

**MC/25/0701**

**Date Received:** 01 April 2025  
**Location:** Land to the north of Stoke Road and east of Walnut Tree Grove, Hoo St. Werburgh, Kent ME3 9YB  
**Proposal:** Outline application with all matters reserved for construction of up to 75 dwellings with associated works and infrastructure - demolition of existing buildings and structures.  
**Applicant** Dean Lewis Estates limited  
The Hayloft  
Park Lane  
Endon  
Staffordshire  
ST9 9JA  
**Agent** Mr Marc Hourigan (Hourigan Planning)  
10th Floor  
Chancery Place  
50 Brown Street  
Manchester  
M2 2JG  
**Ward:** Hoo St Werburgh and High Halstow  
**Case Officer:** Arron Nicholls  
**Contact Number:** 01634 333184

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 14 January 2026.**

**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. £17,023.50 to improve equipment and facilities at Hoo Library.
  - iii. £23,354.25 towards improvements at Hoo Leisure Centre.
  - iv. £17,838 for the provision, improvement and promotion of waste and recycling services.
  - v. £83,995.22 towards improvements to open space and outdoor formal sport within the Hoo area.
  - vi. £142,143.00 for mainstream nursery provision within 2 miles of development site and /or SEND Education in Medway.

- vii. £318,991.54 for mainstream primary provision within 2 miles of development site and/or SEND Education within Medway.
- viii. £276,443.25 for mainstream or SEND secondary provision within Medway.
- ix. £51,978.21 for mainstream or SEND Sixth form provision within Medway.
- x. £65,183.25 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- xi. £5,625 for PROW and £3,750 towards the England Coast Path improvements within the vicinity of the site.
- xii. £224,000 towards Public Transport provision improvements.
- xiii. £308,000 Off site highways improvements.
- xiv. £ 18,375 towards public realm improvements in Hoo centre.
- xv. £25,311.75 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xvi. £62,448.41 towards the provision of a replacement community centre in Hoo.
- xvii. Offer the Pill box on site to the Parish Council for £1.
- xviii. Meeting the Council's costs.

B. The following conditions:

- 1 Approval of the details of the access, layout, scale and appearance of the buildings and the landscaping (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced.

Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.

- 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92(2) of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan 11946-FPCR-ZZ-XX-DR-A-101 Rev P02, and in general accordance with the principles set out within either Illustrative layout 1 (11946-FPCR-ZZ-XX-DR-A-102 Rev P09) or Illustrative layout 2 (11946-FPCR-ZZ-XX-DR-A-104 Rev P02) all received 01 April 2025.

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

- 5 No development above slab level shall take place until details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, 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.

- 6 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of hours of construction working; measures to control noise and vibration affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

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

- 7 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:

- i. Plans and information providing details of existing and proposed finished ground levels (including slab 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).
- iii. A timetable for implementation.

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: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 8 No development above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials, and type of all boundary treatments to be erected (perimeter and within the site) along with a timetable for its implementation. The approved boundary treatment shall be completed before the relevant dwelling is occupied or in accordance with the approved timetable.

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.

- 9 Prior to the first occupation of any part of the development, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority. This shall include the management plan for the Public Open Space at the southern end of the site

also. The landscape management plan shall be carried out as approved. Prior to any hand over from the developer to a management company, there shall be a walk over the site with an appropriate officer from the Local Planning Authority to check compliance with the planting and maintenance plans and any compliance requirements flowing from the site visit shall be undertaken prior to hand over. The development shall thereafter be managed in accordance with the approved details.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 10 No development shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 11 Any application for the approval of reserved matters relating to the layout shall include a parking layout demonstrating compliance with the Council's parking standards, noting that garages (other than car ports) will not count towards meeting the parking standards. No dwelling shall be occupied until the parking spaces (including visitor) that will serve that dwelling have been provided, surfaced and drained in accordance with the approved details . Thereafter those spaces or car ports 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.

Reason: To ensure that the development is provided with adequate parking facilities to reduce the likelihood of roadside parking which would be detrimental to the free flow of traffic and to highway safety. In accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 12 Prior to the first occupation of the development hereby permitted details of the refuse storage arrangements, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the approved refuse storage arrangements in relation to that building are in place and all approved storage arrangements shall thereafter be retained.

