

**MC/23/2857**

**Date Received:** 28 December 2023

**Location:** Land at the Former Sturdee Club and land at Stoke Road, Hoo St Werburgh, Kent, ME3 9BJ

**Proposal:** Construction of 134no. residential dwellings (including affordable and over 55's homes), children's nursery (Class E(f)), cafe/community hub (Class E(b)/F2(b)) and commercial/retail floorspace (E(g)/E(a), new public open spaces, sustainable urban drainage systems (SuDS), landscaping and biodiversity areas and play areas. Access to be from 4no. new locations from Stoke Road. Provision of roads, parking spaces and earthworks - Demolition of the Sturdee Club and associated structures.

**Applicant Agent** Mr Andrew Wilford (Esquire Development)  
Studio 3  
The Old Laundry  
Longfield  
Kent  
DA2 8EB

**Ward:** Hoo St Werburgh and High Halstow

**Case Officer:** Arron Nicholls

**Contact Number:** 01634 333184

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 12th March 2025.**

**Recommendation – Approval Subject to:**

- A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to secure:
- i. A minimum of 25% affordable housing.
  - ii. £28,303.48 to improve equipment and facilities at Hoo Library.
  - iii. £41,726.26 towards improvements at Hoo Leisure Centre.
  - iv. £29,656.88 for the provision, improvement and promotion of waste and recycling services.
  - v. £150,000 towards improvements to open space and outdoor formal sport within the Hoo area.
  - vi. £489,169.09 for primary provision within 2 miles of development site or SEND education within Medway.
  - vii. £387,585.48 for secondary provision or SEND within Medway.

- viii. £95,201.64 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- ix. £10,050 towards public rights of way improvements within the vicinity of the site.
- x. £400,000 towards Public Transport provision improvements.
- xi. £550,000 Off site highways improvements.
- xii. £93,800 towards travel plan.
- xiii. £32,830.00 towards public realm improvements in Hoo centre or within the vicinity of the site.
- xiv. £5,000 to contribute to the overall interpretation of the stop line and propose that their interpretation is undertaken in coordination with the Whose Hoo Strategy.
- xv. £43,988.18 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xvi. Meeting the Council's costs.

B. 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 22 December 2023:

Indicative access arrangement sheet (107737-PEF-XX-XX-DR-C-000001-P06)

Indicative access arrangement sheet (107737-PEF-XX-XX-DR-C-000003-P04)

Indicative access arrangement sheet (107737-PEF-XX-XX-DR-C-000002-P06)

Demolition plan (30157A\_03)

Proposed Plans and Elevations House Type AH 1B - 2B Maisonette Terrace (30157A/30)

Proposed Plans and Elevations House Type AH 1B - 3B Maisonette Terrace (30157A/31)

Proposed Plans and Elevations House Type AH 2B Terrace (30157A/32)

Proposed Plans and Elevations House Type AH 3B Semi-Detached (30157A/33)

Proposed Plans and Elevations House Type AH 3B Terrace (30157A/34)

Proposed Plans and Elevations House Type BG-A (30157A/35)

Proposed Plans and Elevations House Type BG-B (30157A/36)  
Proposed Plans and Elevations House Type BG-C (30157A/37)  
Proposed Plans and Elevations House Type 2A Semi-Detached (30157A/38)  
Proposed Plans and Elevations House Type 2A Terrace (30157A/39)  
Proposed Plans and Elevations House Type 3A (30157A/40)  
Proposed Plans and Elevations House Type 3C (30157A/41)  
Proposed Plans and Elevations House Type 3C (30157A/42)  
Proposed Plans and Elevations House Type 3C Semi Detached (30157A/43)  
Proposed Plans and Elevations House Type 3D Attached Garage (30157A/44)  
Proposed Plans and Elevations House Type 3D Detached Garage (30157A/45)  
Proposed Plans and Elevations House Type 3B (30157A/46)  
Proposed Plans and Elevations House Type 3E (30157A/47)  
Proposed Plans and Elevations House Type 4D (30157A/48)  
Proposed Plans and Elevations House Type 4A (30157A/49)  
Proposed Plans and Elevations House Type 4B (30157A/50)  
Proposed Plans and Elevations House Type 4C (30157A/51)  
Proposed Plans and Elevations House Type 5A (30157A/52)  
Proposed Plans and Elevations House Type 5B (30157A/53)  
Proposed Plans and Elevations House Type AH 1B-2B-3B Maisonette Terrace (30157A/54)  
Proposed Plans and Elevations House Type AH 1B-2B-3B Terrace (30157A/55)  
Proposed Plans and Elevations Commercial Block A & B (30157A/56)  
Proposed Plans and Elevations Commercial Block C (30157A/57)  
Proposed Plans and Elevations Cafe & Community Hub (30157A/58)  
Proposed Plans and Elevations Nursery (30157A/59)  
Proposed Garage Variations (30157A/60)  
Drainage layout Parcel A (2305960-D006 - REV P2)  
Drainage layout Parcel B (2305960-D007 - REV P2)  
Drainage layout Parcel C (2305960-D008)  
Drainage layout parcel C (2305960 - D009 P3)  
Engineering layout Parcel A (2305960-D002 - REV P2)  
Engineering layout Parcel B (2305960-D003 - REV P2)  
Engineering layout Parcel C (2305960-D004 - REV P2)  
Engineering layout Parcel C (2305960-D005 - REV P2)

Received 08 January 2025:

Proposed site layout plan (30157A\_10B)  
Proposed coloured site plan (30157A\_11B)  
Proposed site diagrams - Parking (30157A\_12B)  
Proposed site diagrams - refuse (30157A\_13B)  
Proposed site diagrams - fire (30157A\_14B)  
Proposed site diagrams - house type mix (30157A\_15B)  
Proposed site diagrams - boundary (30157A\_16B)  
Proposed site diagrams - site use (30157A\_17B)  
Proposed site diagrams - movement (30157A\_18B)  
Proposed site diagrams - air source heat pump (30157A\_19B)  
Cycle store (30157A\_61A)

Site Wide Landscape Masterplan (6515-LLB-XX-XX-DR-L-0001-S4-P05)  
Landscape masterplan parcel A (6515-LLB-XX-XX-DR-L-0002-S4-P05)  
Landscape masterplan parcel B (6515-LLB-XX-XX-DR-L-0003-S4-P05)  
Landscape masterplan parcel C (6515-LLB-XX-XX-DR-L-0004-S4-P05)

Received 10 February 2025:

Proposed commercial cycle and bin store (30157A / 61A)

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

- 3 Prior to the commencement of development a Phasing Plan shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan shall:

- Define the extent of the area of each phase.
- Specify the order and timing of the proposed phases, which shall be shown sequentially starting with Phase 1.
- Specify the order and timing of the three commercial units and the community café which shall not be included within the last phase.

The development shall be implemented in accordance with the approved Phasing Plan.

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.

- 4 No development above ground floor slab level within each Phase shall take place until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out 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.

- 5 No dwelling shall be occupied within each Phase until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwellings are occupied and shall thereafter be retained.

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

- 6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed for each Phase in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The

scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health
  - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - adjoining land
  - groundwaters and surface waters
  - ecological systems
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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.

- 7 If contamination is identified a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development within that Phase. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 8 The approved remediation scheme for each Phase must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out within each Phase must be produced, and submitted to and approved in writing by the Local Planning Authority prior to the bringing into use of the development.

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.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 2, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 3, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 3 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

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.

