located approx. 0.5 miles to the northeast of the site. The most direct access from the site to this shopping centre can be achieved via the PRow'.

Pedestrian and Cycling Infrastructure

A pedestrian footway is provided on the northern side of Maidstone Road directly adjacent to the sites entrance. This footway measures approx. 1.5m in width and connects with Wigmore Road to the north. There is also an un-controlled crossing, with dropped kerbs and tactile paving by the roundabout which links Wigmore Road and Deanwood Drive, to allow pedestrians to cross over to the opposite side of Wigmore Road.

A PRow runs directly through the site providing pedestrian access to the north from Maidstone Road to Lambsfrith Grove. The application is proposing to retain and divert the PRow within the site. This will also include upgrades to the quality of the surfacing of the PRow through the ancient woodland to make this route more accessible. These improvements have been secured via a condition of the approval. Internal footways measuring approx. 2m wide will also be provided within the site itself which will link to the existing footpath on Maidstone Road.

Footway improvements are also proposed along Maidstone Road itself. This would include a thorough cleaning of the section of footpath on the north side of Maidstone Road as well as the removal of existing vegetation which currently restricts the width of the footway. As a result, the footway would be widened to approx. 2m. Although

due to the presence of crash barriers and drainage gullies it is not possible to widen the footpath where it passes under the A278, additional pedestrian street lighting is proposed underneath the bridge, so this route is more attractive during the hours of darkness.

In terms of cycle infrastructure, and although there are no dedicated cycle lanes within approx. 500m of the site, the surrounding residential roads leading to both Hempstead and Rainham would be safe for cyclists and the footways benefit from street lighting. Therefore, this could provide a realistic alternative to the motor vehicle. Furthermore, a S106 contribution totalling £100,000 has also been secured to upgrade the existing shared cycle/pedestrian footpath on Hoath Way. These improvements would include widening and resurfacing.

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 to schools and 1,200m to other destinations. The data analysed within the Providing for Journeys on Foot guidance suggests that 80% of trips of up to one mile in urban areas are undertaken on foot with 31% of journeys between 1 and 2 miles also undertaken on foot.

It is stated within the Transport Statement that there are existing local services and facilities available within the 800m preferred maximum distance. This includes Hempstead Valley shopping centre with its range of shops, restaurants and community facilities. Bredhurst Primary School is also located within this 800m distance, with Deanwood Primary School slightly outside at approx. 900m. Some of these services will be assisted in continued viability by the additional local spend the development will bring. However, future residents are likely to travel further afield to supermarkets, employment, GP Surgeries and secondary schools and these are likely to generate trips by cars.

The suggested pedestrian connection improvements to the PRow as summarised earlier in this section would allow for accessibility improvements fundamental to the site's sustainability credentials.

Public Transport

The closest bus stops are located on Wigmore Road approx. 230-250m from the sites entrance representing an approx. 3/4-minute walk. These provide the following bus services; 113, 116, 130, 132, 659 and M1. There are frequent bus services throughout the week, including services on weekends as well. The local buses provide connections to local towns and villages as well as transport hubs such as Chatham and Rainham. This would provide opportunities to use public transport as an alternative to the private motor vehicle.

Hempstead Valley is also hub for buses for Hempstead and the surrounding area. Hempstead Valley also offers a National Express Coach from Dover to London Victoria, which operates daily and another National Express Coach which runs from Ramsgate to London Victoria daily. All buses from Wigmore Road pass through Hempstead Valley Shopping Centre, providing residents with a realistic choice in

respect to public transport. The proximity of the site to a reliable and frequent bus service would therefore offer a genuine choice of transport modes and promote a realistic alternative to the private motor vehicle. This would support the objectives of paragraph 109 of the NPPF.