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

- 13 Prior to commencement of works above slab level, a lighting plan which has been designed to minimise impacts on biodiversity shall be submitted to and approved in writing by the local planning authority. Details of any proposed external lighting shall accord with the Bat Conservation Trust/Institute of Lighting Professionals 'Guidance Note 08/23: Bats and Artificial Lighting at Night' and include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) as well as ISO lux plan(s) showing light spill. It shall be clearly demonstrated that areas to be lit shall not impact protected species or their habitats. All external lighting shall be installed in accordance with the specifications and locations set out in the approved plan and be maintained thereafter.

Reason: To limit the impact of light pollution from artificial light in accordance with the NPPF 2024, paragraph 198(c). With consideration for bats and other nocturnal wildlife in accordance with the NPPF 2024, paragraph 187(d).

- 14 Any application for the approval of reserved matters relating to layout and appearance shall include full details of the measures to address energy efficiency and climate change.

The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 165 the National Planning Policy Framework 2024.

- 15 No development above slab level shall commence until full details of the areas to be set aside for equipped play facilities together with the play equipment and safe surfacing to be provided and including a timetable for delivery has been submitted to and approved in writing by the Local Planning Authority. These details 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 details and timetable 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.

- 16 The Saxon Shore Way Public Right of Way located in the centre of the application site running from south to north shall be kept open and accessible to all users throughout the construction of the development unless a

temporary closure/diversion Order has been approved and in place to facilitate development of the site and the safe conduct of the public.

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 2024.

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

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

- 18 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection shall be submitted and approved in writing by the Local Planning Authority. The scheme must demonstrate that the internal noise levels within the residential units will conform to the indoor ambient noise levels for dwellings identified by BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. All works which form part of the approved scheme shall be completed before the relevant property is first occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

- 19 No development above slab level shall take place until details for the provision of the stop line and pillbox information boards, including appearance, height, content and exact location, and installation schedule, as well as a programme of maintenance in perpetuity, has been submitted to and approved in writing by the Local Planning Authority. The information boards shall thereafter be provided and maintained in accordance with the approved details.

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

- 20 No development (excluding demolition of existing field shelters and the removal of the VHF transmitter and its bracing structures) shall take place (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 timetable which has first 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.

- 21 No development (of the residential part) above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Full Travel Plan which encompasses a range of measures to encourage the use of sustainable and non-car related transport modes. The Full Travel Plan shall be in general accordance with the measures set out in the Interim Travel Plan by Prime Transport dated March 2025 (Job Number 24101) and include details relating to implementation and subsequent review measures. For the avoidance of any doubt the Full Travel Plan will not require the developer to make any further financial contributions to the Council. The Full Travel Plan shall be implemented in accordance with the approved details.

Reason: To demonstrate that all development impacts are assessed in relation to the wider area, in accordance with Policy T1 of the Medway Local Plan 2003.

- 22 No development (of the residential part) above slab level shall take place until there has been submitted to and approved in writing by the Local Planning Authority full details of vehicular and pedestrian access points to the site, including kerb lines, junction radii, sightlines and pedestrian facilities. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of highway safety and in accordance with Policy T1 of the Medway Local Plan 2003.

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

The scheme shall include (where applicable):

- i. Full details of the design of the scheme (in conjunction with the landscaping plan where applicable) including Surface Water Outfall to the ditch within the eastern section of the site, with a surface water discharge rate to the ditch of 4.45l/s, and the attenuation basin of 1,365m<sup>3</sup> unless other suitable SuDS features have been submitted to and approved by the Local Planning Authority as part of any Reserved Matters application thereby enabling the detention basin shown in the Development Framework Plan 11946-FPCR-ZZ-XX-DR-A100 Rev P12 to be reduced in volume.
- ii. A timetable for its implementation (including phased implementation).

- ii. 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.

- 24 No development (excluding demolition of existing field shelters and the removal of the VHF transmitter and its bracing structures) shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

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

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

- 25 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 75.

Reason: To define the planning permission and for the avoidance of doubt.

- 26 Prior to the commencement of the development hereby permitted, an emissions mitigation assessment shall be submitted to and approved in writing by the Local Planning Authority. The emissions mitigation assessment shall include a damage cost assessment that uses the DEFRA emissions factor toolkit and details of mitigation to be included within the development to reduce the emissions from the development during construction and when in operation. 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: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or residential amenity as a result of the potential disturbance and in accordance with Policy BNE2 and BNE23 of the Medway Local Plan 2003.

