

MC/19/0765

Date Received: 22 March 2019  
Location: Land At East Hill Chatham  
Kent  
Proposal: Outline planning application with some matters reserved (appearance, layout, scale and landscaping) for construction of up to 800 dwellings, primary school, supporting retail space of up to 150sqm and GP surgery with associated road link between North Dane Way and Pear Tree Lane and other road infrastructure, open space and landscaping.  
Applicant Agent: F D Attwood & Partners  
Hume Planning Consultancy Ltd  
Innovation House  
Discovery Park  
Innovation Way  
Sandwich  
CT13 9ND  
Ward: Lordswood And Capstone Ward  
Case Officer: Karen Cronin  
Contact Number: 01634 331700

---

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 3rd March 2021.**

### **Recommendation - Refusal**

- 1 The proposal constitutes a large scale urban development within the countryside and located on greenfield land, which is not allocated for the proposed use. The application site is located within the rural area but does not essentially require a rural location. The proposal would result in an inappropriate form of development within a locally valued landscape that would harm the character, function and appearance of the countryside, Area of Local Landscape Importance, setting of Capstone Farm Country Park and the rural footpath network. The proposal would result in irreversible loss of important and valued open and green space within this part of Medway. The proposal is contrary to Policies S1, S2, BNE1, BNE2, BNE25, BNE34, L9 and L10 of the Medway Local Plan 2003 and paragraph 127 and 170 of the NPPF
- 2 The proposed quantum of development is considered to be inappropriate for this rural location. The overall scale and layout is an overdevelopment of the site that

would result in an intrusive and dominant form of development and visual erosion of this important landscape character setting and countryside location, giving rise to substantial harm to the much valued landscape character of the countryside, Area of Local Landscape Importance, setting of Capstone Farm Country Park and public rights of way. The density and building heights of over 2 storeys set out in the parameter plans would be considered incongruous and out of keeping with the countryside setting. The proposal is contrary to Policies S1, S2, BNE1, BNE2, BNE25, BNE34, L9 and L10 of the Medway Local Plan 2003 and paragraph 127 and 170 of the NPPF

- 3 The proposal would result in a significant impact on residential amenity of properties adjacent to the site, particularly to the occupants of Carlton Crescent. Due to the topography of the land rising sharply from Carlton Crescent to the site any development in this part of the site has the potential to have a significant impact on these residents. The proposal is contrary to Policies S1, S2, BNE1 and BNE2 of the Medway Local Plan 2003 and paragraph 127 and 170 of the NPPF

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

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

## **Proposal**

The proposal is an outline application with some reserved matters for construction of up to 800 dwellings, a primary school, supporting retail space of up to 150sqm and community facility with associated road link between North Dane Way and Pear Tree Lane and other road infrastructure, open space and landscaping.

The proposed access is for consideration. This details 2 primary access points, the first from the existing roundabout on Capstone Road and the second from North Dane Way to form a new link road. The additional arm to the Capstone road roundabout will include additional land take and will close the existing Capstone road arm onto the roundabout. There will also be a secondary access on Capstone Road. This will then enable Capstone Road to be re routed at this point, into the application site and then down to the enlarged roundabout. There will also be a further access onto North Dane Way to the south of the site to serve a divorced section of the proposed development.

Details relating to appearance, landscape, layout and scale have all been reserved for future consideration. Although all matters other than means of access have been reserved for future consideration, the application is accompanied by an illustrative masterplan which shows the intended general distribution of development across the site.

The proposed development would include:

- The provision of a new link road with primary access points and road infrastructure throughout the site via Capstone Road and North Dane Way
- The provision of up to 800 homes
- Land for a new two form entry primary school
- New local shops within the development
- Land for a community facility
- Three new play areas
- Pedestrian and cycle networks throughout the site
- Existing public right of way network integrated into the site
- Enhanced links with Capstone Country Park
- Improvements to the woodland areas

Although this is an outline application, the Design and Access Statement states that there will be a range of tenures and housing typologies with a range of different characters to reflect the surrounding area. The proposal will provide 25% affordable homes. The submitted Design Development Guide sets out different character areas within the development with potential house types and materials. The Design Guide and Design and Access Statement accompanying the application indicates that the proposed houses would predominantly be two storeys in height, with some 3 storey town houses and apartment blocks up to 4 storeys high in the urban part of the site. The density is between 25 - 50 dwellings per hectare in the developable parts of the site.

### **Site Area/Density**

Site Area: 49.75 hectares (122.93 acres)

Site Density: 16.1 dph (6.51 dpa)

### **Relevant Planning History**

MC/18/2827      Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for a residential/mixed use scheme  
Decision: EIA required 18 October 2018

MC/18/3478      Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a screening opinion for a residential/mixed use scheme  
Decision: EIA required 18 December 2018

### **Representations**

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

The Highways Agency, Environment Agency, Natural England, Sports England, Kent Police, RSPB, Kent Wildlife Trust, Kent Downs AONB Unit, KCC Archaeology, KCC Ecology, Lead Local Flood Authority, Rural Planning Ltd, NHS, SGN and Southern Water have also been consulted.

**Highways Agency** initially raised an objection in relation to the application, being concerned about the potential impact on the safe and efficient operation of the Strategic Road Network (SRN). In this case the M2 junction 4, and Fostington Way/A2045 junction and requested further information before the application is determined.

**Applicant** has written addressing concerns raised by the letter of representation from Highways Agency and submitted a response to their comments. Additional information including modelling data, trip generation data and mitigation measures has been submitted by the applicant.

**Highways Agency** have removed their initial objection and concluded that they are satisfied with the information provided and that the level of additional trips hitting the SRN in the peaks is not of a sufficient level in itself to warrant concern. However, it should be noted that the site does contribute to the cumulative impacts on the network and it will therefore be a matter for the council whether or not they will seek a proportionate contribution towards any necessary highway improvements.

**Environment Agency** have made the following comments:

The site is agricultural land which presents a medium risk of contamination. It is also partly located within a Source Protection Zone, close to a landfill site. Controlled waters are therefore sensitive in this location because the proposed development site is located upon a principal aquifer.

The reports submitted in support of this planning application provide confidence that it will be possible to suitably manage the risk posed to controlled waters by the proposed development.

No objection to the proposed development subject to conditions relating to contamination, surface water drainage, foul drainage, and foundation and piling design.

**Natural England** advise that development has potential to have significant effects on designated sites. Additional information is required in order to determine the significance of these impacts and the scope for mitigation. Further information relating to traffic generated air quality impacts on designated sites, both alone and in-combination with other plans and projects, is required before the application is determined.

The site is within close proximity to a nationally designated landscape, Kent Downs AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise to guide decision making.

The Council need to consider whether the proposal is on best and most versatile agricultural land.

Natural England has directed the Council to its standing advice on protected species, habitats and species, ancient woodland, environmental enhancement, rights of way and biodiversity.

**Applicant** has written addressing concerns raised by the letter of representation from Natural England and submitted a response to their comments. Additional information on air quality and cumulative impacts has been submitted by the applicant.

**Natural England** have no further comments to make on this application.

**Kent Wildlife Trust** initially raised an objection to this application on the basis of uncertainties relating to ecological impacts and mitigation of the proposal set out below:

The road verge along North Dane Way is a designated Roadside Nature Reserve that acts as an important habitat and corridor. These areas have not been included in reptile and habitat surveys.

No farmland bird mitigation has been provided for identified protected species.

The development may have a detrimental impact on habitats within the Country Park.

It is unclear if the proposal will have a 15 metre buffer from the ancient woodland and avoid a detrimental impact.

**Applicant** has written addressing concerns raised by the letter of representation from Kent Wildlife Trust and submitted a response to their comments. Additional information including farmland bird mitigation, area of chalk grassland habitat, proposed woodland scrub planting and paths around the ancient woodland, proposed CEMP and Landscape Management Plan contents, dormouse mitigation, lighting strategy, proposed open space and paths linked to Capstone Country Park has been submitted by the applicant.

**Kent Wildlife Trust** have removed their initial objection subject to farmland bird mitigation being provided off site as proposed. Kent Wildlife Trust accept the Roadside Nature Reserve and Capstone Country Park both fall under Medway Council ownership and management but suggest there could be enhancements and mitigation secured through the planning process. The Council are referred to Natural England's standing advice on Ancient Woodland to judge compliance in this case.

**KCC Ecology** requested additional information prior to determination of the application relating to ground-nesting bird habitat, chalk grassland habitat, external lighting design and dormouse mitigation.

The breeding bird survey identified species of conservation concern and the report concludes that the site is of local importance regarding breeding birds. Whilst they are satisfied with mitigation measures for the construction phase there is no mitigation measures to offset the potential loss of ground nesting breeding bird habitat. The size of the proposed mitigation of open space to be retained for ground nesting birds is not of sufficient size and will be subject to recreational disturbance once the development is operational. Therefore, it is advised that an alternative solution is found for the long term habitat of ground nesting birds.

There are two main areas of chalk grassland, which is a Habitat of Principal Importance and containing notable plant species. While some of the habitat will be protected, others will be impacted by the access road and 0.1 hectares will be lost. Although the preference is for an alternative solution whereby chalk grassland is not lost, however if it must be then further information needs to be provided regarding the translocation of the grassland species, including methodology, timings and details of the proposed receptor site.

15 bat species were recorded using the site for foraging or commuting. Lighting can be detrimental to bat populations and other nocturnal wildlife, such as badgers, dormice and invertebrates. To mitigate against potential adverse effects on protected species incorporation of a sensitive lighting strategy for biodiversity is required.

The development includes proposals for new dwellings within the zone of influence (6km) of Medway Estuary and Marshes (SSSI) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Medway Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

The development site is in close proximity to Darland Banks and Adjacent Woodlands Local Wildlife Site (LWS) and Luton Banks, Chatham LWS, as well as abutted by and encompassing two ancient woodland sites. The LWS contains protected/notable species and habitats.

While the impact to the LWS from the construction phase is likely to be minimal, the potentially significant ecological impact to the LWS will be the increase in recreational pressure from the increased population of the occupied dwellings (during the operational phase). The Environmental Statement states that negative impacts from the development on the LWS will be mitigated against by providing enough open space and amenity areas, which we advise is sufficient.

Regarding protection of the ancient woodland, 15m buffers have been incorporated for both the adjacent ancient and encompassed ancient woodland, which is reflected in the current site plans. This is in accordance with standing advice from Natural England. To ensure the woodland is not degraded once the development is operational, and to ensure the buffer-zone is maintained, we advise an appropriate long-term management regime is incorporated into the Landscape and Environmental Management Plans.

Populations of both slow worms and common lizards have been identified on-site. As all species of reptile are protected, there is a need to implement mitigation measures.

The bat report has identified one bat roost. There is a need to limit the impact from lighting to bats once the development is operational.

One active badger sett was identified in the north of the site, with a possible subsidiary sett located along the eastern boundary. The site plan demonstrates that habitat connectivity will be maintained along the eastern boundary of the site to allow continued use by badgers.

The dormice report has identified a dormouse population throughout the boundary vegetation of the development site. Small areas of hedgerow, for access, will be removed as part of this development proposal. Mitigation measures for the relatively small amount of dormouse habitat fragmentation that will occur as part of the development proposal include:

- Vegetation removal to take place outside of the hibernation season.

- Use of hand tools to remove hedgerow vegetation.
- Provision of 'wildlife bridges' to ensure habitat connectivity.

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon Dormice.

The invertebrate survey concluded that "the presence of 10 RDB3 and 32 Nationally Scarce species is of significance due to their rarity and the presence of these species in their own right is of County Importance." Of note, two Priority Species (under the Nerc Act 2006) were identified.

The Environmental Statement proposes enhancements to the retained chalk grassland, meadow grassland and the planting of native shrubs to promote invertebrate diversity. We are satisfied that the proposed enhancements are likely to benefit invertebrates and, therefore, should be implemented.

The site is considered not to have a significant population of wintering birds. We are satisfied with the report's conclusion and, as such, require no further information regarding wintering birds.

- Vegetation removal to take place outside of the hibernation season.
- Use of hand tools to remove hedgerow vegetation.
- Provision of 'wildlife bridges' to ensure habitat connectivity.

A European protected species mitigation (EPSM) licence will be required to carry out the proposed development due to the impacts upon Dormice.

The invertebrate survey concluded that "the presence of 10 RDB3 and 32 Nationally Scarce species is of significance due to their rarity and the presence of these species in

their own right is of County Importance.” Of note, two Priority Species (under the Nerc Act 2006) were identified.

