



MC/22/0254 - Land to the East and West of Church Street, Cliffe, Rochester



Serving You

Scale: 1:5000 15/08/22

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MC/22/0254

Date Received: 2 February 2022
Location: Land to the East and West of Church Street Cliffe
Rochester
Proposal: Outline application with all matters reserved except for (access) for a residential development of up to 250 dwellings and a mixed-use community hub together with associated infrastructure including public open space and community facilities comprising a replacement sports ground and pavilion, with accesses from Church Street, Cooling Road and Buttway Lane
Applicant Trenport Investments Ltd
Mrs Eilish Smeaton
Agent Vincent and Gorbing
Mrs Karen Beech
Sterling Court
Norton Road
Stevenage
SG1 2JY
Ward: Strood Rural Ward
Case Officer: Hannah Gunner
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th August 2022.

Recommendation - Approval subject to:

- A. Section 106 agreement to secure the following:
- i) NON-FINANCIAL
 - Min 25 % affordable homes
 - The requirement of a Management Plan for the Community Hub securing responsibilities for management and maintenance in perpetuity.
 - ii) A financial contribution of £2,386,210.42 in total to be provisionally split in the following ways:
 - £356,357.50 toward expansion of mainstream and/or SEND nursery education within a 2-mile radius
 - £374,868.21 toward expansion of mainstream and/or SEND primary education within a 2-mile radius

- £633,645.71 toward expansion of mainstream and/or SEND secondary/ sixth form education within Medway
- £659,362.50 toward – not included in total currently toward enhancement of open space facilities in the vicinity of the development as well as outdoor sport and allotments in Medway- including Medway’s Great Lines Heritage Park
- £12,500.00 toward improvements to signage and sightlines to local PROW.
- £163,415.00 toward support the creation of additional capacity in primary care premises required (£653.66 per unit x 250 units)
- £61,250.00 toward improved civic space and gateways to Strood Town Centre (£245 per unit x 250 units)
- £44,720.00 toward waste and recycling (£178.88 per unit x 250 units)
- £20,237.50 toward supporting delivery for young people in Rochester area (£80.93 per unit x 250 units)
- £42,677.50 toward Improvements to facilities and equipment to libraries within the vicinity and/or mobile library (£170.71 per unit x 250 units)
- £365,625 toward development of sustainable transport infrastructure and services to encourage modal shift from the private motor vehicle within the local vicinity.
- £241,944 toward the improvement to the strategic network for the route known as subnetwork 1 and the A289
- £68,970.00 toward Habitats Regulations (mitigation for Wintering Birds - £275.88 per unit x 250 units)

B And the following conditions:

- 1 Details of the appearance, landscaping, layout and scale for each phase or sub phase of the site (hereinafter called 'the Reserved Matters') shall be submitted to and approved in writing by the local planning authority before any development on that phase or sub phase begins. Development shall be carried out as approved.

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

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

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

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

Drawing numbers:

Received 2 February 2022

1911736 TOPO_2 Topographical Survey Plans

21122-SK01 Illustrative Masterplan

21122-0107-04 Ownership Boundaries

21122-0311-04 Parameter Plans - Land Use

21122-0312-06 Parameter Plans - Open Space

21122-0313-06 Parameter Plans - Movement

21122-0314-04 Parameter Plans - Density

ITB11092-GA-010D - Proposed site access arrangement Church Street

ITB11092-GA-011G - Proposed site access arrangement Church Street

ITB11092-GA-012C - Proposed sports pitch access

ITB11092-GA-016A - Proposed site access arrangement Cooling Rd

ITB11092-GA-017A - Proposed parking improvements Colling Rd

ITB11092-GA-018A - Proposed improvement scheme on Station Rd

ITB11092-GA-021A - Proposed improvement scheme on Cooling Rd

ITB11092-GA-022 - Overview of improvement scheme on Cooling Rd

Received 22 June 2022

21122-0315-05 - Parameter Plans - Heights

Reason: For the avoidance of doubt and in the interests of certainty.

- 4 Prior to the first reserved matters application being submitted Design Codes applicable to the whole of the application site are to be submitted to and approved in writing by the Local Planning Authority. The Design Codes shall include details of street widths, block heights and lengths, corners, ground floor frontages, surface treatments and parking arrangements. Each reserved matters application submitted in pursuance of this permission shall include statements of conformity with the relevant approved Design Code extant at the date of submission of the relevant reserved matters application.

Reason: To ensure a satisfactory external appearance in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological field evaluation works shall include assessment and investigation of the site's Palaeolithic potential. The

field evaluation works shall be completed and agreed in writing with the LPA prior to any reserved matters submission; and

ii. following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 6 Within 6 months of the completion on-site of the archaeological works referred to in condition 5 an archaeological Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall include an Updated Project Design and accompanying timetable for any further analysis and publication of the findings of the archaeological investigations and for deposition of the resulting archaeological archive. The analysis, archaeological publication and the deposition of the archive shall be funded by the developer in accordance with the programme and timetable set out in the Updated Project Design.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 7 No development shall take place (including site clearance or preparation) until the details of a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved CEMP unless otherwise agreed in writing by the local planning authority.

The CEMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation/construction working; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; measures control noise affecting nearby residents; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).'

Reason: To ensure that the M2 and A2 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and

to protect the living conditions of the occupiers of neighbouring residential properties in accordance with Policy BNE2 of the Medway Local Plan 2003.

8 No development shall take place until the details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Cooling Road improvements as shown on drawing number ITB11092-GA-018 Rev A

The approved details shall thereafter be implemented in full prior to commence of any parcel of land.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local

9 No development shall take place until the details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Access arrangements for western parcel as shown on drawing number ITB11092-GA-011 Rev I
- Access arrangements for eastern parcel as shown on drawing number ITB11092-GA-010 Rev E & ITB11092-GA-016 Rev A
- Access arrangements for replacement sport pitches as shown on drawing number ITB11092-GA-012 Rev C

The approved details shall thereafter be implemented in full prior to the first occupation of the development phase to which they relate.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan

10 No development shall take place on the eastern parcel until the details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Cooling Road improvements drawing number ITB11092-GA-022

The approved details shall thereafter be implemented in full prior to first occupation of the development.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local Plan

11 No development shall take place until the details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- B2000 as shown on drawing numbers ITB11092-GA-023 and ITB11092-GA-024

The approved details shall thereafter be implemented in full prior to occupation of the 50TH Dwelling.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local

- 12 No development shall take place until the details of the following highway works have been submitted to and approved in writing by the Local Planning Authority:

- Off Slip A289/B2000 as shown on drawing number ITB11092-GA-008

The approved details shall thereafter be implemented in full prior to occupation of the 75TH Dwelling.

Reason: to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic, in accordance with Policies T1, T2 and T3 of the Medway Local

- 13 Prior to the first occupation of the each phase or sub phase, a Final Detailed Travel Plan encouraging sustainable forms of transport shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the approved travel plan shall be implemented thereafter

Reason: To encourage sustainable forms of transport in accordance with Policy T14 of the Medway Local Plan 2003.

- 14 Prior to the occupation of each phase or sub phase, the area shown on the submitted layout as vehicle parking space/garaging shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2018 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.

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

- 15 No development above ground floor slab level within each phase or sub phase shall commence until details of the following mitigation measures for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority:

- 1 Electric Vehicle charge point per residential unit.

Reason: In the interests of sustainability in accordance with paragraph 112E of NPPF 2021

- 16 The residential units approved on any phase or sub phase shall not be occupied until details of cycle storage facilities for that phase or sub phase have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to the occupation of the relevant dwelling and hereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2018 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan

- 17 Prior to the first occupation of any dwelling within a phase or sub-phase details of the refuse storage arrangements for the dwellings, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved refuse storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

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

- 18 No development shall commence (other than that required to be carried out as part of an approved scheme of remediation) unless otherwise agreed by the Local Planning Authority until conditions 19 to 21 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 22 has been complied with in relation to that contamination.

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

- 19 No development shall take place until a scheme for an intrusive site investigation, (in addition to any assessment provided with the planning application) is submitted to and approved in writing by the Local Planning Authority. This scheme must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service
- lines and pipes.
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

- 20 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment is prepared and submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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

- 21 No development shall take place until the approved remediation scheme is carried out in accordance with its terms (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

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

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

- 22 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 19, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 20, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 20 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 21.

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

- 23 No development above slab level shall take place on any phase or sub phase until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development of that phase or sub phase shall be implemented in accordance with the approved details.

