



STATEMENT OF COMMUNITY INVOLVEMENT

Land at Gibraltar Farm, Gillingham

Prepared by Hume Planning Consultancy Ltd.

On behalf of F D Attwood & Partners

January 2020

1 INTRODUCTION

- 1.1 This Statement of Community Involvement has been prepared on behalf of F D Attwood & Partners and sets out the community engagement and background research which has informed this Reserved Matters planning application pursuant to extant application LPA Ref. MC/18/0556 for an "Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space (Renewal of Planning Permission MC/14/2395)" at Gibraltar Farm, Ham Lane, Hempstead, Gillingham.
- 1.2 The Statement is submitted in accordance with Paragraph 39 of the National Planning Policy Framework (NPPF) (2019), which attributes significant weight to early engagement and pre-application discussions between public and private sectors.
- 1.3 It is relevant that, whilst the focus of Medway Council and the public during much of the earlier engagement was concerned with the principle of the development proposal, the application site benefits from outline planning permission, which this detailed submission is pursuant to. Therefore, the feedback extracted from engagement by the development team has focused solely on the appearance, layout, scale and landscaping of the proposals which are to be assessed as part of this Reserved Matters submission.
- 1.4 During the preparation of this outline application the following methods of public engagement are relevant to highlight:
- The Planning History for the Site and the Review of Past Representations
 - Pre-Application Discussions with Officers of the Council and Statutory Consultees;
 - Presentation of the Proposal at a Design South East Design Review Panel;
 - Presentations to Members of Medway Council; and
 - Presentation of Proposals at a Public Consultation Event
- 1.5 Each of these stages and the outcomes of the discussions will be briefly outlined in turn in the following section of this statement.

2 CONSULTATION METHODS & EVALUATION OF RESPONSES TO FEEDBACK

Planning History & Context

- 2.1 The application site benefits from an extant outline planning permission for the erection of up to 450 dwellings, with access fixed from North Dane Way (LPA Ref. MC/18/0556) which was granted in September 2018. The applicant team assembled for this Reserved Matters submission benefitted from a history of working on the site and therefore had an understanding of the strength of local feeling from earlier submissions which were scrutinised by the appeal Inspector at a Public Inquiry before the Secretary of State issued the final decision and allowed the appeal. The representations of the public and key stakeholders associated with the history of applications (outlined below) were reviewed and taken into account in the preparation of this detailed submission. The following timeline outlines this planning history and context:

Reference	Proposal	Submission	Determination	Outcome	Engagement
MC/14/2395	Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space	August 2014	January 2016	Refusal	285 Public Respondents; Boxley and Bredhurst Parish Councils; Hempstead Residents Association; Ramblers and neighbouring authority Maidstone Borough Council also consulted as part of application, amongst other statutory and local consultees and petitions.
APP/A2280/W/16/3143600	Appeal against the refusal of MC/14/2395	February 2016	March 2017	Appeal Allowed	Public Inquiry format with members of the public and statutory consultees invited to attend and provide comment on the appeal
MC/18/0556	Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space (Renewal of Planning Permission MC/14/2395)	February 2018	September 2018	Approval	149 Public Respondents; local Parish Councils, Residents Associations, Maidstone Borough Council, amongst other statutory consultees, were also consulted again on the application proposal
MC/19/0336	Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings; nursery and supporting retail space up to 85sqm, with provision of access; estate roads; cycle and pedestrian routes; off-site highway improvements; residential and community open space and landscaping.	February 2019	Under Consideration	N/A	Public Exhibition on the 18 th November 2018, at which attendees were asked to complete a questionnaire, as well as engaging with members of the development team in attendance. Ongoing consultation via Medway's planning portal allowing members of the public to put forward their representations concerning the proposals

- 2.2 The above planning history and context highlights the opportunities provided for public engagement and representations leading up to the current Reserved Matters application. The proposals put forward have taken this feedback into consideration during the design evolution, and have also been prepared within the parameters established as part of the original 2014 application (and Public Inquiry allowed by the Secretary of State) and subsequently the 2018 permission, issued by Medway Council itself.
- 2.3 The Committee Report for LPA Ref. MC/14/2395 (presented at the 12th August 2014 Planning Committee), highlighted the level of representations received concerning the outline proposals. In particular, this comprised:
- 295 Letters of Objection (from 285 Respondents);
 - A petition of 2,730 signatories objecting to the proposals; and
 - Three petitions of 168 signatories also objecting to the proposals
- 2.4 The main reasons for objection are summarised under the Representations section of the Officer's Committee Report (Appendix 1 to this statement). When allowing this appeal, the Secretary of State addressed each relevant planning issue and these findings have provided a "baseline" for preparing the current submission and context for the consideration of the earlier public representations.
- 2.5 The Officer's Committee Report to the MC/18/0556 permission is set out in full at Appendix 2.
- 2.6 Regarding application LPA Ref. MC/19/0336, currently under consideration, approximately 1,321 public comments have been received in connection with the proposals and also have been reviewed by the Development Team.
- 2.7 For the reasons outline above, it has been shown that consultation under previous planning applications has provided an opportunity for representations by the local community which have duly been considered and rigorously tested during previously at a Public Inquiry and following a later permission granted

by Maidstone BC. This background understanding of the issues has been taken into account by the design team and applicant/landowner and has shaped the current Reserved Matters proposal.

Presentation of the Proposal at a Design South East Design Review Panel

- 2.8 The submission has also benefitted from a South East Design Panel Review on the 16th July 2018 (at the Chatham Historic Dockyard) at which an emerging layout proposal was presented to a panel with specialisms in planning; architecture; urban design; landscaping / landscape architecture and transport planning. The discussions held during this Review and the report of the panel issued thereafter have subsequently informed the final proposal submitted under this application and are referenced in the accompanying Design and Access Statement to this submission.
- 2.9 Amendments to the draft layout presented to the panel focused largely upon embracing the natural topography and “valley” within the site, and improving its functionality as part of the site wide surface water drainage strategy, whilst utilising this feature to enhance the character of the development. This feedback is again reflected in the current Reserved Matters proposal.

Presentations to Members of the Council

- 2.10 On the 15th November 2018, a presentation was made by the Development Team to Members of the Council, outlining a proposal similar in its layout to the current Reserved Matters submission, albeit with access proposed from Ham Lane (as is currently being considered under LPA Ref. MC/19/0336). At this presentation, members were provided with an opportunity to comment on the proposals and raise any queries. The feedback of members has been taken into account in the preparation of this submission.

Presentation of Proposals at a Public Consultation Event

- 2.11 The public were also invited to view outline proposals for the submission currently under consideration under LPA Ref. MC/19/0336 (access from Ham Lane) at a consultation event held at Hempstead Library (Community Hub) on the 16th November 2018 between 1pm – 8pm, where members of the consultancy team were in attendance to respond to any queries. The proposed layout the subject of this Reserved Matters submission is very similar to what was presented at this event, at which similar character areas and housing/flat designs were also presented and discussed.
- 2.12 A leaflet advising of the consultation event was circulated to c.500 properties within the Hempstead and Lordswood areas a week prior to the event. This was in addition to the displaying of 10no. posters and the placement of an advert in the local KM newspaper in advance of the event. The leaflet, poster and areas of distribution are shown at Appendix 3.
- 2.13 Presentation boards (Appendix 4) were displayed within the venue for public viewing, and hard-copy feedback questionnaires were also made available for members of the public to provide comment on. For those unable to attend, or who wished to view the consultation material again, the presentation boards were made available to view online via a consultation portal, accessible via www.humeplanning.co.uk. The feedback form provided at the consultation event was also digitised to allow further comments to be made.
- 2.14 The event was well attended, with over 150 attendees from Hempstead, Lordswood and Walderslade, as well as Bredhurst and Boxley within the adjoining Maidstone district. 62 feedback questionnaires were completed at the event, with a further 17 representations received via the online consultation portal.