- 10 Prior to the commencement of the development within each Phase a Construction Environmental Management Plan (CEMP) and Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working; 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 Traffic Management Plan shall include as a minimum construction phasing, construction routing plans, permitted construction traffic arrival and departure times. The construction works shall thereafter be carried out at all times in accordance with the approved Plans, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: In order to mitigate any adverse impact from the development on the on the local and wider strategic network and to minimise the impact of the construction period on the amenities of local residents, the countryside, wildlife and habitat and with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 11 No development shall take place within each Phase 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 air quality impacts identified in the approved Air Quality Assessment dated 14 December 2023. The total monetary value of the mitigation to be provided shall be demonstrated to be equivalent to, or greater than, the total damage cost values calculated as part of the approved Air Quality Assessment. The development shall be implemented, and thereafter maintained, entirely in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required prior to commencement of development to ensure no long term detrimental harm to conditions of amenity in accordance with Policies BNE2 and BNE24 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the development within each Phase hereby permitted, a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 230702/2 dated 7 December 2023, shall be submitted and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm<sub>ax</sub>) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works which form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 13 Prior to the installation of any extraction equipment a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To safeguard conditions amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order

amending, revoking and re-enacting that Order with or without modification) and 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) the nursery building only be used as a children's day nursery under Class E(f).

Reason: To ensure that the nursery/education provision remains on site to provide adequate facilities for the local population and to enable the Local Planning Authority to control any alternative uses due to potential adverse effects on residential amenity and highway safety and with regard to Policies BNE2, CF1, CF2, T1 and T13 of the Medway Local Plan 2003.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and 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) the Community Café/Hub shall only be used as such under (Class E(b)/F2(b)).

Reason: To ensure that the community use remains on site to provide adequate facilities for the local population and to enable the Local Planning Authority to control any alternative uses due to potential adverse effects on residential amenity and highway safety and with regard to Policies BNE2, CF1, CF2, T1 and T13 of the Medway Local Plan 2003.

- 16 The construction of one commercial unit, the community café/hub and nursery shall be completed prior to the occupation of 50% of the dwellings on parcel C with the remaining commercial units to be constructed prior to the occupation of 95% of the dwellings on parcel C. The units shall be made available in their entirety including all associated works car parking, bicycle sheds, refuse storage, lighting and car parking barriers and landscaping.

Reason: In the interested of sustainability and to ensure that this mixed use development is delivered as proposed and in compliance with paragraphs 85 to 89 of the NPPF.

- 17 Prior to the occupation of any commercial unit hereby permitted, a scheme to minimise the transmission of noise from the use of the premises, shall be submitted and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L<sub>Ar,Tr</sub>) emitted from the development shall be at least 10dB below the background noise level (L<sub>A90,T</sub>) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.



Reason: To ensure no long term detrimental harm to conditions of amenity and vitality of street scene in accordance with Policy BNE2 and R8 of the Medway Local Plan 2003.

- 18 Prior to the installation a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, shall be submitted and approved in writing by the Local Planning Authority. Noise from the extraction system (LAeq,T) shall be at least 10dB(A) below the background noise level (LA90,T) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

Reason: To ensure no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 No dwellings within Parcel A shall be occupied until details of the stop line and pillbox information boards, including appearance, height, content and exact location, and installation schedule shall be submitted to and approved in writing by the Local Planning Authority. A programme of maintenance in perpetuity of the interpretation panels, pill boxes and stop line shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in the locality, in accordance with Local Plan Policy BNE1 and BNE20.

- 20 No development shall commence within each Phase until full details of the areas to be set aside for equipped play facilities together with the play equipment and surfacing to be provided shall be submitted to and approved in writing by the Local Planning Authority. This detail shall also include the proposed public open space along with the proposed footpaths. Any play area or areas shall be provided in accordance with the approved scheme of details prior to the first occupation of the residential accommodation and shall thereafter be retained in accordance with the approved details.

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

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

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.

- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

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

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

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

- 23 No development shall commence within each Phase until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the 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 168 of NPPF.

- 24 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without

modification) and no change of use shall be carried out unless planning permission has been granted on an application relating thereto.

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

- 25 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A and B 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 amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

- 26 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change section of the Design and Access Statement (received 22 December 2023). Prior to occupation of each Phase a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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

- 27 No development shall take place within each Phase (except as may be agreed in writing by the Local Planning Authority) until the developer has secured the implementation of a programme of archaeological work in accordance with a written specification and time table which has been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved specification.

Reason: To safeguard the archaeological interest in the site in accordance with Policy BNE21 of the Medway Local Plan 2003

- 28 Prior to the first occupation of any dwelling within each Phase herein approved, full details of both hard and soft landscape works and any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

These details should include.

- i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting, and services (including drainage), tree grilles,

minor artefacts, and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

- ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within hard landscape), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

The development shall be implemented in accordance with the approved details and timetable 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 in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 29 Prior to the first occupation within each Phase herein approved, a landscape management plan, shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details. Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company.

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

- 30 Prior to commencement of works within each Phase (including site clearance) details of a construction environmental management plan (CEMP) and a

Landscape and Environmental Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority.

The CEMP shall contain full details of the measures outlined in section 10 of the Ecological Impact Assessment (EclA) (Native Ecology, December 2023) associated with the planning application and shall include consideration of the following:

- Details of the role of an ecological clerk of works (ECoW) on site for ecologically sensitive work (including demolition and vegetation clearance).
- Details of timing of sensitive works to avoid impacts to wintering and breeding birds.
- Details of where construction exclusion zones are to be established to avoid disturbance to birds on adjacent land.
- Measures to minimise light spill effectively in accordance with ILP/BCT guidance note GN08: 'Bats and Artificial Lighting'.
- Measures to relocate reptiles to an onsite, 0.2ha reptile receptor; and
- General measures to avoid impacts to badgers and hedgehogs.
- The approved CEMP shall be adhered to and implemented throughout the construction period in accordance with the approved details.

The LEMP shall be in accordance with BS42020 Biodiversity to include details of the management for the development as well as the long term management of the open space and boundary hedging/landscaping, The content of the LEMP shall include the following, as a minimum:

- A plan identifying the extent of the area to be covered by the LEMP, which shall include all of the application site that are not part of private residential properties.
- Ecological trends and constraints on site and wider environmental issues that might influence management and in particular consider the likely effects of climate change.
- Landscape and ecological aims and objectives of the management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions for each identified habitat and feature covered.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward for the lifetime of the development) with recommendations for periodic review.
- Details of the body or organisation responsible for implementation of the plan and the resources both financial and personnel by which the LEMP will be implemented. This shall include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured post development with the management body(ies) responsible for its delivery.
- Ongoing monitoring and remedial measures including regular review by accredited professionals including setting out (where the results from monitoring show that conservation aims and objectives of the LEMP are

not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning landscape and biodiversity objectives of the originally approved scheme.

- Details of community engagement connected with raising awareness of and/or volunteering for the management of retained and created habitats and features on site for biodiversity. To be delivered by the Kent High Weald Partnership, Kent Wildlife Trust or other approved organisation with a minimum of two events per year.

Reason: To avoid an offence under the Wildlife and Countryside Act 1981 and with consideration for Species of Principal Importance under the Natural Environment and Rural Communities Act 2006 and to be in accordance with paragraphs 180(c) and 185(b) of the NPPF 2023 which require developments to deliver measurable ecological gains.

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

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

- 32 Prior to the first occupation within each Phase, refuse storage arrangements as set out within the proposed refuse Strategy 30157A\_13A (received 28 October 2024) shall be implemented on site in relation to the phase or sub-phase to which it relates and shall be retained thereafter.

Reason: To ensure the provision and permanent retention of refuse storage in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 33 The Public Right of Way located on the western parcel of the application site shall be kept open and accessible to all users throughout the construction of the development.

Reason: To ensure that the PROW network remains available for public use continuously throughout the course of development in accordance with paragraph 105 of the NPPF.

- 34 Prior to occupation the area shown on the approved plans as vehicle parking spaces for each dwelling shall be provided, surfaced and drained. Thereafter

it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space and garaging.

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

- 35 The approved carports shall not be enclosed, and no other permanent development shall take place, within or to the car ports whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or reenacting that Order). The car port parking spaces shall remain available for parking.