27 No development shall take place (including any ground works, site or vegetation clearance) until a construction ecological management plan (CEMP - biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP - biodiversity) shall include the following and be based on the submitted Ecological Impact Assessment by Enyzgo, Oct 25 and any other up-to-date ecological survey information, as advised by a suitably qualified ecologist:

- Purpose and objectives for the proposed works.
- The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs.
- Detailed design(s) and/or working method(s) necessary to achieve stated objectives.
- Confirm that tree checks for roosting bats on impacted trees have been undertaken by ecologist.
- Results of pre-commencement badger survey along with any mitigation if required.
- Extent and location of proposed works (including reptile receptor areas(s) in case animals are encountered during development) shown on appropriate scale maps and plans for all relevant species and habitats.
- Reference to the relevant protected species licences (e.g. if updated badger surveys locate badger setts) to be obtained in advance of site clearance/construction and any relevant mitigation measures required.
- Reference to any Environment Agency permits required and any relevant mitigation measures required.
- Reference to the measures required by the reptile mitigation strategy.
- Reference to or inclusion of a detailed arboricultural method statement to protect retained trees.
- Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction.
- Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.
- Initial aftercare and reference to a long-term maintenance plan (where relevant).
- Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

- 28 The Biodiversity Gain Plan shall be prepared in accordance with the baseline information within the Biodiversity Net Gain Metric (Enzygo, Nov 25).

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024).

- 29 The development shall not commence until a Habitat Management and Monitoring Plan (the HMMP), prepared in accordance with the approved Biodiversity Gain Plan, and based on the most up-to-date and/or relevant ecology surveys (as determined by a suitably qualified ecologist), has been submitted to, and approved in writing by, the local planning authority and shall include:

- a) A non-technical summary.
- b) The roles and responsibilities of the people or organisation(s) delivering the HMMP.
- c) The planned habitat retention, creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan.
- d) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development.
- e) The monitoring methodology and frequency in respect of the retained, created or enhanced habitat to be submitted to the local planning authority.

The retained, created and/or enhanced habitat specified in the approved HMMP shall be implemented, managed, maintained and monitored in accordance with the approved HMMP. Monitoring reports shall be submitted to local planning authority in writing in accordance with the methodology and frequency specified in the approved HMMP.

Reason: To ensure the development delivers the required biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990.

- 30 Prior to any landscaping works commencing on site a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The plan shall accord with the measures outlined in the Ecological Impact Assessment (Enzygo, Oct 25) associated with the planning application and shall include details of the following:

- a) A full planting schedule utilising primarily native species.
- b) Full elevations plans detailing the model and location of integral swift boxes in accordance with BS 42021:2022 (north/east facing, 4m from the ground and with unobstructed access).
- c) Details of externally-mounted bat and bird boxes which are to be of durable construction and suitably located.
- d) Locations of 13×13cm holes in closeboard fencing provided for hedgehogs.
- e) Locations and management details of reptile receptor/enhancement areas.
- e) Locations of new log pile or hibernacula creation.
- g) Details of responsible persons.

The approved plan shall be implemented as described and retained thereafter.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

- 31 Within twelve months of first use of the development hereby approved, photographic evidence of the implementation of such habitat creation and biodiversity enhancement measures as are required by condition 30 (the LEMP condition) shall be submitted to and approved in writing by the local planning authority. The approved measures shall be thereafter retained.

Reason: To protect and enhance biodiversity in accordance with paragraphs 187, 192 and 193 of the National Planning Policy Framework (December 2024), and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

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

## **Proposal**

This application seeks outline planning permission with all matters reserved for the construction of 75 residential units, with associated works and infrastructure. Alongside the demolition of the existing equestrian and VHF Transmitter buildings and structures onsite.

The application site is located on the northern side of Stoke Road, immediately adjacent to the recently completed Walnut Grange development by Jones Home of 65 dwellings (planning reference MC/18/0247), to the north of the permitted 100 dwelling scheme by Dean Lewis Estates (planning reference MC/19/3129 currently subject to a reserved matters application reference MC/22/2800), and the 134 dwellings scheme by Esquire Development (Planning reference MC/23/2857).