Figure 1.0 – Presentation Boards and Public Consultation Event

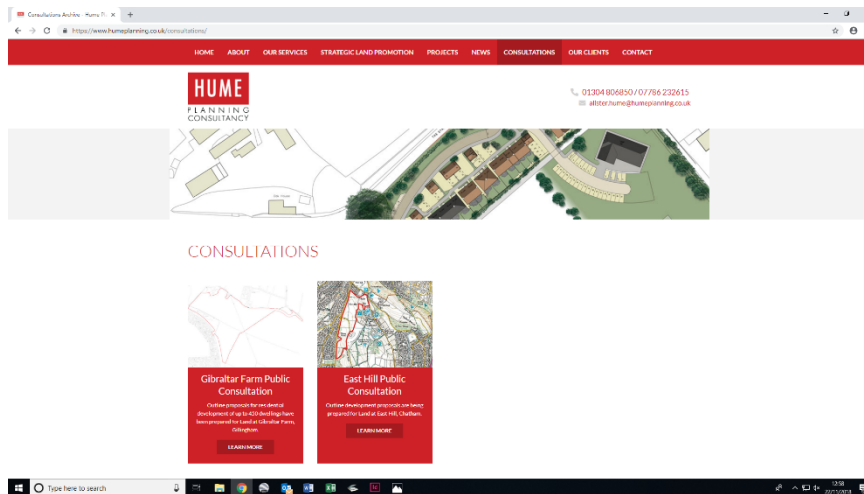


Figure 2.0 – Consultation Page at www.humeplanning.co.uk

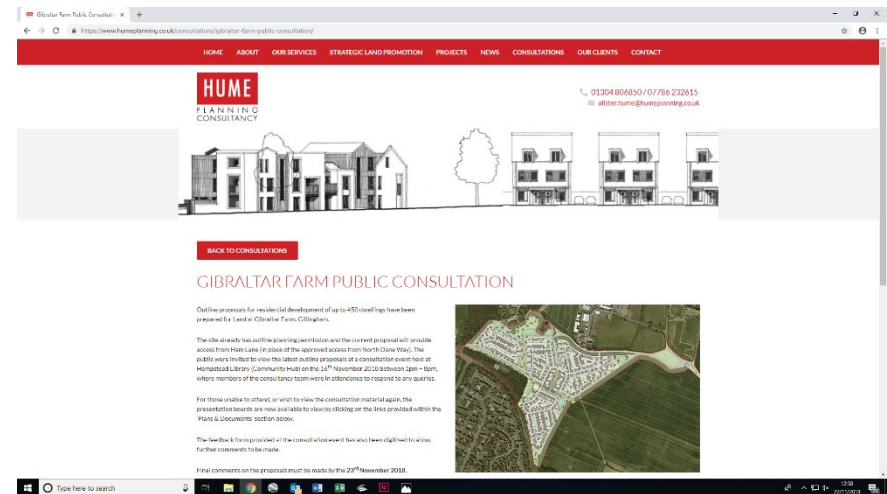


Figure 2.1 – Gibraltar Farm Home Page at www.humeplanning.co.uk

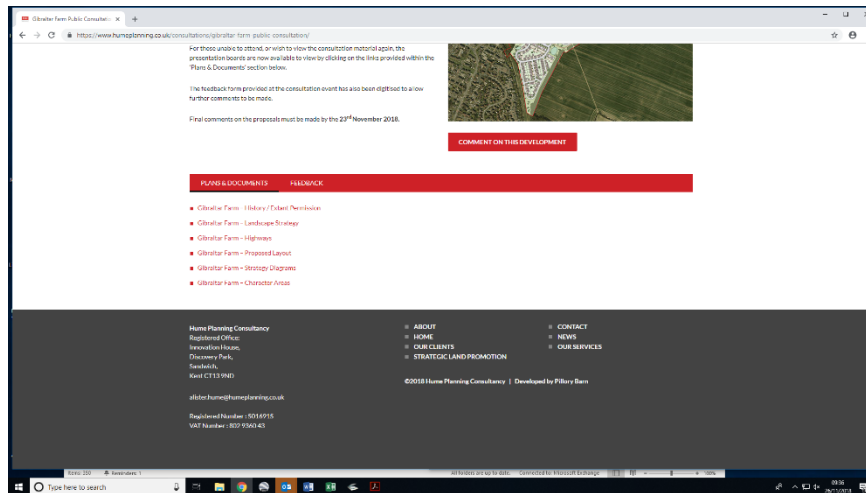


Figure 2.2 – Links to Presentation Boards at www.humeplanning.co.uk

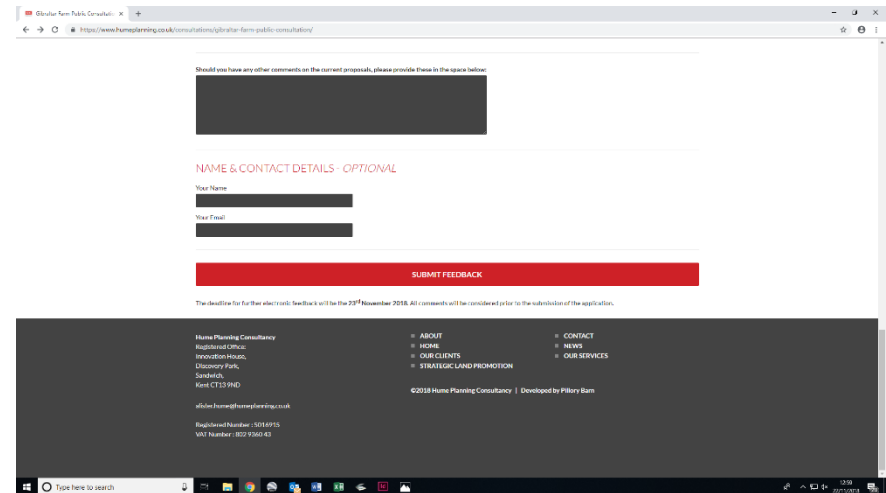


Figure 2.3 – Feedback Form / Questionnaire at www.humeplanning.co.uk

3 CONCLUSION

- 3.1 The site benefits from an extant planning permission under LPA Ref. MC/18/0556. The principle of development is therefore accepted along with access which was fixed at the outline stage. In order to inform the detailed stage of design, the subject of this Reserved Matters submission, the Applicant and Development Team have drawn upon the application site's long history and past representations from the local community and key stakeholders. This has included a dedicated community engagement event and direct engagement via pre-application meetings with Medway Council officers and members in the context of the baseline planning position established by the Secretary of State's appeal decision, following the earlier Public Inquiry.
- 3.2 It is also relevant that the Applicant and Development Team have engaged in ongoing discussions with Medway Council concerning the application site for many years in association with its planning history, most recently as part of application LPA Ref. MC/19/0336, currently under consideration for an alternative scheme, albeit comparable in terms of many of the design principles to this Reserved Matters submission. This has increased the Development Team's understanding of the site, its context and landscape setting, which has informed the design evolution of this submission, which was also shaped by feedback from the Design Panel South East presentation.
- 3.3 For these reasons it is concluded that this submission has been prepared in accordance with Paragraph 39 of the National Planning Policy Framework (NPPF) (2019), which attributes significant weight to early engagement and pre-application discussions between public and private sectors.

APPENDIX 1

MC/14/2395 Committee Report

MC/14/2395

Date Received: 12 August, 2014

Location: Gibraltar Farm Ham Lane Hempstead Gillingham Kent ME7 3JJ

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space

Applicant: Messrs KD, SJ & MC Attwood

Agent: Mr G Warren Graham Warren Ltd The Barn House Manor Farm
Collinbourne Kingston Marlborough, Wiltshire SN8 3SD

Ward Lordswood & Capstone

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16 December 2015.

Recommendation - Refusal

- 1 The development would result in an inappropriate form of development within a locally valued landscape and Capstone, Darland and Elm Court Area of Local Landscape Importance, resulting in harm to the landscape and rural character and appearance of the area contrary to the objectives of: Policies S4, BNE25(i) and BNE34 of the Medway Local Plan 2003; the Medway Landscape Character Assessment 2011; National Planning Policy Framework, in particular the fifth Core Planning Principle referred to in paragraph 17 and paragraph 109 of the National Planning Policy Framework.

Proposal

The application has been submitted in outline form with only means of access being for consideration at this time. Details relating to appearance, landscape, layout and scale have all been reserved for future consideration. The application proposes a development of up to 450 market and affordable dwellings, with 25% of these dwellings being affordable. The Design and Access Statement (DaAS) accompanying the application indicates that the proposed houses would predominantly be two storeys in height, with ridge heights of around 8.0 metres, although some of the dwellings might be 2.5 storeys high (up to 10.0 metres) and provide three floors of accommodation.

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

The proposed development would involve:

- The provision of a primary access point via the North Dane Way spur and an emergency access via Ham Lane;
- Internal estate roads;
- 5.67 hectares (14.0 acres) of open space, including a 'community park' and a formal children's play area of 400 sq.m; and
- The provision of 2.96 hectares (7.31 acres) of new strategic woodland planting to contain the development and create a consolidated edge to the new housing, most particularly along the site's northern (Ham Lane) and eastern (open field) boundaries. This new shelter belt planting is described within the application documents as being a strategic woodland buffer of 20 metres or more in width and it is submitted that this tree planting would be provided in the first planting season after the commencement of the development. This new planting would comprise a mixture of native and locally indigenous tree and shrub species.

No details have been provided for the anticipated type and mix of dwellings. However, the DaAS suggests that the scheme density would be in the region of 35 dwellings per hectare, with the dwellings occupying 13.01 hectares (32.15) of the application site's area.

The application as originally submitted proposed three access points. The first of these would have involved the installation of a roundabout at the junction between North Dane Way and Albemarle Road, with a new estate access passing through Hall Wood (land in the Council's ownership) [the Hall Wood access]. The second access being derived via the North Dane Way spur road to the south of the North Dane Way and Albemarle Road junction, approximately 320 metres to the south east of the aforementioned junction. The spur road having been constructed as part of the now abandoned Medway Towns Southern Peripheral Road. The third access being an emergency access off Ham Lane, just to the south of southern extremity of the Elm Court complex.

The Council, however, as landowner of Hall Wood was not agreeable to the land within Hall Wood being used to form the Hall Wood access. The applicants therefore applied to the Secretary of State under the provisions of Section 98 of the Local Government, Planning and Land Act 1980 for a direction to be made requiring the Council to dispose of the affected land by selling it to the applicants to facilitate the intended development (in effect a reverse compulsory purchase order procedure).