The Environmental Statement proposes enhancements to the retained chalk grassland, meadow grassland and the planting of native shrubs to promote invertebrate diversity. We are satisfied that the proposed enhancements are likely to benefit invertebrates and, therefore, should be implemented.

The site is considered not to have a significant population of wintering birds. We are satisfied with the report’s conclusion and, as such, require no further information regarding wintering birds.

We are satisfied that Great Crested Newts are unlikely to be present and, therefore, impacted by this development.

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. We would remind the applicant that enhancements must be in *addition* to any necessary mitigation measures.

Any soft landscaping plans should include native plant species only so as not to compromise the ecological integrity of the surrounding environment. Furthermore, we recommend species like hawthorn and blackthorn are strategically placed to limit human-induced disturbance.

We advise that details of the proposed enhancements are incorporated into the recommended Ecological Design Strategy

Paragraph 170 of the National Planning Policy Framework 2019 states developments should be “*minimising impacts on and providing net gains for biodiversity...*”. It is our view that, while most aspects of the proposed mitigation will be appropriate, the development will lead to a net-loss of biodiversity with the concerns being the loss of:

- Chalk grassland (and the scarce wildflowers associated with this priority habitat);
- Ground-nesting habitat (and the red-listed ground nesting birds, such as Skylark);
- Nocturnal wildlife activity;
- Undisturbed dormouse habitat.

The Environmental Statement states that (at the detailed design stage) a Landscape and Ecological Mitigation and Monitoring Plan (LEMMP) will detail:

- Mitigation for construction and operational phases (section 11.176);
- Habitat creation and enhancements (section 11.195);
- Long-term management of the habitats (section 11.200).



Before we can be satisfied with the submitted outline proposals and, therefore, progressing to the reserved matters stage when the LEMMP can be produced, we advise that further information on the following (as detailed above) is provided prior to determination of the application:

- Mitigation for the loss of ground-nesting bird habitat;
- The loss/translocation of chalk grassland;
- The principles of an external lighting design;
- Operational mitigation measures for dormice;

**Applicant** has written addressing concerns raised by the letter of representation from KCC Ecological Advice service and submitted a response to their comments.

**KCC Ecology** have removed their initial objection subject to conditions relating to site wide ecological mitigation landscape, creation of skylark plots off site, dormouse mitigation, bat sensitive lighting, bird disturbance contribution, landscape and ecology mitigation management plan and ecological enhancements.

**Lead Local Flood Authority** raise no objection because there are suitable potential sustainable urban drainage schemes that could be used across the site. This comes under the proviso the Environment Agency are satisfied there will be no contamination and infiltration issues.

It is proposed to keep the area of low surface water flood risk free from development. Safe access and egress will need to be maintained in times of exceedance flows.

The submitted maintenance plan is acceptable in principle. At a detailed design stage, specific maintenance plans for each element will need to be submitted. Advice given on modelling and contents. Suggest condition relating to surface water drainage and verification report.

**KCC Archaeology** advised that the archaeological desk-based assessment was insufficient. In particular, the assessment of the site's Palaeolithic potential is poor. The site has the potential to contain Palaeolithic remains. Bronze Age, early medieval, medieval artefacts and Roman buildings and burial grounds have been found in close proximity to the site. The potential for nationally important remains within the development area cannot be discounted. Further investigations and assessments are required before the application is determined.

**Applicant** has written addressing concerns raised by the letter of representation from KCC Archaeology and undertook test pit work and submitted an amended archaeological assessment.

**KCC Archaeology** have removed their initial objection. The deposits examined in the test pits indicate that significant Palaeolithic remains and/or Pleistocene deposits are unlikely to be present. Suggested condition relating to archaeological field evaluation.

**Kent Police** have made the following comments:

The applicant has not yet demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of Crime Prevention through Environmental Design. The letter sets out issues to be addressed and suggest the developer contacts them to ensure compliance with BREEAM and SBD. It is accepted that this is an outline application and the applicant should contact Kent Police to discuss detailed design at a later stage.

**Rural Planning Ltd**, the Council's agricultural advisor has written advising that the land is classified as grade 3a and 3b agricultural land. Grade 3a falls into the best and most versatile category but below grade 1 and 2.

Following the appeal decision at Gibraltar Farm the Inspector found the benefits outweighed the loss of agricultural land. In this case I doubt that the loss of grade 3a and 3b agricultural land is significant enough to be a determining factor.

**Sport England** advise that they are unable to support this application if no contribution is proposed for sports facilities because no facilities are being provided on site to meet demand.

The applicant has agreed to pay a developer contribution towards sports facilities.

**Southern Gas Networks** advise that the site is in the vicinity of a low pressure mains. There should be no mechanical excavations taking place within 0.5m of a low/medium pressure system. You should, where required, confirm the position using hand dug trial holes.

**Southern Water** advise that there is a public water main, public foul rising main, public sewers and water mains crossing the site. The exact position of the public sewers and water main must be determined on site by the applicant before the layout of proposed development is finalised. Southern Water set out the distances for development from these features.

Southern Water require a formal application for a connection to the public sewer and water supply. Informative suggested.

**926 letters** have been received raising the following objections:

- Increased traffic, congestion and pollution on local roads and the M2
- Impact on air quality
- Noise pollution
- Road safety issues
- Site will be served by narrow country lanes that cannot cope with increased traffic
- Hazard to horses and their riders

- Infrastructure cannot cope with the increased demand of extra housing
- Impact on quality of life
- Increased pressure on local services, schools, GPs, hospital, dentists, social services, police, fire brigade, public transport
- Loss of countryside, green space, trees and recreation space
- Loss of health benefits associated with countryside, green space and trees
- Harm to rural character of the area
- Harm to visual amenity
- Harm to health, decreased air quality, increased respiratory conditions
- Encroach on Capstone Country Park and its countryside setting
- Urban sprawl linking separate towns together
- Harm to the environment, wildlife, protected species and habitats
- Flooding issues in the valley will be made worse by increased surface water runoff from the development
- Harmful impact on Kent Downs AONB
- Loss of countryside footpaths for ramblers and dog walkers
- Contrary to policies to protect Capstone Valley from development
- Loss of agricultural land
- Not the right location for this large development
- Overdevelopment of the site
- Unsustainable location away from town centre and services
- Development should be directed to brownfield sites, town centres and vacant buildings

**47 letters** of support have been received making the following comments:

- Development should be fairly distributed throughout the whole borough
- This development would relieve some of the pressure on Hoo
- It is good that new infrastructure, services and a school are being provided as part of this application

**Tracey Crouch MP** objects to this application on the following grounds:

The development will completely overwhelm local infrastructure and cause serious congestion on local roads. Concerns about impact on Shawsted Road and Ham Lane, in particular, that are single track and unable to cope with additional traffic. Negative impact on local health services and schools. Capstone Valley is a valued green lung with important ecological sites and wildlife habitats. Capstone Valley has value as green space and recreational area and as a green buffer between Lordswood and Hempstead. Should be considered alongside Gibraltar Farm.

**Rehman Chishti MP** objects to this application on the following grounds:

This development will have severe and profound effects on infrastructure for transport, education and healthcare for my constituents in Gillingham and Rainham.

The proposal will have a severe detrimental impact on the local road network, increase journey times and air pollution. There is a shortage of local schools and GP services in the local area. Capstone Valley is a green lung for Medway, which should be protected from large scale development. Development should be directed to brownfield sites and the Hoo Peninsula.

Petition to protect Capstone Valley and areas around Otterham Quay Lane enclosed.

**Hempstead Residents Association** object to this application on the following grounds:

- This development, along with Gibraltar Farm, will add considerable traffic through Hempstead, increasing congestion into and out of the village at peak times.
- The layout is poor.
- The school, surgery and shop poorly serve the rest of the development.
- 3 and 4 storey development would be inappropriate in this location.
- The area is within a large landscape area with important local character.
- The link road appears designed to encourage traffic towards Hempstead and the M2 junction 4.
- There is no evidence to support the provision of bus services making the site unsustainable.
- The Transport Assessment shows a significant detrimental impact on Hempstead traffic.
- The removal of existing roundabouts on Hempstead Road and replacing them with signalised junctions will harm the free flow of traffic.
- The off-site highway works will add to congestion and traffic issues.
- There is a proposal for a GP surgery but a shortage of GPs so this cannot be guaranteed.
- Construction traffic should not be routed through Hempstead.
- Traffic improvements should be completed prior to occupation.

**Boxley Parish Council** object to this application on the following grounds:

- Greenfield land that forms green wedge in the urban area
- Impact on wildlife, flora, fauna, habitats and ancient woodland
- Unacceptable visual and sensory impact on the rural character of the area
- Impact on the ALLI
- Incongruous and out of character built development in the countryside
- Loss of agricultural land
- Significant increase in traffic
- Additional demand on local services
- Impact on the setting of the North Downs AONB

**38** additional representations have been received reiterating previous objections.

## **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies considered most relevant to the determination of this application are S1, S2, S4, S6, BNE1, BNE2, BNE6, BNE7, BNE8, BNE21, BNE23, BNE24, BNE25, BNE34, BNE37, BNE39, H11, L4, L9, L10, T1, T2, T3, T4, T6, T13, T14, CF2 and CF6. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2019 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable

## **Planning Appraisal**

### *Principle*

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

The proposal is for an outline application with some reserved matters (appearance, layout, scale and landscaping) for construction of up to 800 dwellings, primary school, supporting retail space of up to 150sqm and community facility with associated road link between North Dane Way and Pear Tree Lane and other road infrastructure, open space and landscaping.

Policy S1 of the Local Plan sets out the development strategy for the plan area. It states that the development strategy is to prioritise re-investment in the urban fabric, which will include the redevelopment and recycling of under-used and derelict land within the urban area. It states that outward peripheral expansion onto fresh land will be severely restricted and that the open heartland of Capstone and Darland will be given long term protection from significant development. The green hillsides and backdrops of the urban area are vital ingredients in defining the form and character of Medway and must be protected.

Policy S2 of the Local Plan sets out the implementation of Policy S1, with a focus on maintaining and improving environmental quality and design standards, a sustainable approach to the location of new development and a sequential approach to the location of development.

The application site falls outside the urban boundary in an area of open countryside and within an area of local landscape importance. Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted on a site allocated for that use; development essentially demanding a rural location, or the re-use or adaption of an

existing built up area. Development within the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside. The application site is also adjacent to Capstone Country Park. Policy L9 of the Local Plan is committed to maintaining this Country Park.

The Capstone, Darland and Elm Court ALLI is a substantial tract of undeveloped land extending from the North Downs as a green wedge into the urban area. It is an attractive and important rural landscape that prevents coalescence of Lordswood/Princes Park and Hempstead, provides informal open space and provides a wider landscape setting to Capstone Country Park and the Kent Downs AONB. Policy BNE34 of the Local Plan states that development will only be permitted if it does not materially harm the landscape character and function of the area, or the economic and social benefits are so important. It goes on to say that development within the ALLI should be sited, designed and landscaped to minimise harm to the area's landscape character.

The site is not allocated for housing or any redevelopment within the Local Plan. The proposal is for the development of a large proportion of an agricultural field. 'Agricultural land' is excluded from the definition of 'previously developed land' in the Annex 2 of the National Planning Policy Framework and as such the site is a greenfield site. A key element of national housing policy within the National Planning Policy Framework is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

It is considered that in light of those policies the proposal, as a predominantly residential scheme on an unallocated greenfield site is in principle unacceptable. It would be deemed contrary to the strategic direction of the Medway Local Plan 2003 highlighted in Policy S1 and S2. These direct development to brownfield sites, then sustainable sites, and are supported by Policy BNE25 that seeks to protect the countryside from inappropriate development and Policy BNE34 that protects the landscape function and character of the ALLI.