The design at this illustrative stage demonstrates that it is possible to link the scheme to adjacent schemes and the existing footpaths around the site, with the Saxon Shore Way Public Right of Way (RS110) running from the south to the north through the centre of the site. The design of the scheme also demonstrates its ability to enhance access and understanding of the Second World War heritage assets located on site (Pillbox and Hoo Stop Line).

The residential area will provide the 75 proposed new homes at an average net density of up to 24 dwellings per hectare (taking into account the whole site, including open space). This will be formed of a mix of dwelling types, however, the exact mix of the units is not known at this stage as design and layout will form part of the reserved matters. The application illustrates two potential layouts with one utilising the existing vehicle access from the neighbouring Walnut Grange development and the other from a new junction from Stoke Road.

### **Site Area/Density**

#### Overall Site

Site Area: 3.15 hectares (7.78 acres)

Site Density: 23.8 dph (8.8 dpa)

#### Developed Area (not including road network and open spaces).

Site Area: 2.05 hectares (5.06 acres)

Site Density: 36.59 dph (14.81 dpa)

### **Relevant Planning History**

#### On adjacent site

MC/19/1736

Application for the approval of reserved matters being layout, appearance, scale and landscaping pursuant to planning permission MC/18/0247 - Outline planning application with some matters reserved (appearance, landscaping, layout, and scale) for demolition of all buildings and structures and development of previously developed land and undeveloped land for up to 65 dwellings and associated works and infrastructure.

Decision: Approval with conditions

Decided: 20 March 2020

MC/18/0247

Outline planning application with some matters reserved (appearance, landscaping, layout, and scale) for demolition of all buildings and structures and development of previously developed land and undeveloped land for up to 65 dwellings and associated works and infrastructure.

Decision : Approval with conditions

Date : 06.07.2018

## Representations

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

**9 letters** of representation from 6 different addresses have been received objecting to the application for the following reasons:

- Loss or rural land.
- Loss of agricultural land.
- Impact on transport infrastructure.
- Impact on local services.
- Lack of new infrastructure.
- Impact on WW2 infrastructure.
- Concerns in relation to proposed layout.
- Impact on air quality.

**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). *An informative will be added to any decision to bring this to the applicant's attention.*

**Environment Agency** have written to advise they have no comments in relation to the application.

**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 stated that they can provide foul sewage disposal to service the proposed development. This would require a formal application for a connection to the public sewer. An informative is suggested to alert the applicants of this. *An informative will be added to any decision to bring this to the applicant's attention.*

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

**National Gas** have advised that the proposed development area has been found to not affect any National Gas apparatus.

**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** have stated that since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

**KCC Ecological Advice Service** have stated that subject to the inclusion of a number of conditions they raise no objection to the proposed development.

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

- Overdevelopment of land.
- Impact on infrastructure.
- Environmental concerns.
- Impact on heritage assets.
- Lack of connectivity.

**The Independents Group** have written to object to the proposal on the following grounds:

- Impact on Habitats Regulations and SPA / Ramsar.
- Location in the countryside, outside the settlement boundary and not an allocation.
- Harm to landscape and settlement edge character.
- Inadequate sustainable transport credentials and highway safety concerns.
- Insufficiently robust treatment of air quality and modal shift.
- Uncertain and potentially inadequate BNG.
- Impacts on air quality.
- Impacts on rights of way.
- Contrary to neighbourhood plan.

## **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 the Local Plan and NHP 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.

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and has now been submitted under Regulation 22 to the Planning Inspectorate for examination. The policies within this version of the emerging plan have some limited weight in the determination of planning (and associated) applications.

## **Planning Appraisal**

### *Background*

In the surrounding area, there are a number of sites 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 dwellings) 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 (totalling 327 dwellings). In addition to these schemes a number have also been granted permission, 100 dwellings south of the site and Stoke Road granted outline permission, with a reserved matters application currently submitted (MC/24/2403), whilst to the east of the application site is the recently permitted 134 dwellings Esquire Development site (MC/23/2857) made up of 3 parcels of land one to the north of Stoke Road and two parcels to the south of Stoke Road.

As a result of these developments, there have been some improvements to Stoke Road and footpaths linking the sites to the centre of Hoo. 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. Alongside these the permitted Esquire Development site (MC/23/2857) will see the delivery of community facilities in close proximity to the application site.