The Secretary of State, however, refused to make such a direction in January 2015. As a consequence of that decision the applicants have amended the proposed access arrangements and it is now proposed that a sole primary access would be derived from the North Dane Way spur road. While the as built section of the spur road forms part of the adopted public highway there is a small piece of land between the south eastern extremity of this spur and the proposed access to the application site that does not form part of the adopted highway, which is in the Council's ownership and would need to be used to facilitate the application's site connection to the North Dane Way Spur Road.

Site Area/Density

Site Area: 23.93 hectares (59.1 acres)
Indicative net density of 34.6 dph (14.0 dpa)

Planning History

MC/14/0324

Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for Residential Development of up to 500 market and affordable dwellings with provision of access, estate roads and incidental open space.

Decision EIA Not required
Decided 24/02/2014

Representations

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

Maidstone Borough Council, The Environment Agency, Natural England, the Highways England (formerly the Highways Agency), the Kent Downs AONB Unit, Kent Police, Medway Fire Service, NHS Property Services, Bredhurst Parish Council, Boxley Parish Council, the Royal Society for the Protection of Birds, the Kent Wildlife Trust, Southern Water, Southern Gas Networks, National Grid Plant Protection, ED, the Hempstead Residents' Association, Sport England, the Open Space Society, the Ramblers Association, the British Horse Society, Protect Kent, the Medway Towns Sports Council, have also been consulted.

The Highways England (formerly the Highways Agency) raised a holding objection in relation to the application, being concerned about the development's implications for the operation of junction 3 (Bridgewood) of the M2.

The Environment Agency has advised that it raises no objection to this development subject to conditions being imposed that relate to: the handling of on-site contamination should it be detected during the course of the construction works; and the safeguarding of the underlying principle aquifer by prohibiting the infiltration of surface water drainage into the ground.

Natural England has written commenting that the site is around 5.8Km to the south west of the Medway Estuary and Marshes Special Protection Area (SPA) and the development therefore has the potential to affect the SPA's features (species). The SPA, as a European designated site, is afforded protection under the Habitat Regulations 2010. The SPA is also designated as a Ramsar site and a Site of Special Scientific Interest (SSSI). The Council, as competent authority under the

Habitat Regulations, should have regard to the impacts that the development might have on the SPA. If the Council determines that this development would have a significant effect on the SPA then it is required to undertake an Appropriate Assessment under the Habit Regulations.

With respect to protected species Natural England has advised that it has no comments to make, although it recommends that the development's implications should be reviewed in the context of its standing advice on protected species. Attention is similarly drawn to Natural England's standing advice for ancient woodland. In relation to the adjoining Kent Downs Area of Outstanding Natural (AONB), Natural England has recommended that the views of the AONB Unit should be sought.

The Kent Downs AONB Unit has written commenting that there is limited intervisibility between the parts of the AONB to which the public have access and the application site, nevertheless it is considered that proposed development will adversely affect the AONB's setting, with the Capstone Valley acting as a 'perceptual gateway into the AONB'. The AONB Unit comment that on leaving the built up areas that surround the Capstone Valley there is a sense of entering into:

'... a breathable rural and agricultural space from which there are clear unobstructed views to the south in the direction of the rural area of the AONB beyond the M2. The M2 acts as a strong boundary which is well treed and restricts views from the application site in to the AONB; views from the AONB towards the site are also restricted. However, this is the way in or gateway to the AONB. There are three road bridges over the M2 from the Capstone Valley which all connect into the PROW within the AONB and up onto the North Downs Way. The loss of this part of the Capstone Valley to development would have a deleterious impact on the experience of moving out from Gillingham and Chatham and their suburban areas into the rural areas of the AONB to the south of the M2'.

The application site is in a sensitive part of the Capstone Valley and if developed would largely infill the 'pinch point' between Hempstead and Lords Wood and have a damaging impact upon the rural character of this part of the valley. This development would act as a block in the perception by urban residents of the green, strategic gap, entering the rural, protected landscape of the AONB beyond the M2. Similarly users of the AONB leaving the designated area and heading north would be confronted by the urban area being closer to the edge of the AONB rather than seeing a more sympathetic rural valley leading towards the edge of the urban area.

The submitted plans and planting proposals will not mitigate the development's impact on the landscape character of the area and given the nature, character and land form in the area it is unlikely that any other form of planting could adequately mitigate this scheme's visual impact.

The development would also have a functional impact upon the AONB with a substantial urban development replacing rural uses more appropriate to the edge of the AONB. The development would introduce more traffic and noise into the area and be likely to increase urban fringe areas in the area, which could affect land

management, which in turn could change the area's character, changing the area's relationship with the AONB. The use and enjoyment of the PRoV network and the gateway into the AONB would be affected, with users of the footpath network having to negotiate an urban development before arriving in the AONB.

This development will require the use of night time lighting which would diminish the area's relatively dark night sky, making the Capstone Valley less tranquil after dark. The traffic noise associated with the movement to and from the site would also be likely to affect the area's tranquility, an effect which would be like to be felt within the AONB.

The development of this site could result in further releases of land for development within the Capstone Valley.

Kent County Council's Ecological Advice Service (KCC Ecology), acting in the capacity of Medway Council's ecological advisor, has provided comments on the development's implications for protected species.

Ancient Woodland

The development would result in the loss of 0.32 ha of ancient woodland to form an access and this would result in Hall Wood becoming isolated from Hook Wood. Paragraph 118 of the National Planning Policy Framework highlights the importance of retaining ancient woodland and if the Council is minded to grant planning permission it should be satisfied that the benefits of doing so would outweigh the loss and deterioration of the this woodland. While the applicants have submitted that the loss of the woodland could be mitigated for, Natural England's standing advice states that mitigation/compensation should not be taken into account when considering if the benefits of any particular development would outweigh the loss/harm to the ancient woodland. Alternative access arrangements should therefore be provided.

It is recommended that the applicants should undertake a full national vegetation classification survey within Hall Wood so that this information can inform any mitigation/compensation strategy that is required. It is submitted that additional recreational use of the woodland would arise, however, no information has been provided on what effect that activity will have upon the ancient woodland and/or its nature conservation value. An assessment of this recreational impact should therefore be undertaken.

As part of the mitigation for the loss of woodland the applicants propose the planting of 2.9 ha of woodland on what is farmland, which will be high in nutrients.

Protected Species

For breeding birds only one survey visit has been undertaken and it is unclear as to why a breeding bird survey for the whole site has not been undertaken. The ecological report that accompanies the application advises that skylarks are present and this is a species that would be lost given the removal of farmland. In the absence of a full breeding bird survey it is unclear what the impact on the skylark

population in the area would be. The applicants should provide clarification as to why a full breeding bird survey was not undertaken.

With respect to dormice only the edge of the woodland was surveyed, clarification as to why a limited area survey was undertaken is necessary. A full survey for the presence of dormice in the affected woodland should be undertaken because on the available information it would appear that the impact of the development on dormice has not been fully assessed.

Rural Planning Limited (acting as the Council's agricultural advisor) has written advising that the application documentation refers to the development affecting land which is classed as grade 3a and 3b for the purposes of the agricultural land classification (ALC) system, i.e. land that is 'relatively good quality' and moderate quality'. Grade 3a being the lowest quality of the land classes referred to as Best and Most Versatile (BMV). The NPPF states at paragraph 112 that 'Local Planning authorities should take into account the economic and other benefits of best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality'.

However, the application is not accompanied by a full ALC survey and it is therefore how much grade 3a land would be lost and thus it is not possible to determine what significance that loss might be for the purposes of applying the provisions of paragraph 112 of the Framework. The applicants should therefore submit an ALC report.

Bredhurst Parish Council objects to the application on the following grounds:

- The local roads, including the country lanes, do not have the capacity to accommodate the volumes of traffic that would be generated by the proposed housing.
- There is potential for the secondary access off Ham Lane to be used by vehicles resulting in flows of traffic that the roads in the area would be unable to accommodate.
- The bus services operating in the area would not provide access to Hempstead Valley shopping centre, Rainham, Parkwood or Maidstone, with the result that occupiers of this development will use their own vehicles rather than public transport.
- The development will detract from the appearance of the Capstone Valley Area of Local Landscape Importance and the setting of the Kent Downs Area of Outstanding Natural Beauty.
- There would be loss of ancient woodland and this scheme would reduce area's biodiversity value.
- The scale of development will place unacceptable pressure upon local infrastructure, health care and education facilities etc.
- Additional pressure will be placed upon water supplies in the area.

Boxley Parish Council objects to the application on the grounds that:

- The development would result in the loss of a substantial area of greenfield

land, which extends as a green wedge from the North Downs into the urban area. The site forms part of the setting to the Kent Downs Area of Outstanding Natural Beauty and Capstone Country Park and contributes to the area's informal open space needs.

- The site's inclusion in an area of Local Landscape Importance helps prevent the coalescence of Lords Wood/Princes Park/Walderslade with Hempstead. This development will therefore detract from the countryside's appearance. The proposal is therefore contrary to Policies BNE25 and BN34 of the Medway Local Plan.
- The development will impact upon the flora and fauna in the area and is contrary to paragraph 118 of the NPPF and Local Plan Policy BNE37.
- Extra traffic will be generated which will add to rat running between Gleaning Wood Drive, Lords Wood Lane, Walderslade Woods Road and the M2. The local highway network will be unable to cope with the additional traffic. Extra traffic will also use the rural roads between the site and Maidstone.
- Additional demand will be placed upon education, health, recreational and community facilities in the area, to detriment of existing users of those services.
- Additional pressure will be placed upon the supply of water in the area.