[The application of these policies, however, is compromised by the lack of a 5 year housing land supply; a matter which is consider further later in this report. Notwithstanding this, as noted above the site lies outside of the urban boundary and so policy BNE25 applies, but the Council has been challenged at appeal and by the Secretary of State for its rigid use of this policy. Therefore, an assessment of the conformity of this policy with the NPPF must be considered. The NPPF states at paragraph 170 (b) that:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by... ..recognising the intrinsic character and beauty of the countryside”*

The use of policy BNE25 as a blanket restraint on new housing outside the built up area is not up to date or consistent with the aims of the NPPF. However the requirement in BNE25 to *“maintain and wherever possible enhance...the character amenity and functioning of the countryside”* is consistent with national policy, including the

environmental objective set out in paragraph 8(c) of the NPPF. BNE25 can be used as a definition of the separation between the urban and rural areas or the “countryside” as described in the NPPF.. Appeal decisions in 2018 at Cliffe Woods APP/A2280/W/17/3175461 and 2020 at Orchard Kennels APP/A2280/W/19/3240339 found that policy BNE25 can carry moderate weight. Policy BNE25 can only carry moderate weight in the consideration of this application, given the lack of housing land supply

Turning to policy BNE34 this only permits development if “(i) *it does not materially harm the landscape character and function of the area; or (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area’s landscape.*” Specifically, regarding Areas of Local Landscape Importance (ALLI), the policy requires that proposed development is “*sited, designed and landscaped to minimise harm to the area’s landscape character and function.*”

BNE34 also accords with the NPPF at paragraph 170 where it states, with my emphasis:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

BNE34 therefore, can carry full weight in the consideration of this application. The principle is to protect and enhance landscape areas identified through local plans for their “value” or importance. Moreover, BNE34 also provides a ‘balancing exercise,’ whereby should a proposal demonstrate that its economic and social benefits outweigh the value of an ALLI then it might be permitted and this too accords with national policy. It should be noted that this is not the case here, and the benefits do not outweigh the harms, as is considered later in this report.

Paragraph 11 of the NPPF, describes how the ‘presumption in favour of sustainable development’ should be applied. With particular reference to decision taking, where development accords with the development plan approval should be without delay (para 11(c)). Where it does not, and where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: (i) the application of policies in the NPPF that protect areas or assets of importance provide a clear reason for refusal or (ii) or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (para 11(d)).

Paragraph 8 of the NPPF sets out the three over arching objectives of the planning system for achieving sustainable development, which are interdependent and need to be pursued in mutually supportive ways. These objectives are economic, social and environmental.

It is considered in this case that the proposal meets these objectives, as such paragraph 11 applies, however, it is considered that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. This will be set out in detail below. ]

## 5 Year Housing Land Supply

At this time the Council cannot demonstrate “a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement” as required by paragraph 73 of the NPPF.

In understanding by how much there is an undersupply of housing, first the local housing need for Medway must be calculated using the standard method as required by the NPPF at paragraph 60:

Households in 2020	119739
Households in 2030	132768
Growth	13,029
10 year annual average	1,302
Affordability ratio	8.41
Adjustment	1.2756
Need figure	<b>1662</b>

Using this need figure, and applying it to the latest supply figures published in the Council’s December 2020 AMR shows the following:

<b>Requirement</b>	
Annual Requirement	1,662
5 Year Requirement (1st April 2019 - 31 March 2024)	8,310
<b>TOTAL Requirement (with 20% Buffer):</b>	<b>10,610</b>
<b>Supply</b>	
Large site Applications	5,906
Small site Applications	341
Windfall Allowance (yrs 3-5)	603
<b>TOTAL supply:</b>	<b>6,850</b>
<b>Years supply</b>	<b>3.23</b>
Surplus/Deficit	<b>- 3,760</b>

The scale of the shortfall is considered to be significant.



## **Housing delivery Test**

The results of the 2019/20 Housing Delivery test have just been released and show that while Medway's housing delivery has significantly improved the Council has only delivered 55% of its target number of dwellings in the preceding 3 years. As such the Council has to update its Action Plan, apply the 20% buffer and the presumption in favour of sustainable development now applies.

The Council is aware of the challenge of the housing supply and the HDT and is therefore taking steps to remedy the situation. This is demonstrated that in 2019-20 1130 dwellings were completed which represents the highest ever delivery in the 21 years of Medway's existence. Furthermore, consideration of the number of commencements indicates strongly that the significant increase in delivery will continue in future years.

## **Efforts to Boost the Supply of Housing**

The Council recognises that there is a need to significantly boost the supply of housing in accordance with the provisions of the Framework and is taking a number of positive steps with this in mind in advance of the adoption of a new Local Plan.

As reported in the AMR at 'Delivering Development' (from page 18) the council has prepared a Housing Delivery Test Action Plan (HDTAP) which considers the main barriers to the delivery of more houses within Medway and was in response to the Housing Delivery Test (HDT) results. Moreover, the delivery of housing is considered in detail and the role that the Council is taking in promoting sustainable development in Medway. This includes reference to:

- Major urban regeneration with significant involvement of Medway Council's development arm
- Consents on suitable greenfield sites
- Increase diversity in housing market with a greater range of site types and scales with a wider range of developers. This also demonstrates the range of housebuilders investing in Medway.
- Working constructively with the development sector. Medway Council has been a leading partner in the development of the Kent Planning Protocol, and the Head of Planning and Chair of Planning Committee have met individually with major developers to discuss opportunities to speed up the delivery of sites
- Various other pro-active roles the of council in bringing sites forward for development (e.g. PPA, increased planning resources and joint masterplanning)
- Identifying and addressing delays in build out of schemes.

In November 2019 it was confirmed that the Council was successful in an ambitious bid to secure £170m for infrastructure improvements through the Housing Infrastructure Fund (HIF), to enable delivery of the Local Plan. The bid includes strategic transport improvements, including a new road and the introduction of new passenger rail services,

and a package of social and environmental investments to enable the delivery of a rural town on the Hoo Peninsula.

The Local Plan is being progressed at some pace, since the confirmation of HiF. Furthermore, the production of the Strategic Land Availability Assessment (SLAA) to support the Local Plan demonstrates that there is a good supply of suitable locations for development. The next step, or course, is to apply a reasonable spatial strategy to the SLAA findings to produce a robust and sound plan against which future planning decisions can be made. The table below is taken from page four of the SLAA report and shows the potential supply can meet the short term (5 year) need for new homes, as well as the need across the plan period (it should be noted that this does not include sites 0783c and 0783d which form this application area which were assessed as unsuitable\*):

Housing	Phasing				TOTAL
	Years 1-5	Years 6-10	Years 11-15	Years 16+	
	2019 - 2024	2024 - 2029	2029 - 2034	2034 +	
New Suitable, available and achievable SLAA sites	3643	8331	5857	1440	19271
Large permitted sites from 2019 AMR	5793	1789	0	205	7787
Small permitted sites from 2019 AMR	281	1	0	4	286
Windfalls from AMR		950	950	0	1900
<b>TOTAL PHASING</b>	10287	11071	6807	1649	29244

*\*This site was found to be unsuitable for the following reasons: distance from services, flood risk and landscape impact. Whilst the SLAA does not grant planning permission and influence it in any way it does highlight potential issues.*

The Council has also sought to apply the presumption in favour of sustainable development by granting planning permission for sites outside of current development boundaries, where these amount to sustainable development, in advance of the adoption of the new Local Plan. In this regard, the following permissions have been granted by the Council for development on unallocated sustainable sites in advance of the Local Plan in order to assist in meeting housing need and 5 year housing land supply:

1. MC/15/0098 Outline Planning permission granted for up to 50 dwellings at Street Farm, Hoo on 10/11/16. MC/18/1795 Reserved Matters for 50 dwellings approved 27/9/18, various conditions discharged through 2019. Development nearing completion

2. MC/16/2051 Outline Planning Permission granted on 24/02/17 for 300 houses at Otterham Quay Lane, Rainham (Persimmon). MC/18/2328 Reserved Matters for 300 homes approved 23/11/18, various conditions discharged through 2019. Development has commenced
3. MC/16/2776 Outline Planning permission granted for 44 executive houses at Darland Farm, Capstone on 15/03/17. MC/18/0705 Reserved Matters for 44 dwellings approved 24/10/18, various conditions discharged through 2019. Development has commenced with significant delivery already
4. MC/16/4229 Reserved matters permission granted for 131 dwellings at Peninsula Way, Chattenden on 30/08/17 (Abbey Homes) – site nearing completion.
5. MC/16/2837 Outline planning permission granted for 127 Dwellings at Stoke Road, Hoo on 13/12/17. MC/18/0702 Reserved Matters for 127 dwellings approved 9/7/18, various conditions discharged through 2019 and 2020. Site development significantly commenced
6. MC/16/4268 Outline Planning Permission granted for up to 130 dwellings at Commissioners Road Quarry on 18/07/17. Work has commenced in preparation for development.
7. MC/17/1884 Detailed planning permission resolved to be approved subject to S106 for 232 dwellings at Bells Lane Hoo on 27/09/17 (Bellway) – site significantly commenced and an extension for a further 21 units has been approved.
8. MC/17/1820 Reserved matters permission resolved to be approved subject to S106 for 90 dwellings at Bakers Field, Rainham on 27/09/17 (McCulloch Homes) – site significantly commenced.
9. MC/17/1918 Reserved matters permission granted for 199 apartments at Chatham Waters on 27/09/17. MC/18/0997 Reserved Matters for 193 dwellings and A1/D1 uses approved 5/10/18 – development completed.
10. MC/17/1250 Reserved matters permission granted for 200 dwellings at Chatham Quayside on 30/08/17. site significantly commenced.
11. MC/17/1392 Reserved matters permission granted for redevelopment of Kitchener Barracks for 302 dwellings on 29/08/17 (Latis Homes). Works have commenced on this largely modular house development that is specifically referenced in the Housing White Paper.
12. MC/17/2767 Detailed planning permission resolved to be approved subject to S106 for 131 dwellings at Chatham Golf Centre Street End Road Chatham on 10/10/2018 – site commenced

13. MC/18/3160 Outline planning permission granted for 64 units at Bennetts Orchard, Rainham on 29/11/2019. Bellway have recently secured a resolution to approve to increase this to 79 dwellings and are looking to commence in the spring and the site is already hoarded
14. MC/18/1796 Outline application for 202 dwellings, Woolleys Orchard (Rainham) resolution to approve 29 April 2020
15. MC/19/3275 Berengrave Nursey application for additional 18 dwellings taking site total to 139 dwellings (approval for 121 dwellings under MC/17/1391) Approved 29 April 2020 Site significantly commenced
16. MC/19/2532 Land at the Maltings Rainham 29 dwellings approved 29 April 2020 (extension to Redrow development off Mierscourt Road)
17. MC/19/0888 Stoke Road Business Centre Hoo – Reserved matters application 200 dwellings (O/A MC/17/4424) APPROVED 26 June 2019. Site commenced
18. MC/19/0287 Town Road Cliffe Woods. O/A for 225 dwellings. Resolution to approve 16 September 2020
19. MC/18/2961 Town Road Cliffe Woods – 92 dwellings, plus nursery and B1 office block Esquire and site commenced
20. MC/19/2898 Land west of station road Rainham O/A 76 dwellings resolution to approve 16 September 2020
21. MC/19/1736 Land at Whitehouse Farm Stoke Road Hoo . RM application (O/A MC/18/0247) 65 dwellings. Approved 4 March 2020 Jones Homes confirmed start on site in Spring 2021

Moreover, since 1 April 2019 consent has been granted for large scale development (10+ units) for sites with capacity for in excess of 800 units in total, examples of note are as follows:

- MC/19/0038 – Bardell Terrace – 331 units
- MC/18/2448 – 21 Jeffery Street Gillingham – 24 units
- MC/18/0092 – Unit 1-2 New Cut Industrial Centre – 35 flats
- MC/18/2553 – White Road Community Centre – 20 units
- MC/19/0797 – 4,6,20,22 High Street Rainham – 54 retirement apartments
- MC/18/2406 – Car park, Whiffens Avenue – 115 units
- MC/18/3659 - Chatham Waterfront – 176 units
- MC/19/2709 - St Bartholomews Hospital – 155 units
- MC/20/0559 – 547-553 Canterbury Street, Gillingham – 24 units

These figures do not include any small site windfalls which would also increase the supply.

It is accepted that, due to the lack of a five year supply of housing, the development plan policies which are most important for determining the application are deemed to be out of date. This means that paragraph 11(d) is engaged, a matter which is addressed further in the planning balance section below.

## **Main considerations**

Drawing the above representations, consultation responses and Local Plan considerations together, it is considered that there are 4 main areas of consideration for this application as follows:

- Landscape and Visual Impact;
- Quantum of Development/Layout/Design;
- Residential Amenity;
- Impact on Highways;

Each of these considerations is presented in turn hereunder, before addressing other planning considerations and the planning balance

### *Landscape and Visual Impact*

The application site falls within an area of open countryside, designated as an Area of Local Landscape Importance (ALLI). The site is adjacent to the western boundary of Capstone Farm Country Park and public footpaths traverse the site.