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

- 24 No development shall take place until an acoustic assessment is undertaken to determine the impact of noise from transport related sources and shall be made in accordance with BS8233 2014: Guidance on Sound Insulation and Noise Reduction for Buildings. The results of the assessment and details of a scheme of acoustic protection shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. The scheme shall include details of acoustic protection sufficient to ensure amenity/garden noise levels of not more than 55dB (LAeq,T). All works, which form part of the approved scheme, shall be completed before any part of the

development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: To protect residential amenity from road traffic noise and surrounding activities in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 25 No development of the Community Hub shall take place until a scheme to minimise the transmission of noise from the use of the premises, is submitted to and approved in writing by the Local Planning Authority. Noise from the premises should be controlled, such that the noise rating level (L_{Ar,Tr}) emitted from the development shall be at least 10dB below the background noise level (L_{A90,T}) at the nearest residential facade. All measurements shall be defined and derived in accordance with BS4142: 2014. All works which, form part of the approved scheme shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 26 No development of the Community Hub shall take place until a scheme for the extraction and treatment of cooking fumes, including details for the control of noise and vibration from the system, is submitted to and approved in writing by the Local Planning Authority. Noise from the extraction system (L_{Aeq,T}) shall be at least 10dB(A) below the background noise level (L_{A90,T}) at the nearest residential facade, when assessed in accordance with BS4142:2014. The approved scheme shall be implemented before the development is brought into use and thereafter be maintained in accordance with the approved details.

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

- 27 No commercial goods shall be loaded, unloaded, stored or otherwise handled and no vehicles shall arrive or depart in relation to the community hub use/building outside the hours 07:00 to 19:00 Monday to Friday, 08:00 to 18:00 Saturday or at any time on Sunday or Bank Holidays.

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

- 28 No dwelling shall be occupied within a phase or sub-phase until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment for each dwelling shall be completed in accordance with the approved details before that dwelling is occupied and shall thereafter be retained.

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

- 29 Applications for the approval of reserved matters in relation to landscaping for a phase or sub-phase shall include full details of both hard and soft landscape works, any artefacts to be located within the public space of that phase or sub-phase and a timetable for implementation. These details shall include existing and proposed finished ground levels; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving and external hard surfacing; decking; minor artefacts and structures. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 30 No development within any phase or sub phase shall take place until a scheme showing details of the disposal of surface water for that phase or sub phase, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority.

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 31 Prior to occupation of any phase or sub phase (or within an agreed implementation schedule) a signed verification report for that phase or sub phase carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage

infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: This condition is sought in accordance with paragraph 165 of the NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 32 No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 165 of NPPF.

- 33 From the commencement of works (including site clearance), all mitigation measures for breeding birds will be carried out in accordance with the details in section 9.79 of the Environmental Statement: Volume 1 (Trenport January 2022).

Reason: To ensure protection of the breeding birds in/around the site in accordance with Policy BNE37 of the Medway Local Plan 2003 and paragraph 180 of the National Planning Policy Framework 2021.

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

Reason: To limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies

BNE1, BNE2, BNE5, BNE12, BNE14, BNE34 and BNE39 of the Medway Local Plan 2003.

- 35 As part of the Reserved Matters application, a Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The content of the LEMP will be based on the 'Appendix 9.3 - Biodiversity Net Gain Strategy' (Bioscan March 2022) and include the following:

- Description and evaluation of the habitat features to be created and managed;
- Aims and objectives of habitat creation;
- Appropriate management prescriptions for achieving the objectives;
- Constraints that might influence management;
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- Details of the body or organisation responsible for implementation of the plan;
- Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be updated as necessary with each subsequent detailed application and implemented in accordance with the approved details.

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

- 36 No development affecting the existing playing pitches and tennis courts shall be commenced before replacement pitches and courts with ancillary change/toilet facilities have first been completed and made available for use on the site shown on drawing no. SK01 Sketch Illustrative Masterplan.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use and to accord with Policy L1 of the Medway Local Plan 2003.

- 37 The replacement playing pitches, tennis courts and pavilion facilities hereby permitted shall not be constructed other than substantially in accordance with Sport England and FA, ECB and LTA Technical Design Guidance Notes. (This guidance includes Sport England's Natural Turf for Sport, the FA Guide to Pitch and Goalpost Dimensions (Metric), Football Foundation guidance for Natural Grass Pitches and Changing Accommodation, ECB Technical Guidance for Pavilions and Clubhouses and Recommended Guidelines for Construction and Maintenance of Pitches and Outfields and LTA Court Dimensions Guidance.)

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy L1 of the Medway Local Plan 2003

38 No development of the replacement playing pitches shall commence until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

(i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and

(ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame - e.g. before first occupation of the educational establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy L1 of the Medway Local Plan 2003.

39 No development on the replacement playing field shall commence until details of the design and layout of pitches, courts, pavilion and all other facilities where further approval of detail is needed, have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The Sports Hub shall not be constructed other than in accordance with the approved details.

Reason: To ensure the development is fit for purpose and sustainable and to accord with Policy L1 of the Medway Local Plan 2003.

40 Before the replacement playing field is brought into use, a Management and Maintenance Scheme for the pitches, courts and the pavilion including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The measures set out in the approved scheme shall be complied with in full, with effect from commencement of use of the pitches.

Reason: To ensure that the new facilities are capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit of the development to sport and to accord with Policy L1 of the Medway Local Plan 2003.

41 Use of the replacement playing field shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the

completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to playing pitches, tennis courts, pavilion and other ancillary facilities including car parking and include details of pricing policy, hours of use, access by the community and grassroots clubs, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe access to the playing fields by grassroots teams and wider community and to ensure sufficient benefit to the development of sport and to accord with Policy L1 of the Medway Local Plan 2003.

- 42 There shall be no external floodlighting to any sports facility.

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

- 43 The facilities to be used for sports purposes shall not be used outside of the following hours:

For Internal Spaces

11:00 to 22:00 Monday to Friday

08:00 to 22:00 on Saturday, Sunday and Public Holidays

For External Pitches

15:00 to 20:00 on Monday to Friday

09:00 to 20:00 on Saturday

09:00 to 17:00 on Sunday and Public Holidays

Reason: In the interests of residential amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 44 Prior to the first occupation of any dwelling within any phase or sub phase details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided for that phase or sub phase shall be submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved within that phase or sub phase and shall thereafter be retained.

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

- 45 An Application for the approval of reserved matters in relation to the landscaping and details for the Semi Natural Open Space on the west side of the site (land abutting West Street) shall include full details of all soft landscape works, any artefacts to be located within the public space of that open space and a timetable for implementation. These details shall include existing and

proposed finished ground levels; means of enclosure; pedestrian access and circulation areas and minor artefacts. The works shall also include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

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

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

- 47 Applications for the approval of reserved matters in relation to a phase or sub-phase shall include a statement demonstrating how the proposal will maximise biodiversity net gain on site and seek to achieve a minimum of 10% biodiversity net gain. The development shall be implemented in accordance with the approved details.

Reason: In the interests of enhancing biodiversity and to positively address concerns regarding climate change in accordance with paragraphs 154 and 179 the National Planning Policy Framework 2021.

- 48 Applications for the approval of reserved matters in relation a phase or sub-phase shall be accompanied by a Climate Change and Energy Efficiency Statement. These details shall outline the measures the development would incorporate to address climate change. The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the approved statement. The development shall not be occupied within a phase or sub-phase until a verification report prepared by a suitably qualified professional has been carried out. This shall then be submitted to and approved in writing by the Local Planning for every 50 units confirming that all the approved measures have been implemented within the phase or sub-phase to which it relates.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

Proposal

The application site comprises approximately 23.15 hectares (57.2 acres) of land, which sits on either side of the B2000 (east and west) of Church Street. Part of the proposal extends as far up as the land to the south of Buttway Lane. This is the part that is shown to be used for the relocation of sports facilities (sports pitches and pavilion).

This application site is best viewed in three parts:

Part 1 - Land east of Cliffe (to the east of Church Street, north of Cooling Road)

Located to the immediate east of Church Street, this part of the site extends from Cooling Road in the south through to the rear of properties along Millcroft Road to the north. This part of the site currently comprises the APCM sports ground which contains 2 playing pitches (one adult and one youth), 2 grass tennis courts and a pavilion. Adjacent to the pavilion is the Cliffe Bowling Club (approximately 0.25ha) although this area is excluded from the planning application boundary since the Club will be retained in its current location.

Part 2 - Land west of Cliffe (to the west of Church Street, north of New Road)

Land west of Cliffe is located to the west of Church Street adjacent to existing playing fields, allotments and a children's play area (Cliffe Play Park). The land is predominantly level and open in nature. It extends westwards to West Street, and southwards to Higham Road / New Road. Hedgerows demark the boundaries of the allotments, playing fields and children's play area. There is an existing track that leads around the perimeter of the allotments and playing fields, linking to West Street, to the west of Cliffe, as well as Buttway Lane to the north.

Part 3 - Land to the south of Buttway Lane and west of Church Street

Land to the south of Buttway Lane is bounded to the north by Buttway Lane and dwellings located along Buttway Lane and to the east by dwellings located west of Church Street. To the west is Manor Farm and Manor Farm Cottage. To the immediate south are the existing playing fields, allotments and the children's play area. This is where the sports ground and pavilion are proposed on 3.71ha of land. This will provide a direct replacement for the APCM recreation ground currently on land to the east of Church Street which would be lost as a result of the development. The APCM recreation ground has 2 grass tennis courts and 2 football pitches (one adult and one junior). The proposed replacement sports ground has more than sufficient land for direct replacement pitches, tennis courts and replacement pavilion together with an associated car park. The exact design of the sports ground will be agreed at the detailed stage of the planning application process in discussion with statutory consultees, the Parish Council and local residents.