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

- 36 Prior to occupation of each Phase the final details of the Travel Plan for that Phase have been submitted to and approved in writing by the Local Planning Authority. The final travel plan shall be implemented in accordance with the approved details and timetable and thereafter be complied with as long as any part of the development is occupied.

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

## **Proposal**

This application seeks full planning permission for the demolition of the Sturdee Club and associated structures and the construction of 134 residential units. The housing mix would comprise:

- 1 bed units – Total of 10
- 2-bed units – Total of 29
- 3-bed units – Total of 77
- 4-bed units – Total of 15
- 5-bed units – Total of 3

The proposed dwellings would range from 1 to 2 storeys in height and be a mix of bungalows, detached, terraced and semi-detached houses. The proposal also features the provision of three two storey detached commercial/retail units to be located on the eastern boundary of parcel C alongside the provision of a two storey detached children's nursery and a single storey detached cafe/community hub both located on the north eastern boundary of parcel C.

The applicants state the scheme has been designed to respond to opportunities and constraints of the site placing a strong emphasis on the streetscape character, placemaking, enhancing access and understanding of the Second World War heritage assets located on site, whilst the design, form and materials of the scheme has been informed by the architectural vernacular of the surrounding area.

The proposed vehicular accesses to each parcel will come from new junctions from Stoke Road with parcel's A and B served by one new junction per parcel to provide access to the proposed dwellings. Parcel C would be served by two new junctions, one to the east and one to the west from Stoke Road to enable vehicular access to the proposed dwellings and mixed commercial units. Footpath links are provided throughout the parcels to connect into the existing footpaths. the proposal also features the provision of a number of play spaces across the three parcels.

### **Site Area/Density**

Site Area: 10.34 hectares (25.55 acres)

Site Density: 16.5 dph (6.7 dpa)

### **Relevant Planning History**

MC/23/2046      Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended) - request for a screening opinion for a proposed development of approximately 139 residential dwellings, a nursery, multi-use games area (MUGA), three Class E commercial units and a cafe with associated access, landscaping and other works.  
Decision : EIA not required  
Date : 16 October 2023

### **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. National Highways, Natural England, NHS Medway CCG, UK Power Networks, Southern Gas Networks, Southern Water Services, Natural England, Kent Police, Hoo Parish Council, The Environment Agency, Lower Medway Internal Drainage Board, Dickens Country Protection Society, National Gas Transmission, KCC Biodiversity and KCC Archaeology have also been consulted.

**8 letters** of representation from **8** different addresses have been received objecting to the application for the following reasons

- Loss of agricultural land.
- Concerns in relation to drainage, surface water and flooding in surrounding fields.
- Impact on existing infrastructure e.g. Doctors, schools and hospital.
- Impact on existing road infrastructure.
- Lack of public transport.



- Increase in crime in the surrounding area.
- Impact of the proposal on listed structures such as pill boxes and Hoo Stop Line.

**Kent Police** have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). *(The applicant is aware of this and will be discussing direct with Kent Police).*

**National Gas Transmission** have advised that the proposed site has been found to not affect any of National Gas Transmission plc's apparatus.

**National Grid** have advised that the proposed site has been found to not affect any of National Grid apparatus.

**Southern Gas Networks** have provided maps showing the location of pipelines in their ownership and provided guidance on works in relation to these. *An informative will be added to any decision to bring this to the applicant's attention.*

**UK Power Networks** provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment and details of who to contact if the development will affect UK Power Networks High Voltage Equipment. *An informative will be added to any decision to bring this to the applicant's attention.*

**Southern Water (SW)** have provided records of their sewer showing existing public foul water and surface water sewer, water mains assets within the development site. They set out the requirements for an application to be made to divert a public foul sewer. They set out the need for clearances needed for the various sewers and equipment ranging from between 3-6m and the associated restrictions on tree planting, soakaways and other drainage details in their proximity. SW provide guidance on SUDS requirements and details the applicants need to apply formal for connection to the water supply. *An informative will be added to any decision to bring this to the applicant's attention.*

**Dickens Country Protection Society** have objected due to the loss of agricultural land and impact on the existing infrastructure.

**Lower Medway Internal Drainage Board** have advised that conditions should be attached that prior to development a detailed scheme for surface water disposal based on SuDS principles and a Construction Surface Water Management Plan (CSWMP) detailing how surface water and stormwater will be managed on the site during construction are submitted to and approved by the local planning authority.

**Natural England** originally wrote raising objections to the proposals requesting the submission of additional information to be submitted in relation to wintering birds and a precautionary mitigation strategy to be submitted. This has been submitted. After re-consultation they have written to raise no objection subject to the securing of an appropriate mitigation for recreational pressures on habitat sites.

**Hoo Saint Werburgh and Chattenden Parish Council** have written to object to the proposal on the following grounds

- Lack of updated Local Plan.
- Impact on infrastructure.
- Lack of youth recreation facilities.
- Lack of local employment and
- Environmental concerns.

**National Highways** have advised that they raise no objection to the proposed development.

**KCC Ecological Advice Service** originally wrote to require further details requested in line with Natural England's comments. After reconsulting they have raised no objection subject to the inclusion of conditions requiring the submission of a District Level Licence for great crested newts, an environmental construction environmental management plan (CEMP) and landscape and ecological management plan (LEMP).

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan) and the Hoo St Werburgh and Chattenden Neighbourhood 2023-2040 (NHP). As the NHP was made in September 2023 it is therefore the most-up-date Development Plan document. 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 2024 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below. The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

### **Planning Appraisal**

#### *Background*

In the surrounding area, there are a number of sites to the west that are currently under construction or have been completed. On the northern side of Stoke Road there is the Esquire development on the former Street Farm site (50 units) and to the East of that the Jones Homes development (65 dwellings) and to the south side of Stoke Road and west of the application site are two sites currently being developed by Wimpey Homes for a total of 327 dwellings. In addition to the west directly adjacent to the site, south of Stoke Road and Yew Tree Lodge 100 homes have been granted outline permission, with a reserved matters application currently submitted under reference MC/24/2403. As a result of these developments, there have been some improvements to Stoke Road and footpaths linking the sites to the main village centre. Those applications were also the subject of S106 agreements to secure contributions towards improvements to local infrastructure including Health, Education, Open space, Play facilities, Community facilities and Sport amongst others.

As set out in the previous applications section part of the submission a full 'Request for Screening Opinion' was produced and submitted by DHA on behalf of Esquire

Development. This assesses the proposal in relation to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011. It concluded within the report that an EIA was not required. The full findings of this are available to view as part of the previous application documentation.

### *Principle*

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

The site lies within open countryside, outside the rural settlement boundary as designated within the Local Plan as well as the NHP. As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites.

Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric, and then strategically sustainable development using a sequential approach to the location. Policy BNE25, seeks to protect the rural area of Medway from development unless there are special circumstances that may require land to be released for an alternative use. Unless there are any special circumstances, development would be refused where the presence of built form would result in the sprawl of development into the open countryside. In addition, development would only be supported if it would not materially harm the landscape character and function of the area; the social and economic benefits outweigh the preservation of the landscape and the development is sited and designed to minimise the harm. Such development will only be permitted where it's a re-use or adaptation of existing buildings; rebuilding or modest extension or annex to a dwelling and is within a rural settlement boundary.

The site is also identified as being part of the 'Hoo Peninsula Farmland' designation within the Medway Landscape Character Assessment (chapter 11). Whilst the site is not used for arable farming, the landscape forms part of a wider area of either flat or undulating open farmland with large open fields, has little sense of enclosure, forms part of extensive views across the landscape and is bounded by mixed hedgerow and fencing. The objective of such supporting policy is to encourage the strengthening of the qualities of the area and resist suburbanisation to villages and small settlements. In addition, the guidance also seeks to protect separation, rural character and the openness of countryside between villages.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, and the Council does not currently have a five-year housing land supply (paragraph 78 of the NPPF). As such there is non-conformity between the restrictive countryside Policy BNE25 and Policy BNE34 within the Local Plan and the more recent NPPF.