The site is located on part of an elevated ridge plateau and is set within a wider undulating chalk downland landscape consisting of ridge crests and extensive dip slopes that overlook steep-sided narrow valleys. To the north of East Hill are the distinctive scarp and valley forms that give way to a softer rolling open plateau landscape to the south. The site consists of a series of fields in arable agricultural use that form part of an extensive area of farmland..

The Environmental Statement submitted as part of this application contains a Landscape and Visual Impact Assessment (LVIA).

The Medway Local Plan 2003 sets out that there are several areas of landscape that enhance local amenity and environmental quality, providing an attractive setting to the urban area and surrounding village. These locally significant landscapes are designated as ALLIs. The Capstone, Darland and Elm Court ALLI within which the application site is set is described as a substantial tract of undeveloped land extending from the North Downs as a green wedge into the heart of the urban area. The function is fivefold:

- it creates an attractive and important landscape feature defining urban areas and preventing coalescence of Lordswood/Princes Park and Hempstead;
- Contributes significantly to informal open space needs of the communities which adjoin it;
- Provides a rural landscape in close proximity to the urban area, bringing the countryside into the town;
- Provides a wider landscape setting for Capstone Farm Country Park; and
- Contributes to the setting of the Kent Downs AONB to the south and the M2 motorway.

There is a need to protect the landscape character and function of these designated ALLIs. Policy BNE34 of the Local Plan states that development will only be permitted in these areas if it does not materially harm the landscape character and function of the area; or the economic and social benefits are so important that they outweigh the local priority to conserve the area's landscape. Development within the ALLI should be sited, designed and landscaped to minimise harm to the area's landscape character and function. As set out above Policy BNE34 carries full weight in the determination of this application.

Para 170 of the NPPF seeks to protect and enhance valued landscapes. Paragraph 170a is of particular relevance to this proposal, which states that planning decisions should contribute to and enhance the natural and local environment by "*protecting and enhancing valued landscapes...(in a manner commensurate with their statutory status or identified quality in the development plan)*". The designation of the area as ALLI means that it is a valued landscape as envisaged under paragraph 170a. This landscape has an identified quality set out in the Local Plan that should be regarded as valued, and secondly that protection should be afforded according to their status. Although it is accepted that the ALLI does not have the same significance as nationally designated landscapes such as AONB or National Parks, which receive the highest level of protection, it is given a higher protected landscape value above ordinary countryside, and as such should be afforded a higher level of protection.

Paragraph 170b goes on to seek to recognise "*the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland*".

The scheme would result in the construction of a large housing development of up to 800 dwellings that would extend Princes Park to the east and Luton to the south into the open countryside. This would cause a significant change to the appearance of the application site and result in a direct loss of open countryside that makes a pleasant contribution to the setting of the surrounding area. The undeveloped nature of the site forms part of the attractive rural setting of Capstone. This significant development would erode that rural setting. The proposal would have a significant adverse effect on the landscape character of the site.

Due to the topography of the land the site would be highly visible from Darland Banks, Capstone Country Park, Carlton Crescent and Sharsted Road. Depending on the height on the buildings they would be less visible on North Dane Way. The application site is on the edge of the existing settlement and would be viewed against a backdrop of existing housing when viewed from Darland Banks and the public right of way when looking north but not from other locations around the site. The application site is bounded by thick vegetation at a number of locations around the site.

The Medway Landscape Character Assessment 2011 (LCA) shows the site being within the East Hill and Sharsted Farm character areas., The majority of the housing development is within the East Hill character area, with the school site and the southern area of housing below Whites Wood within the Sharsted Farm character area. Within the East Hill character area the condition is described as being moderate with a moderate degree of sensitivity. Within the Sharsted Farm character area the condition is described as being good with a high degree of sensitivity. The stated actions are to conserve and create landscape character within East hill and purely conserve Sharsted Farm. The area to the south towards Sharsted Farm is particularly sensitive. There is a clear break of slope adjacent to Whites Wood where a change in character and quality occur, with the southern part of the site being more rural, unspoilt and sensitive landscape.

The LVIA states that the site would be “affected by the major and permanent transition from agricultural to residential use with substantial adverse effects on landscape character in year 1 but goes on to say that by year 15 they would be substantially beneficial.

It is considered that the benefits of the proposed planting and open space are being completely overstated and while planting would help over time to mitigate adverse effects of the loss of open land to development it would not provide a net benefit compared to the existing situation. The change of use of the presently attractive, open and rural landscape that is locally designated as ALLI to a large scale urban, dense, residential development cannot be a landscape benefit, let alone a substantial one.

The Landscape and Visual Impact Assessment has been reviewed on behalf of the LPA by a chartered landscape architect with extensive experience of landscape design and assessment, particularly in Kent. The methodology used for the assessment is detailed and reasonably comprehensive. The effects of the proposal are considered from a range of visual receptors around the site, agreed in advance with the Local Planning Authority. The landscape architect concluded that the proposed development would cause significant landscape and visual effects. He considered that the LVIA conclusions that there would be no adverse effects on the landscape by year 15 to be a “completely unrealistic assessment” and that the development would not be more attractive in landscape terms than the existing designated countryside. A more realistic assessment would be that the proposals would result in “significant harm to a significant proportion of the ALLI, that its function as a green wedge would be diminished, that the development would lead to harm in terms of the potential for coalescence of Lordswood/Princes Park and Hempstead, and that the wider landscape setting for Capstone Country Park would

also be harmed". The proposed planting and open space cannot offset the adverse landscape and visual impacts of this large scale development and would result in net long term adverse landscape and visual effects.

The development would result in significant harm to the landscape of and around the site, as well as significant visual effects for users of the Public Rights of Way and local residents. There is a significant lack of development within these landscape character areas and it is considered that even though there are extensive urban areas on its western and northern boundary this area is distinctly rural in character. This proposal would put significant pressure on this valuable and vulnerable landscape. "Capstone and Horsted Valleys are both under increasing development pressure for expansion of urban areas into open countryside; both areas are valuable green wedges linking town with countryside; bringing distinctive North Downs landscape character into urban areas". This proposal would lead to erosion of rural landscape character.

"Visibility is high as the views are open over the discernible landform. The landscape is highly sensitive due to the visibility of the marked landform". The landscape architect casts doubt on the accuracy and utility of the zone of theoretical visibility that appears to down play just how visible the site will be from locations including... The site sits on an elevated ridge plateau and is therefore widely visible.

There will be significant impacts on Landscape Character Areas adjacent to the site including Darland Banks and Capstone Farm. There will be a loss of special characteristics and local distinctiveness in these particular landscapes.

There will be significant loss of characteristic rolling arable fields and relative tranquility will be permanently lost; A loss of traditional field boundaries and roadside hedgerows; A significant erosion of rural landscape character caused by urban extension; rural character will be completely lost; loss of chalk grassland; and loss of hedges, trees and woodland.

The steep urbanised valley slopes proposed would form the backdrop to valley views and result in the loss of rural character of the setting. The rural footpath network and bridleway becomes isolated by the proposals which urbanise western approaches to the site.

The application site fully occupies that final remaining large sections of open arable landscape and woodland that currently characterises panoramic views from residential areas on ridges of the southern periphery of Gillingham along Darland Banks. Countryside views from locations along the ridge significantly contribute to a distinct sense of place for its residents, where the proximity with the wider countryside of the Kent Downs is clear to see and enjoy. The mitigation measures that are proposed to screen the urban extension, alter these views to one largely characterised by woodland and urban tree lines within the development.

The long, panoramic views from Darland Banks over the rolling arable landscape offer a particularly clear picture of the function of the ALLI and the visual separation between



urban and countryside settings. Countryside views from the ridge contribute to a distinct sense of place for residents and footpath users, where the proximity with the wider countryside of the Kent Downs is clear to see and enjoy.

The relative peace and tranquility of the Country Park will be lost due to the close proximity of the proposed urban development. Steep urbanised valley slopes would form the back drop to valley views and its countryside setting would be permanently lost. The development would be highly visible from a numerous locations within the Country Park and its trails. The rural footpath network and bridleway will become isolated and urbanised by the proposals.

The footpath network both within the site and in the wider Capstone Valley provides important recreational value and allows users to experience a degree of tranquility when walking through the site. This will be harmed if the development is allowed when the footpaths would be urbanised and routed through housing estates instead. One of the most visible impacts of the proposal can be experienced from the public footpaths within the site and the wider footpath network outside the site, particularly when viewed from Darland Banks

There is considerable concern about the impact of the proposed new link road connecting North Dane Way and Pear Tree Lane on the landscape. This feature offers a highly engineered urban highway aesthetic that cuts across the entire site in a way that is entirely unsympathetic in its rural landscape setting. This highly engineered feature would be incongruous in the rural landscape. The road would also provide an impermeable barrier between the proposed hillside communities and neighbourhoods that lie either side of the road. The Transport Assessment currently does not engage with any spatial design approaches recommended in Manual for Streets and there is little evidence of street character designs it has purely been designed with topography and functionality in mind. The roadway will be a huge engineering operation involving considerable earthworks and the impact on the landscape will be significant.

There are also concerns about the location of the sustainable urban drainage (SUDs) which are predominantly located at the edge of development, prominently cutting into slopes to create extensive embankments. The homogenous character of these landforms is unfamiliar and incongruous in this landscape and will add further large scale, engineered horizontal tiers to the hillside in addition to the road and building plots. All these features together superimpose technical, engineered landform to the rural location that will undermine variety and placemaking.

There are areas with conflicting demands to provide a number of different functions including landscaping, tree planting, SUDs, open space and footpaths. The cuts, embankments and subterranean engineering requirements for the SUDs features to be constructed could potentially impact negatively on the landscape buffer layout and effect the depth of screening and potential size and height of trees.

It is considered that these could form an incongruous, unattractive landform around the boundaries of the whole site and impact whether an appropriate landscape buffer to the site could be achieved. This landscape buffer is necessary in this distinct rural setting to create and establish effective mitigation and should take precedence over the rest of the layout. If any scheme was to be allowed in such a distinct rural setting it must be landscape led. It is considered that the proposed layout with appropriate landscape mitigation may not be achievable.

The proposed layout will permanently sever elements of Medway's Green Infrastructure network and wildlife habitat network, undermining its landscape and biodiversity significance. Residents, users of Capstone Country Park and PROW would experience a significant change of outlook.

There is clear recognition by the applicant that an urban extension development will have unwanted visual effects on its rural surroundings. The harmful visual impact of the development is broadly considered and proposed to be mitigated, by a combination of existing and new woodland landscape buffers along the site's periphery, and urban tree planting within the body of the proposed layout. It is not considered that this is sufficient to mitigate against the harmful impact of the development. Issues relating to landscape were considered by Design Review Panel at a pre-application stage remain unresolved.

The proposal constitutes a large scale urban development within the countryside, located on greenfield land, which is not allocated for the proposed use. The proposal would harm the character, function and appearance of the countryside, Area of Local Landscape Importance, setting of Capstone Farm Country Park and the rural footpath network. The application site is located within the rural area but does not essentially require a rural location.

The development would result in an inappropriate form of development within a locally valued landscape and Area of Local Landscape Importance, resulting in harm to the landscape and rural character and appearance of the area. The proposal would result in irreversible loss of important and valued open and green space within this part of Medway.

The proposal is therefore contrary to policies S1, S2, BNE25, BNE34 of the Medway Local Plan 2003 and paragraph 170 of the NPPF.

#### *Quantum of Development/Layout/Design*

As this application is in outline and the design and appearance of the proposed development have not been submitted for consideration, the design of the scheme cannot be fully assessed at this stage. This would be done as a reserved matters submission that would follow an approval of an outline application.

Local Plan Policy BNE1 'General Principles for Built Development' requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment. The Government attaches great importance to the

design of the built environment. Paragraph 127 is key to the achieving well designed places. Paragraph 127(c) states that decisions should ensure that developments:

*“c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);”*

As the development site is set within the open countryside, in an Area of Local Landscape Importance, it is considered that any scheme that is predominantly urban in character would be inappropriate. It is considered that the illustrative layout plan submitted demonstrates that it may not be possible to achieve an acceptable layout and design for the number of units proposed and the quantum of development would result in an overdevelopment of the site that would be highly visible in long distance views. Although the site is large and it appears to be a low density across the entirety of the site much of it is undeveloped due to the topography which results in the areas that are developed being more densely populated than some of the surrounding urban areas, which is considered inappropriate in this rural setting.

A landscape strategy and design parameters have been provided within the Design and Access Statement (DAS).. However it is not considered that landscape has been considered in sufficient detail and this is apparent in both the DAS and indicative layout.