### *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 settlement boundary of Hoo as designated on the proposals map to the Local Plan or the urban area shown in the NHP, although noting that the urban area in the NHP does not include development to the East of Hoo that has been constructed in the last 5 years. 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 adopted 2003 Local Plan, which directs development to brownfield sites. It should be noted the application site is allocated in

the Councils draft Local Plan currently at Reg 19 which as a result has some planning weight.

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 certain criteria can be met.

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 used for grazing of Horses it is mainly dominated by the siting of a 61-metre-high VHF Transmitter buildings and structures onsite and as such is not in productive agriculture use. Despite this 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.

The proposed site location is rated as grade 1 (excellent) in relation to the Land Classification mapping. However, it is acknowledged by the Council that some agricultural land will have to be released to meet housing need but recognising that this should be limited to those sites which are the most sustainable and best related to existing urban areas and comply to the emerging spatial strategy. In addition, the site is not in productive agricultural use at the moment (nor has it been for some time) and is currently partially used for grazing of Horses, but it is mainly dominated by the siting of a 61-metre-high VHF Transmitter buildings and structures onsite.

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 sets out clearly the expectation that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum 5 years' worth of housing against their housing requirement. At present, without considering sites proposed to be allocated in the emerging Local Plan, Medway has less than 3 years. As such there is non-conformity between the restrictive countryside Policy BNE25 and Policy BNE34 within the Local Plan and the more recent NPPF. Footnote 8 of the NPPF relates to paragraph 11(d) and together set out a presumption in favour of sustainable development where applications involving the provision of housing, and where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78), or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As members will be aware from the HDT Action Plan reported to them in August 2025, the most recent HDT results show that Medway has achieved 72% in the preceding 3 years. 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 NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 83, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

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 outside of the existing urban area. Policy H004 of the NHP states that in addition to strategic sites allocated by Local Plan, residential development will be supported in certain locations. While the site is not allocated in the 2003 Plan it is a proposed allocation in the emerging Plan. Policy H004 continues and states that support for housing is subject to there being no significant adverse impact on the amenities of existing residents, the historic environment (in line with H007), the landscape and natural environment (in line with H008) and delivers a range of housing that includes affordable housing in order to meet local needs.

Policy SA8 of the Draft Reg 22 Local Plan relates to Hoo St Werburgh and Chattenden and allocates the site for residential development for up to 85 dwellings. As stated above, this Policy has some weight in the application process as it relates to a regulation 19 final draft plan that has been through a public consultation process, but it does not have the same weight as a policy in a recently adopted plan which is consistent with the NPPF.

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 proposed scheme comprises the development of a residential scheme for 75 units outside of the urban area. Under normal circumstances, the scheme would be considered contrary to the Local Plan, due to the non-conformity with policy S1 that seeks to direct development to brownfield land first, and H11 which seeks to restrict development in rural areas. However, due to the 5-year supply issue, the sustainability of the site needs to be assessed as well as considering the impact of the proposed development on the character of the area. The NPPF definition in paragraph 8 refers to sustainable development having 3 strands - an economic, social and an environmental role, and these three overarching objectives need to be pursued in mutually supportive ways.

### Economic

Para. 8 of the NPPF states that the economic aim of the document is to build a 'strong, responsive and competitive economy'. The proposal provides jobs during the construction phase and is located near to a designated employment site in the Local Plan - Policy S12 (Kingsnorth and Hoo Marina industrial area) as well as being close

to the centre of Hoo. The site is also close to local services in Hoo St Werburgh, and increased development may support these, therefore, according with para. 83 of the NPPF which seeks to 'promote sustainable development in rural areas... especially where this will support local services'. These economic benefits are considered to have **moderate weight**.

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 centre and local services. The proposal site is also located within close proximity of the recently permitted Esquire Development site (MC/23/2857) which will see the delivery of community facilities, Nursery and other commercial uses in close proximity to the application site. 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.

As highlighted, the Council is in need of housing, and so this proposal would help to meet that need and could provide for a mix of dwelling types and sizes including 25% affordable housing as per policy H3 of the adopted/draft Local Plan.

### 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 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.

The site also falls within the Land East of Hoo St Weburgh in the emerging reg 19 Local Plan.