The Kent Wildlife Trust has written raising concerns about the loss of the ancient woodland associated with the proposed development, albeit the Trust acknowledges that there would be some benefits arising from bringing the retained woodland into positive management for biodiversity purposes. The Trust has therefore requested that consideration be given to finding an alternative location for the proposed access, if nothing else to avoid Hall Wood being left as fragmented woodland with two accesses passing through it.

The Trust is critical of the limited wildlife survey work that was undertaken within the woodland and adjoining the application site, given that the proposed development will have direct and indirect impacts upon birds, bats and other wildlife within these areas.

Kent County Council's Heritage Conservation Group, acting in the capacity of Medway Council's archaeological advisor, has advised that this site is favourably located for having been occupied during the Romano British period. Further afield there have been Iron Age and Romano British finds. The size of the application site and the discovery of finds elsewhere in the area means that this site has archaeological potential. An archaeological investigation condition is therefore recommended should planning permission be granted.

NHS Property Services has advised that as this development would generate an additional need for local primary and community health service facilities in the area, it would wish the Council to seek a S106 contribution in line with the provisions of the adopted Medway S106 Developer Contributions Guide. A contribution of £210,577 has been requested, based on a sum of £467.95 per dwelling. This contribution would be directed towards improving facilities at: the Lords Wood Community Health Living Centre, Matrix Medical Practice, Hempstead Medical Centre, Princes Park Medical Centre, Walderslade Medical Centre, Walderslade Village Surgery, DMC Walderslade Surgery and Tunbury Avenue Surgery.

Sport England has commented that it considers that new developments should make provision for their sporting needs on site and/or provide additional capacity off site in line with a robust evidence base and the provisions of paragraph 17 (the 12th core planning principle) are relevant to this proposal. The submitted application provides no information on how the sporting needs arising from the development will be met on or off site. On the available information Sport England has stated it cannot support the application.

The Hempstead Residents Association has written objecting to the application on the following grounds:

- The applicant's submit that as a greenfield site, this is a site that will be capable of providing housing more quickly than brownfield site's in the Council's area. However, the applicants are not developers and the application is therefore speculative and has been made in outline form, factors affecting any commencement of development and thus its delivery.
- The transport assessment has not fully addressed the development's impact upon the operation of Junction 3 of the M2, which already has capacity issues. It is also questionable as to whether the North Dane Way/Clandon Road junction has the capacity to accommodate the volumes of traffic that will arise. Many of the roads in the area are country lanes and are incapable of accommodating the likely volumes of additional traffic.
- The travel plan that has been prepared unrealistically assumes that residents would be prepared to walk to the Hempstead Valley shopping centre, given the distances involved. The roads that would provide access to the shopping centre for the most part do not have footways.
- Employment opportunities in the area are not readily available or accessible; there will therefore be a high level of car dependency upon the occupiers of this development when traveling to and from their places of work.
- The development would therefore add to the congestion on the roads in the area, increasing the risk of accidents.
- The claimed social benefits of the development, for example improvements to bus services in the area, will only benefit residents of the development rather than the wider community.
- The development to comply Policy H3 of the Local Plan should provide 25% affordable housing and not 15% as stated in the application documents.
- The claimed environmental benefit of planting new woodland arises because of the loss of ancient woodland, as such this is not a benefit to the area. The replacement planting should be fully established before any developed is commenced, which would mean the new planting would need to be semi-mature stock.
- The development will place additional demand on scarce medical facilities in the area.
- This development would be unsustainable as it would have a high level of car dependency and place additional strain on infrastructure in the area, which would not be mitigated by the payment of developer contributions.

The Medway Countryside Forum objects to the development on the grounds that it

would result in the loss of part of an Area of Local Landscape Importance, which has the purpose of preventing the merging of Lords Wood with Hempstead. The loss of farmland will have an impact upon the farmland birds that occupy this site.

The Campaign to Protect Rural England object to the application on the grounds that: the site is not allocated for development and forms part of the important Capstone Valley green lung; the development would result in the loss of productive farmland; there would be an adverse affect upon the Hall Wood and Hook Wood sites of nature conservation interest; and there would be an increase in congestion in the area.

The Ramblers object on the grounds that the development will affect three public rights of way (RC27, RC28 and RC29), the enjoyment of which will not be enhanced by these proposals. This proposal will not assist the Council with the fulfilment of a green grid within Medway.

The Bredhurst Woodland Action Group has written commenting that the biodiversity value of the application site is high, with a number of at risk bird species, lesser spotted woodpecker, song thrush, and skylark, being present. The loss of the farmland would be detrimental to the area's wildlife. The proposed housing will be harmful to the landscape character and function of the Area of Local Landscape Importance, which amongst other things, has the purpose of preventing the coalescence of Lords Wood/Princes Park with Hempstead. This development would be an incongruous incursion into the countryside, which would detract from Bredhurst's character.

The roads in the area will be incapable of accommodating up to 900 extra vehicles and this development will lead to additional congestion in the area. It is unclear how residents would be stopped from making use of the secondary access onto Ham Lane to get to Hempstead and Maidstone. There is potential for byway RC29, which crosses the site, to be used by vehicles seeking to gain access from the site to Bredhurst, Hempstead, Rainham, Parkwood and Maidstone.

Kent Police's Crime Prevention Design Officer has advised that further details would be required to demonstrate compliance with Secured by Design. The Crime Prevention Design Officer has therefore recommended the imposition of a condition requiring the submission of crime prevention measures at the detailed design stage.

Tracey Crouch MP has written objecting to the application on the following grounds:

- Permitting development at Gibraltar Farm would create a precedent for other development to be permitted within the Capstone Valley. Capstone Valley serves as an important green lung between Chatham, Gillingham and Maidstone and this area should be retained.
- The development would detract from the wider area's visual amenity, including the fringes of the Kent Downs Area of Outstanding Natural Beauty. The presence of this development would impact upon the area's appreciation by users of the public footpaths in the area.
- A development of 450 dwellings would add to highway congestion in the area and it is not clear what, if any, highway improvements would be implemented

in connection with this development.

- The development will place additional burdens upon health and school infrastructure in the area. Although the applicants have indicated that they would be prepared to make Section 106 contributions to provide additional infrastructure in the area, it is unclear what infrastructure improvements could be made to alleviate the pressures that would arise from this scheme.
- The development would have a damaging impact upon nearby wildlife habitats and woodlands.
- This development would immediately adjoin the recently approved asbestos waste transfer station and it would be inappropriate to provide more housing in such close proximity to that facility.
- It would be more appropriate to provide housing on sites allocated for such development and on brownfield land.

295 letters of objection, from 285 respondents, have been received making the following comments:

- The development would result in the loss of farmland, while increasing the demand for more food to be produced.
- The development will result in the loss of open and unspoilt countryside that helps to reduce urban sprawl between Lords Wood, Hempstead and Bredhurst. This proposal would in particular narrow the gap between Lords Wood and Hempstead. If permitted this development would set a precedent for similar developments in the Lords Wood, Walderslade, Princes Park, Hempstead and Boxley areas, along the lines of the previously proposed Medway Magna scheme. The resulting visual appearance of the development will be incongruous in this rural location.
- The development of this site will impact upon the area's natural beauty and devalue the Capstone Country Park's significance to the area, with open arable farmland being the predominant landscape character feature. The boundaries to the urban areas of Lords Wood and Hempstead are well defined with the Capstone Valley acting as a green wedge between them, with the Elm Court complex being the exception to the valley's undeveloped character. The proposed development would not be a natural extension to the urban area, which is well contained. This development would have the opposite effect, with it encroaching into the countryside.

[Officer Comment: A number of the respondents refer to the application site being in an Area of Outstanding Natural Beauty (AONB) and the Green Belt. This site lies outside the designated Kent Downs AONB, although it is in an Area of Local Landscape Importance, designated under Policy BNE34 of the Medway Local Plan 2003. The application site, while being 'greenfield', is not within the Metropolitan Green Belt]

- The adverse visual impact of the development on the Capstone Valley Area of Local Landscape Importance will not be outweighed by the economic and social benefits arising from the provision of additional housing.
- The occupiers of Gibraltar Farm and Gibraltar Cottages will experience a major change to the area's visual appearance, with these properties being surrounded on three sides by a residential estate. The proposed woodland

planting belt should, at the very least, be extended as far as 1 and 2 Gibraltar Cottages to provide visual screening for the occupiers of those properties from the development.