Paragraph 11(d) states that where there are no relevant Development Plan policies or the policies are out of date, to grant planning permission unless the policies in the NPPF provides a strong reason for refusing or where the adverse impacts of doing would outweigh the benefits. In relation to whether the policies in the Development

Plans are out of date, Footnote 8 of the NPPF states that for applications involving the provision of housing, this would include where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 72), or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. The latest Housing delivery test results show the Council has provided 72% of its housing need and thus the presumption in favour of sustainable development applies. There is therefore a significant need for new housing in the Medway Area.

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 if any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, as set out in paragraph 8. Paragraph 61 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements.

The NHP was made in September 2024, and it is therefore the most-up-date Development Plan document. The NHP does not allocate sites for housing or employment outside of the existing village boundary. However, Policy H001 supports employment development subject to sites having adequate and safe access to a highway with sufficient capacity and there being no adverse impacts. Similarly, policy H004 of the NHP is supportive of new housing development coming forward on sites provided that they do not significantly affect the amenities of existing residents, the historic environment (in line with Policy H007), the landscape and natural environment (in line with Policy H008) and delivers a range of housing such as affordable housing and older peoples housing in order to meet local needs.

In determining whether the principle of this proposal is acceptable, it will be important to assess the matter of sustainability within the planning balance, giving significant weight to the benefits the proposal brings to the delivery of much needed housing to contribute towards the five-year land supply. It is also important to have regard to the current development taking place within the immediate vicinity of this site. The Planning balance is set out at the end of this report.

### *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 emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Policy H006 of the NHP also states that all new housing design should respect the historic and rural character of the NHP area having appropriate regard to their design guidelines. Policy H002 states that new community facilities will be supported in existing built settlements or in other sustainable and accessible locations. Policy H004 states that support for housing will be subject to there being no significant adverse impact and references Policies H007 (historic environment) and

Policy H008 (landscape and natural environment). The policy (H004) also expects housing to meet a range of local needs including housing suitable for older people, people with limited mobility and other specialist housing needs. Affordable homes should also be an integral part of the scheme and be tenure blind. Policy H001 supports employment development that has safe and adequate access and there being no adverse impact on amenity.

The surrounding area contains a mix of house types and designs. It is acknowledged that the spatial pattern of development in the immediate surrounding area is characterised, by post war linear residential development to the northeast along Stoke Road and a small number of detached dwellings to the south of Stoke Road and to the west towards Hoo village centre the area is characterised by large scale modern housing developments characterised as semi-rural in character. To the south of the site is the sand and gravel quarry and the river estuary.

This proposed scheme consists of a mix of 1, 2, 3, 4 and 5 bed, terrace, semi-detached, detached homes and bungalows. This variety of provision means that the scheme provides for a range of housing including for older people, to meet the needs of the area and that the design and layout of the scheme is varied also. The whole scheme consists of single and two storey development which is considered to be in keeping with the wider surrounding area of Hoo St Werburgh. The scheme has been designed so that there are different character areas, each created through the use of a selective pallet of materials and designs.

The application site is made up of three separate parcels of land. Parcel A is located to the south of Stoke Road and is defined by the Hoo Stop Line which runs broadly along the centre of the parcel with two Pill Boxes along the western most boundary. The proposal features 37 residential units primarily in the form of larger family homes, with vehicular access from Stoke Road adjacent to the stop line. The scheme also proposes to provide public open space provision running from the north to south which has been designed around the reinstatement of Hoo defensive stop line, a children's play park and to provide views down towards the Medway estuary.

Parcel B is located to the north of Stoke Road, the proposal features 13 units primarily in the form of larger family homes, with vehicular access from Stoke Road. The proposed dwellings have been designed and located to respect the existing built form along Stoke Road.

The main parcel C is located to south of Ropers Lane roundabout and Stoke Road. The western part of the parcel was previously used as Sturdee Sports and Social Club and the eastern edge is defined by overhead power cables & pylons. Residential units are proposed to occupy the majority of the parcel with 89 units proposed that include flats, bungalows and houses. Alongside the residential units a children's nursery and a cafe/community hub are proposed in the northeast of the parcel. Three commercial units and areas of vehicular parking are proposed on the east side of the parcel adjacent to the pylons. A public green space is proposed in the centre of this parcel running from east to west adjacent to the coffee community hub, alongside a further open space and wild grassland running from north to south underneath the existing pylons. Vehicular access is proposed to be from two new access points one to the west and one to the east of the Ropers Lane roundabout.

The design and scale of the proposed units combined with the proposed materials will ensure that the proposal respects the character and appearance of the surrounding area. This includes indicative materials such as mix of brick types, timber weatherboarding, timber double glazed windows, timber double glazed doors, hung tiles, slate roofs, Kent peg tiles, cast iron effect rainwater goods and permeable paving. The layout of the proposed development would also respond to the adjacent site and would provide a pedestrian link into the adjacent parcel. The NPPF promotes access to open spaces (paragraph 103) and recognises the value of access to these open spaces, in providing important physical and mental health benefits. Policy L4 of the Local Plan and Policy H002 of the NHP also encourages proposals which include new community and recreation facilities where they are adequate to meet the needs generated by new proposals.

It is considered that the overall design, scale and layout have been informed by an approach that respects the site constraints, existing pattern of settlement, heritage assets and landscape setting. To ensure the final design is reflected on site, a condition is recommended to secure details of the external materials.

In conclusion subject to the abovementioned condition the application would be in accordance with Policies BNE1 and H10 of the Local Plan, paragraphs 131 and 135 of the NPPF, and policies H002, H004 and H006 of the NHP.

#### *Affordable Housing*

Supported by paragraphs 63 and 65 of the NPPF, Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site is over 0.5ha or 1ha (depending on if rural or urban setting) and the principle of development is acceptable. Policy H3 of the Local Plan also requires a proportion (minimum 25%) of residential developments to be affordable housing where there is an identified need and where the development is of sustainable scale. Policy H004 of the NHP also supports the delivery of affordable housing and states that new development should reflect local housing need.

In this location the Council would require an affordable housing level of 25% of the total homes built to be policy compliant. The proposal as set out with 134 new homes would require 34 affordable homes to ensure that it is policy compliant. In line with this the application proposed the provision of 34 affordable homes featuring 10x1 bedroom flats, 8x2 bedroom houses and 16x3 bedroom houses which is considered to be acceptable.

Subject to the above affordable housing being secured within the S106 agreement, no objections is raised in relation to the proposal under Policy H3 and H10 of the Local Plan, paragraph 63 and 65 of the NPPF and Policy H004 of the NHP.

#### *Amenity*

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants

and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation. Policy H005 of the NHP states that residential development should be well designed to be flexible to meet residents changing needs.

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

### Neighbouring Residential Amenity

The closest neighbouring residents are all located on Stoke Road. In relation to parcel A there are no neighbouring properties directly adjoining it. Parcel B is directly adjacent to Dencher and Abbots Court Lodge, whilst Parcel C is directly adjacent to 1-6 Sturdee Cottages. Given the arrangement of the proposed dwellings within the three parcels and their relationship with the existing dwellings the impact to neighbouring amenity is considered to be acceptable with regard to loss of daylight, outlook, privacy and overshadowing. In addition, boundary and internal planting is shown on the layout throughout the site and around the edge of the proposed site, which will create visual buffers. It is considered that the proposal would not have a detrimental impact on the amenity of the residents of those properties either.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

Overall, it is considered that, in principle, the relationship to neighbours will be acceptable and will not cause detrimental harm.

### Amenity of Future occupants

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each flat in comparison to the Technical Housing Standards - Nationally Described Space Standard.