Although no detailed elevation drawings have been submitted as part of this outline application because appearance, layout, scale and landscaping are reserved matters for detailed consideration the applicant has undertaken design work for character areas within the development as set out in their Design Guide.

1. Hale
2. Northern Edge
3. Hill Top
4. Rural Edge
5. Urban
6. Whites Wood

There are a number of issues with the indicative layout and design:

The development proposals at Hale detract from the existing rural character of this area in comparatively the most extreme ways the application proposal offers, with harmful visual impacts on residential and PRow receptors, resulting from new highway arrangements, the introduction of housing and the location of a substantial SUDS feature close to the road. The civil engineering works combining embankments and cutting earthworks that are proposed for the site entrance at Pear Tree Lane and new road, propose a bold visual scar of new highway aesthetics (carriageways, street lighting and vehicular traffic) as it springs from a new roundabout leg, and winds its route up the slope and through the woodland and scrub within the site that sits on the upper slopes. This character area would have a significant impact on the setting of Capstone Farm Park.

The indicative layout suggests a road with up to 14 houses extending right up to the boundary. These dwellings would be clearly visible from the lake and visitor centre.

The two character zones with the most level terrain, Urban and Hilltop, are the most developable and subsequently the most densely populated are also the highest locations, and as such they are the most visually prominent. This is also where the taller apartment buildings are proposed to be located which is a concern given the visual prominence of the site. This area would not be appropriate for taller buildings and generic residential architecture.

The proposed building heights indicate significant areas of 4 storey development up to 15 metres high with further extensive areas of 3 and 2 ½ storey development. This is not considered appropriate in this rural setting. The existing housing around the site is predominantly two storey. Buildings of this height would be highly visible within this location set upon an elevated ridge plateau and cause significant landscape harm.

SUDS are held predominantly to the edge of the development, and while functional, are unharmoniously perched prominently on slopes, constructed with extensive embankments and cuttings. They are homogenous in character and an unfamiliar and incongruous landscape form to introduce into this Chalk Downs character landscape. This blanket approach to flood retention area design attaches further large-scale horizontal tiering structures to the hillside, adding further civil engineering features, in addition to level platforms for building plots and roads. Together, these follow contours up and down and along the slopes, superimposing technical, engineered landform to the rural location that will undermine variety and place making.

The proposed road layout will have a significant negative impact on the landscape. The proposed layout of the link road cuts across the entire site from east to west and requires the permanent severing of elements of Medway's Green Infrastructure Framework here. The two main highway entrances proposed will require extensive civil engineering to build roundabouts and pavements, with consequences on existing connections with the wider framework, undermining its landscape significance.

The proposed quantum of development is therefore considered to be inappropriate for this rural location. The overall scale and layout is an overdevelopment of the site that would result in an intrusive and dominant form of development and visual erosion of this important landscape character setting and countryside location, giving rise to substantial harm to the much valued landscape character of the ALLI and public rights of way. The density and building heights of over 2 storeys set out in the parameter plans would be considered incongruous and out of keeping with the countryside setting. The proposal is contrary to policies S1, S2, BNE1, BNE2, BNE25, BNE34 of the Medway Local Plan 2003 and paragraph 127 and 170 of the NPPF.

## *Amenity*

There are a number of residential dwellings adjacent to the application site, most notably on Carlton Crescent and Capstone Road. At outline stage it is difficult to assess the full potential impact of the proposals on these properties. However, it does appear that the indicative layout could have a significant impact on the residential amenity of the properties adjacent to the site. It is considered that due to the topography of the land that the impact on the residential dwellings along North Dane Way is likely to be minimal.

The closest residential properties are located on the south side of Carlton Crescent and Capstone Road adjoining the site. These would be most impacted by the Hale character area as set out in the DAS. Due to the topography of the land rising steeply behind Carlton Crescent, as can be seen clearly to the rear of the houses, there is potential for a significant impact on these existing dwellings from the site. The illustrative layout shows this area closest to these properties with SuDs, landscaping and housing in this location, which would appear to be very imposing and their daylight, outlook and privacy are likely to be negatively affected. It is considered that the illustrative layout would need to be amended significantly to reduce the impact on these dwellings.

The amenity of prospective residents of the development is less of a consideration within this outline application as the plans are not detailed to an extent where this could be fairly assessed. Proximity to neighbouring residents, rear garden amenity, housing sizes and privacy and layout of plots is in no way specified so would be a matter that would be assessed in detail if this application were to progress to a detailed stage. The applicant has stated that the dwellings would meet the standards set out in the Government's Technical Housing Standards 2015.

Paragraph 127(f) of the NPPF states that decisions should ensure that developments:

*“create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.”*

The proposed development could potentially have an unacceptable impact on the amenity of existing properties adjacent to the site in terms of daylight, sunlight, outlook and privacy based on the indicative masterplan and as such the application is contrary to Policy BNE2 of the Medway Local Plan 2003 and paragraph 127 of the NPPF.

## *Highways*

The application is in outline form with the matter of site accesses to be considered as part of the current application. The site is proposed to be accessed from three locations, two of which are served by a new link road which is proposed through the site connecting North Dane Way to the west and Capstone Road to the east. A further access is proposed onto North Dane Way to a separate parcel of development to the south.

The two access points from North Dane Way are proposed to be standard roundabouts. The junction to the north will form a four arm arrangement with North Dane Way and Princes Avenue. The site access arm will connect with Sharsted Road via a new priority junction within the site and therefore the proposed roundabout will replace the existing adjacent roundabout.

The southern access junction on North Dane Way is formed of a three arm roundabout providing access to a separate parcel of development.

A new roundabout junction is proposed at the eastern end of the link road which will form a four arm arrangement with Capstone Road as the northern arm and Pear Tree Lane as the eastern arm. The western arm is proposed as an access spur to a separate parcel of development. The southern arm is formed of the proposed link road.

The proposal includes a Transport Assessment (TA) as part of the Environmental Statement and a number of Road Safety Audits (RSA) have been submitted as part of this application. The applicant used Medway Council's AINSUM transport model that has been used to inform the emerging Local Plan.

Since the submission of the application, the applicants have provided additional technical documents to cover concerns raised by the Highways Authority relating to localised highways issues and Highways England relating to the Strategic Road Network (SRN).

#### Strategic Road Network

The modelling assessment outlines additional traffic at A2045/B2097, however this falls outside the Medway Boundary. Highways England do not consider that this development in the vicinity of the M2, which forms part of the SRN, will result in a material impact on the safe and efficient operation of the SRN.

They are satisfied with the information provided, which is sufficient to conclude that the level of additional trips hitting the SRN in the peaks is not of a sufficient level in itself to warrant concern regarding the potential impact of the development on the SRN.

However, it should be noted that the site does contribute to the cumulative impacts on the network and it will therefore be for the consideration of the Highway Authority whether to seek a contribution towards any necessary highway improvements. This is addressed in detail below.

#### Local Highway Network

The site is proposed to be accessed from three locations, two of which are served from a new link road which is proposed through the site connecting North Dane Way to the west of the valley with Capstone Road to the east. A further access is proposed to a separate parcel of development to the south of the overall development site.

The TA provides a description of the baseline traffic conditions in the local area and summarises the existing traffic flows, vehicular speeds, observed queues and daily variations in traffic flows. The results of the traffic surveys undertaken identify AM and PM peak periods as 08:00 – 09:00 and 17:00 – 18:00 respectively.

In relation to the three site accesses, Drawings No. 17-035-013 and 17-035-016 Rev A set these out. Each of the accesses would be provided via a roundabout. In order to implement the arrangements it will be necessary for the applicant to enter into a Section 278 Agreement with the Council, which incurs a two stage design checking process.

Policy T1 of the Local Plan relates to assessing the highways impact of development. Proposals will be permitted provided that the network has adequate capacity to cater for traffic generated; it will not add to the risk of road traffic accidents; not generate significant HGV movements on residential streets; and result in traffic movements at unsociable hours in residential streets.

Policy T2 of the Local Plan relates to access to the highway. Proposals which involve the formation of a new access, will only be permitted where it is not detrimental to the safety of vehicle occupants, cyclists and pedestrians or can be improved to a standard acceptable to the Council. This is reinforced by paragraph 108 of the NPPF which states that:

*In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

It is intended to meet the car and cycle parking standards set out in the Residential Parking Standards in compliance with Policy T13 of the Local Plan.

In order to assess the impact of the proposal on the local highway network it is necessary to forecast the travel demand and the forecast vehicle trips were inserted into the AINSUM transport model.

#### Development Trip Generation, Trip Distribution and Assignment

The level of trips that will be generated by the proposed development has been estimated by reference to the TRICS database. The assessment has estimated the proposed development would generate a total of 563 vehicular trips in the AM peak and 429 vehicular trips in the PM peak.

For context, under planning permission MC/18/0556 for Gibraltar Farm, up to 284 vehicles in each peak hour period were permitted and therefore consideration is given to the level of trips above this level to determine whether this proposal would result in a severe impact on the highway network.

The difference between the two applications (from a residential view) during the morning peak would be an additional 25 vehicles every 10 minutes and in the evening peak would be an additional 15 vehicles every 10 minutes.

The significant variation between the number of vehicles in the morning peak and evening peak is due to the primary school opening hours.

The TA outlines that 241 pupils will be external from the development, therefore using travel to school data (mode of transport), it outlines that 40% of pupils are driven and therefore 96 additional trips need to be added. It has been assumed that all pupils from the development would either walk or already be accounted for in the residential trip rates. In relation to staff vehicle trips, it is considered that 20 trips would occur in the peak hour taking into account travel modes and type of staff i.e support staff like teaching assistants. This gives an overall 116 trips (arrivals) and 96 (departures) in the morning peak. Due to the School opening hours, only 16 trips are seen within the PM peak.

### Trip Impact

The TA considers the impact of the estimated additional traffic that would be generated by the proposed development on the local transport network. The applicant has used Medway's Aimsun Model.

The model covers the Medway road network enabling the simultaneous modelling of traffic impacts and possible mitigation strategies at the Macro and Micro scale. Committed developments and some highway schemes have been incorporated in order to undertake the strategic transport assessment with the future year reference case being 2035 (in line with the current Local Plan). Therefore the applicant's traffic impact assessment covers

- Do Minimum- incorporates growth as outlined within the Local Plan with no transport infrastructure
- With Development – as the above scenario but including the proposal and proposed mitigation

In relation to trip distribution, the model assigns vehicle trips to the network onto the most appropriate route between origin/destination points taking into consideration available routes and network delays.

Due to the location of the development, 21 off site junctions have been reviewed regarding impact resulting from the development, with the applicant proposing improvements at



- Luton High Street, Capstone Road, Street End Road
- Pear Tree Lane, Hempstead Road, Hempstead Valley Drive
- Walderslade Road, Princess Avenue
- Ham Lane/Shawstead Road
- Prince Charles Avenue/Princes Avenue

The applicant has provided a Flow Difference diagram which outlined the differences in flow between the two model runs. During the morning peak, the flow diagram demonstrates a significant increase in vehicles using Shawstead Road and Ham Lane. Concerns were raised with the applicant that these roads are single track with few passing places and therefore would be considered unsuitable for this level of vehicle movements. The applicants reviewed this link road under Technical Note (June 2020) and identified mitigation measures involving creating additional passing places for vehicles travelling along Ham Lane/Shawstead Road. Whilst this situation is not considered ideal, it is not expected to result in a severe highway safety impact.

The modelling assessment also highlighted concerns regarding Prince Charles Avenue and Princes Avenue. Within Technical Note (June 2020) the applicant has provided drawing 17-035-029 Rev 0 which outlines local widening to provide sufficient width for two cars at the give-way line.

The other additional highway improvements schemes are considered to be acceptable in principle and subject to final details being secured via condition. It is intended that these highway works should be completed before 25% of the development is occupied.

The new link road across the Capstone valley From the Pear Tree Lane to North Dane Way will relieve significant pressure off Capstone Road and the roundabout to the north of North Dane Way. This results in a material benefit to the highway network.

Therefore it is considered that with the mitigation measures proposed the application, on balance, does not result in a severe impact on the Medway's highway network.

### Accessibility

The TA provides information on existing walking, cycling and bus routes in the vicinity of the site. It shows the key destinations and outlining local facilities within the vicinity. An isochrones graph showing facilities that could be reached by walking in 15 and 30 minutes, as well as a cycle isochrones covering the same time period, has been provided.