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, the balance of the relevant issues and taking into account recent appeal decisions in Medway, the location of this site on the edge of but in close proximity to the centre of Hoo.

### *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 H005 of the NHP states that new development should be well designed, incorporate positive design features, have good internal and external amenity and include or have access to adequate play and recreational facilities. 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.

Given that this application is in outline and that the design and appearance of the proposed residential units is a reserved matter, the design of the scheme cannot be fully assessed at this stage. This will be done so within the reserved matters submissions that will follow. However, it is considered that the illustrative layout plan submitted demonstrates that it is possible to achieve an acceptable layout and design for the number of units proposed, to comply with NHP design policies, and respecting the historical features located on site in the form of the Hoo Stop Line which runs from the southeast boundary of the site along to the northwest boundary of the site, and the Pill Box. In principle, therefore, the development could comply with Policies BNE1 and H10 (housing mix) of the Local Plan, paragraphs 131 and 135 of the NPPF and policies H005 and H006 of the NHP.

### *Landscaping*

As previously covered 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.

Given that this application is in outline and the design, layout and landscaping are reserved matters, landscaping for this scheme cannot be assessed at this stage. This will be done so within the reserved matters submissions that will follow and approval.

Despite this, it is considered that the illustrative layout plan submitted 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 can be achieved, as well as providing planting, play space and an attenuation pond. In principle, therefore, the development could comply with Policies BNE1 and BNE2 of the Local Plan, paragraph 187 of the NPPF and Policy H008 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. Policy H004 also seeks to protect amenity of existing residential properties.

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 the new occupants of the adjacent Jones Homes development (Walnut Grange) and the residents of Springfield Cottage and Abbots View along Stoke Road.

By using the two illustrative layouts for an indication of building locations it is possible to assess that the closest neighbouring properties at Springfield Cottage and Abbots View will be approximately 25m from the proposed buildings. Boundary planting including hedgerows, shrubs and trees exist and would act as a visual buffer going forward that could be reinforced with further planting at the detailed reserved matter stage. Whilst it would be significantly shorter to the properties on the neighbouring Jones Homes development at approximately 7m at its shortest, the proposals are considered acceptable as both of the proposed layouts have been designed so that the proposals appear as a continuation of the neighbouring development rather than a standalone scheme.

Going forward, it will be important to assess the Reserved Matters application to ensure that the relationship between this site and its immediate neighbours is acceptable.

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

### Future occupants

It should be noted that floor plans, layout and house types are not proposed at this stage. At the Reserved Matters it will be important to ensure that each house has suitable sized rooms and overall space as well as acceptable private amenity areas and parking, as well as ensuring that the relationship between the properties is acceptable to comply with both national and Medway housing standards.

Overall, it is considered that at outline stage, amenity of both neighbouring and future occupiers has been sufficiently taken into account and that Policies BNE1 and BNE2 of the Local Plan and Policies H004 and H005 of the NPH will have to be complied with, along with Paragraphs 135 and 198 of the NPPF 2024.

### *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. With paragraph 208 of the NPPF stating 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 while also making a positive contribution to local character and distinctiveness. Policy 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. This includes the application site.

A Heritage Environment Assessment undertaken by Heritage Archaeology (Ref; P00298.01.01/MAN.1528.022.LA.001.01) dated February 2025 has been submitted along with the application which highlights that the proposed development has the potential to directly impact on the stop line, pill box (located in the central compound) and the remains of three roadblock. Currently, the stop line is not accessible and the section that goes across the site runs from the southeast boundary of the site along to the northwest boundary of the site but is not visible or accessible as the site is used for horsiculture and houses a transmitter and its associated infrastructure.

The two indicative layouts both propose to reinstate the stop line as part of the development creating a green open corridor that would enable it to connect into the Hoo Stop line section on the Esquire scheme to the southeast of the site. An

obligation has also been included in the S106 for the pill box to be offered at peppercorn value to the Parish Council.

Overall, it is considered that subject to a condition to secure the provision of information boards in relation to the stop line and pillbox information boards, the reinstatement of the Stop Line across the site would have a positive impact on the heritage assets and no objections are 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.

A Heritage Environment Assessment undertaken by Heritage Archaeology (Ref; P00298.01.01/MAN.1528.022.LA.001.01) dated February 2025 has been submitted along with the application. The report highlights that the site is considered to have the potential for archaeology dating from the prehistoric to modern periods.