Dwelling type	Number of bedrooms and bed spaces	Proposed (m <sup>2</sup> )	National Standard (m <sup>2</sup> )
1 bed flats	1 bed 2 person	50	50
2 bed bungalows	2 bed 4 person	79	70
2 bed houses	2 bed 4 person	81	79
3 bed houses	3 bed 4 person	95 - 100	84
3 bed houses	3 bed 5 person	100	93
3 bed houses	3 bed 6 person	110 - 125	102
4 bed houses	4 bed 5 person	132	97
4 bed houses	4 bed 6 person	124	106
4 bed houses	4 bed 7 person	148	115
5 bed houses	5 bed 8 person	172 - 181	128

As indicated in the table above the gross internal floor areas (GIFA) for each plot have been measured from the submitted floor plans and would exceed the minimum requirements for each plot. In addition, the proposed bedroom sizes exceed the minimum requirements for floor area and width, and all habitable rooms would all be provided with suitable outlook.

With regard to the garden size, in the absence of any technical standards relating to private amenity space within the national standard, the Medway Housing Standards 2011 states that gardens should be 10m in depth and 7m when constraints exist. The proposed private amenity space would be compliant with the guidance.

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

The application is also supported by a noise assessment which considers the impact on the future occupiers from noise from nearby roads and quarry. The conclusions and recommendations of the assessment are considered acceptable subject to a condition to secure the scheme of protection.

The final end users/tenants for the office/commercial units have not been finalised at this stage. As such, noise will need to be carefully considered prior to occupation of any of the commercial uses. Potential noise issues include amongst other things external plant, entertainment and patron noise. Any uses that involve cooking of food on the premises are likely to require the provision of a commercial kitchen extract system. Noise, vibration and odour from such systems will require specific consideration. It is therefore considered necessary to include conditions to ensure these to not affect the amenity of existing and future occupiers.

Subject to the recommended 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, paragraph 135 and 198 of the NPPF and Policy H005 of the NPH.

### *Highways*

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

Paragraph 110 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 116 of the NPPF states that development should only be prevented or refused on highways grounds if there



would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy H0011 of the NHP advises that proposals for large developments should include layouts that prioritise safe, active travel and sustainable forms of transport movement that create good linkages, provide secure and covered cycle storage, electric vehicle charge points and adequate parking provision to accommodate modern vehicles. Policy H006 requires new developments to link to surrounding paths and facilities, including public transport, and create good linkages within the site.

The application has been submitted with a Transport Assessment (Ref; 107737-PEF-XX-XX-RP-TR-000002) received 22 December 2023, a Highways Technical Note (105127-PEF-XX-XX-RP-TN-000002) received 10 April 2024 and a Highways Technical Note (105127-PEF-XX-XX-RP-TN-000003) received 08 January 2025.

### Existing Conditions

Stoke Road is a two-way single carriageway road that runs along the northern boundary of parcels A and C. The road is approximately 6 metres wide adjacent to parcel A and B and widens to approximately 7 metres in proximity to parcel C. Stoke Road is subject to a 30mph speed limit along the site frontage up to a point 35m west of the Ropers Lane roundabout. From here the speed limit increases both east along Stoke Road and north along Ropers Lane to 50mph. The Applicant proposes to extend the 30mph zone to the eastern approach to the Ropers Lane roundabout, which is intended to reduce speeds passing the site and will be dealt with separately via a S278.

Stoke Road provides direct connection into the centre of Hoo St. Werburgh to the west. Within or close to the village centre there are shops, services, and community facilities. Ropers Lane to the East provides access to Peninsula Way and the A289, from where access to the A2/M2 can also be gained. The A289 also continues to the Medway Towns, which provide access to an extensive range of services and facilities.

### Pedestrian and Cycling Infrastructure

Pedestrian footways are provided on the southern side of Stoke Road. To the west they provide a pedestrian access to the Village Centre, Hoo Surgery on Bells Lane and the Walter Brice Centre, Pottery Road Village Hall, primary and secondary schools and the sports centre on main road. To the east it provides pedestrian and cycle access to Ropers Lane and the Kingsnorth Industrial Estate.

### Public Transport

The closest bus stops are located on Stoke Road adjacent to Sturdee Cottages, approximately 50-150m from each parcel, additional bus stops can be accessed from the junction of Stoke Road, Bells Lane and the Main Road approximately 0.5 miles or a 14-minute walk from the furthest parcel of land. From these stops, five bus routes can be accessed.

A £400,000 contribution has been agreed to provide bus stop improvements and a more regular bus service along Stoke Road adjacent to the three parcels of land. Further improvements to the existing bus routes on the peninsula are being planned through the Councils new Local Plan and in discussion with existing and proposed businesses at Kingsnorth.

### Access and Highway Safety

The site is proposed to be accessed from Stoke Road Hoo from 5 separate points across the 3 parcels of land. It is considered that the proposals would safely allow two-way vehicle movements through the parcels across this stretch of carriageway. Refuse and fire tender vehicle tracking has also been provided which demonstrates that the movement of large vehicles can be achieved within the site. minimum visibility splays can also be achieved from the access no objection is raised in terms of highway safety. In order to minimise the disruption arising from the demolition and build stage of the development a condition requiring the submission of a Construction Management Plan is recommended.

### 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. The proposed development will result in a net increase in vehicle movements, including trips in both the AM and PM weekday peak hours. However, the low number of trips would not have a material impact on highway safety or capacity on the local road network and no objection is raised in this regard under Policy T1 of the Local Plan or paragraph 116 of the NPPF.

Recognising though the impact of the additional movement along the A228 and through the various roundabouts from Ropers Lane to Four Elms, a contribution of £550,000 is sought to go towards off setting that impact and delivering additional capacity at the various junctions.

### Parking

The adopted Medway Councils Interim Parking Standards states the amount of parking required for new developments, whilst Policy H0011 of the NHP states that adequate parking provision for the size of property and garages and parking spaces should be adequate to accommodate modern vehicles.

In accordance with the adopted Medway Councils Interim Parking Standards and H0011 of the NHP, a total of 330 allocated parking spaces are proposed to be provided within this scheme for residential use, with each of the houses and bungalows having 2-3 allocated spaces within the curtilage through a mix of garages, car ports and parking spaces. Alongside this, there are an additional 34 spaces spread throughout the whole site that are to be allocated for visitor use. There are 92 parking spaces proposed for the non-residential uses which are split out across the proposed nursery and three commercial/retail spaces. Conditions are recommended to prevent the enclosure and therefore usability of the proposed car ports and to protect the parking spaces from development.

It should be noted that the scheme also proposes to provide cycle storage provision in line with the council's requirements with each dwelling provided with secure cycle storage. The scheme also proposed a number of cycle storage facilities to serve the proposed nursery, cafe and three commercial/retail spaces. The provision of both is considered to help to promote sustainable modes of transport for users/occupants, and conditions are recommended to secure the submission of details in relation to these.

Overall, it is considered that with suitably worded conditions mentioned above, the proposal conforms to Policies BNE2, T1, T2, T3, T4 and T13 of the Local Plan, paragraphs 110 and 116 of the NPPF and H001 and H0011 of the NHP.

### *Landscaping and trees*

The site falls within the 'Hoo Peninsula Farmland' in the Medway Landscape Character Assessment but the site does not have any specific landscape designation in the Local Plan. The NPPF paragraph 187 stipulates that, decisions should contribute to and enhance the natural and local environment by 'protecting and enhancing valued landscapes' and 'recognising the intrinsic nature and beauty of the countryside'. Whilst policy H008 of the NHP states that 'Development should enhance and avoid causing significant harm to the area's landscape character, flora and fauna, and habitats, and seek to achieve overall biodiversity net gain'.