- The southern and eastern boundaries to the site follow the boundary between Medway and Maidstone Councils' areas and if this proposal is permitted then it is likely that a similar proposal would be made to Maidstone Council for the land on the other side of the municipal boundary. The application proposals are peaceable and would do not amount to a sustainable urban expansion.
- Brownfield land should be developed ahead of building in the Capstone Valley.
- The Council's decision to approve 5,000 dwellings at Lodge Hill means that there is no justification for a development at Gibraltar Farm.
- This proposal will have an adverse effect upon wildlife in the area, by replacing farmland and woodland with built development. The loss of woodland will have particular implications for dormice, bats and farmland birds.
- The new planting proposed by the applicants will not compensate for the loss of the site's biodiversity value that would arise.
- This development would result in the site's loss as a recreational walking route.
- The development will place additional pressures upon medical (GP and hospital) and nursery, primary and secondary school capacity in the area.
- There is an inadequate provision of local shops to serve a development of this scale and occupiers of the development will drive rather than walk or ride to the shopping facilities that are available in Lords Wood, Princes Park and Hempstead Valley.
- The Police service does not have the capacity to meet the needs of existing residents of the area and this development would place additional burdens upon the Police service's limited resources.
- Water resources are scarce in the area and a development of this scale will place additional pressure on this limited supply.
- The area is subject to surface water flooding after periods of heavy rainfall and the development would exacerbate such problems. The site's topography and the reliance upon pumped foul drainage will increase the risk of ground water pollution in the area and mitigation measures are not specified in the application.
- The development will add to congestion on the local highway network, including the routes that provide access to the M2 and/or act as rat runs, and generate additional demand for bus services in the area. Journey to work commuting in the area would be increased, given that residents of the development would need to travel to their places of work. The development is likely to result in a 15-20% increase in traffic using North Dane Way and Albemarle Road, an increase that will have a significant adverse impact, which in turn increases the risk of accidents.
- The applicants contend that the operational overcapacity at the roundabout junction between North Dane Way and Princes Avenue for the baseline date of 2014 and five years post development is a product of modelling software that has been used and that with the application of a correction factor this junction is and would continue to operate within capacity. The applicants'

conclusions for the operation of the North Dane Way/Princes Avenue junction should be treated with caution.

- It is doubtful as to whether the operation of the development's travel plan will achieve the 10% reduced car usage target.
- Byway RC29, which is open to use by all traffic, runs through the application site and provides a link between North Dane Way and Ham lane, which could be more intensively used by vehicles if this development is permitted.
- The additional traffic generated by the development in such close proximity to the neighbouring children's play area and the Lords Wood Leisure Centre will have safety implications for users of those facilities.
- The speed limit on North Dane Way should not be reduced to 30mph as this road is designed to serve as a 'quick peripheral road'.
- The additional traffic generated by the development will affect the operation of the M2.
- To provide congestion relief in the area the scheme to extend North Dane Way to Gleaming Wood Drive should be implemented as part of this development.
- There is potential for the emergency/secondary access on Ham Lane to become a general access in and out of the new housing estate.
- Construction traffic will have an adverse effect upon the capacity of the local highway network and will cause disturbance to existing residents.
- The generation of additional traffic will increase air pollution in the area.
- The presence of 450 dwellings in the Capstone Valley would create noise and light pollution in the area.
- The presence of the proposed houses will result in the loss of privacy for adjoining residents.
- Gibraltar Farm was used as an anti-aircraft gun position during WW2 and it is possible that war time munitions remain on the site.
- The provision of affordable housing will result in anti-social behaviour in the area.
- The applicants should have been required to undertake and Environmental Impact Assessment.

A **petition** of 2,730 signatories has been received objecting to the development on the grounds that:

- There will be a loss of local beauty spots.
- Loss of farmland.
- Additional strain will be placed upon local schools and medical services.

Three **petitions** of 169 signatories, variously titled 'Against Development at Gibraltar Farm', have been received objecting to the development on the grounds that:

- There will be more pollution in the area.
- The local highway network does not have the capacity to accommodate the volume of traffic that would be generated, with the result that there will be an increase in road traffic accidents.
- The site is on the edge of the Area of Outstanding Natural Beauty and the development will harm the landscape character and appearance.

- The site forms part of a green lung, providing relief to the urban sprawl in the Medway Towns, and has been designated as an Area of Local Landscape Importance with the purpose of preventing Lords Wood, Hempstead and Bredhurst from coalescing with one another.
- The formation of the new estate road will result in the loss of ancient woodland.
- There will be a loss of wildlife habitat resulting in the loss of flora and fauna in the area.
- Unacceptable extra demand will be placed upon education and health care facilities in the area.
- The development will impact upon the water supply in the local area.
- Residents of the development would be at risk of being exposed to asbestos, given the proximity of the adjoining asbestos waste transfer station.
- The existing residents of the area will experience no benefits from the development.

One letter representation has been received neither expressing opposition nor support for the development.

One letter of support has received commenting that there is a need for housing, especially affordable housing, in the area.

Consultee responses further to the receipt of revised and/or additional information

The Environment Agency has advised it has no further comments to make in connection with the additional/revised information provided by the applicants.

Tracey Crouch MP has written reiterating her previously expressed concerns with respect to the loss of an area of green space; the impact on local wildlife; the additional demands upon local infrastructure; and the site's proximity to the asbestos waste transfer station.

Bredhurst Parish Council has written maintaining its objection to the application on the grounds of: the generation of unacceptable levels of traffic on inadequate roads, including commuting trips; the generation of pollution; and the pressure that will be placed upon local infrastructure and services.

The Hempstead Residents Association has written maintaining its objections to the proposal on the grounds that this scheme would be inappropriate and be in an unsustainable location. It is not accepted that shopping and leisure facilities are in easy walking distance of the site, given the absence of footways on the roads providing access to these facilities. Despite the applicants' submissions to the contrary there would be a high level of car dependency amongst occupiers of the development. J3 of the M2 will be unable to accommodate the additional traffic that will be generated by this development. While the advanced planting is to be welcomed that will not provide adequate mitigation against the scheme's visual impact.

While it recognised that additional housing needs to be provided within Medway this

should be in sustainable locations and this site would not provide any benefits to the immediate locality in terms of long term employment and would result in increased out commuting in the area. The social benefits arising from more housing would not outweigh the development's environmental harm in terms of the loss of countryside between Hempstead and Lords Wood.

Rural Planning Limited (acting as the Council's agricultural advisor) has written advising that while the applicants have submitted additional information about the agricultural land and quality of the application site, this information is dated, with the survey work having been undertaken in 2000, and is based upon four soil samples having been undertaken on a site, while the current approach to such surveys being to undertake one sample per hectare, i.e. 24 in this case. The Council's advisor remains concerned that the agricultural land quality of the application site has not been adequately assessed.

74 letters of objection have been received reiterating previously stated objections, as outlined above. These representations also raise the following additional matters:

- While the Transport Assessment states that the nearest bus stops would be within 400 metres of the site, when the distance is measured the walking distance would be 500 metres at the nearest point.
- The bus service frequency and bus stop locations quoted in the Transport Assessment are inaccurate.
- The additional traffic generated by the development will compound the congestion that occurs in and around junction 3 of the M2 at peak times, with the traffic signals already being unable to accommodate the volumes of traffic passing through this junction with the result that this interchange becomes locked.
- A fuller safety assessment should be undertaken for the whole of North Dane Way, Albemarle Road, Clandon Road, Gleaming Wood Drive, Lords Wood Lane and Walderslade Woods Road.
- The proposed improvement to the Lords Wood Lane/Gleaming Wood Drive junction is inadequate and will not be able to accommodate the high proportion of commercial vehicles using this junction. Additional width is therefore required along with a central refuge. The alterations currently proposed would leave this junction less safe for pedestrian and cyclists compared with the prevailing situation.
- The proposed priority junction between North Dane Way and Albemarle Road would be less safe than the provision of a roundabout.
- The provision of one main access route is unsatisfactory; a development of this scale needs at least two access points.
- The use of the main access off North Dane Way will create security concerns for the occupiers of existing properties in the area.

Development Plan

The Development plan for the area comprises the Medway Local Plan 2003. The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 (NPPF) and are considered to conform.

The Developer Contributions Guide 2012 is a relevant Supplementary Planning Document (SPD). Medway Landscape Character Assessment 2011 (MLCA) is also a material planning consideration with Paragraph 170 of the NPPF encouraging the production of Landscape Character Assessments and the Minister of State for Housing and Planning in correspondence with the Planning Inspectorate on 27 March 2015 reaffirmed the importance of taking into ‘... the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside – to ensure that development is suitable for the local context’. The MLCA is therefore considered to be NPPF compliant and to carry significant weight in the determination of this application.

Planning Appraisal

Housing Supply Position

Paragraph 47 of the NPPF states that local planning authorities “*should boost significantly the supply of housing*” and as such are required to “*identify and update annually the supply of deliverable sites sufficient to provide five years worth of housing against their housing requirement*”. For any particular site to be treated as contributing to the deliverable supply it should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable.

The Council's 2013/14 Annual Monitoring Report (AMR) was published in December 2014. The AMR includes a ‘housing land trajectory’ which identifies the expected delivery rate for additional housing across a number of years within the Council's area. On the basis of the anticipated trajectory at the end of 2014, Medway's housing land supply was calculated to be equivalent to 5.4 years. It should however be noted that supply figure includes a contribution being made by the new settlement at Lodge Hill, a development that is subject to a committee resolution for approval made on 4 September 2014. The AMR based on the September 2014 committee resolution envisaged that dwellings at Lodge Hill would start to become available for occupation in 2016/17, i.e. year three of the current five year housing supply period.

However further to the AMR's publication the Secretary of State has called the Lodge Hill application in for his determination (the call-in) following the holding of a public inquiry which is scheduled to last 7 weeks and will open in June 2016. Presuming that the Secretary of State grants planning permission it is inevitable that start for any development at Lodge Hill will be delayed, allowing for the time that will elapse: in the lead into the inquiry; during its sitting period; and in post inquiry period when the Inspector will have to prepare and submit a report and the Secretary of State will arrive at a decision. Consequently the earliest delivery of housing at Lodge Hill will be beyond 2016/17.