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 to the recommended archaeological conditions for the submission of further archaeological reports no objections is raised to the proposal under Policy BNE21 of the Local Plan and paragraph 207 of the NPPF.

### *Highways*

Policies T1, T2 and T13 of the Local Plan state 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.

## Access

Whilst access is not being applied for at this stage, the application has been submitted with two illustrative layouts, showing how access could be accommodated. Layout one (11946-FPCR-ZZ-XX-DR-A-102) would provide vehicular access to Stoke Road through the neighbouring Walnut Grange development (MC/18/0247), whilst layout two (11946-FPCR-ZZ-XX-DR-A-104) would provide a new access point from Stoke Road. Alongside these a Transport Statement and a Travel Plan were received 01 April 2025. The submitted layouts demonstrate that suitable access could be provided to serve up to 75 dwellings with the necessary visibility and provides for a footpath across the front of the site to link with existing footways to the East and West.

## Existing Conditions

Stoke Road provides direct connection into the centre of Hoo St. Werburgh to the west, and within the centre there are shops, services, and community facilities, including bus stops, that would serve the development. Up Bells Lane is the Hoo surgery and along Main Road the Elms Medical practice, Pottery Road Village Hall, Primary and Secondary schools and the Leisure Centre. 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 to the west provide a pedestrian access to the centre of Hoo, Hoo Surgery on Bells Lane and the Elms medical practice, including Walter Brice Centre, Pottery Road Village Hall, primary and secondary schools and the leisure centre on main road. To the east they provide pedestrian access to Ropers Lane and the Kingsnorth Industrial Estate.

In terms of cycle infrastructure, although the application is located on the National Cycle Network 179, Stoke Road does not have a separate cycle way, however, a short distance away is Ropers Lane with a separate cycle link to Kingsnorth and also up to the cycle network adjacent to peninsula way. In addition, the centre of Hoo is a very short cycle distance and is a realistic alternative to the motor vehicle in particularly to access local facilities in the village centre.

## 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.

## Public Transport

The closest bus stops are located on Stoke Road adjacent to Sturdee Cottages, approximately 400m from the site, additional bus stops can be accessed from the junction of Stoke Road, Bells Lane and the Main Road approximately 0.6 miles or a 13-minute walk from the furthest parcel of land. From these stops, five bus routes can be accessed.

A £224,000 contribution has been agreed to provide bus stop improvements and a more regular bus service along Stoke Road adjacent to the site. Further improvements to the existing bus routes on the peninsula are being planned through the Councils new Local Transport Plan and Local Plan and are expected to come forward along the new Local Plan time frame.

While this is an outline application with all matters other than access reserved for later approval, it is considered that a scheme can be designed that provides for satisfactory internal road scheme with parking provided to meet the Council's parking standards.

Subject to conditions to secure the submission of further details in relation to vehicle and pedestrian access and a Travel plan, it is considered that the proposal conforms to Policies T1, T2 and T13 of the Local Plan, paragraphs 110 and 116 of the NPPF and H001 and H0011 of the NHP.

## *Flooding and Drainage*

A flood risk assessment and outline drainage strategy undertaken by Enzygo dated February 2025 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. Although the site itself has not been reported as high risk of surface water flooding in its entirety there are localised flooding issues related to the watercourses within the site.

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 London Clay deposits. 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 attenuation pond located close to Stoke Road which will connect to the existing watercourse outside of the site. The SuDs components proposed offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753.

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

#### *Public Rights of Way (PROW)*

The existing public footpath, which runs through the centre of the site will be retained, and enhanced. 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.

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.

#### *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 adopted 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 75 new homes would require 19 affordable homes to ensure that it is policy compliant. It is, however, noted that the draft Local Plan requires a higher level of affordable housing at 30% in this location. As a result of the draft plan being at reg 19, it is considered to have some planning weight in the determination of applications. However, the application was submitted prior to the Local Plan reaching reg 19 stage and at a time where the requirement was 25% and in this instance, it is considered appropriate to remain with 25%. In line with this the application proposes the provision of 19 affordable homes to be secured via the s106 which is considered to be acceptable.

Subject to the above affordable housing being secured within the S106 agreement, no objections are 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.