A landscape visual appraisal by Loydbore (Ref:6515-LLB-RP-L0002)) dated 11 December 2023 and landscape masterplan has been submitted with the application. The report highlights that proposed development will result in fundamental changes to the landscape characteristic of all 3 parcels from farmland to suburban in nature. But as previously noted, a number of developments have been permitted on land adjoining the site to the west, between it and the existing urban edge of Hoo and there are existing properties in the vicinity while parcel C also includes the former Sturdee club that has been graffitied and is in a poor state of repair and appearance.

A key feature of the landscape are the extensive views towards the estuary across parcels A and C from Stoke Road, the public right of way (PROW) and sections of the Saxon Shore Way, Heron Trail and National Cycle Route which both run along Stoke Road and immediately to the west of the scheme. As part of the application the masterplan proposes to create several vistas from Stoke Road and several smaller vistas from within the site towards the estuary.

For parcel A the proposal seeks to reinstate the stop line as a SWALE and SUDS alongside creating an open green landscape area planted with fruit trees, wildflower meadows and rough grassland. On the southern, eastern and western edges of the parcel It proposes the planting of a native species hedgerow, scrub planting, retained existing vegetation and a mixture of trees to create buffers. Whilst on the northern boundary a mixture of ornamental planting is proposed adjacent to Stoke Road. Several small street trees and ornamental planting are proposed in and around the new dwellings. A further SUDS is proposed on the southern boundary to be planted with reed beds.

For parcel B the proposals seek to create a SUDS adjacent to the northern boundary. On the northern, eastern and western boundary a buffer of popular and native species hedgerows is proposed. Whilst on the southern boundary several large trees are proposed. Several fruit trees and ornamental planting are proposed in and around the new dwellings.

For parcel C the proposal seeks to create a SUDS on the south eastern boundary to be planted with reed beds. On the northern boundary it is proposed to reinforce the existing planting and vegetation with the planting of trees, wildflowers, hedges and shrubs. Whilst the eastern, southern and western boundaries are proposed to be planted with a mixture of native species field hedges, scrub planting and tree planting. On the eastern section of the parcel underneath the electrical pylon's it is proposed to plant a fruit tree orchard. Small street trees hedges and ornamental planting are proposed in and around the new dwellings with larger trees proposed in and around the road networks.

It is considered from the landscape plan submitted that the proposal demonstrates that it is possible to achieve an acceptable degree of landscaping for this area and the number of units proposed. It demonstrates the views through the site to the estuary can be achieved, as well as protecting and enhancing heritage assets such as the Hoo Defence Line.

Overall, it is considered that the scheme would not result in any unacceptable harm to the landscape, nor the wider countryside. Consequently, and subject to conditions requiring further details of boundary treatments, hard and soft landscape works, lighting and landscape management no objection is raised under policies BNE1, BNE2, BNE6 and BNE25 of the Local Plan, Policy H008 of the NHP and 187 of the NPPF.

### *Open Space and play space provision*

The applicant states that the provision of 'Natural' informal play provision has been embedded into the overall design of the scheme with all residential plots being located within 100m distance of the edge of an open green space. Across the three parcels of land the following is proposed - four Local Area of Play (LAP's), two Local Areas of Play (LAP's) and an outdoor fitness zone.

Parcel A is proposed to provide a LAP on the southern boundary of the site adjacent to the existing public rights of way (PROW), with a LAP proposed in the main open space located in the centre of the parcel adjacent to the reinstated Stop Line. The play space is proposed to comprise timber play equipment enclosed with a timber post and rail fence. Alongside these, two new pedestrian connections are proposed on the western boundary to provide access to the Saxon Shore Way. The existing PROW running diagonally across the site will be maintained.

Parcel B is proposed to include a LAP on the northwestern boundary of the site to the rear of the proposed 13 dwellings. To increase the connectivity and accessibility of the site a new public footpath is proposed on the southern boundary of the site, running parallel to the Stoke Road.

Parcel C is proposed to provide a large open space on the eastern part of the site that will include a series of pedestrian footpaths, a LAP and an outdoor fitness equipment area. A LAP is proposed in the central area of the parcel adjacent to the community hub/café. The LAP is proposed to contain a formal play area with a further LAP proposed on the southern boundary of the parcel adjacent to the proposed footpath connecting to the existing PROW in the adjacent field. Alongside these, four new pedestrian connections are proposed on the eastern boundary to provide access to the surrounding area.

Overall, it is considered that the play space provision and open space that is incorporated within this scheme work alongside the adjacent approved schemes and connect together and links the parcels in a sympathetic way to the surrounding footpaths. Subject to a condition requiring the submission of detailed plans in relation to the proposed play space provision no objection is raised in relation to Policy BNE2 of the Local Plan along with Paragraph 96, 98 and 135 (f) of the NPPF.

### *Impact on Heritage*

Policy BNE20 of the Local Plan relates to development affecting Scheduled Ancient Monuments. Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced. Paragraph 208 of the NPPF states that local authorities, when considering proposals that affect a heritage asset, should seek to avoid, or minimise any conflict between the conservation of the heritage asset and any aspect of the proposal. Paragraph 203 states that enhancements of heritage assets can make a positive contribution to new developments by making a positive contribution to local character and distinctiveness. H007 of the NPH states Development should take opportunities to enhance and avoid significant harm to the character and significance of Hoo's military and war heritage, including the Hoo Stop Line and its historic structures.

During the Second World War, the Hoo Peninsula was one of the most heavily fortified areas anywhere in England. Defensive 'Stop Lines' including pillboxes, barbed wire and anti-tank ditches cut a swathe across the whole landscape, linking up the villages. The Hoo Stop Line was an anti-invasion defence line that stretched for approximately eight miles between the River Thames near Cliffe, and the River Medway to the south-east of Hoo St Werburgh the partial remains of which fall within parcel B.

A Heritage Assessment undertaken by HCUK (Ref; 9307B) dated December 2023 and a Setting assessment (ref: AN0787\_1) dated October 2023 have been submitted along with the application which highlights that the proposed development has the potential to directly impact on the stop line, four pill boxes and the remains of roadblock. Currently, the stop line is not accessible and the section that goes across the site runs from the north to the south but is not visible or accessible as the whole wider site is used for agriculture farming. The site also contains a type 24 pillbox, located on the western boundary of the site, and a type 28 pillbox which is in the garden of Abbots Court Lodge to the north of the site. Although one pillbox is not contained within the site both are relevant to this application as their fields of fire covered the area.

The proposals seek to reinstate the stop line as part of the development creating a green open public space to include a children's play park which is to be themed around

the stop line with information boards on its history. Alongside this they also propose to clear the type 24 pill box on site of vegetation and consolidate the structure as necessary, whilst providing the area that would have formed the field of fire for this and the Type 28 pillbox on the adjoining land as part of the green open public space.

Overall, it is considered that subject to conditions to secure the submission of all details in relation to works on the stop line and information boards, the reinstatement of the Stop Line across the site would have a positive impact on the heritage assets. No objection is raised to the proposal under Policy BNE20 of the Local Plan, paragraphs 203 and 208 of the NPPF and Policy H007 of the NPH.

### *Archaeology*

Policy BNE21 of the Local Plan relates to development affecting archaeological sites. Paragraph 207 of the NPPF relates to applications that affect heritage assets with archaeological interest.

An archaeology desk based assessment by HCUK (Ref:9307B) dated December 2023 has been submitted with the application. The report highlights that the site is considered to have moderate to high potential for as yet unrecorded archaeological remains dating from the prehistoric and Roman period, but low potential for later periods, aside for the middle 20th century. Furthermore, that the significance of any prehistoric remains, if present, is anticipated to be medium (regional interest), depending on their nature and extent, with any Roman remains anticipated to be of low (local) significance. The significance of Second World War military remains has the potential to be of medium (regional) to high (national) interest. The desk-based assessment goes on to suggest that the scope of any further archaeological works that would be needed in advance or during development of the Site.