Access and Highway Safety

The proposed access to the development would be from Maidstone Road. Details have been provided which demonstrates the access arrangements for the site with a carriageway width of approx. 5.5m on entry to the site. This would safely allow two-way vehicle movements through this stretch of carriageway. Manual for Street compliant visibility splays can also be achieved from the access. An independent Stage 1 Road Safety Audit (RSA) of the proposed site access design and junction modelling has also been completed. The audit was undertaken with the sole purpose of identifying any features of the design that could be removed or modified to improve safety. No problems were raised in the audit. Subsequently the access arrangements and proposed visibility splays raise no highway safety concerns.

To ensure that the proposed site layout is accessible to larger service vehicles, tracking analysis has also been undertaken for refuse vehicles and fire tenders and is considered acceptable.

Highway Capacity

In order to assess the movements associated with the proposed land use, the Transport Assessment has used TRICS to establish the trip generation. It is forecast that the proposed development has the capacity to generate approx. 418 vehicle trips across the 12-hour weekday period (7am-7pm), of which 44 would occur in the AM peak hour (8am-9am) and 44 in the PM peak hour (5pm-6pm). This equates to just under 35 vehicle movements per hour. The Transport Assessment also assessed the impact of the development on the mini roundabout at the junction of Maidstone Road and Wigmore Road. It is forecast that the proposed development has the capacity to generate an additional approx. 36 two-way trips in the AM peak hour and 34 two-way trips in the PM peak hour. The additional traffic flow through this roundabout equates to approx. 1 vehicle every 2 minutes within both the AM and PM peak network hours.

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. The additional trips generated by the development demonstrate that there would be no unacceptable highway impact.

A framework travel plan has been included within the Transport Assessment which sets out measures that could be implemented to encourage walking, cycling and the promotion of public transport. However, further details including how it would be monitored and reviewed have not been included. As such it would be appropriate to impose a condition requiring further details of a full travel plan.

Impact on Strategic Road Network

National Highways originally raised a holding objection based on the concerns they had regarding the potential impact of the proposal on the safe and efficient operation of the Strategic Road Network (SRN), particularly within the vicinity of the M2 junction 4. However, and following the submission of additional information, including a transport modelling methodology note and associated transport model outputs, National Highways are now satisfied that, if permitted, the proposal would add a very limited amount of additional traffic to the SRN that would not be severe. Accordingly, and subject to a condition in respect to a Construction Environmental Management Plan (CEMP) they are content that the development would not have an unacceptable impact on the safety, reliability and/or operational efficiency of the SRN in the vicinity of the site.

Parking

In accordance with Medway Councils Interim Parking Standards 1 space should be provided for a 1 bed, 1.5 spaces for a 2 bed and 2 parking spaces for every 3+ bedroom dwelling. This would yield a requirement for a total of 174 parking spaces (including visitors) in accordance with these standards. A parking plan has been submitted with the application that demonstrates that the development would provide a total of 174 parking spaces (including visitors) in accordance with these standards. This would include a total of 156 allocated parking spaces with a further 22 parking spaces provided for visitors.

A condition is recommended to secure the provision of these spaces on site prior to occupation and their retention as parking spaces. It is noted that within paragraph 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

As detailed above there are existing local services and facilities available within the preferred maximum walking distance of the site. The creation of new footpath links within the site, improvements to the existing footway along Maidstone Road and shared cycle/pedestrian footpath along Hoath Way (secured via S106), and upgrades to the existing PRow through to Lambsfrith Grove would also result in development that would accord with the principles of sustainability in terms of offering alternative modes of travel. In addition, the Transport Assessment and additional highways related assessments have demonstrated the proposal would not have severe transport impacts on either the local or strategic network. Subject to securing the stated highway and PRow improvements, s106 contribution and associated conditions described above, the development is considered acceptable with regard to Policies T1, T2, T3, T4, T13 and T14 of the Local Plan and paragraphs 108, 109, 114 and 115 of the NPPF.