The applicant has provided information to shows bus routes, however this does not focus on the immediate vicinity of the application site. It is accepted that there are bus services that run in the vicinity of the site but they are irregular. The applicant has subsequently provided an additional drawing showing pedestrian isochrones for 1 mile (1.6km) and 2miles (3.2km).

The nearest railway station is at Gillingham, located approximately 3km from the site. The rail station provides services into Chatham, Rochester and London stations to the west, with Rainham, Sittingbourne and Canterbury to the east. There is also the high speed link to London St Pancras which runs hourly. It is noted that Chatham is approximately 3.5km away which has similar services and may be more attractive for those commuting to London.

## Sustainable modes of transport

### Pedestrian/Cycle Access

The TA indicates that suitable on-site facilities for pedestrians and cyclists would be provided as part of the development and integrated with the existing provision on the local highway network. Details for the necessary facilities could be secured by planning condition and submitted as part of any future 'reserved matters' application.

Since the submission of the application, a focus has been set out by central government to improve cycling infrastructure. Due to the site's location, it is considered that a significant opportunity arises to increase uptake in cycling as a primary mode of transport and therefore a contribution of £113,500 to improvements to the cycle network has been requested. The contribution could help create a new segregated cycleway along North Dane Way as well as providing improved leisure routes from Darland to Capstone.

Subject to the above, it is considered that the proposed development provides a suitable means of pedestrian, cycle and vehicular access in accordance with Policies T2, T3 and T4 of the Medway Local Plan.

### Public Transport

The site is reasonably well served by public transport, albeit irregular. The TA indicates that the completed development would allow bus services to travel through the site. The provision of on-site public transport infrastructure, comprising bus stops and shelters, could be secured at the reserved matters stage. It is therefore considered appropriate for the existing bus services to be improved to accommodate the additional demand generated by the development and promote sustainable transport in accordance with the NPPF. A contribution of £404,768 has been requested. A bus voucher scheme has also been recommended.

### Travel Plan

The Framework Travel Plan (FTP) has been assessed. Whilst the quality of the FTP is generally good, it still requires some amendments before it can be approved, including targets, schemes to encourage sustainable transport methods, action plan, Site-Wide Travel Plan Manager (SWTPM) and monitoring. It should also include a commitment for the School Travel Plan Champion to liaise with Medway's school travel plan team and

occupier Travel Plans should commit to outlining delivery movements and operational hours..

### Road Safety

The applicant has included 4 years of recorded Personal Injury Accident data from 2013 to 2017 . The applicant has provided additional information providing a map of the overall area considered. It does not appear that there are any patterns in relation to the accidents other than driver error.

The proposal has been considered in relation to the proposed access arrangements and highway and pedestrian safety generally. No objection to the principle of this development have been raised in the light of this highway consideration. Paragraph 109 of the NPPF states that development should only be refused on highways grounds if there is an unacceptable impact on highway safety. Whilst it is considered that the development would result in an impact on the network, it is not considered to result in a severe impact that would be sufficient to warrant refusal of the application.

The proposal will not result in any detrimental increase in risk to highways or pedestrian safety. It can also provide a suitable means of pedestrian, cycle and vehicular access. The proposal is considered to be acceptable in terms of Policies T1, T2, T3, T4, T6 and T13 of the Medway Local Plan 2003 and paragraphs 102, 103, 104, 109 and 110 of the NPPF subject to conditions relating to access details, highway improvements, electric vehicle charging points and travel plan and developer contributions towards public transport infrastructure, cycle infrastructure and bus vouchers.

### Other Planning Considerations:

#### *Loss of agricultural land*

The site comprises approximately 48 hectares of open agricultural land and woodland that is classified as 3a (good quality) and 3b (moderate quality) on Natural England's Agricultural Land Classification map. Grade 3a falls into the best and most versatile category but its usefulness is below grade 1 (excellent) and grade 2 (very good), which can be found in other parts of Medway. The proposal will result in the loss of this agricultural land.

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

Paragraph 170 of the NPPF requires a balancing of the value of 'the economic and other benefits of the best and most versatile agricultural land' in decision making. Paragraph

170b of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from the natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland. The latest revision of the NPPF appears to place less weight on the loss of agricultural land than the original version which required to be demonstrated that the development of agricultural land is necessary and sought to use poorer quality land in preference to that of higher quality.

Considering whether the loss of best and most versatile agricultural land is necessary, it is noted that Medway's housing land supply requirements are considerable and as such will certainly require the loss of agricultural land. Specifically, it should be noted that there is insufficient brownfield land within Medway to accommodate all, or even the majority of the Council's housing requirement over the coming years.

In considering whether there is alternative lower grade land available, it is noted that large parts of the land adjoining the Medway urban area are likely to be best and most versatile agricultural land. It is therefore considered unlikely that meeting Medway's housing land supply requirements can be accommodated on agricultural land of Grade 3a or lower.

The impact of the loss of agricultural land needs to be weighed against the benefits of the development. In forming this judgement, the 2017 appeal decision regarding nearby site Gibraltar Farm should be considered. In this case the Secretary of State agreed with the Inspector that the benefits of the development significantly outweighed the loss of 24 hectares of grade 3a and 3b agricultural land.

The Council's agricultural advisor stated that in light of this appeal decision that he doubts that the issue of the loss of the grade 3a and 3b agricultural land would be seen as significant enough to be a determining issue.

The loss of agricultural land is considered acceptable because the benefits of the development would outweigh the loss of the agricultural land and as such is in accordance with paragraph 170 of the NPPF.

### *Noise*

A Noise and Vibration Assessment has been provided as part of the Environmental Statement. The report concludes that mitigation measures, including a glazing specification and the use of appropriate ventilation should be sufficient to mitigate against construction noise, achieve recommended internal and external noise levels in accordance with BS guidelines. It is predicted that there will be no significant effects from any increase in road traffic noise.

Policy BNE2 of the Local Plan seeks to protect the amenities of neighbours in terms of noise, vibration and airborne emissions. Paragraph 127 of the National Planning Policy Framework requires that development functions well over its lifetime and provides a high

standard of amenity for existing users (neighbours), which is reflected in the requirements of Paragraph 170 of the NPPF which refers to the need for planning policies and decisions to contribute to and enhance the natural and local environment in part by "e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality,..." and paragraph 180 also relates to noise impact from new development.

The traffic data used will have a bearing on the noise assessment that has been carried out, especially in respect of the developments impact on existing ambient noise levels. The Highways Authority and Highway England have reviewed the traffic flow and distribution figures and agreed that the methodology used to generate these assumed traffic movement figures to be acceptable. The road traffic noise figures have also been reviewed and it is agreed that the level of road traffic noise along the various routes would not be of such an increase to result in an unacceptable pattern or volumes of noise that would be harmful to residential amenity.

Policy BNE3 of the Medway Local Plan 2003 sets out noise exposure categories for new dwellings. In terms of existing noise levels at the site, it is considered that acceptable internal and external noise levels should be achievable with relatively minor mitigation measures. The detailed design stage will provide an opportunity to revisit achievement of noise guideline levels and specific noise mitigation measures. This can be covered by suitable condition(s) on any permission.

Subject to the imposition of conditions the development would be in accordance with Policy BNE2 and BNE3 of the Medway Local Plan 2003 and paragraph 170 and 180 of the NPPF.

### *Air Quality*

An Air Quality Assessment has been submitted as part of the Environmental Statement. A subsequent Technical Note was also produced following an objection from Environmental Protection. The original assessment used emission factors from 2030 to assess the 'without development' and 'with development' scenarios. In the absence of any other official stance it was assumed that the vehicle fleet will improve in line with predictions made by Defra and Department for Transport (DfT) guidance. However, to account for uncertainty in the emission factors and future vehicle composition, a sensitivity test has now been undertaken.

Natural England have also requested clarification of cumulative schemes included within the assessment. We can confirm that the traffic modelling which provides the foundations of the air quality assessment is based on the Medway Strategic AIMSUM model and in particular what is understood to be the preferred Local Plan scenario. In addition to this, the modelling includes the prevailing committed development assumptions and in this

regard, the traffic and air quality assessments fully take in to consideration the cumulative impact referred to by Natural England.

Policy BNE24 of the Medway Local Plan 2003 requires a full and detailed assessment of the impact of airborne emission from development where they are likely to result. It states that development will not be permitted when it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area, taking into account the cumulative effects of other proposed or existing sources of air pollution in the vicinity. Paragraph 181 of the NPPF relates to air quality and that planning decisions should take account of improving air quality and mitigating identified impacts.

Environmental Protection are satisfied with the information submitted in the technical note to supplement the Air Quality Assessment. The technical note includes a sensitivity analysis of future air quality using emissions factors, which represents a more reasonable worst case scenario, subject to approval of the transport modelling that has been carried out which underpins the air quality assessment.

The worst case scenario now presented is not predicting exceedance of the air quality objectives at modelled receptors. Environmental Protection have no objection to the granting of permission subject to a suitable condition securing appropriate levels of air quality mitigation. They have suggested a condition for an Air Quality Emissions Mitigation Statement to mitigate the impacts identified in the Air Quality Assessment.

Subject to the imposition of condition the development would be in accordance in this regard with Policy BNE24 of the Medway Local Plan 2003 and paragraph 170 and 181 of the NPPF.

### *Contamination*

The site comprises approximately 48 hectares of agricultural land with part of the site adjacent to a historical landfill site. As such there is potential for the land to be contaminated. The site is also over a Source Protection Zone 1 and 2. A Desk Study and Site Investigation Report has been submitted as part of this application. The report concludes that there is evidence of soil contamination and potential land gas contamination on the site. There is a need for further investigations and potential remediation on site. Conditions can be attached to any permission to ensure the required investigation and risk assessment and remediation is carried out in line with the preliminary proposals.

The proposed development is considered acceptable in terms of its impact on human health and watercourses in terms of contamination and as such is in accordance with Policy BNE23 of the Local Plan and paragraph 178 and 179 of the NPPF.

## *Archaeology*

There are relatively few known archaeological remains in the immediate vicinity of the site. However this is likely to reflect the limited amount of archaeological investigation within this part of Medway rather than a true reflection of the site's potential. There is potential for buried archaeological remains at the site. Geological mapping suggests the site is partly underlain by head deposits, which have potential to contain Palaeolithic remains. Palaeolithic remains have been found to the north and east of the site. Bronze Age and medieval remains have been found to the south of the site. Romano British burials have been recorded to the north of the site in the vicinity of Hale Farm. Roman buildings have been found 600m to the west of the site.

An Environmental Statement that includes an archaeological desk-based assessment has been submitted as part of this application. The assessment has established that there is potential for the presence of buried archaeological remains dating to the Romano-British period which could be of medium significance.

Policy BNE21 of the Medway Local Plan 2003 states that development affecting potentially important archaeological remains will not be permitted. The presence, location and significance of any buried archaeological remains within the site cannot currently be confirmed. There is a need for further investigations on site. Paragraph 189 of the NPPF states where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

KCC Archaeological Officer requested additional deposit testing and geotechnical investigations because the site had a theoretical potential to contain important Palaeolithic archaeology and/or Pleistocene faunal or biological remains, particularly in the area of the proposed roundabout which would have fixed access and therefore development impacts in this part of the site. In the end the deposits examined in the test-pits indicate that significant Palaeolithic remains and/or Pleistocene deposits are unlikely to be present.

Subject to the imposition of a condition for archaeological field evaluation, the development would be in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 184 and 196 of the NPPF.

## *Flood Risk*

Part of the site is located in Flood zone level 3 on the Environment Agency flood map. The remainder of the site is over 1 hectare in flood zone 1. As such a Flood Risk Assessment has been submitted as part of this application. The Flood Risk Assessment identified a low risk of flooding. The surface water runoff will be managed through sustainable means. The waste water from the site will outfall to the existing public foul water sewer.

In the submitted Flood Risk Assessment it is proposed to keep the area of low surface water flooding risk free from development. The submitted maintenance plan is acceptable in principle. At a detailed design stage specific maintenance plans will need to be submitted for each element.

The Lead Local Flood Authority (LLFA) raise no objection to the proposal and support the use of SuDS across the site. They have suggested conditions relating to disposal of surface water and verification report to confirm that the sustainable drainage system has been constructed in accordance with the agreed scheme.

The Environment Agency raise no objection and are satisfied that it is possible to manage the risk to controlled waters by this development. They have suggested conditions relating to surface water drainage and foul drainage.

Southern Water raise no objection to the application but have stated that there may be a requirement for network reinforcement. Southern Water and the developer will need to work together to deliver any such reinforcement.