It is considered that the impact of the proposed development on buried archaeology could be addressed through further archaeological works, and as a result subject conditions for the submission of further archaeological reports no objection is therefore raised to the proposal under Policy BNE21 of the Local Plan and paragraph 207 of the NPPF.

### *Ecology and BNG*

With regard to biodiversity, it should be noted that this planning application was submitted before the mandatory Biodiversity Net Gain (BNG) requirement legislation. However, the application is supported by a Biodiversity net gain design stage report which states that the proposed habitat creation/enhancement with suitable post development management could provide an increase of 35.06 units of biodiversity on site, alongside plans to secure 5.58 units of biodiversity off site combined delivering an increase in biodiversity. The measures that are seen to provide these are in the provision of enhancements to open space areas for grassland habitats, increase in tree numbers and improvements to hedgerows present on the site. There are also other potential enhancements such as bat bricks and bird boxes.

The application is also supported by a Baseline habitat condition assessment and Ecological impact assessment which have been submitted in regard to the proposed

developments impact on ecological matters. Alongside these a number of reports have been undertaken to determine the population and location of animals located on site or accessing the site. A reptile survey has been completed which indicates a low population of common lizards were recorded onsite. With regard to bats, an emergence survey has been undertaken which found no bats on site. Alongside this the site is considered to provide low to moderate suitability for foraging and commuting bats. There are hedgerows on site which have the potential for protected species such as dormice. Evidence of badgers, hedgehogs and barn owls accessing the site for foraging were identified. As a result of the sites location close to waterbodies great crested newts may be on site. To mitigate against this the applicant has submitted Natural England's conservation payment certificate. A bird survey highlighted that the site provides breeding habitat for a range of common and widespread birds, as well as a small number of red and amber listed species.

Subject to the conditions securing the submission of a landscape and ecological management plan (LEMP), Ecological construction environmental management plan (CEMP) no objection is raised regarding Policy BNE37 of the Local Plan and paragraphs 187 and 193 of the NPPF.

#### *Waste and Refuse Storage*

Every dwelling has a designated space for waste in the form of a dedicated hardstanding within the rear garden. As with most residential properties, the occupants will be expected to present the waste to the kerbside on collection day. Waste vehicle tracking has been provided showing how refuse vehicles would move within the site. The application is also supported by an operational waste strategy which is considered acceptable. A condition is recommended to ensure the development operates in accordance with it when occupied.

Subject to the abovementioned conditions the proposal would not result in any significantly detrimental impact on either neighbour or future occupiers' amenity and is considered to be acceptable in terms of Policies H4 and BNE2 of the Local Plan and paragraphs 135 and 187 of the NPPF.

#### *Flooding and Drainage*

A flood risk assessment and drainage strategy undertaken by Ardent consulting engineers (ref:2305960), dated December 2023 has been submitted with the application and assessed with regards to Policy CF13 of the Local Plan and paragraphs 174, 181 and 182 of the NPPF.

Paragraph 56 (reference ID:7-056-20220825) of the NPPG presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H3 (Part H) of the Building Regulations. The options are:

1. Into the ground.
2. To a surface body.
3. To a surface water sewer, highway drain, or another drainage system.
4. To a combined sewer.

A review of the Environment Agency's (EA) online mapping tool has identified that the development site is within Flood Zone 1, and is almost entirely at very low risk of surface water flooding apart from a small area of low to high risk flooding that exists along the western boundary of the western parcel, however no units are being proposed to be situated in this area.

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

A review of the British Geology online mapping tool has identified that the development site is underlain by superficial deposits of Head clay, silt, sand and gravel, which is underlain by London Clay – Clay and Silt. As a result, infiltration is unlikely to be a feasible method for the disposal of surface water for the site. Instead, a Sustainable Urban Drainage system will be provided which incorporates an approach of combining lined permeable paving, tanks, swales and detention basins before discharging surface water via gravity to the existing field drainage ditch to the south of the site. The use of rainwater harvesting grey water recycling and water butts is also recommended where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Details would need to be submitted showing a plan of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will be carrying out the maintenance.

In view of the above, and subject to the recommended conditions regarding the submission of a suitable SUDs scheme (including details of maintenance), a Construction Surface Water Management Plan (CSWMP) and a verification report the proposed development is in accordance with paragraphs 174, 181 and 182 of the NPPF.

#### *PROW*

The existing public footpath, which runs through the centre of parcel A will be retained, albeit enhanced. A condition is recommended to ensure it remains accessible throughout construction. As a result it is not considered that the development will prejudice the amenity, or result in the closure, of an existing public right of way.

Subject to the recommended condition no objection is raised under the provisions set out under Local Plan Policy L10, paragraph 105 of the NPPF and Policy H0012 of the NHP.



### *Air Quality*

Policy BNE24 of the Local Plan, paragraphs 187 and 199 of the NPPF and Policy H0010 of the NHP require new development to take account of the impact on air quality.

The application has been supported by an air quality assessment of which its methodology is considered to be acceptable and in line with guidance. The assessment shows an increase in pollutants as a result of construction. In accordance with the Medway Air Quality Planning Guidance these increased emissions will require mitigation alongside those from the construction phase. Conditions for the submission of an air quality emissions mitigation statement and a construction environmental management plan prior to commencement of development will secure these mitigations.

Subject to the suggested conditions being imposed, no objections are raised to the proposal under Policies BNE2 and BNE24 of the Local Plan, paragraphs 187 and 199 of the NPPF and Policy H0010 of the NHP.

### *Contamination*

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

The application has been supported by the submission of a Phase 1 Desk Study by IDOM (Ref:DS-22630-23-401) dated October 2023, which highlights that there is the potential for contamination on the site from previous land use. As a result, a condition is recommended for an intrusive investigation to be undertaken.

Subject to the recommended condition being imposed no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 187 of the NPPF.

### *Noise*

Due to the size and location of the proposed development, the applicant has submitted a Noise Assessment undertaken by Peter Moore Acoustics (Ref; 230702/2) dated 7 December 2023.

The Noise Assessment considers road traffic, Kingsnorth quarry and highlights that noise from the nearby quarry is unlikely to be significant. However specific mitigation is required in respect of road traffic and noise from the proposed nursery and its associated car park. The noise assessment outlines mitigation measures against these via double-glazing, with trickle ventilation and 2m high acoustic fence in places has been suggested to reduce internal noise levels to those required under BS8233 recommendations. Further to these a condition is included to restrict the hours of deliveries for the proposed commercial/office units in the interest of protecting occupier amenity.

Each of the dwellings is proposed to have heating provided by air source heat pumps. In order to ensure the noise generated by these does not adversely affect future occupants they should be provided in accordance with the MCS planning standards or equivalent standards.

Subject to a condition to secure these measures, the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraphs 135, 187 and 198 of the NPPF.

### *Climate Change and Energy Efficiency*

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 125). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability. Policies H005 and H006 of the NPH state that residential developments should include positive design features to reduce carbon water re-use, support biodiversity and address climate change.

The Design and Access Statement (received 22 December 2023) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- 1 electric vehicle charging point per dwelling
- Secure Cycle storage
- Ground source heat pumps
- 50% reduction of CO<sub>2</sub> emissions
- Reducing water consumption
- exceed Building regulations requirements Part L

The proposed application is considered to comply with paragraph 165 of the NPPF and Policies H005 and H006 of the NPH and a condition is recommended to secure these measures.

### *S106 matters*

#### Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £328.27 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation). Giving a total contribution of £43,988.18.