In total, up to 250 dwellings are proposed to be built in the two aspects of the site directly off Church Street. The Illustrative Masterplan (Drawing SK01) provides for approximately 110 dwellings on land to the west of Church Street and approximately

140 dwellings on land to the east of Church Street.

Part of the proposal sees the provision of a community hub, on land which takes up 0.13ha of land. This is shown to be located adjacent to land west of Church Street. a central hub for the village would comprise a mixed-use development comprising Use Class E (exact uses to be discussed and agreed at the detailed design stage). It is envisaged that the hub could provide shared workspace, retail use, and or a café/restaurant for the community. The scale of the community hub is expected to be up to 12.5m to reflect its central and prominent position within the village.

It is noted that the existing bowling green that sits on the east side of Church Street is outside of the application boundary and is to remain in its current location.

Site Area/Density

Whole Site

Site Area: 23.15 hectares (57.2 acres)

Site Density: 10.8 dph (4.4 dpa)

Outline Residential Site ONLY

Site Area: 6.61 hectares (16.33 acres)

Site Density: 27.4 dph (11.1 dpa)

Relevant Planning History

MC/19/1534 Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017 - request for a scoping opinion for residential development of up to 500 dwellings, land extension to primary school, replacement sports ground, additional playing fields, landscaping, cycleway and pathways, vehicular access and associated infrastructure

Decision	EIA Required
Date	26 July 2019

Representations

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

The Environment Agency, National Highways, Kent police, Sport England, Natural England, KCC Archaeology, KCC Biodiversity, and Sothern Water Services have also been consulted.

1 letter of support that have been received.

123 letters have been received by neighbouring residents objecting to the application.

Those objecting to the application have raised the following objections:

Transport

- Increase in traffic on the B2000 and surrounding country roads will cause a negative impact on traffic congestion and road safety.
- Other developments will also increase traffic movements on B2000
- Congestion will impact on accessibility for emergency vehicles
- Limited bus service and access to railway station
- Cooling Road access is unsuitable as it is a lane with no footpath
- Insufficient car parking within the village
- Additional car parking spaces are dangerous as residents will need to cross the road and the widening of the road will increase the speed of vehicles
- Traffic calming on B2000 already exists so safety is an acknowledged problem.
- Road surface of B2000 is in a poor state and this needs to be addressed
- Why is traffic calming being removed that was previously deemed necessary?
- DVLA prepared a report for Medway Council prior to new houses being built here in the 1990's where they stated that the road is not fit for any increase traffic connected with more housing in Cliffe. Why is this application allowed now when households generally have two cars?

Sports Ground

- Re-siting of the sports field to a less accessible position in the village with less facilities and the only access single track country road to it is ill thought out and is not suitable
- Current location of sports pitches ensure it is accessible to all villagers
- Perfectly good existing sports ground and bowls club
- Development of current sports pitches will lose views across open fields from main village
- Medway Council's Policy I6: Open Space and Sports Facilities states that 'existing open space, sports and recreational buildings and land should not be built upon unless an assessment has been undertaken which shows that they are surplus to requirements, they will be replaced with equivalent or better provision or the development is for an alternative provision which would clearly outweigh the loss of the existing facility'. The submitted planning application does not comply with this policy as it reduces the amount of open space and sports facilities in the village, all of which are fully used.
- Medway Council's Policy I7: New Open Space Provision states that 'the provision of open space should be in line with local identified need'. The current sports facilities and open spaces are very popular and in constant use. The planned development will reduce what is currently available to the community and surrounding villages and therefore not contribute sufficiently to their needs.
- Proposed new facilities are no better than the existing

Construction period

- Negative impact of noise and air pollution during development
- Construction vibration will put existing properties at risk

Principle of development

- Insufficient infrastructure in particular access to Doctors and schools
- Overdevelopment of the village

- Density and layout inappropriate for Cliffe
- Additional air pollution caused by increased traffic
- Why is it that around two thirds of Medway Councils housing target (28,259) is scheduled to be built within the Hoo Peninsular?
- Previous applications for single dwellings in the open countryside have been refused and yet this development appears not to be subject to planning policy BNE1 or BNE25.
- Medway Council's Spatial Development Strategy does not include any development within Cliffe
- Why is Capstone Valley receiving special protection when the Hoo Peninsular is of equal importance and possible more so? Why has the council blocked the sale of access land there and forced development in other areas?
- This application should not have been able to be submitted if Medway Council had an updated Local Plan
- Capacity of existing services has not taken into consideration other new developments

Environment

- Loss of agricultural land
- Negative impact on and loss of local wildlife
- Changes in levels of site may increase risk of flooding of existing properties
- Loss of arable land will increase flooding
- Footpaths and bridleways will now be through development rather than open fields (specifically RS84, RS64 and RS334)
- Development site opposite existing bowls club currently contains a variety of birds. Have wildlife surveys been carried out?
- Proposals would create a loss of biodiversity which is against policy which requires a biodiversity net gain
- North East corner of field on Church Street is highly vulnerable to chalk dissolution. Risk of unstable development.

Other

- Waste water is already pumped into tankers due to existing drainage problems
- Loss of countryside views from existing properties
- Loss of privacy of existing residents
- Lack of water pressure
- Impact of light and noise pollution on existing residents
- Existing empty properties within Medway should be occupied before new development
- Existing electricity supply is via overhead lines and has frequent outages which will need to be addressed
- Applicant has future plans for further development within Cliffe
- There are preferable brownfield sites available
- Community Hub is not required as there are sufficient community buildings
- Lack of Police to deal with antisocial behaviour
- Lack of information on insulation and other green energy measures
- Increased anxiety for existing residents

- The development on the East of Church Street will break the lineage of the village. The building needs to be stopped in line with the bottom of Millcroft Road and the houses on Cooling Road. Extending beyond this is not in line with the village
- Insufficient percentage will be affordable housing
- Solar panels should be included throughout the development to reduce demand for energy from non-renewable sources
- Affordable housing will still not be affordable for local residents
- Will new parking spaces be fitted with electric charging points?

The Cliffe and Cliffe Woods Parish Council have objected making the following comments:

- Concerns over capacity on existing road networks
- Station Road and Cooling Road – some properties have no pavement and proposal could make exiting these homes more dangerous.
- Removal of parked cars also removes traffic calming – speeds will increase
- Community Hub will add to traffic
- Buttway Lane is a narrow country lane and use will be intensified
- Adds to wider traffic issues caused by other applications and road changes
- No significant community infrastructure being provided so there will still be a reliance on Medway Towns and wider central urban areas.
- There is a suggestion of further growth

Higham Parish Council have written to make the following comments:

- Were not consulted officially as part of the application process
- Very close to SPA /RAMSAR sites and removes some of the feeding area for some birds and wildlife.
- Land is shown on Gov maps as Grade 1.
- This development goes against Government Food Strategy Paper (published 13 June 2022).
- Proposal will put pressure on existing medical practices already over capacity.
- Country lanes through to Higham are used as rat run and this will worsen
- Higham Station car park is already at capacity and cannot take more commuters
- No bus service to Higham in the evening

Cliffe and Cliffe Woods Residents Development Group have been in contact with the case officer and Head of Planning in relation to concerns over this application. Whilst no official 'objection letter' has been submitted, email correspondence has questioned the following:

- Consultation times
- Missing documents
- Time scale for receiving objections
- Initial comments on Highway England's response
- Impartiality of submitted documents

It should be noted that all of the above questions and concerns raised were dealt with and responded to.

The **Environment Agency** has stated that this application falls outside of their remit as a statutory consultee and they therefore have no comments to make on this application.

National Highways have stated that they recommend conditions based on the evidence that has been submitted along with this application. The proposals will not have an unacceptable impact on the safety, reliability and/or operational efficiency of the strategic road network. In order to mitigate the impacts of the development during construction a condition is considered to be suitable.

Kent Police have suggested that applicants should consult the Designing Out Crime Officers to address Crime prevention Through Environmental Design (CPTED) and incorporate Secured By Design (SBD) as appropriate. Site security will also be required for the construction phase. This information can be set out within an informative.

Sport England agree that the proposed site is capable of satisfactorily compensating for the loss of the recreation pitches and tennis courts.

Football pitches will have to comply with FA recommended sizes and grass pitches shall also meet standards relating to design and quality.

The existing cricket pitch is not acknowledged on the application. The England and Wales Cricket Board (ECB) have commented that the last known use of the pitch was back in 2018, however the re-provision of the cricket square is desirable.

No objection is therefore raised to the application as it is considered of meeting exception 4 of the Sport England Policy Exceptions. Full details to ensure the quality of the replacement facilities can be conditioned to ensure submission within the reserved matters and also that there is compliance with standards set out in the ECB's and FA's respective guidance for changing accommodation.

Natural England has no objection subject to the appropriate contribution for mitigation measures being secured. These measures include (i) a financial contribution to the SAMMs scheme, (ii) an appropriate assessment being made in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended).