Climate Change and Energy Efficiency

The application has been submitted with a Climate Change and Energy Efficiency Statement (dated January 2023) which can be summarised as follows:

- It is intended that water saving fittings and appliances shall be installed to target a water consumption rate of 105 litres or less per person.
- For the proposed development, consideration will be given to the lifecycle environmental performance with materials selected in consideration of the BRE's Green Guide to Specification, aiming for A or B rated materials wherever possible.
- The use of locally sourced materials will be prioritised wherever possible to reduce the impacts associated with the transportation of materials.
- During detailed design of the building fabric, consideration will be given to minimising the environmental impact of materials, by selecting non-toxic and robust materials to ensure longevity and a minimal impact on the health of occupants.
- Timber will be selected and purchased in consideration of sustainability certification. It is intended that all structural timber elements along with any timber used for temporary uses, such as scaffolding, will be sustainably sourced, e.g. from FSC and/or PEFC sources.
- To encourage a greater proportion of the operational waste to be diverted from landfill, it is proposed to provide dedicated spaces of sufficient size and convenient location for each of the new dwellings.
- New trees and native hedgerow planting are proposed.
- The dwellings' facades will have a balanced amount of glazing to mitigate direct solar heat gain whilst optimising daylight penetration.
- Internal heat gains will be minimised through the use of energy efficient lighting and equipment, the employment of air source heat pump (ASHP) technology, and the insulation of hot water distribution pipework to prevent heat loss.
- Best practice measures, implemented as part of a Construction Environmental Management Plan (CEMP), to mitigate the impacts of construction-related dust and emissions.
- The glazing will be double glazed, argon filled with a low emissivity coating.
- A high level of air tightness is proposed, where a level equal to or below 5 m³/h/m² shall be targeted, meaning that air infiltration between the internal and the external environment will be largely controlled, and space heating/cooling demand further reduced.
- In order to minimise heat loss through thermal bridges, accredited construction details have been assumed, with an equivalent γ -value of between 0.014 – 0.028 for each dwelling.
- Low energy LED lighting will be installed throughout the residential units.
- Energy management systems, such as smart meters, will be installed in all dwellings to enable future residents to monitor their energy usage, and therefore aid in reducing their energy consumption.

Further details of these measures will be requested as a condition 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 (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:

- i) £21,560 to assist with development of new square/civic space in Rainham Precinct Shopping Centre and improvements to the Shopping Centre and town centre gateways.
- ii) £239,064.32 to enhance open space facilities within the vicinity of the development.
- iii) £16,328.40 to improve equipment and facilities at Hempstead library and/or Wigmore library.
- iv) £18,116.56 towards enhancement and/or expansion of community facilities which will serve the new residents of the development.
- v) £17,108.96 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- vi) £504,521.28 toward mitigating the impact of the additional pupils generated by the development comprising.
 - Nursery - £109,436.21
 - Primary - £177,427.78
 - Secondary - £213,612.22
 - Sixth Form - £4,045.07
- vii) £24072.40 to support the creation of a new swimming gala timing system and improved facility for club and community users at Medway Park.
- viii) £100,000 for the upgrading of the existing shared cycle/pedestrian footpath on Hoath Way. Improvements include widening and resurfacing.
- ix) £13,200 for the provision of travel vouchers to be issued to each dwelling to the value of £150 per voucher per dwelling.
- x) £62,520.48 to support the creation of additional capacity in Primary Care premises as a result of the increase in housing and resulting patient registrations.

- xi) £7743.12 to support youth development in the Wigmore and Rainham Area.
- xii) £36,000 to mitigate against the extra footfall on PROW GB40. Contribution to be ring fenced to fund its future maintenance.
- xiii) £24,277.44 towards Designated Habitats Mitigation.
- xv) 25% of all housing to be provided as affordable housing.

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.

The appraisal that has been undertaken above demonstrates that the application proposals are contrary to the Development Plan as they fail to comply with saved policies BNE25 and BNE34. However, whilst planning applications must be determined in accordance with the Development Plan, regard should also be had to other material considerations, including the NPPF.

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.