### *Ecology and Biodiversity Net Gain (BNG)*

Under section 40 of the NERC Act (2006), and paragraph 187 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 193 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

The application is supported by a BNG assessment and BNG metric which states that the existing baseline BNG for the site is 15.55 units, and through the proposed habitat creation/enhancement with suitable post development management the application site could provide an increase of 3.56 units of biodiversity on site which is an increase of 22.89%.

The application is also supported by an Ecological impact assessment which have been submitted in regard to the impact on ecological matters. Alongside these a number of surveys have been undertaken to determine the population and location of animals located on site or accessing the site.

In order to ensure that this will be realised on site, conditions are recommended to secure biodiversity ecological enhancement features and a habitat establishment and management plan to ensure long term maintenance. Conditions for the submission of a Habitat Management and Monitoring Plan, Construction ecological management plan and a Landscape and ecological management plan

The proposed development is likely to result in an increase in lighting and as lighting can have a negative impact on bats and other nocturnal species, a lighting condition is recommended to ensure that there will be no negative impact on biodiversity.

Subject to the above-mentioned conditions the application is considered to be acceptable and in accordance with paragraphs 187 and 193 of the NPPF.

### *Waste and Refuse Storage*

Every dwelling is required to have a designated space for waste. It is unclear where these are from the indicative plans, however, as the application is in outline with all matters reserved it is considered that this could be positively addressed in the reserved matters applications.

### *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.

In accordance with the Medway Air Quality Planning Guidance, increases in 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 recommended 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.

As the application site has had a variety of uses over time there is the possibility of contamination being on site. It is considered that this could be positively addressed in the reserved matters applications and via the inclusion of contamination conditions.

Subject to the recommended conditions being imposed no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 187 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 states that residential developments should include positive design features to reduce carbon, water re-use, support biodiversity and address climate change.

Again, as this is an outline application, this is a matter for any reserved matters application, and an appropriate condition is recommended. Subject to this condition the development is considered to be in accordance with paragraph 165 of the NPPF and Policies H005 and H006 of the NPH.

### *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 £337.49 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 £25,311.75.

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. A minimum of 25% affordable housing.
- ii. £17,023.50 to improve equipment and facilities at Hoo Library.
- iii. £23,354.25 towards improvements at Hoo Leisure Centre.
- iv. £17,838 for the provision, improvement and promotion of waste and recycling services.
- v. £83,995.22 towards improvements to open space and outdoor formal sport within the Hoo area.
- vi. £142,143.00 for Nursery provision within 2 miles of development site or SEND education within Medway.
- vii. £318,991.54 for primary provision within 2 miles of development site or SEND education within Medway.
- viii. £276,443.25 for secondary provision or SEND within Medway.
- ix. £51,978.21 for sixth form provision or SEND within Medway.
- x. £65,183.25 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity.
- xi. £5,625 for PROW and £3,750 towards the England Coast Path improvements within the vicinity of the site.
- xii. £224,000 towards Public Transport provision improvements.
- xiii. £308,000 Off site highways improvements.

- xiv. £ 18,375 towards public realm improvements in Hoo centre or within the vicinity of the site.
- xv. £25,311.75 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xvi. £62,448.41 towards the provision of a replacement community centre in Hoo.
- xvii. Offer to Parish Council to take the Pil box for pepper corn value of £1.
- xviii. 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 193 and 194 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

#### *Conclusions and Reasons for Approval*

The planning balance of this case must be carefully considered. The application site is allocated for housing in the draft Local plan, but not in the currently adopted 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 by taking into account recent appeal decisions in Medway, and the location of this site on the edge of the Hoo but in close proximity to the centre.

The proposed 75 dwellings at 23.8dph is in keeping with the density level of the surrounding village environment. The proposal is considered acceptable in terms of principle with all other matters to be detailed at the Reserved Matters stage.

At outline stage the proposal accords with the provisions of Policies BNE1, BNE2, BNE35, H3, S6, T1, T2 and T13 of the adopted Medway Local Plan 2003, paragraphs 8, 11, 83, 110, 116, 131, 135, 165, 192, 193 and 198 of the NPPF and H001, H004, H005, H006, H007, H008, H0010, and H0011 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 and the Hoo Saint Werburgh and Chattenden Parish Council expressing a view contrary to officer's recommendation.

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## **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/>