KCC Archaeology has reviewed the submitted information and notes that there are some discrepancies in the conclusions that have been made within the desk-based assessment and the opinion of the KCC officer. These discrepancies can sufficiently be dealt with through conditions and the submission of additional information.

KCC Biodiversity has reviewed the ecological information and have advised that sufficient ecological information has been provided and has recommended conditions to be placed on any permissions going forward.

Southern Water Services have stated that the exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised. Information for an informative has been set out which should be included on the decision notice.

Development Plan

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 (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), and the draft Cliffe and Cliffe Woods Neighbourhood Plan (CCWNHP) is also applicable.

National Planning Practice Guidance (NPPG) states that an ‘emerging neighbourhood plan may be a material consideration’. However, it also states that in deciding how much weight should be given to an emerging Neighbourhood Plan, an LPA needs to consider the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies.

Although Cliffe and Cliffe Woods Parish Council have submitted its draft neighbourhood plan to Medway Council, it has not yet been progressed to the examination stage. Therefore, although it is a material consideration in the decision-making process it would not carry full weight due to its current stage of preparation.

Planning Appraisal

Screening for Environmental Impact Assessment (EIA)

The applicant made a request for a Scoping Opinion to Medway Council in June 2019 for a larger site and development that included the site now subject of the submitted planning application. The Scoping Opinion related to a larger site that included the site subject to this application and up to 500 dwellings compared to the 250 now proposed.

The submitted Environmental Statement (ES) states that given the size of the reduction, and the fact that the smaller scheme is on land that was previously included within the larger 500 dwelling scheme, that it is considered the original Scoping Opinion remains valid for the smaller 250 dwelling scheme. Having reviewed the original scoping documents and the Scoping Opinion, the Council agree with this conclusion.

The EIA Regulations set out which types of development may require an Environmental Impact Assessment ("EIA"). Whilst development types listed in Schedule 1 of the Regulations always require EIA, types listed in Schedule 2 could potentially require EIA where the site is in a “sensitive area” or exceeds one of the relevant criteria or thresholds set out in Schedule 2 and has the potential to result in likely significant environmental effects.

In this case, it is considered that the location, scale and nature of the proposed development, notwithstanding the selection criteria in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, may have the potential to give rise to significant effects on the environment. The proposed development falls within Schedule 2, part 10(b) of the EIA Regulations and is considered to be an Environmental Impact Assessment (EIA) development, as defined by the EIA Regulations. The planning application is therefore accompanied by an Environmental Statement (ES), prepared in accordance with the EIA Regulations.

The accompanying ES has been produced in accordance with the EIA Regulations and best practice guidance produced by the Government and other organisations including the Institute of Environmental Management and Assessment (IEMA).

Background

Trenport owns extensive areas of land lying to the south, east and west of the village of Cliffe, which was acquired from the former Blue Circle Cement in January 2001.

Representations were previously submitted on behalf of the previous landowners, as part of the preparation of the Medway Local Plan 2003, seeking the extension of the village boundary of Cliffe to allow for the development of about 300 dwellings. Although the Inspector did not support the proposal he commented that further development, as part of a planned village expansion, might help to sustain village services and could increase public transport in the long term. He said that the possibility of allocating land around Cliffe could be considered in the next review.

In 2019 a pre app was submitted for up to 500 dwellings along with an extension to the existing primary school, a replacement sports ground, additional playing fields and associated infrastructure. It was made clear that this was not acceptable given the size of the proposal and the impact that would have on the local area, road network and supporting services. The location was considered to be quite rural and not sustainable enough to warrant an application of this scale. The impact to agricultural land, landscape and heritage assets was also considered to be detrimental at this scale. The land owner had previously submitted that larger site area as part of the Local Plan's call for sites process and the SLAA published in 2019 concluded the larger site was not acceptable for similar reasons to the above pre app.

Trenport have considered the comments given within the SLAAA and pre app, have taken further professional advice of their own and reduced the site area and development to that currently proposed.

As part of their pre app process for the reduced scheme, Trenport have undertaken not only pre app engagement with Medway Council, but have done design review, public exhibitions and engagement with the Parish Council.

Principle

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

Whilst the site adjoins the boundaries to the residential properties of Cliffe that all sit within the rural settlement boundary of Cliffe, the site itself is outside of the boundary. The application site sits between the northern and southern parts of the settlement area in open countryside. A part of the application site (on the east of Church Street) sits in an area allocated as Open Space. The rest is classified as Grade 2 and 3a agricultural land – this is explained and explored further in the ‘Agricultural Land’ section below.

As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. 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.

The site is not allocated for housing or any redevelopment within the Local Plan. The proposal includes development of agricultural fields. ‘Agricultural land’ is excluded from the definition of ‘previously developed land’ in Annex 2 of the NPPF and as such the site is a greenfield site. A key element of national housing policy within the NPPF is to minimise the loss of greenfield sites for residential use by making the best use of development opportunities within existing urban areas.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the most recent Housing Delivery Test, the Council had only delivered 67% of its target number of dwellings in the preceding 3 years.

The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 79, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

In determining whether this proposal is acceptable, it will therefore be important to assess the matter of sustainability as well as the wider implications of the development as detailed under the relevant headings below.

Five-year land supply and Housing Delivery Test

As Medway Council does not currently have a five-year housing supply (we are below 4 years which represents a significant shortfall) the NPPF presumption is favour of sustainable development applies.

The most recent Housing Delivery Test results which compare housing delivery over a 3 year period against housing need (as identified using the Government standard methodology) shows Medway at 67% delivery against need. As a result, Medway is required to do an action plan (update existing one setting out the steps it is taking to assist and accelerate housing delivery; has had a 20% buffer added to its housing need to encourage development to increase housing delivery; and has the NPPF presumption in favour of sustainable development applied (again – as is already applied due to lack of 5 year housing land supply).

What this means is that policies in the Local Plan which seek to restrict the supply of housing, such as village boundaries, are considered out of date and cannot be applied in the consideration of the application.

This application should still be assessed in line with other relevant policies of the Development Plan, NPPF and the emerging neighbourhood plan for the area in line with the tilted balance principal.

Neighbourhood Plan for the Area

Cliffe and Cliffe Woods Parish Council have submitted its draft neighbourhood plan (CCWNHP) to Medway Council to progress to examination and referendum. The Planning Practice Guidance states clearly that "an emerging neighbourhood plan is likely to be a material consideration in many cases". The Neighbourhood Plan does not seek to allocate sites for development; however, it does include a design code which should be reviewed for the developments' compliance in line with planning practice guidance on the subject.

The plan, though in draft form, sets out a number of specific requirements that need to be considered including design guidance, notably guidance on the interface between development and the open countryside. The proposals appear to comply with Policy H1 and CF1, whilst policies H6 and H7 will be dealt with via reserved matters (housing design, type and tenure).

The Neighbourhood Plan for the area sets out that overall net densities for housing should in most instances be less than 30 dwellings per hectare, which has been complied with as the density within the residential area only works out at 27.4 dph (11.1 dpa).

Agricultural Land

Paragraph 174(b) of the NPPF states that planning decisions should recognise *'the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land...'*

Footnote 58 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

Policy ECON&EMP1 of the draft CCWNHP also states that “development proposals that result in the loss of land classified as agricultural (Grades 1-3) will not be supported unless there is a proven need for sustainable development which demonstrates benefits which far outweigh the loss of food growing space in the NHP area and its contribution to national food security”.

As part of the Environmental Statement a detailed soil and Agricultural Land Classification (ALC) survey have been conducted by an appointed expert for the applicants. The proposed development would result in the loss of approximately 20ha of agricultural land, which is nearly all classified as Subgrade 3a with a small area of Grade 2. It is acknowledged that the professional ALC map shows the site as excellent quality Grade 1, however in Natural England’s TIN049 (Technical Information Note) it explains that “these maps are not sufficiently accurate for use in assessment of individual fields or development sites and should not be used other than as general guidance.... Their preparation preceded the subdivision of Grade 3 and the refinement of criteria, which occurred in 1976.” It is for this reason that the detailed survey was undertaken as part of this submission. The finding of this survey, which demonstrates that this area is in fact Subgrade 3a and Grade 2 is considered to be a true reading of the land quality.

A total of 8,252ha of Medway’s land is farmed, including for field scale vegetables, fruit, arable crops, and marshland permanent pasture, with cereal production a dominant land use. Just under 40% of the area’s agricultural land falls within the best and most versatile categories (classified as grades 1 or 2). As such, the loss of BMV agricultural land must be balanced against local housing need, whilst applying the titled balance in favour of sustainable development set out within Paragraph 11 of the NPPF.

Areas of poorer agricultural land quality to the north and west of Cliffe are largely within Flood Zone 3 and the Medway and Thames Estuary Marshes and as such are afforded special environmental protection and are unsuitable for development.

Considering whether the loss of best and most versatile agricultural land is necessary, it is noted above that Medway’s housing land supply requirements are considerable and will certainly require the loss of agricultural land. There is also 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 the Defra’s MAGIC Agricultural Land Classification map indicates 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.