In addition it is to be noted that the Government published new household projection data in February 2015. This data anticipates a higher than previously expected household formation rate in Medway in the period through to 2037. While the household projections will need to be reviewed, it is likely that their application will

yield a higher housing requirement within the Council's area than had previously been anticipated.

The effect of the Lodge Hill call-in and the availability of the new household protection data is that the housing supply calculations underlying the 5.4 year figure set out in the AMR can no longer be relied upon. Pending a full review of the situation the Council cannot assume that it will be able to successfully demonstrate that within Medway there is a currently available five year housing supply in respect of housing refusals that become subject to planning appeals.

In light of the above it is important to understand the implications of being unable to demonstrate five-years housing land supply by referring to paragraphs 49 and 14 of the NPPF.

Paragraph 49 states “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*”.

Paragraph 14 requires that “*where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: 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 ...*”.

Taking the above factors into account, for the purposes of the consideration of this application it should be accepted that the Council cannot currently demonstrate the availability of a five year housing land supply within its area. Paragraph 49 of the NPPF is therefore engaged in this case and therefore under paragraph 14 of the NPPF it is necessary to make an assessment as to whether this development is sustainable, having regard to the definition of sustainability contained in the national policy, i.e. the contents of paragraphs 6 to 7 and 18 to 219 of the NPPF and if the development is deemed to be sustainable to undertake a balancing exercise in respect of the adverse impacts and the benefits, with the refusal of permission only being justified if the adverse impacts would significantly and demonstrably outweigh the benefits of the scheme.

This balancing exercise is set out later in this report.

Policy BNE25 (protection of the countryside) identifies boundaries between built up areas (towns and villages) and the open countryside and addresses the safeguarding of the character and appearance of the countryside. Policy BNE25 is considered to be out of date in so far as it relates to housing land supply and settlement boundaries but is consistent with the NPPF and in particular the fifth core planning principle of paragraph 17 which recognises the intrinsic character and beauty of the countryside.

Landscape and Urban Design

Landscape

The application site lies beyond the built confines for Lords Wood and Hempstead, as identified on the Local Plan's Proposals Map, and is therefore within the countryside, which at this point is also designated as being within the Capstone, Darland and Elm Court Area of Local Landscape Importance (the ALLI). The site is in use as arable farmland. The proposed development in terms of its landscape and visual impact therefore falls to be assessed against the provisions of Policies BNE25 and BNE34 of the Local Plan. The application site is located approximately 1.2 Km to the north of the north boundary (the M2 corridor) of the North Downs Area of Outstanding Natural Beauty (the AONB). While this site lies outside the AONB it is considered to form a part of its wider setting and it will be noted from the representations made by the Kent Downs AONB Unit that the unit considers that the southern part of the Capstone Valley forms a 'gateway' to the AONB. It should be noted that for the purposes of saved Policy ENV35 of the Maidstone Borough Wide Local Plan 2000, the farmland immediately to the east of the application site is also within an ALLI - the Darland and Lidsing ALLI.

The Local Plan describes the ALLI as a "*substantial tract of undeveloped land extending from the North Downs as a green wedge into the heart of the urban area*". The function of this ALLI is identified as being a "*particularly attractive and important landscape feature defining the urban areas, and preventing coalescence of Lords Wood/Princes Park and Hempstead. ... Provides rural landscape in close proximity to the urban area, bring the countryside into the town. ... Contributes to the setting of the Kent Downs AONB to the south of the M2 motorway*".

For the purposes of the Medway Landscape Character Assessment (MLCA) the application site forms part of the Elm Court local landscape character area, while the Sharstead Farm local landscape character type lies immediately to the north of the site, which includes the Gibraltar Farm complex. The aforementioned local character areas comprise two of the seven areas that constitute the Capstone and Horsted Valleys character area, one of six principal character areas for the MLCA's purposes. The MLCA identifies the Capstone Valley as having two distinctive landscape types: dramatic scarp and valleys to the north; and softer rolling open plateau landscape to the centre; and two valleys bounding the central plateau to the east and west. The Capstone Valley is viewed as forming a green wedge linking the urban communities into the wider countryside and the Kent Downs. The wider Capstone Valley is identified as providing a valuable semi-rural open space in close proximity to the densely populated areas and its presence serves to avoid the coalescence of Lords Wood/Prince Park with Hempstead. The southern part of this valley is characterised by larger arable fields. The high biodiversity value of the woodland areas, combined with the chalk scarps, provide wildlife corridors in the area. Throughout the Capstone Valley there is a distinctive rural character and a strong sense of coherence, despite the proximity of the urban areas to the east and west. Within the wider Capstone Valley the MLCA identifies as detracting characteristics, amongst other things, narrow lanes with heavy rat running traffic and poor pedestrian and cycle accessibility.

The MLCA goes onto indicate that within the wider Capstone Valley, amongst other things, the principle issues for the landscape are: the increasing development pressure from the expansion of the urban areas; the pressure from traffic on the narrow lane road system and the need to relieve that pressure; and the protection of views and openness within the landscape.

The character of the Elm Court local landscape character area typifies the wider Capstone Valley and includes gently undulating arable farmland, an indistinct field pattern with weak hedgerow structure and limited landform containment. The MLCA within this character area: discourages new development that would not respect or would be harmful to the area's rural character; promotes improvements to biodiversity and the strengthening of landscape character by breaking up the monotony of the open farmland with new woodland and hedgerow planting; and the management of urban fringe activities and the control of matters such as vehicle speeds and fly tipping.

The application site essentially comprises a single arable field, with woodland, Hall Wood, where it adjoins the North Dane Way spur road. The site's eastern boundary is entirely open, being in the middle of a much larger arable field, with this boundary following the administrative boundary between Maidstone Borough Council and Medway' Council's area. There is therefore no landscape feature that has determined the extent of the application site along its eastern side. The applicant's own analysis of the woodland that was historically prevalent in the Lords Wood area shows that as far back as 1860 there was no woodland along the site's eastern boundary.

The application places high reliance upon the provision of buffer woodland planting to allow for the development's integration into the local landscape. However, the LVIA unsurprisingly refers to this new woodland fulfilling a filtering role rather than a full screening function, i.e. this planting would soften the development's appearance, but not provide full visual mitigation.

While the MLCA recognises the Elm Court Character Area as being in a poor condition, it is sensitive to change and the site's character and appearance is typical of the area and is of value because it provides visual relief between the neighbouring residential areas in Lords Wood and Hempstead.

A 'Landscape and Visual Impact Assessment' (LVIA) has been submitted with the application, and the LVIA uses ten viewpoints to evaluate the development's impact within the surrounding landscape. The LVIA recognises that significant visual impacts will arise for seven of the assessed viewpoints. However, the applicants' landscape consultant considers that because of the site's limited visibility in the wider landscape there are a disproportionate number of close distance views for the site, resulting in an elevated significance of impact being identified. While it is accepted that the significance of the development's visual impact is being affected by the number of close at hand viewpoints that will be affected, a significant impact will nevertheless arise and this will be something that those with visibility of the site (receptors) will experience.

It is submitted for the applicants that the provision of woodland and amenity planting

will enhance the character of the surrounding settlements, i.e. introduce a more wooded appearance in keeping with the tree planting in Lords Wood. It is argued that as the mitigating woodland planting matures the significance of the visual impact from the most affected viewpoints will reduce from major/moderate to moderate/minor over a 15 year period. This of itself is not a justification for allowing development on this site, with the primary purpose of the new tree screen planting being to reduce the development's visual impact. It is of note that the applicants' landscape consultant refers to the proposed woodland belt providing 'visual filtering', as opposed to full screening, and the effectiveness of this filtering would in any event be wholly reliant upon the efficacy of the planting along the northern and southern boundaries to the site.

In this area the MLCA promotes the introduction of appropriately sited blocks of woodland to reflect and reinforce local character, namely one of an open plateaux landscape, and as such the proposed development would not result in the restoration of the landscape. Given the lack of evidence of woodland along the site's eastern boundary, it is considered that a more appropriate restoration approach would be to undertake hedge planting. However, hedgerow planting would not provide satisfactory visual mitigation for a development of this scale. It is considered that the proposed woodland buffer would represent a false feature within the local landscape context, which at best would only provide visual filtering for the development.

The effectiveness of the new woodland buffer may also be threatened by any tension between the need for it to be retained and its implications upon the living conditions for the occupiers of dwellings that might adjoin it. This woodland belt could potentially lie to the east and south of dwellings and its height and depth could therefore affect the receipt of light into interiors or garden areas and/or cast shadows. There is therefore potential in time for residents to seek to remove trees forming parts of the buffer which would diminish its effectiveness.

Taking into consideration the findings of the submitted LVIA it is considered that the proposed development will not protect or enhance the local landscape, by replacing agricultural activity with built development, which would be at odds with the MLCA's objective of discouraging new development that would be disrespectful of the area's rural character, which the Kent Downs AONB Unit considers to form part of the gateway in and out of the AONB. While it is accepted that it should be possible to provide a high quality urban landscape within the development, that is something of itself which would not do anything to address the incursion of built development into what is currently open countryside.