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

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

Other S106 requirements:

- i. Minimum of 25% affordable housing.
- ii. £28,303.48 to improve equipment and facilities at Hoo Library.
- iii. £41,726.26 towards improvements at Hoo Leisure Centre.
- iv. £29,656.88 for the provision, improvement and promotion of waste and recycling services.
- v. £150,000 towards improvements to open space and outdoor formal sport within the Hoo area.
- vi. £489,169.09 for primary provision within 2 miles of development site or SEND education within Medway.
- vii. £387,585.48 for secondary provision or SEND within Medway.
- viii. £95,201.64 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- ix. £10,050 towards public rights of way improvements.
- x. £400,000 towards public transport improvements.
- xi. £550,000 Off site highways improvements.
- xii. £93,800 towards travel plan.
- xiii. £32,830.00 towards public realm improvements in the centre of Hoo.

xiv. £5,000 to contribute to the overall interpretation of the stop line and propose that their interpretation is undertaken in coordination with the Whose Hoo Strategy.

xv. £43,988.18 towards strategic measures in respect of the coastal North Kent Special Protection Area.

xvi. Meeting the Council's costs.

The applicants have accepted the requested contributions and are in the process of drafting a S106 agreement. The S106 package agreed would look to offset the impact of the proposed development on existing infrastructure and services. Consequently, no objection is therefore raised under paragraphs 192 and 193 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

#### *Presumption in favour of sustainable development and the overall Planning Balance*

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

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 72 of the NPPF. There is therefore a significant need for new housing in the Medway area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) applies which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - i. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 72).

Paragraph 73 of the NPPF also supports the development of windfall sites for SME's, which quite often are built out quickly helping to meet the housing needs of the area and contributing to the 5 year housing land supply. The proposed scheme comprises the development of a residential scheme for 134 units.

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

Para. 8 of the NPPF states that the economic aim of the document is to build a 'strong, responsive and competitive economy'. The site is also close to local services in Hoo St Werburgh, and increased development will support these. The proposal provides jobs during the construction phase and there is evidence that contractors will support local shops and services. Being an SME development they are also likely to use local contractors and service providers. The site will also provide a number of employment opportunities on site in the three commercial units and the community cafe. The New nursery building would also generate a number of new jobs and ensure that local children are looked after locally and reduces long distance journeys. The site is also close to the employment areas at Kingsnorth and Vicarage Lane and it is possible that residents may seek employment in those local employment areas. These benefits, particularly the onsite employment, should be given Significant Weight.

The proposed site location is rated as grade 1 (excellent) in relation to the Agricultural Land Classification mapping. However, it is acknowledged by the Council that some agricultural land will have to be released to meet housing need, due to other environmental constraints of greater significance restricting development across Medway.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents 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. They, therefore, do not constitute economic benefits.

### Social

The NPPF defines the social role as: 'A social role is supporting 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 generation; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and supports communities' health social and cultural wellbeing'. The delivery of new Homes to meet local need should be given significant weight.

The site is within a walkable distance from the Hoo St Werburgh village centre and local services, the proposal also features the provision of a café community centre to be located on site for the use of residents of Hoo. The design demonstrates the ability

to link the proposed scheme to adjacent schemes, footpaths and the proposed Hoo Wetlands and Cookham Community Parklands to the South of site.

The eastern parcel was previously home to The Former Sturdy Club which offered sports and community facilities. The site is designated as protected existing leisure facility by virtue of Policy L3 of the Local Plan, which states that development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless:

- i) sports and recreation facilities can best be implemented, or retained and enhanced through redevelopment of a small part of the site; or
- ii) alternative open space provision can be made within the same catchment area and is acceptable in terms of amenity value; or
- iii) in the case of outdoor sports and children's play space provision, there is an excess of such provision in the area (measured against the n.p.f.a. standard of 2.4 hectares per 1,000 population) and such open space neither contributes to, nor has the potential to contribute to, informal leisure, open space or local environmental amenity provision; or
- iv) in the case of educational establishments, the development is required for educational purposes and adequate areas for outdoor sports can be retained or provided elsewhere within the vicinity; or
- v) the site is allocated for other development in the local plan.

In addition paragraph 104 of the NPPF states that; existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

Although no assessment has been undertaken to determine the land is surplus to requirement. The previous use ceased in 2012 and no other alternative leisure use has come forward for the site since. As a result, the site has fallen into a state of dereliction and has previously been raided by the police at which point a marijuana farm was discovered.

Although the proposal will result in the loss of the former sports facilities, it is considered that the provision of the proposed café community centre, nursery, play facilities and open space provisions across all three parcels, would result in the delivery of better provision in terms of uses, quality and size across the three parcels of land. It is considered that their delivery would outweigh the loss of the former use and as such no objection is raised in regard to policy L3 or Paragraph 104 of the NPPF. In addition, a contribution would be secured to support open space and formal outdoor sports provision and improvements in the area.

In addition, and, notwithstanding that the site is protected by Policy L3 and in itself that policy does not seek to restrict housing land supply, the sports provision on this site was in private ownership and the facilities were not available generally to members of the public.

As highlighted, the Council is in need of housing, the development would deliver up to 134 dwellings towards housing land supply, of which 34 will be provided for affordable housing alongside 4 units for those over 55 contributing to the identified need in the Medway area as per policy H3 of Local Plan. This should be given significant weight.

### Environmental

The environmental role of the NPPF seeks to: 'protect and enhance our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The site has no landscape designation or merit that seeks protection within the existing Local Plan. The Site falls within the Hoo Peninsula Farmland in the 2011 Medway Landscape Character Appraisal, which describes the site as having moderate sensitivity and poor condition. The landscape is also deemed as not to be significant. Section 11 of the Landscape Character Appraisal recommends the separation between villages, and also that suburbanisation of villages is resisted, this is further supported through NHP policy H008. The proposal is not considered to affect either of these concerns.

To conclude, it is considered that the development can be accommodated within the local landscape with limited adverse impact upon the wider landscape character and visual resources. As a result, the development of the site is in principle acceptable in sustainability terms, given the definition in the NPPF, the lack of a 5-year housing land supply, and the balance of the relevant issues, taking into account recent appeal decisions in Medway, and the location of this site on the edge of the village but in close proximity to the village centre.

### *Conclusions and Reasons for Approval*

The planning balance of this case must be carefully considered. It is not an allocated housing site and part of the site is an existing open space given protection by Policy L3 of the Local Plan. However, the Council cannot demonstrate a 5 year housing land supply and therefore paragraph 8 of the NPPF is enacted setting out a presumption in favour of sustainable development, and as set out in the report the proposal is considered acceptable in these circumstances. This is further supported taking into account recent appeal decisions in Medway, and the location of this site on the edge of the village but in close proximity to the village centre.

The proposed development is acceptable in relation to the mix of dwellings, impact on local residential amenity including daylight, sunlight, outlook and privacy. The proposal will provide a good standard of residential accommodation for the future occupiers.

The proposed 134 dwellings at 16.5dph is in keeping with the density level of the surrounding village environment. The proposal is considered to be of high-quality design and layout with a satisfactory level of onsite car and cycle provision. The proposal will retain some of the existing hedge and trees and add extensive landscaping to soften the edges of the development when viewed from the adjoining developments and countryside.

The proposal will deliver a much needed mix of market and policy compliant mix of affordable housing dwellings types required to meet the needs of a mixed community in a quality an attractive environment and will assist in delivering and enhance some infrastructure in the locality.

For all the above reasons, the benefits of the scheme significantly and demonstrably outweigh the disadvantages, the proposal is considered to be partially in compliance with Policies S6 and H3 and full in compliance with Policies S1, S6, BNE1, BNE2, BNE20, BNE21, BNE23, BNE24, BNE25, BNE35, BNE37, H3, H4, H10, H11, L3, L10, T1, T2, T3, T and T13 of the Local Plan, paragraphs 8, 74, 63, 65, 83, 96, 98,104, 105, 116, 131, 135, 165, 174, 181, 182, 187, 192, 193, 198, 199, 203, 207, 208, of the NPPF December 2024 and Policies H001, H002, H004, H005, H006, H007, H0010, H0011 and H0012 of the NPH; and it is recommended for approval subject to the conditions and section 106. contributions as set out in the report.

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

---

## **Background Papers**

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

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