Given that these parcels make up less than 1% of the total BMV land in the district, and accounting for constraints in many other areas of BMV land, it is considered that exceptional circumstances exist to justify its loss of BMV in this instance.

In summary, given the scale of Medway's housing requirement and taking account of the result of the site specific ALC survey it is considered that the loss of agricultural land is necessary and that in this instance would not conflict with the objectives of the NPPF as a whole.

Design

Policy BNE1 of the Local Plan requires the design of development to be appropriate in relation to the character, appearance and functioning of the built and natural environment and states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 is key to achieving well designed places.

The application is outline and therefore the design and appearance of the proposed residential units have not been submitted for consideration. As such, the design of the scheme cannot be fully assessed at this stage. This will be considered as part of the reserved matters applications that will follow should planning permission be forthcoming. However, it is considered that the illustrative layout plans and landscaping plans submitted demonstrate that it is possible to achieve an acceptable layout and design for the number of units proposed.

Parameter plans have been submitted as part of this proposal that set out:

- Land use
- Open space
- Movement
- Density
- Height Parameters (within D&AS)

The heights of the outline scheme are set and are shown to be all 2 and 2.5 storey dwellings. The non-residential community hub is shown on the parameter plan to be up to 12.5m in height.

The application indicates some open space throughout the residential development but being an outline application, does not provide details on the different typologies and areas such as whether they are amenity space or play space for example. A development of this size should provide a minimum of a Locally Equipped Area for Play (LEAP) within the site to standards based in Fields in Trust Guidance. A buffer zone of 10m minimum depth normally separates the activity zone and the boundary of the nearest dwelling and a minimum of 20m should normally be provided between the activity zone and the habitable room façade of the nearest dwelling. It is recommended that a condition be attached to ensure play space is designed in and submitted as part of reserved matters applications.

It is considered that the proposal for up to 250 residential dwellings can be achieved on site providing for a high quality design led by design coding which respects the

setting of the village location. This would accord with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Landscape impact

With regard to the landscape impact, it has to be acknowledged and understood that an application of this size in this location will have an impact to the landscape of the area.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it is in accordance with one of seven criteria. This Local Plan policy reflects paragraph 174 of the NPPF. Policy BNE34 of the Local Plan relates to ALLIs and says that development should not materially harm the 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.

This is also consistent with Policy E&H2 of the draft CCWNHP. Policy SUSDEV4 of the draft CCWNHP also states that all new development, particularly on greenfield sites, should be sensitive to the landscape and be of a height that does not impact adversely on views from the surrounding countryside. It also states that where appropriate, a Landscape and Visual Impact Assessment should be provided with proposals to ensure that impacts, mitigation, and enhancement opportunities are appropriately addressed.

The entire application site is outside the rural settlement boundary of Cliffe and therefore lies within open countryside and in an area designated as an ALLI. The ALLI designation is at the lower end of the landscape designation hierarchy. However, in the preamble to Policy BNE34 of the Local Plan, it states and refers to how there are several areas of landscape (ALLIs) that enhance the local amenity and environmental quality, providing an attractive setting to the urban area and surrounding villages. The ALLIs recognised are described as being significant for, not only their landscape importance but also for other important functions:

- i) As green lungs and buffers, helping to maintain the individual identity of urban neighbourhoods and rural communities;
- ii) As green corridors (or links) for the community to reach the wider countryside;
- iii) As edge or 'fringe' land, needing protection from the pressures of urban sprawl; and
- iv) As habitats for wildlife and corridors, along which wildlife from the wider countryside can reach the urban environment.

Each ALLI within the Local Plan is described providing justification for its designation.

Cliffe Farmland

Characteristics:

- Flat farmland
- Few hedgerows

Issues:

- Weak landscape structure and lack of local distinctiveness
- Proposals should look to strengthen landscape structure and enhance local distinctiveness.

The submitted LVIA sets out the predicted landscape and visual impacts, which in general are agreed with. Landscape effects are considered to be localised and limited to the immediate environs of the village. It is considered that the development directly responds to the published Landscape Character characteristics and guidelines by strengthening and enhancing green infrastructure and biodiversity.

It is accepted that mitigation for the proposed developments are achievable and will need to be well detailed within the reserved matters application and will be critical for delivering the appropriate residential development for this rural settlement location.

The impact of this development on the ALLI and the overall wider landscape is therefore considered to be acceptable, recognising that there are limitations in relation to this particular ALLI and that the area proposed for development is limited and kept as tight to the existing built-up areas as is possible. This proposal is therefore considered to be compliant with Policy BNE34 of the Local Plan.

Public Rights of Way (PROW)

The PROWs in the area of Cliffe are extremely popular both to local residents and walkers, cyclists, equestrians and recreational vehicles from further afield. The impact therefore to nearby PROWs is a material consideration within this application process.

RS84 byway - As part of this application it is proposed to target areas of poor condition and reinstate a consistent, even and full width byway for the benefit of local people.

RS335 footpath – This will be retained, and the attenuation pond will be designed to take account of the footpath.

Semi Natural Open Space (SNOS) - An informal route through the proposed Semi Natural Open Space (SNOS), with very limited surfacing, is proposed. This is intentionally informal to encourage biodiversity. There are no physical works proposed as part of this aspect of the scheme.

The above proposed alterations and provisions, along with the financial contribution as set out within the S106 are considered to be suitable mitigation for this scheme and are therefore compliant with Policy L10 of the Local Plan and paragraph 100 of the NPPF.

Archaeology

The proposed development site lies within the village of Cliffe which is situated on a low chalk escarpment overlooking the Cliffe and Higham Marshes that have been reclaimed from the floodplain of the River Thames.

Palaeolithic artefacts have previously been recorded around Higham and Lower Higham and also in the area between Cliffe village and Lower Hope Point. Generally,

the Head and River Terrace deposits here are poorly understood, but nevertheless have the potential to preserve Palaeolithic artefacts and/or faunal remains and other palaeo-environmental evidence.

Evidence for Mesolithic activity has been found to the north-west of the site on the edge of the modern river floodplain, whilst chance finds of Neolithic flint tools have been made on and close to the application site. Beaker period and Early Bronze Age pottery has been recorded close to the application site at St Helen's Church.

The applicant's desk-based assessment highlights the fact that a "number of Roman isolated artefacts have been found on and within the vicinity of the site suggesting settlement activity close by". Such settlement activity could extend into or be present within the application site. It has been suggested that the B2000 (Church Street/Station Road/Town Road) approximately follows the line of a Roman road heading south from Cliffe to Rochester.

The proposed development site is in an area with a long and varied history of human activity that potentially spans the Palaeolithic period onwards. In terms of the site's archaeological potential:

- The applicant's assessment of the site's Palaeolithic potential is not agreed with, however further geo-archaeologically led assessment and evaluation of this potential should be carried out before the commencement of development and can be conditioned.
- The proposed development site has a moderate to high potential for later Prehistoric activity, however it is not agreed that the site's location away from the marsh edge means this is unlikely to include settlement activity. Such a conclusion cannot be supported based on the current understanding of the distribution of settlement and saltworking sites across the Hoo Peninsula.
- The proposed development site has a moderate to high potential for Romano-British archaeology, however it is not agreed that this potential is restricted just to further finds from the ploughsoil.
- There is a moderate to high potential for Anglo-Saxon activity in the northern part of the proposed development site. It is however, not agreed that the potential for the remainder of the site is low/nil and suggest a low to moderate potential is more appropriate for the remainder of the proposed development area. The same applies for the medieval period also.
- The potential for post-medieval remains is generally low, although there may be localised evidence for field boundaries and other agricultural activity as well as pre-industrial quarrying/extraction.

Finally, it is noted that the applicant is proposing to carry out some specific mitigation measures associated with Second World War concrete anti-invasion bollards adjacent to Station Road. These mitigation measures include re-siting disturbed pipples to their original location, on-going maintenance, and the provision of on-site interpretation. This, along with the other matters set out above can all be dealt with through the implementation of the recommended conditions and this course of action has been agreed with the Council's consultants - KCC archaeology..

Amenity

Policy BNE2 of the Local Plan relates to the protection of the amenities of future occupiers of the development and of neighbours in terms of privacy, daylight, sunlight, noise, vibration, heat, smell, airborne emissions. Paragraph 130 of the NPPF requires that development functions well over its lifetime and provides a high standard of amenity for neighbours.

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

Existing Neighbouring Properties

There are a number of existing residential properties that have boundaries with the area proposed for residential use. These include properties in Millcroft Road, New Road, Norwood Close and Cooling Road. Due to the fact that this is an outline application it is currently not possible to assess the physical impact of housing on individual properties. It is acknowledged however, that in going forward with a reserved matters application it will be necessary for the applicants to have regard to the existing neighbours and ensure sufficient back-to-back distances between any proposed dwellings and the existing housing, as well as ensuring minimal impact with regard to overlooking. It is considered that this is achievable.

Whilst it is acknowledged that properties will experience a loss of view in some circumstances, this is not a material planning consideration and is not considered a valid planning concern. Matters relating to impact on outlook will be carefully considered within any reserved matters application and again it is considered that a scheme can be secured that addresses this issue.