Subject to the imposition of conditions and carrying out appropriate management of surface water, ground water and foul water storage and disposal the development would be in accordance with Policy CF13 of the Medway Local Plan 2003 and paragraphs 149, 155, 163 and 165 of the NPPF.

### *Open Space*

Although this application is in outline only, with landscaping being a reserved matter, the applicant has provided a landscape strategy and design parameters which includes areas of open space, green infrastructure, woodland, two Local Equipped Area of Play (LEAP), Neighbourhood Equipped Area of Play (NEAP) and natural greenspace.

Policy L4 of the Local Plan sets out the requirements for the provision of open space in new residential developments. Policy BNE6 of the Local Plan relates to the need for detailed landscape schemes to be submitted with applications for major development to enhance the character of the locality and relate to planting, maintainability, vistas, hard landscaping, retention of important existing features, supporting wildlife, management and maintenance.

Paragraph 96 of the NPPF recognises that *"Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate."*



The Design Parameters set out in the DAS includes approximately 19.53 hectares of public open space including 0.25 hectares of play areas, 8.58 hectares of amenity greenspace, 6.76 hectares of natural greenspace including new woodland planting and habitat creation, 1.87 hectares of retained ancient woodland, 1.64 hectares of outdoor sport facilities and 0.43 hectares of allotments. The new woodland planting is predominantly along the sites eastern edge to create a landscaped edge to the development. It is noted that this area is also set aside for SuDS. The majority of the area set aside for open space is informal and predominantly on land that appears to be otherwise undevelopable. It is proposed to add two LEAPs, a NEAP and a community allotment. There is a possibility for a trim trail and informal play features along the central green space route.

A calculation has been agreed with the applicant with respect to the various open space typologies for the site. A reduced s106 contribution has been agreed due to the high provision of open space on site. Although off-site provision is still sought due to the size of the development. The submitted strategic plans showing landscaping strategy and illustrative layout, as well as the parameter plans in the Design and Access Statement, are considered to show an acceptable amount of open space within the development. Full landscaping details will be submitted at reserved matters stage.

In summary, subject to the use of planning conditions to secure the Design Parameters and planning obligations it is considered that the proposal complies with Policies L4 and BNE6 of the Local Plan.

### *Ancient Woodland*

This site includes 1.87 hectares of ancient woodland to be retained at Whites Wood, located on the western boundary of the site. It is proposed that the school site will be located next to the ancient woodland with a 15 metre buffer where no development will be permitted, in accordance with Natural England's standing advice.

Policy BNE37 states that development will not be permitted if it causes a loss of important wildlife habitats or features subject to certain criteria. This development does not propose the loss of ancient woodland.

*NPPF Paragraph 175 states that 'development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists;'*

The Design Parameters within the supporting DAS includes a 15m buffer to the ancient woodlands within and adjacent to the site and the illustrative layout supplied is based on the Design Parameters. The buffer can be secured through a condition securing the Design Parameters and with such a condition in place the proposal, is considered to

mitigate the impact of the development on the Ancient Woodland and comply with paragraph 175 of the NPPF.

In summary, subject to the use of planning conditions to secure the Design Parameters and planning obligations it is considered that the proposal complies with BNE37 of the Local Plan and paragraph 175 of the NPPF in relation to the Ancient Woodland.

### *Ecology*

The development site is predominantly intensively farmed agricultural land considered to be of low ecology value. However the boundaries and margins of the site provide high quality ecological features including chalk grassland and ancient woodland.

An Environmental Statement that includes an Ecology and Biodiversity Assessment has been submitted as part of this application. A Phase 1 Habitat Survey and specific protected species surveys have also been completed including dormouse, bats, badgers, wintering birds, breeding birds, invertebrates and reptiles. Additional information was requested relating to ground-nesting bird habitat, chalk grassland habitat, external lighting and dormouse mitigation.

Policy BNE37 of the Local Plan states that development will not be permitted unless: there is an overriding need for the development that outweighs the importance of these wildlife resources; the development is designed to minimise the loss; and appropriate compensatory measures are provided. Policy BNE38 of the Local Plan is concerned with the provision of wildlife habitats in new developments that link into wider wildlife networks. Consistent with the statutory duties, Policy BNE39 of the Local Plan states that "Development will not be permitted if statutorily protected species and/or their habitats will be harmed" and requires conditions or obligations to be attached to permissions to "ensure that protected species and/or their habitats are safely guarded and maintained". Policy BNE6 of the Local Plan relates to the need for detailed landscape schemes to be submitted with applications for major development to enhance the character of the locality and relate to planting, maintainability, vistas, hard landscaping, retention of important existing features, supporting wildlife, management and maintenance.

Paragraph 170 of the NPPF states that development should minimise impacts on and provide net gains for biodiversity. Paragraph 175 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.

The submitted reports identified a number of protected species and habitats within the development site.

A breeding birds survey found species of conservation concern to be nesting within the boundary vegetation. The site was found to be of local importance regarding breeding birds and as such mitigation measures are required to offset the potential loss of ground

nesting breeding bird habitat. The area initially suggested on site was not of sufficient size to avoid recreational disturbance once the development is operational. The applicant proposed off-site farmland bird mitigation within the surrounding arable fields, with 11 skylark plots to be created. This can be secured through a s106 agreement.

There are two main areas of chalk grassland, which is a Habitat of Principal Importance and containing notable plant species such as man orchid, between Fields 2 and 3 and along the western boundary of Field 2. The area of chalk grassland located on the western boundary of Field 2 will be retained and protected as part of the proposals. However the chalk grassland interspersed and associated with the scrub referred to above between Field 2 and 3 will be impacted with an access road here that will result in the loss of 0.1ha of this scrubby/chalk grassland habitat. KCC Ecological Advice Service raised concerns about the loss of a habitat of principle importance, confirmed as containing threatened/notable plant species. The applicant proposed off site arable farmland to be returned to chalk grassland as a mitigation area, which is an acceptable receptor site.

The development site is in close proximity to Darland Banks and Adjacent Woodlands Local Wildlife Site (LWS) and Luton Banks, Chatham LWS, as well as abutted by and encompassing two ancient woodland sites. The LWS contains protected/notable species and habitats. While the impact to the LWS from the construction phase is likely to be minimal, the potentially significant ecological impact to the LWS will be the increase in recreational pressure from the increased population of the occupied dwellings (during the operational phase). The Environmental Statement states that negative impacts from the development on the LWS will be mitigated against by providing enough open space and amenity areas, which is considered sufficient.

15m buffers need to be retained to protect ancient woodland on site in accordance with standing advice from Natural England. To ensure the woodland is not degraded once the development is operational, and to ensure the buffer-zone is maintained, an appropriate long-term management regime needs to be incorporated into the Landscape and Environmental Management Plans

Populations of both slow worms and common lizards have been identified on-site. As all species of reptile are protected, there is a need to implement mitigation measures. The majority of suitable reptile habitat on-site will be retained. It is also proposed that the open space in the west of the site will be enhanced for the benefit of reptiles.

The bat report has identified one bat roost within a tree along the northern boundary of the site. This tree will be retained and protected as part of the proposals, which is reflected in the site plans.

One active badger sett was identified was identified in the north of the site, with a possible subsidiary sett located along the eastern boundary. The development will not encroach on the confirmed and potential badger setts or the 30m exclusion zone. Habitat connectivity can be maintained along the eastern boundary of the site to allow continued used by badgers, as identified in the badger report. A badger survey will need to be

carried out prior to any development taking place on site to ensure no habitat is disrupted. This could be secured by condition.

The dormice report has identified a dormouse population throughout the boundary vegetation of the development site. Small areas of hedgerow, for access, will be removed as part of this development proposal. Mitigation measures for the relatively small amount of dormouse habitat fragmentation that will occur as part of the development proposal include vegetation removal to take place outside of the hibernation season, use of hand tools to remove hedgerow vegetation and provision of 'wildlife bridges' to ensure habitat connectivity. These measures can be incorporated into a site wide mitigation strategy. Certain types of planting like Hawthorne can be used to deter cats from dormice habitat after the development is operational.

The invertebrate survey concluded that the presence of 10 RDB3 and 32 Nationally Scarce species is of significance due to their rarity and the presence of these species in their own right is of County Importance. Of note, two Priority Species under the Natural Environment and Rural Communities Act 2006 were identified. The Environmental Statement proposes enhancements to the retained chalk grassland, meadow grassland and the planting of native shrubs to promote invertebrate diversity. The proposed enhancements are likely to benefit invertebrates and, therefore, should be implemented.

The wintering bird report notes that one species of conservation importance, Herring Gull, was found on-site during the winter period. While this bird is labelled an RSPB 'Amber-listed' species because of recent population declines, due to the low and infrequent numbers recorded, the site is considered not to have a significant population of wintering birds.

An Amphibian Assemblage Survey Report has been submitted which concludes that the only pond within a 500m of the development is unlikely to support amphibians, most notably Great Crested Newts. As such they are unlikely to be present and impacted by this development.

The development includes proposals for new dwellings within the zone of influence (6km) of Medway Estuary and Marshes (SSSI) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Medway Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMM) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A total of 15 bat species were recorded using the site for foraging or commuting. Lighting can be detrimental to bat populations and other nocturnal wildlife, such as badgers, dormice and invertebrates. A lighting strategy based on a bat activity map which shows light sensitive areas needs to be secured by condition.

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged. These enhancements must be in *addition* to any necessary mitigation measures.

KCC Ecological Advice Service, Natural England and Kent Wildlife Trust have raised no objection to the development subject to conditions relating to a site wide ecological mitigation strategy, creation of skylark plots, lighting strategy, ecological enhancements and Landscape and Ecology Mitigation Management Plan.

The proposed development is considered acceptable in terms of its impacts on ecology subject to conditions and appropriate mitigation and as such is in this regard is in accordance with Policy BNE37, BNE38 and 39 and paragraph 170 and 175 of the NPPF.  
*Affordable Housing*

Policy H3 of the Medway Local Plan sets out the proportion of affordable housing required in schemes for residential developments. Within the rural area, developments which include 15 or more dwellings or where there the site is 1 hectare or more. The Council's target is to seek 25% of homes to be affordable homes on any site meeting the Council's size thresholds. The Council seeks a tenure mix of 60% affordable rented and 40% intermediate affordable housing (of which shared ownership is the preferred option) as set out in the Developer Contributions Guide 2020.

The applicants have confirmed their intention to provide 25% affordable housing on site and on this basis no objections are raised with regards policy H3 of the Medway Local Plan 2003 and paragraphs 34, 56, 62 and 63 of the NPPF.

### *Climate Change*

The submitted proposal is outline only, however it proposes measures in order to achieve an energy efficiency within the buildings. The following measures are envisaged:

- All materials will meet the requirements of the latest Building Regulations and in particular Part L (Energy Use).;
- Energy consumption will be reduced through energy saving devices;
- Fixed light fittings will have energy efficient fittings;
- The use of energy efficient goods including all kitchens fridge, freezers, washing machines, dishwashers and tumble dryers to be A+ rated as far as possible;
- Taps, fittings and WCs to be low water consuming;
- All gas-fired boilers to meet a minimum standard of < 40 mg NO<sub>x</sub>/kWh
- 1 Electric Vehicle charging point (best available technology) per dwelling with dedicated parking or 1 charging point per 10 spaces (unallocated parking)
- Travel plan including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies;
- All windows are double glazed and will achieve a u-value of 1.4W/m<sup>2</sup>K.

In addition to the above, there is the proposed use of green infrastructure, in particular tree planting, to absorb dust and other pollutants, biodiversity net gain, SUDs proposals and improvements to pedestrian and cycle routes.

### *Bird Mitigation/Appropriate Assessment*

Policy BNE35 of the Local Plan requires that sites of international and national conservation should be given long term protection. Paragraphs 175 and 176 states that development which would have an adverse effect on a SSSI, SPA or RAMSAR site should not normally be permitted. Paragraph 177 of the NPPF indicates that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an Appropriate Assessment (AA) has concluded that the plan or project will not adversely affect the integrity of the habitats site.

As a 'competent authority' the Council as Local Planning Authority is required under the The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) to:

- (a) assess whether there would be likely significant effects (LSE) on a European Site;
- (b) if so, undertake an appropriate assessment (AA) of the implications of the project; and,
- (c) cannot grant permission if, having undertaken the AA, there could be adverse impacts on the integrity of the European Site, unless there are imperative reasons of overriding public interest

In this case, as the application site is a little under 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 £250.39 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with 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. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;

- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

In this case the applicant has agreed to the payment of an obligation to mitigate the cumulative impact of additional development on the Medway Estuary and Marshes SSSI, SPA and RAMSAR. As such the Appropriate Assessment concludes that the proposal would not have a significant effect on a habitats site.