This development would not result in the reinforcement of rural characteristics in the area. Rather it would lead to further urbanisation, which would be at odds with the primary function of this ALLI's designation, namely preventing the coalescence of Lords Wood/Princes Park and Hempstead, with the gap between those urban areas being significantly narrowed. It is therefore considered that this proposal would be harmful to the ALLI's appearance and function and thus contrary to the objectives of Policy BNE34 of the Local Plan and the guidance set out in paragraph 109 of the NPPF, which states that the planning system should "contribute to and enhance the natural and local environment by protecting and enhancing valued local landscapes".

While the development would have social and economic benefits arising from the provision of additional housing those are not considered to be sufficient to outweigh the harm to the ALLI's function and appearance at this point and therefore do not make this development acceptable under Policy BNE34's second criterion. Given the harm that would arise to the ALLI's appearance there would also be conflict with criterion (i) of Policy BNE25 of the Local, insofar as the countryside's character and functioning would neither be maintained nor enhanced. The proposal would also be contrary to Policy S4 in that it would be harmful to the important landscape quality of the area as identified in the MLCA.

Urban Design

The application has been made in outline form and the illustrative masterplan only shows an indicative layout and details of how the proposed dwellings would sit in the site's landform, one which generally slopes downward from south to north. The applicants have submitted some indicative cross sections to show that it is intended that the levels of the houses and roads within the development would follow the established topography of the area.

The submitted masterplan only shows blocks of developed separated by an internal road layout, together with areas of open space, amenity planting and a woodland buffer strip along the south eastern boundary. The masterplan does not therefore provide a full demonstration that 'up to 450' dwellings could be accommodated within the site in an acceptable manner. However, it is considered, with careful consideration to the layout and heights of buildings that it would be possible to produce a layout at the detailed design stage that would be acceptable in urban design terms, i.e. provide an acceptable internal built environment, which could be capable of accommodating up to 450 dwellings..

Accordingly under these circumstances no objection is raised to the application under the provisions of Policy BNE1 of the Local Plan and the parts of the Framework that address design, most particularly paragraphs 17 (the fourth core planning principle – securing a high quality of design), 56, 57, 58 and 61.

Trees

The application as originally submitted proposed the formation of a vehicular access towards the northern end of the North Dane Way spur road. The formation of that access would have involved some tree removal within Hall Wood, an area of ancient woodland, which while being unmanaged, is in a favourable condition. The tree loss associated with the originally proposed access arrangements would have been of concern. With the revisions to the access arrangements that have been made, with there now being a sole point of access off the spur road at its southern extremity, there is no longer a concern about the development's direct impact upon the ancient woodland with the area impacted upon being 0.13 hectares at a maximum, with some of this area being immature growth which has established itself between the confines of Hall Wood and the carriageway of the unused spur road.

As mitigation for the loss of ancient woodland that would arise from the development,

the applicants have indicated a willingness to implement a woodland management plan for Hall Wood to enhance its biodiversity value. The implementation of such a plan could be secured through the imposition of a planning condition. It is further submitted that the planting of the eastern tree belt would provide compensatory habitat for any fauna, potentially dormice, displaced from any lost ancient woodland.

Paragraph 118 of the NPPF advises that permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland, unless the need for and the benefits of the development in that location would outweigh the loss. In this case the loss of ancient woodland would be of a minor scale and it is considered that the proposed mitigation together with the economic and social benefits arising from the provision of new housing would be benefits that would outweigh the loss woodland for the purposes of paragraph 118 of the NPPF.

The application is accompanied by an arboricultural report prepared in accordance with the relevant British Standard. As is to be expected with a tract of arable farmland such as this, the trees within this site are found along its perimeters and are interspersed with hedgerows. The development would therefore have a limited impact upon established trees in the area.

Given the aforementioned considerations no objection is raised to the development's effect upon trees, having regard to the provisions of Policy BNE43 of the Local Plan.

Agricultural Land

Of the 24 hectares or so that comprise the application site, on the basis of the soil quality assessment undertaken on the applicants' behalf in 2000, around half of the site area has been classified as being within grade 3a of the agricultural land classification (ALC) system, while the other half is grade 3b. In this respect it is to be noted that the Council's agricultural advisor has concerns about reliability of the ACL information that has been submitted, given its age and its reliance upon four samples which may under estimate the land's quality..

Within ALC system, land within grades 1, 2 and 3 is classed as being 'best and most versatile' (BMV) agricultural land, while grades 3b, 4 and 5 are recognised as being of a lower quality. The proposed development would therefore result in the loss of around 12 hectares of BMV agricultural land.

With respect to the retention or loss of agricultural land the NPPF states:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality” (paragraph 112).

Policy BNE48 (Agricultural Land) of the Local Plan is not subject to the Development Plan saving direction issued by the Secretary of State in September 2007 and accordingly is therefore not a material consideration for the determination of this

application.

The proposed development would result in the loss of 12 hectares or so of BVM agricultural land. However, given that the affected land comes within the lowest spectrum of BVM, i.e. the lowest of the grades of the land considered to be the most productive within the UK, it is considered that for the purposes of paragraph 112 of the NPPF that in this case the loss of BVM land is unlikely to be significant, a situation that is not comparable with the circumstances applicable to the Otterham Quay Lane site (subject to application MC/15/0761) where the land in question is grade 1. Accordingly it is considered that the loss of agricultural land in this instance would not conflict with the objectives of the NPPF and is therefore unobjectionable.

Ecology

Implications for the Medway Estuary and Marshes SPA, SSSI and Ramsar with Appropriate assessment under the Habitat Regulations

The application site lies essentially 6.0 Km to the south of the Medway Estuary and Marshes SPA, SSSI and Ramsar site, albeit only a very small part of the area covered by internationally and nationally designated nature conservation sites lies within the 'as the crow flies' 6.0 Km radius. However, the travel distance by road between the application site and the designated sites ranges between 10.4 and 14.4 Km. The potential for the proposed development to cause recreational disturbance within the designated area (indirect impacts) as a consequence of the occupiers of the development visiting it is considered to be very small. This is because dog walkers, likely to be the most significant recreational impact for the designated sites, could reasonably be expected to use Capstone Country Park ahead of Gillingham Riverside, given the comparative levels of accessibility.

Accordingly in this instance it is considered there is no requirement for the Council, in its capacity as planning authority, and thus the competent authority, to undertake a Habitat Regulations Assessment (Appropriate Assessment), under The Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations). No objection is therefore raised to the proposed development under the provisions of Policy BNE35 of the Local Plan, which seeks to protect internationally and nationally designated wildlife sites.

Protected Species

Limited survey work has been undertaken for the presence of breeding farmland birds and dormice, the fauna most affected by the proposed development given the habitat available on site.

With respect to dormice only the edge of the woodland was surveyed, however with the changes to the access arrangements the implications for the woodland on site and thus dormice is much less significant.

Subject to the imposition of appropriate conditions relating to the safeguarding and enhancement of habitat suitable for reptiles and bats the proposed development therefore raises no issues relating to protected species and it is therefore no conflict

with the provisions of Policies BNE37 or BNE39 of the Local Plan.

Living (Amenity) considerations for existing and prospective residents

While the application site lies beyond a large number of dwellings at the south eastern extremity of Lords Wood, the development, in part, would be screened by mature woodland (Hall Wood) and new on-site planting. It is therefore considered that the outlook from these adjoining neighbouring would not be unacceptably harmed.

The situation for the properties in and around Gibraltar Farm at the northern end of the application site would be very different, with the outlook for the occupiers of these properties being significantly altered. However, it must be borne in mind that a comparatively small number of properties would be affected and only indicative new planting details have been submitted at this stage. It would therefore be possible to secure additional planting at the reserved matters stage, which would in the fullness of time be capable of providing greater visual mitigation for the occupiers of the properties in and around Gibraltar Farm, so that a less harmful impact upon the outlook for the occupiers of these properties would be achieved.

Although the detailed layout for this development has been reserved for future consideration it is considered that this site could be developed in a manner to safeguard the living conditions (privacy, receipt of light, noise disturbance etc) for the occupiers of all of the dwellings surrounding the application site. The likely separation distances between the existing properties and those within the development would be such that it is considered that there would similarly be no adverse effect upon the living conditions for the occupiers of the existing dwellings in terms of privacy, receipt of light, noise disturbance.

The construction phase for this development has the potential to cause noise and disturbance and dust generation. However, these impacts which could be mitigated by the adoption of neighbourly construction practices. These are matters which could be addressed through the implementation of a code of construction practice, something which could be controlled through the imposition of an appropriately worded planning condition.

With respect to the living conditions of existing residents it is considered that this development could proceed in a manner that would not be unacceptable. Accordingly no objection is raised to the proposed development under the provisions of policy BNE2 of the Medway Local Plan 2003.

Highways and Transportation

Traffic Impact – Motorway

The impact of the development on Junction 3 of the M2 is also considered, with the Transport Assessment identifying around 85 vehicle trips that would be added to the junction during each peak period. The operation of Junction 3 is the responsibility of the Highways England, which would need to satisfy itself that this impact would be acceptable, or to request mitigation measures.

At the level of the operation of the strategic highway network, i.e. the M2, Highways England (HE - formerly the Highways Agency), HE has raised a concern about the development's operation on junction 3 of the M2 (Bridgewood). Further discussion is ongoing with HE and will be reported at the Committee meeting.