In relation to the proposed sports pitches and pavilion, this will abut properties on Buttway Lane and Church Street. It is therefore acknowledged that residents in these properties will experience an increase in disturbance when it comes to match days and events. Whilst no detail appears to be given in the application relating to hours of operation an appropriate condition is recommended to protect amenity. The use of flood lighting would not be considered acceptable in this location and details of how the pavilion is proposed to be used should be detailed within the reserved matters.

The addition of an overall 250 units within Cliffe will have an impact on the existing residents of the village, however it is considered that this impact will not be detrimental overall and will help to support the existing facilities/services that these residents rely on and wish to preserve.

Overall, it is considered that existing residents will be impacted but not to a detrimental extent that would warrant a refusal of this application. The new development will result in the view altering from a number of properties, and whilst this is noted, it does not amount to a material planning consideration.

Future Residents

In terms of the amenity of future occupants it is expected that proposals submitted as part of reserved matters applications will show dwellings that meet the Nationally Described Space Standard for internal floorspace and the garden depths and/or additional internal space for flats to meet the Medway Housing Design Standards (MHDS) where applicable. The parameters for building heights are set out within this proposal (Design and Access Statement - 7.5 Height Parameters) and no objection is raised at this stage in this regard.

The proposal is considered acceptable with regard to the residential development element of the proposal both in considering the impact on existing and future occupiers. The proposal is in accordance with Policy BNE2 of the Local Plan and paragraph 130 of the NPPF.

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

Highways

Existing Conditions

B2000 Town Road is a single carriageway road measuring approximately 5.7m in width and is subject to a 30mph speed limit within Cliffe Woods and Cliffe,

Access to other villages on the Hoo Peninsula can also be gained via Cooling Road. To the south, the B2000 continues to the A289, from where access to the A2/M2 can be gained. The A289 also continues to the main urban area of Medway, in particular Strood Centre, which provides access to a range of services and facilities.

Accessibility

Church Street is the main route (north–south) through the centre of the village of Cliffe. There is a footway on the eastern side of Church Street along its entire length which provides pedestrian access to the limited services and facilities within Cliffe.

A short section of footway is provided on the western side of the carriageway at the northern end of the village. There are residential properties located on the western side of Church Street which have direct frontage onto the carriageway. There are no formalised pedestrian crossing facilities on Church Street.

Church Street meets Cooling Road and Higham Road at a mini roundabout at the southern end of the village. There is no footway provision on Cooling Road, to the east. Footways are provided on both sides of the carriageway of Higham Road approximately 50m to the west of Church Street.

In terms of Cycle infrastructure, the provision is limited with Town Road being an unsuitable route for day to day cycling needs, however short trips could be considered as a realistic alternative to the motor vehicle.

In relation to Bus Service provision, currently services are limited, however with the recently approved applications in Cliffe Woods, contributions have been secured to increase provision. It is considered that this application would likely increase demand on services and therefore a contribution would be sought to secure these services.

In terms of sustainability, from a highways perspective, it is not considered that this site would readily lend itself to being a sustainable location. Services are limited and while improvements can be made to the bus service to facilitate its use particularly by commuters and those wishing to go to Strood, Rochester and Chatham centres, it is considered that any development will be car dependent.

Highway Safety

Personal Injury Accident data has been obtained for the latest five year period available. It is recognised incidents have occurred, but given the level movements within the study area, it is not considered that this incident rate is high for this type of junction.

Site Access

Site access is a matter for determination within this application. Since the submission of the Transport Assessment, the access arrangements have been revised. In terms of the accesses along Church Street, drawing ITB11092-GA-011 Rev I (Western Parcel) and ITB11092-GA-Rev E (Eastern Parcel) apply. These drawings demonstrate sufficient visibility splay and corner radii.

With regard to the Cooling Road access, a priority junction on the northern side of Cooling Road, to provide a secondary point of access to the eastern residential parcel is proposed and drawing ITB11092-GA-016 demonstrates that sufficient visibility splay can be achieved.

The last proposed access is along Buttway Lane to provide an entrance to the replacement sports pitches. Drawing ITB11092-GA-012 demonstrates the visibility splays can be achieved, with a relocation of the speed limit sign and a new passing bay proposed to the northern side of the carriageway. However, there is concern that the relocation of the sports pitches will create additional pedestrian movements along Buttway Lane, Buttway Lane is narrow with limited footway provision. The applicants have provided figure 1 (of the July 2022 Modelling Report) ITB11092 to attempt to demonstrate how residents are likely to use the public rights of way instead of Buttway Lane. However, whilst this increases options for pedestrians, it does not fully overcome the concerns especially as the northern part of the village desire line to the pitches would remain along Buttway Lane.

Mitigation Measures

The applicants have provided a number of schemes to accommodate the increase in vehicles movements along the Town Road and within Cliffe Village itself.

For ease the below text has been taken from the Transport Assessment

Church Street Parking Improvement Scheme

Drawing no. ITB11092-GA-011 outlines the changes to the parking arrangement along Church Street south of the mini roundabout. The scheme would provide dedicated spaces for on-street parking. The proposal would provide sufficient space for 16 vehicles to park in on-street bays for the existing properties on Church Street

Church Street / Cooling Road / Higham Road Mini Roundabout

Drawing no. ITB11092-GA-018. Outlines the proposed changes to the current Cooling Road mini roundabout. It is proposed to retain the mini roundabout but raise the junction to the same level as the surrounding footways and verge. This is intended to encourage slower vehicle speeds and provide the opportunity to enhance the priority for pedestrians. The proposals include improved footways from Church Street and new footways on Cooling Street and Station Road, with the ability for pedestrians to cross at grade within a shared surface environment.

Station Road Parking and Footway Improvement Scheme

Drawing no. ITB11092-GA-018 outlines the improvement proposed to the parking and pedestrian facilities for existing residents.

The scheme is proposed to provide dedicated on-street parking along Station Road on the western side of the carriageway in front of existing properties over a distance of approximately 120m. And alongside the parking bays it is proposed to provide a 2m footway along the same length.

A new footway is proposed on the eastern side of Station Road from the development parcels to the Cooling Road mini roundabout with a connection to the footway on Church Street.

Cooling Road Parking Improvement Scheme

Drawings no. ITB11092-GA-017 and ITB11092- GA-022. Outline the proposed creation of additional parking spaces along Cooling Road. Towards the eastern end of the existing properties there are a few properties with limited or no off-street parking which on occasion results in parking on street. It is proposed to provide a short dedicate parking bay on the southern side of the road at the eastern end of existing properties.

B2000 Road Safety Improvement Scheme

Drawing numbers ITB11092-GA-023 and ITB11092-GA-023 outline a series of improvements from additional road markings to anti-skid surfacing road markings, signs, vehicle activated signs and gateway features in various places along the B2000.

Full list:

Between Cliffe and Cliffe Woods

- Clear and improved HGV signage for the industrial area (Brett Aggregates) with fluorescent yellow backed

- Additional “Unsuitable for HGVs” signage would be provided to the north of the Rectory Road junction
- Replace 30/40 speed limit signs north of Cliffe Woods with florescent yellow backed signs;
- Renew 30/40 speed limit roundels on carriageway;
- Add anti-skid coloured surfacing on approach to speed limit change; • Add new speed limit repeater signs;
- Add road narrow warning signs;
- Add ‘slow’ road markings in appropriate locations;
- Refresh all white lining.

South of Cliffe Woods

- Anti-skid surfacing on the approaches to the B2000 / Two Gates Hill / Bunters Hill Road crossroad junction;
- Anti-skid surfacing on the approaches Dillywood Lane junction;
- Renewed speed limit signage and roundels in the carriageway at key junctions
- Renewed and additional repeater speed limit signage Additional ‘road narrowing’ narrowing signage;
- New ‘slow’ road markings
- Cut back the existing vegetation within the public highway

A289/B2000 Off Slip Junction

Drawing ITB11092-GA-008 outlines the proposed scheme at the Off Slip Junction. The proposal increases the visibility of the left and right turn lanes, by cutting back vegetation within the adopted highway that has reduced the visibility. This will improve the ability of drivers waiting at the give way lines to identify the gaps in the traffic, which will benefit both safety and capacity. The improvement scheme increases the separation between the two minor arm lanes (between left and right) improving the visibility of the left turn lane, so drivers can better judge and identify the available gaps in the traffic travelling northbound on the B2000 to the benefit of both safety and capacity

Trip generation

In order to assess the movements associated with the existing and proposed land uses, the Transport Assessment has used ATC data to determine the trip generation. The applicant has provided a summary of total trips planned during the peak hours and daytime movements as shown below

Period	Arrivals	Departures	Total
0800-0900	38	77	115
1700-1800	79	37	121

However after discussions between the applicant, Highway Authority and National Highways the trip generation was revised in line with developments approved at Cliffe Woods and thereby the trip generation was as follows;

Period	Arrivals	Departures	Total
0800-0900	43	104	147

1700-1800	96	33	128
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Traffic impact

The TA considers the impact of the estimated additional traffic that would be generated by the proposed development on the local transport network. Initially the applicants carried out individual junction capacity assessments using industry standard software with a future year of 2026, to encapsulate the full build-out period for the proposed development.