However, simply because the presumption in favour of sustainable development has been engaged, that does not mean that development plan policies relevant for the supply of housing should be ignored. Rather it is for the decision maker to decide how much weight should be afforded to them. Given that Medway's housing land supply shortfall is substantial (despite a significant increase in the number of homes delivered in the past 4-5 years, in comparison to previous years) it is considered that only **limited weight** can be afforded to policies BNE25 and BNE34 and **greater weight** should be attached to the presumption in favour of sustainable development.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and

unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

The new residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy and vitality of the surrounding area. The development would also boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period. **Moderate weight** would be given to these factors.

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

The planning obligations set out in the s106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. Accordingly, **limited weight** is given to any highways improvements sought.

Social

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

The development would deliver 88 dwellings towards housing land supply, of which 25% would be affordable dwellings contributing to the identified need in the Medway area. It is considered that **significant weight** can be attached to the social benefits of the provision of 88 dwellings including 25% affordable housing to meet the lack of housing supply in accordance with the guidance in the NPPF.

Upgrades to the existing PRoW through to Lambsfrith Grove and Improvements to the existing shared cycle/pedestrian footpath on Hoath Way, which will be secured via an S106 contribution would also promote walking and cycling and provide an alternative to the private vehicle. However, these measures are largely mitigation associated with the delivery of housing in a countryside location. As such this would carry **moderate weight**.

The long-lasting impacts from COVID have also changed working habits and highlighted the need for dwellings to be adaptable and allow for home working if required. Taking account of this, the proposal is designed with spacious plots, and for the majority of the house types would also facilitate home working. This contributes to and promotes well-being for the future occupiers. **Limited weight** is attached in this regard given that it largely benefits the occupiers of the development itself.

Environmental

The proposed development will incorporate a high level of energy efficiency. All dwellings will also include the provision of an electric vehicle charging point. These features are becoming more commonplace and merit **moderate weight** as a clear benefit of the development.

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

It is also noted that with the PRow upgrades and improvement to the footway along Maidstone Road the development would provide the opportunity for residents to walk or cycle to the shops and facilities at Hempstead Valley. The site is also served by bus services nearby. As such the site is considered to be within a sustainable location which has the potential to support sustainable travel choices.

However, it is also clear that the development would give rise to environmental impacts. As has been demonstrated above the development would result in the loss of a greenfield site. The development would also result in localised harm to the ALLI and would also cause harm to the intrinsic character of the countryside. However, it is noted that the sites contained nature, and the addition of some structural landscaping will go some way to mitigating that impact to a degree. Accordingly this harm should be afforded **moderate weight**.

Local residents have also raised concerns that the development would give rise to adverse impacts in respect of the highway network. However, it has been demonstrated that the proposal can accommodate the additional traffic generated by the development and as such the impact is considered to be **neutral**. Similarly concerns regarding the capacity of local schools and the health care facilities can be mitigated by the provision of increased capacity paid for by the applicants. It is noted that no objections have been raised by service providers.

In conclusion, and as discussed above the proposed development would be contrary to the Development Plan, when considered as a whole. However, the Framework is a material consideration, and this indicates that the proposed development should be determined other than in accordance with the Development Plan. 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.

It is thereby considered that the development is acceptable, despite the identified conflicts with the Development Plan.

Conclusions and Reasons for Approval

Although not providing the required 5-year land supply, the Council's policies provide a plan-led approach to future growth. The NPPF reiterates the primacy of the statutory

plan-led approach, which in this case would allow for meeting the housing needs in a manner that best protects its rural landscape setting.

The proposed development would be contrary to Development Plan policies BNE25 and BNE34 as the site is situated outside the settlement boundary on land designated as an Area of Local Landscape Importance. However, since the Council does not have a five-year supply of housing land and has a shortfall in supply that is substantial, significant weight should be given to the NPPF in the determination of this application.

Having regard to the presumption in favour of sustainable development it is considered that whilst the development would cause harm to the intrinsic character of the countryside and would harm a locally valued landscape through urbanisation, this harm is outweighed by the significant social benefits and associated economic benefits of delivering 66 units of market housing and 22 units of affordable housing. It is therefore recommended that planning permission is granted subject to conditions and the completion of a Section 106 agreement.

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

Background Papers

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

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