As the applicants have agreed to pay this tariff (£200,312.00) as part of the Section 106 agreement the Local Planning Authority is satisfied that the proposal would put in place adequate measures to mitigate potential significant adverse effects on the Medway Estuary and Marshes SSSI, SPA and RAMSAR and would comply with Policy BNE35 of the Local Plan and paragraphs 175 and 176 of the NPPF.

### *S106 Matters*

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

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the development. The contributions have been partly reflected in a formulae based approach, as final quantum of the development is not known. The contributions are based on an occupancy level of 2.45 people. New residential development can create additional demand for local services. Policy S6 of the adopted Local Plan states conditions and/or legal agreements should be used to make provision for such needs. The below developer contributions are in accordance with the Developer Contribution Guide 2020 unless there is written agreement with the relevant department to justify under provision.

- 25% affordable housing
- Contribution of £284,856.36 towards towards sports facilities and public open space to enhance open space facilities within the vicinity of the development and Medway's Metropolitan Park – Great Lines Heritage Park – a reduced contribution has been agreed for sports facilities due to the provision of a 3G 11v11 pitch which would be available for community use
- Contribution of £493,640 towards NHS to expand the primary and community health services in Hempstead and Capstone areas

- Contribution of £51,0000 towards public rights of way improvements within 1.5 km of the development
- Contribution of £4,896,853.52 towards education provision of nursery, primary school and secondary school places
- Contribution of £227,752 towards heritage improvements
- Contribution of £61,136 toward youth services
- Contribution of £146,592 towards community facilities in the vicinity of the site
- Contribution of £404,768 for public transport/bus investment .
- Contribution of £113,500 for cycleway connectivity improvements.
- Contribution of £141,160.00 towards waste and recycling services
- Bus Voucher at £50 per household.
- Contribution of £200,312.00 towards bird disturbance mitigation
- Off-site farmland bird habitat mitigation
- Land transfer for school site
- Land transfer for community facility

The applicants have confirmed the above contributions are acceptable and on this basis no objections are raised with regards policy S6 of the Medway Local Plan 2003 and paragraph 34 and 56 of the NPPF.

#### *Local Finance Considerations*

There are no local finance considerations

#### *Presumption in Favour of Sustainable development and the Overall Planning Balance (Having Regard to the Council's Position on its Five Year Land Supply)*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals 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 73 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:



- ii. 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 7 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 73); 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. As of the 2020 Housing Delivery Test, the Council had only delivered 46% of its target number of dwellings in the preceding 3 years.

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.

Turning to the planning balance of the proposal there needs to be consideration of the adverse impacts of the proposal weighed against the benefits of the scheme.

#### Adverse impacts of scheme

As this report has demonstrated, the proposals have the potential to have adverse impacts both in environmental and social terms.

In environmental terms, the proposal would adversely impact the appearance, character and function of the rural area and Capstone Valley ALLI by virtue of a large scale, urban, residential development and result in the loss of an important green space in this part of Medway.

The environmental harm is clearly amplified by the quantum of development and linked road infrastructure required to facilitate such a large scale, urban development.

The proposed scheme falls outside the urban boundary in the countryside (Policy BNE25), and within an area of local landscape importance (BNE34). Therefore, in principle the proposal is contrary to the strategic direction of the Medway Local Plan 2003 highlighted in Policy S1. This policy directs development to brownfield sites and is supported by policy BNE25 that restricts development in the countryside.

Notwithstanding this, as noted above, the site lies outside of the urban boundary and so policy BNE25 applies. The Council has been challenged at appeal and by the Secretary of State for its rigid use of this policy. Therefore, an assessment of the conformity of this policy with the NPPF must be considered. The NPPF states at paragraph 170 (b) that:

*“Planning policies and decisions should contribute to and enhance the natural and local environment by... ..recognising the intrinsic character and beauty of the countryside”*

BNE25 can be used as a definition of the separation between the urban and rural areas or the “countryside” as described in the NPPF, but little more. Policy BNE25 can only carry moderate weight in the consideration of this application, given the lack of housing land supply.

Turning to policy BNE34 this only permits development if “(i) *it does not materially harm the landscape character and function of the area; or (ii) the economic and social benefits are so important that they outweigh the local priority to conserve the area’s landscape.*” Specifically, regarding Areas of Local Landscape Importance (ALLI), the policy requires that proposed development is “*sited, designed and landscaped to minimise harm to the area’s landscape character and function.*”

BNE34 also accords with the NPPF at paragraph 170 where it states, with my emphasis:

*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

*a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan)*

BNE34 therefore, can carry full weight in the consideration of this application. The principle is to protect and enhance landscape areas identified through local plans for their “value” or importance. Moreover, BNE34 also provides a ‘balancing exercise,’ whereby should a proposal demonstrate that its economic and social benefits outweigh the value of an ALLI then it might be permitted, this too accords with national policy.

It is considered that the level of environmental harm, in terms of the visual amenity, character and function of the countryside and the ALLI is considered to be contrary to Policies BNE25 and BNE34 of the Local Plan.

Therefore, **significant weight** should be afforded to the impact of the development on the rural area and the ALLI.

In social terms, the proposal would adversely impact residential amenity to existing occupiers of properties adjoining the site.

It is accepted that this is an outline application and that the layout is indicative and could be amended to reduce the impact on residential amenity.

Therefore, **moderate weight** should be afforded to the impact on residential amenity.

For these reasons it is considered that the proposal fails to accord with the development plan and that considerable weight should be attached to the conflict with the local plan policies identified above.

### Benefits of the scheme

It is accepted that development will bring with it some benefits which are economic, social and environmental. The applicant has sets out proposed benefits in the Planning Statement and these are summarised as follows:

Proposed economic benefits:

- The creation of a number of full-time jobs during the construction stage and associated with the school, community and supporting commercial/retail units;
- Up to 200 affordable dwellings of a mix of unit sizes and tenures;
- It is estimated that up to 800 dwellings will generate a gross annual expenditure from new residents of £21million. The report findings suggest that 50% of this gross annual expenditure (£10.5m) would be spent in the local area.

However, these are benefits of any development proposal and the emerging local plan will provide significantly greater opportunity to each benefit. Agricultural land will be lost together with the employment related to that use.

Therefore, only **limited weight** can be afforded to this argument in favour of the proposals.

Proposed social benefits:

- Delivery of up to 800 new residential dwellings, including up to 200 affordable units
- The inclusion of a school, open space and local shop units that will serve as a community focus within the development
- Provision of landscaping and open spaces
- The proposal will upgrade and deliver new footpath and cycleway connections particularly to Capstone Country Park which would be of benefit to the wider community in promoting alternative modes of travel to the car for those residents wishing to travel between Hempstead and Lordswood.

The undersupply of housing in the district is significant as set out in this report. The delivery of new homes and the delivery of policy compliant levels of affordable housing can be considered to be a **significant benefit**.

The provision of landscaping and open spaces too, are only necessary to make the development acceptable in planning terms and mitigate adverse impacts that have been identified in this report. Therefore, these benefits are somewhat reduced. Moreover, if

the development is not consented the landscape will remain valued and unimpacted as well as the Public Right of Ways across the site which constitutes a recreational resource.

Regarding the primary school and local facilities, these are primarily provided to support those people living on the new development so their wider social benefit is limited.

Nevertheless, the housing supply position and affordable housing provision dictates that **significant weight** can be afforded to this argument in favour of the application.

Proposed environmental benefits:

The Planning Statement does not list any environmental benefits but states that the environmental effects of the development can be appropriately mitigated. Therefore, this is not considered in favour of the application.

#### Conflict with the development plan

As set out above, the proposed development would conflict with the following policies in the development plan:

- S1: Development Strategy. The site is not allocated and is in the open countryside. This policy gives long term protection from significant development to Capstone.
- S2 : Strategic Principles. This is not the right location for this development and will reduce environmental quality in this area.
- BNE25: Development in the countryside. The proposed scheme falls outside the urban boundary and in the countryside, where the Council resists development of this scale on principle.
- BNE34: Areas of Local Landscape Importance. The site is in Capstone Valley ALLI and is likely to result in moderate adverse landscape and visual effects when taking the historic planning permissions into account.
- BNE1 General Principles for Built Development. The development fails to function appropriately in relation to the built and natural environment. The proposed scale and massing is not appropriate in relation to the character, appearance and functioning of the environment.
- BNE2 Amenity Protection. The proposal would fail to secure suitable amenities for residential properties adjacent to the site.

National policy and the presumption in favour of sustainable development at paragraph 11(d) of the NPPF

Whilst it is accepted that the Council does not have a five-year supply of deliverable land for new homes, the Council is actively seeking to rectify the situation. Nevertheless, it is accepted that the “tilted balance” as described at paragraph 11(d) of the NPPF is engaged.

Material to that assessment is the conclusion above that the scheme is considered contrary to paragraph 127 and 170 of the NPPF.

In the application of the titled balance under paragraph 11(d) of the NPPF, the cumulative harms identified through this report, when assessed against the policies in the Framework taken as a whole, would “significantly and demonstrably” outweigh the benefits of this scheme.

#### The balance

Therefore, taking account of the conflict with local plan policies identified above, and the potential for adverse impacts to the following:

- Landscape and Visual Effects
- Quantum of development/layout/design
- Impact on Residential Amenity

it is considered that the proposal is in conflict with the development plan taken as a whole. Furthermore, it is not considered that the benefits of the scheme, taken individually or cumulatively, clearly outweigh the harms such that they justify the grant of permission nor that there are any other material considerations which outweigh that conflict with the development plan.

### **Conclusions and Reasons for Refusal**

In summary while it is accepted that the proposal would bring about some positive benefits especially in relation to the delivery of new homes and affordable homes, the harms identified through this report clearly outweigh these benefits.

Overall, it is considered that the proposal here for up to 800 residential units along with primary school, retail and community facilities with associated road infrastructure will have a detrimental impact on the area in terms of:

- Landscape and Visual Effects;
- Quantum of development/layout/design
- Impact on Residential Amenity

Development of this strategic scale is better considered through a Local Plan where constraints and opportunities can be fully considered, and alternatives assessed.

Subject to conditions, developer contributions and appropriate mitigation, many aspects of the proposal are considered to be acceptable. The access and highways works (from

a highway safety not landscape impact), noise, air quality, contamination, archaeology, flood and drainage, open space, ancient woodland, ecology, cumulative impact on the relevant SPA/Ramsar sites, affordable housing.

However, the proposal constitutes a large scale urban development within the countryside and located on greenfield land, which is not allocated for the proposed use. The proposal would harm the character, function and appearance of the countryside, Area of Local Landscape Importance, setting of Capstone Farm Country Park and the rural footpath network. The application site is located within the rural area but does not essentially require a rural location.

The development would result in an inappropriate form of development within a locally valued landscape and Area of Local Landscape Importance, resulting in harm to the landscape and rural character and appearance of the area. The proposal would result in irreversible loss of important and valued open and green space within this part of Medway.

The proposed quantum development is considered to be inappropriate for this rural location. The overall scale and layout is an overdevelopment of the site that would result in intrusive and dominant form of development and visual erosion of this important landscape character setting and countryside location, giving rise to substantial harm to the much valued landscape character of the ALLI and public rights of way.

The density and building heights of over 2 storeys set out in the parameter plans would be considered incongruous and out of keeping with the countryside setting.

The proposal would result in a significant impact on residential amenity of properties adjacent to the site, particularly to the occupants of Carlton Crescent. Due to the topography of the land rising sharply from Carlton Crescent to the site any development in this part of the site has the potential to have a significant impact on these residents. The indicative layout shows SuDs and landscaping in this location, which would not be considered appropriate.

Notwithstanding the council's lack of a five year housing land supply when applying the 'tilted balance' in paragraph 11(d) of the NPPF it is considered that the harms identified above significantly and demonstrably outweigh the benefits of this scheme and as such planning permission should be refused.

The proposal is therefore considered to be contrary to Policies S1, S2, BNE1, BNE2, BNE25, BNE34 of the Medway Local Plan 2003 and paragraph 127 and 170 of the NPPF and there are no material considerations which outweigh that conflict.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the significance and scale of the application which is considered is most appropriately determined by the Committee and due to the number of representations received expressing a view contrary to the 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/>