The Highway Authority recommended that the further work should be carried out using the Local Authority Own Strategic Modelling Software (AIMSUN).

The applicant agreed with this proposal and submitted further modelling work to overcome the Highway Authority's concerns regarding impact to the highway network.

The applicants modelled the following scenarios;

- 2026 Do Minimum (without development)
- 2026 Do Something (with development)

- 2037 Do Minimum (without development)
- 2037 Do Something (with development)

The Medway Aimsun Model (MAM) uses sub networks to identify primary routes to assess. This modelling assessment used Sub Network 1 (which covers A289 between Four Elms Roundabout and Medway Tunnel, as well as the A228 up to Isle of Grain) and Sub Network 9 which covers the B2000 from Cliffe in the north to the A228 Frindsbury Road in the south including the villages of Cliffe and Cliffe Woods. The subnetwork also includes Cooling Road (including Higham Road, Main Road, Lipwell Hill and Christmas Lane) connecting from Buckland Road in the west to the A228 Sharnal Street in the east and including the villages of Cooling and High Halstow.

The applicants have carried out an assessment on the B2000 Lower Rochester Road / B2108 Brompton Farm Road / B2000 Cooling Road / B2108 Hollywood Lane double mini-roundabout junction.

It is important to considered planning policy guidance, Paragraph 111 of the NPPF 2021 states that;

Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe

A recent appeal decision made by the planning inspector helps to quantify the above paragraph by stating.

It is not the function of the planning system to ensure that the convenience of the private car user is safeguarded from congestion, especially existing congestion.

Therefore, it is considered that whilst the junction may operate over capacity and lead to longer delays, that in itself does not necessarily mean there is sufficient harm to warrant refusal of the application. Careful consideration needs to be undertaken regarding the implications of the additional congestion.

Internals

An assessment of the internal road layout, parking provision, electric charging provision, footpaths and cycle facilities would be undertaken as part of a future 'reserved matters' application.

Summary of Highways

As detailed above there are existing facilities and services within Cliffe that are within acceptable distances for walking to the new development and the proposal will help to retain and keep viable those services and facilities. The transport assessment has demonstrated that the proposal would not have any severe transport impacts and that there are a number of improvements/mitigations proposed which will lead to an improvement for existing residents as well as assisting with the proposed additional traffic. In addition, while it is recognised that this will be a generally car dependent development, the contribution to enhancing the bus service as well as additional users will assist in maintaining the viability of the service and providing a service that meets the needs of occupiers and commuters. It is recognised that there is an issue regarding pedestrian access to the new sports facilities but on the basis of the above considerations and the benefits of the scheme including the provision of housing, the proposals are considered (on balance) to be acceptable on highways grounds, subject to the imposition of the recommended conditions and contribution to the bus service. No objection is raised in respect of Policies T1, T2, T4, T11, and T13 of the Medway Local Plan 2003 and paragraphs 105, 108, 110, 111 and 112 of the NPPF 2021

Flood and drainage

The site lies largely within Flood Zone 1 (Low Risk) with a small element within Flood Zone 3 defended according to the Environment Agency Mapping. The LLFA are aware of flooding issues within the wider area and this application will need to ensure that flooding is not increased at the site.

Inspection of British Geological Mapping indicates the presence of Seaford Chalk which would likely allow the use of infiltration. Although soakage testing has been undertaken the LLFA would like to suggest that further infiltration tests are undertaken to ensure that the proposed method of infiltration is suitable. The LLFA have seen other areas within Medway which have a similar geological profile to the application site which proposed infiltration however following the detailed design stage infiltration was found to be unacceptable.

The proposed drainage scheme seeks to connect to discharge through soakaways with ponds to hold the surface water and permeable paving. The SuDs components proposed offer appropriate water quality mitigation in accordance with the most up to date guidance contained within the CIRIA SuDs Manual C753. These measures would

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

It is recommended that the use of rainwater harvesting, grey water recycling and water butts are adopted where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies. This detail should be included within the Reserved Matters application going forward and can be conditioned.

Ecology and Biodiversity

Protected Species

Given the intensively-farmed arable and well-maintained grassland nature of the site, it is unlikely that protected species utilise the site. Breeding birds (no Schedule 1 species) and foraging/commuting bats have been cited as potentially being impacted, with the former being impacted during construction. Therefore, as stated in the Environmental Statement (ES), mitigation for breeding birds will be enacted.

Cat predation of birds (and other wildlife) is likely to increase once the development is operational. In this location and separation from any SSSI it has to be accepted that there could well be a likely decrease in bird diversity and abundance as a result of the development. Whilst a recognised impact, this is not considered to be of significant detrimental harm in this instance in relation to possible species.

Lighting and Biodiversity

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2021, the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be consulted in the lighting design of the development going forward. An appropriate condition is recommended.

Designated Sites and Local Nature Reserves

To relieve the pressure upon the internationally designated site and the nearby RSPB site, quality open space must be provided on-site for activities like dog-walking. This must be demonstrated within the reserved matters submission and an appropriate condition is recommended.

Biodiversity and Ecological Enhancement

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged. This is also in accordance with Policy E&H2 of the draft CCWNHP. Further, the Government set out its commitment to achieve Biodiversity Net Gain within the Environment Bill which will require a mandatory 10% biodiversity net gain.

As stated within the additional information, “The level of detail required to fully inform the Bio-diversity Net Gain (BNG) assessment is therefore beyond the scope of the consent being sought. Nevertheless, Technical Appendix 9.3 assesses BNG on the basis that the proposed ‘semi-natural open space’, some 9ha of existing arable land, is used to create neutral grassland. This is shown in Table 3 as the proposed habitat ‘other neutral grassland”.

In principle, c.9ha of neutral grassland can be provisioned and provide the necessary BNG. However, this will be heavily dependent on the methodology used to establish the grassland and the ongoing management. It is important that this is demonstrated as part of the Reserved Matters detail coming forward. In the absence of secondary legislation for biodiversity net-gain at present a Landscape and Ecological Management Plan (LEMP) is secured via condition.

Community Hub

It has been considered that a central hub for the village would provide more opportunities for community interaction and services.

The community hub will be a mixed-use development comprising Use Class E, with the exact uses to be discussed and agreed with Medway Council, the Parish Council and local residents at the detailed design stage. It is envisaged that the hub could provide shared workspace, retail use, and/or a café/restaurant for the community. It will be important for the community hub to complement existing services and facilities in the village rather than compete or replace them.

A Building Management Plan will be required at reserved matters stage for the proposed Community Hub and will include details such as:

- Who will manage the development and how;
- Maintenance objectives and standards;
- How reports of failures will be responded to;
- Frequency and scope of cyclical cleaning, maintenance and replacement works.
- How management and maintenance works will be funded and charged.

The Management Plans will also include a means of communication with residents and an obligation to consult with them on management matters. This will be incorporated within the S106 so that it is secured going forward.

Subject to the end use of this space, it may be necessary to ensure restrictions on hours of operation and noise from any plant that may be required. Conditions are recommended that ensure that hours and noise do not detrimentally harm the neighbouring residential properties.

Sports provision

Currently, on the east side of Church Street is the APCM recreation ground. This is managed by the Local Authority and hosts two grass football pitches, two grassed tennis courts, cricket pitch and a pavilion. The tennis courts are within a fenced area

and the nets are erected seasonally. The current hours of operation for this facility are within the realm of the parks and recreation team as the facilities are open from 7am and close at varying times of the day (subject to the time of year). It is proposed that these facilities are switched and that comparable and improved facilities are provided in the proposed location.

The existing sports pitches are owned by Trenport (the applicants) and are currently leased to Medway Council. It is proposed that this arrangement will continue between both parties after the proposals are implemented, simply switching to the new location for the sports fields to the western side of Church Street.

Asset of Community Value

An Asset of Community Value is defined as: A building or other land is an asset of community value if its main use has recently been or is presently used to further the social wellbeing or social interests of the local community and could do so in the future. The Localism Act states that 'social interests' include cultural, recreational and sporting interests.

It is acknowledged that on 8 June 2022 the APCM, Station Road, Cliffe was entered into the Councils Register of Assets of Community Value due to the fact that it furthers the social wellbeing and social interest of the local community.

It is noted that this land remains listed on the Council's List of Assets of Community Value for a period of 5 years.

Whilst the designation is noted, the application proposes for the sports provision to be relocated as part of the proposal. In relocating the sports facilities it should be recognised that the proposed facilities will be an improvement to the existing and will serve the community well, going forward.

Contamination

The Ground Conditions Assessment (Phase a) report submitted with this application (Ref: 457459/3501/GEO/R001/GCA/Rev01 Stantec) is in line with current guidelines and concludes that although likelihood of contamination is low, there is a need for an intrusive geotechnical and geoenvironmental ground investigation. Land contamination conditions are therefore recommended.

Air Quality

Initial question was raised in relation to the given trip rates as there was concern that if mis calculated this could impact on the results and conclusions of the air quality assessment. It has since been confirmed that the additional modelling work did not alter the trip rates for the overall development, which in turn do not alter the findings within the air quality assessment.

It has also been confirmed that all committed developments were incorporated within the revised modelling work to ensure that the assessment was as robust as it could be.

The proposals provide the following to assist in offsetting the potential impacts of the development:

- EV Charging points;
- Monetary contribution to increasing the frequency of bus services to Cliffe;
- Improving the Byway RS84, which runs south from Cliffe, to provide an improved cycle link to Cliffe Woods - cycle storage facilities will also be provided;
- Offering sustainable travel vouchers for every household, with options to encourage public transport use (including the opportunity to apply for a free short-term season bus ticket) and assist residents with bicycle purchases;
- A Welcome Pack for all new residents, providing plans showing walking and cycling routes to local facilities, a bicycle user group, and encouraging the use of sustainable modes of transport;
- Provision of up-to-date travel information by means such as community travel websites and notice boards; and
- Promoting MC's preferred Car Sharing scheme.

Noise

Whilst noise has been mentioned in the amenity section it should be noted that going forward, it is important that noise levels within the community uses are managed. This includes the community hub and the sports pavilion. Conditions are recommended to ensure that neighbouring residents are not detrimentally impacted.

Climate change and energy efficiency

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 126). Paragraph 134 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

In planning for climate change, plans should take a proactive approach to mitigate and adapt to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures; in line with the objectives of the Climate Change Act 2008. In order to support this, paragraph 154 of the Framework states that new development should be planned for in ways that:

- a) Avoid increased vulnerability to the range of impacts arising from climate change; and
- b) Can help to reduce greenhouse gas emissions, such as through its location, orientation and design.

All new buildings constructed in the UK must be designed and built to meet or better the requirements of Building Regulations Part L1a (2013) through the adoption of enhanced energy efficiency measures. The Government carried out consultation on changes to Part L (conservation of fuel and power) and Part F (ventilation) of the

Building Regulations between October 2019 and February 2020 as part of introducing a Future Homes Standard for new build homes to be future-proofed with low carbon heating and world-leading levels of energy efficiency.

Conditions are recommended to secure that sufficient measures to address climate change and energy efficiency are incorporated within Reserved Matters coming forward and to ensure that the applicants submit a verification report prior to occupation that the agreed measures have been delivered on site. Subject to this, the proposal complies with the objectives of the Council's climate change action plan and section 14 of the NPPF.

Bird mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £275.88 per dwelling (excluding legal and monitoring officer's costs) 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.

The applicants have agreed to pay this tariff and it will be incorporated within the S106. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

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 into account if the obligation is:

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

The obligations proposed comply with these tests because they have been calculated based on the quantum and location of the proposal and are directly related to the development.

The following contributions are sought in accordance with Medway Council's Developer Contributions Guide 2021:

A. Section 106 agreement to secure the following:

i) NON-FINANCIAL

- Min 25 % affordable homes
- The requirement of a Management Plan for the Community Hub securing responsibilities for management and maintenance in perpetuity.

iii) A financial contribution of £2,386,210.42 in total to be provisionally split in the following ways:

- £356,357.50 toward expansion of mainstream and/or SEND nursery education within a 2-mile radius
- £374,868.21 toward expansion of mainstream and/or SEND primary education within a 2-mile radius
- £633,645.71 toward expansion of mainstream and/or SEND secondary/ sixth form education within Medway
- £659,362.50 toward – not included in total currently toward enhancement of open space facilities in the vicinity of the development as well as outdoor sport and allotments in Medway- including Great Lines Heritage Park
- £12,500.00 toward improvements to signage and sightlines to local PROW. Building awareness, making more accessible.
- £163,415.00 toward support the creation of additional capacity in primary care premises required (£653.66 per unit x 250 units)
- £61,250.00 toward improved civic space and gateways to Strood Town Centre (£245 per unit x 250 units)
- £44,720.00 toward waste and recycling (£178.88 per unit x 250 units)
- £20,237.50 toward supporting delivery for young people in Rochester area (£80.93 per unit x 250 units)
- £42,677.50 toward Improvements to facilities and equipment to libraries within the vicinity and/or mobile library (£170.71 per unit x 250 units)

- £365,625 toward development of sustainable transport infrastructure and services to encourage modal shift from the private motor vehicle within the local vicinity.
- £241,944 toward the improvement to the strategic network for the route known as subnetwork 1 and the A289
- £68,970.00 toward Habitats Regulations (mitigation for Wintering Birds - £275.88 per unit x 250 units)

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission 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 74 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) 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-date⁸, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- 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 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); 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 recently published 2021-2022 Housing Delivery Test, the Council had delivered 67% of its target number of dwellings compared with the defined housing requirement.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is,

therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted

Economic

it is considered that the proposal results in the generation of jobs within the construction industry and its supply chain. It also brings additional people to the area which helps to diversify the labour market. Additional residents also results in additional spending, therefore having an impact on the local economy.

There are a number of existing services and facilities in the village, although they have declined over recent years. The additional dwellings and spend within the local area will help to support those existing services and facilities, while the proposed development will provide a new mixed use community hub which will add to the services and economy of the village

Social,

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

The provision of 250 new homes not only will provide 25% affordable accommodation, which should be given significant weight, but there will also be a provision of improved sports facilities and community facilities. Improved links and new provision will allow for improved access to amenity green space also.

The development would help to re-vitalise the existing village and surrounding area through the provision of a mix of housing types, sizes and tenures, including a policy compliant level of affordable housing. The affordable housing will be secured for local people through a Section 106 agreement. A mix of housing sizes and tenures will attract a wider population demographic, creating diversity in the community and labour market.

The proposed community hub will provide an accessible and identifiable focal point for the local community. While the precise use of the building has yet to be agreed, the hub will potentially provide the opportunity for local businesses to trade in the village in new retail and or restaurant/cafe space. The community hub will be designed to emphasise place-making principles, which will ensure that it is a destination existing local people and new residents want to visit and use to socialise. The siting of the community hub along Church Street, at the heart of the village, will ensure that it is within walking distance of existing dwellings, as well as those proposed. The provision of additional services and amenities within the settlement will encourage active forms of transport such as walking and cycling, reducing reliance upon private motor vehicles.

There is great pressure on our existing health services and covid has demonstrated the need to reduce overcrowding and provide for healthy places for people to live. The development proposed, will provide for new homes, which will help to provide homes for people wishing to stay in the village – be it first homes, family homes or for downsizing, and homes that meet modern space standards and energy efficiency, set in landscape settings, with easy access to open space and surrounding countryside. This will provide a healthy place for people to live, both mentally and physically and thereby help to reduce pressure on the health service generally.

Environmental

Include accessibility to green space and semi natural open space as well as incorporating a bio-diversity net gain of greater than 20% across the development site. Tree lined streets and the incorporation of SuDS within the scheme create ecological enhancements to the residential areas.

It is also noted that Policy H1 of the draft Cliffe and Cliffe Woods NHP also states that major development proposals for housing on greenfield sites should contribute to sustainable development by including uses other than housing providing that they are appropriate and do not conflict with other policies in the plan. Policy H3 also supports proposals for new housing development on previously undeveloped land that meet an identified local need as defined within the neighbourhood plan.

While in outline, the recommended conditions will secure additional benefits to address climate change and energy efficiency in excess of what can be secured through building regulations.

Taking all of the above into consideration and applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

Conclusions and Reasons for Approval

Reflecting the planning balance and the presumption in favour of sustainable development due to the Council's lack of 5 year housing land supply and Housing Delivery Test results the delivery of housing, including affordable housing, must be given significant weight in the decision making process. The location of the development has been carefully selected to link together Cliffe village and removes the larger more landscape sensitive elements that were included in the SLAA and earlier pre app submissions.

It is considered that the proposal, while it will be car dependent, will support and enhance local services and facilities, will improve existing bus services, provide for new community facilities and will provide the appropriate re-location of valuable and essential sports and leisure facilities for the benefit of the village. A development can be designed, building on design codes, that will respect and enhance the village and provide healthy places for people to live, including local people who wish to remain in the village. The development will also be landscape sensitive as well as delivering enhancements to biodiversity and ecology.

The scheme is acceptable in highway safety terms and car parking standards will have to be complied with going forward with the reserved matters stage. This scheme is considered acceptable in this location, even whilst recognising its limited sustainable location subject to the recommended S106 payment relating to bus service and conditions relating to EVCP's, cycle storage and delivery of junction improvements.

The proposal accords with the provisions of Policies S1, S2, BNE1, BNE2, BNE3, BNE18, BNE21, BNE23, BNE24, H3, H4, H5, T1, T2, T4 and T13 of the Local Plan and paragraphs 111, 112, 126, 130, 131, 132, 134, 1544, 159, 167, 169, 192, 194, 195 and 197 of the NPPF. Accordingly, the application is recommended for approval subject to the completion of the section 106.

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

Background Papers

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

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