Traffic Impact – Non M2

The Transport Assessment submitted with the application uses the TRICS database to estimate that this development would generate up to 284 vehicle trips during each peak period. Over a 12 hour period, each dwelling is likely to generate around 5 vehicle trips and 2 non-car trips. Census data suggests that development traffic will distribute fairly evenly on to the adjoining local network, with marginally more trips heading to the north. The Transport Assessment uses this distribution pattern to assess the impact of development traffic on six junctions in the area, comparing the baseline situation in 2014 (supported by traffic survey data) with the predicted performance of the junctions in 2019 when development flows are added. The development is predicted to add up to around 130 vehicles to the local junctions in the vicinity of the site during the AM peak hour and up to around 150 vehicles during the evening peak. Capacity assessments demonstrate that all existing junctions in the study area currently operating within their theoretical capacity, with minimal vehicle queues on the approaches. Whilst the development would increase traffic at these junctions, they are expected to continue to operate within their capacity.

The Transport Assessment identifies a capacity constraint at the Gleaning Wood Drive's junction with Lords Wood Lane, where traffic waiting to turn right in to the minor arm currently impedes traffic wishing to travel straight on. In order to address this, the application proposes to adjust the width of the main arm in order to allow vehicles to pass on the nearside of traffic waiting to turn right. This junction is the responsibility of Kent Highways, however, and its agreement to this junction alteration would need to be sought.

The Transport Assessment also undertakes an analysis of road traffic accidents in the vicinity of the site. Whilst many of the roads act as 'local distributors' and have little frontage development, their safety record is good and typical of a suburban residential area. The Council's Integrated Transport Team has not identified any roads in the vicinity of the site as candidates for accident investigation or road safety improvement schemes.

In light of the above, it is considered that the proposed development would not prejudice conditions of highway safety or capacity on the local highway network that falls under the jurisdiction of Medway Council, and therefore no objection is raised in respect of Policy T1 of the Medway Local Plan.

Vehicular Access

The application in its amended form proposes to open and refurbish the North Dane Way spur road, which would form a continuation of North Dane Way. The existing right-turn arrangements for Albemarle Road would remain. Whilst northbound flows from the development would have priority, the volume of traffic would be relatively

modest and the right-turn lane would have sufficient storage space. Notwithstanding this, the development would introduce additional traffic on to a road where vehicle speeds are generally above 30mph. It is therefore considered appropriate for a speed limit review to be undertaken on the approach to the spur road and the junction with Albemarle Road, with a view to reducing the limit and introducing supporting measures to create a 'gateway' in to the residential area.

If the application is approved, it is recommended that further details of the highway amendments be secured by planning condition. This should include:

- Amendments to the North Dane Way spur road and its connection with the existing North Dane Way, including facilities for pedestrian and cyclists, new hard and soft landscaping, street lighting and speed reduction measures.
- An amendment to the existing speed limit on North Dane Way, with appropriate supporting infrastructure to introduce a 'gateway' in to the residential area
- The provision of a shared footway/cycleway on the northern side of North Dane Way, to link the development site with the Lords Wood Leisure Centre, and associated improvements to the street lighting

The site boundary also runs alongside a section of Ham Lane, which is a narrow, lightly trafficked rural road to the north of the development site. The application proposes a secondary access onto Ham Lane for use by pedestrians, cyclists and emergency vehicles (should such a need arise). As a result, the application has not undertaken an assessment of the ability of Ham Lane to accommodate additional traffic. The use of the Ham Lane access as a secondary means of access to the development would need to be controlled by means of the imposition of a planning condition attached to any forthcoming planning permission.

The applicants contend, in the light of the application site's consideration as part of the Strategic Land Availability Assessment (November 2015) (the SLAA), that the Council would not object to the proposed development being accessed via Ham Lane. It is stated in the SLAA assessment for this site that:

'It is likely that a suitable vehicular access could be created on to Ham Lane, which is directly adjacent to the site. Notwithstanding the above, the suitability of the prospective access would need to be further investigated through the Development Management Process'.

Ham Lane is a narrow country lane and in its current form it could not accommodate, in a safe and efficient manner, the day to day volumes of traffic that would be generated by a development of this scale. While it would no doubt be possible to re-engineer Ham Lane to an appropriate highway standard, such works would completely change this lane's character and appearance and would of themselves be harmful to the appearance of the ALLI. It is therefore considered that Ham Lane would not provide a suitable alternative to the development's intended primary access via the North Dane Way spur. The SLAA is a high level site assessment mechanism and its conclusions on site access should not be seen as being binding upon the consideration of this planning application.

Pedestrian/Cycle Access

Facilities for pedestrians and cyclists in the vicinity of the site are good, with a combined footway/cycleway along the southern side of North Dane Way and the eastern side of Albemarle Road and footways on the northern side of North Dane Way and the western side of Albemarle Road. In order to provide a direct off-carriageway link between the development site and the Lords Wood Leisure Centre, it is considered that the existing footway on the northern side of North Dane Way should be widened to between 2.5 metres and 3 metres, in order for it to function as a shared facility. This could be covered by a Section 106 Agreement obligation or a Giampian condition, with the works being subject to a Section 278 agreement under the Highways Act.

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

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

Public Transport

The site is reasonably well served by public transport, with bus stops on Albemarle road and Clandon Road approximately 200 metres from the western end of the development site. The Transport Assessment indicates that the completed development would be served by a loop road suitable for bus use. The provision of on-site public transport infrastructure, comprising bus stops and shelters, could be secured at the reserved matters stage. The Transport Assessment estimates that the development would generate around 80 trips by public transport over a 12 hour period. It is therefore considered appropriate for the existing bus services to be improved to accommodate the additional demand generated by the development and promote sustainable transport in accordance with the NPPF. A contribution of £201,843 has been requested and this would fund the changing of hourly weekday evening and Sunday services to half hourly services. This contribution would also fund in part the diversion of bus services into the application site.

Subject to the aforementioned public transport contribution being secured, the application is considered acceptable with respect to the objectives of Policy T6 of the Local Plan, which envisages that developments of sufficient scale will make provision for access by public transport. Policy T6 is consistent with paragraph 35 of the NPPF.

Air Quality

Policy BNE24 of the Local Plan states that "Development will not be permitted when it is considered that unacceptable effects will be imposed on the health, amenity or natural environment of the surrounding area, taking into account the cumulative

effects of other proposed or existing sources of air pollution in the vicinity”. Policy BNE24 is considered to accord with the guidance set out in paragraph 109 of the NPPF.

Having regard to the siting of the development and its scale, this is a proposal which has been assessed as having no adverse air quality implications in the area. Accordingly no objection is raised to the application under the provisions of Policy BNE24 of the Local Plan.

Land Contamination

The application is accompanied by an environmental and geotechnical site investigation report, informed by a desk top study, intrusive site investigations and the chemical analysis of the soil samples that were collected.

On the available evidence there is nothing to suggest that any on-site contamination could not be satisfactorily addressed through the imposition of the normal range of contamination conditions. On this basis it is considered that the development would accord with the provisions of Policy BNE23 of the local Plan.

Archaeology

A desk top assessment of the application site's archaeological significance has been undertaken by the applicant and this assessment has identified that there are no designated archaeological (heritage) assets on the site or within its immediate vicinity. In relation to the potential for as yet to be discovered assets to be found, the site is of a scale for which there is a potential for some archaeological finds arise during the course of the construction works. This is a matter that could be addressed by an archaeological watching brief type condition.

Accordingly no objection is raised under the provisions of Policy BNE21 of the Local Plan.

Section 106 Matters

New development can create additional demand for local services, especially where residential development is proposed where this causes demand on educational facilities, green infrastructure and health provision. Policy S6 of the Local Plan states conditions and/or legal agreements should be used to make provision for such needs.

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a S106 agreement) may only be taken in to account if the obligation is:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary,

acceptable and are fairly and reasonably related in scale and kind.

Having regard to the above mentioned tests for seeking section 106 obligations the following obligations would be necessary were this development to be permitted.

Affordable Housing

In terms of affordable homes, Policy H3 of the Local Plan seeks, in the urban area, to secure 25% of all new development, over 25 residential units or 1 ha in size, as affordable homes. For a development of up to 450 dwellings the affordable housing requirement would amount to up to 113 dwellings, a level which the applicant is agreeable to providing.

Children's Services (schools)

Children's service (schools) advise that the additional demand placed upon nursery primary and secondary schools in the area could be accommodated by extending Lords Wood Primary Academy and/or St RC Benedicts School and the Walderlade Girls and Greenacre Boys schools.

Assuming that: the split between houses and flats would be of the order of 90/10%; and amongst the flats the split between one and two bedroom units would be of the order of 40/60%, applying the formulae in the Developer Contributions Guide, the applicants have agreed to contributions of: up to £377,395 towards the provision of nursery school facilities in the locality; up to £930,010 towards the improvement of primary school facilities in the locality; and up to £919,269 towards the improvement of secondary school facilities in the locality.

Public Transport Enhancements

The area within the vicinity of application site is served by bus services that run days a week and into the evening periods. These services operate hourly into the evening period and on Sundays and as this development has been assessed generating additional demand for bus usage, contributions that would improve the service frequencies to half hourly in the evenings and on Sundays have been requested.

The contributions sought would be equivalent to the subsidies paid by the Council over a five year period to the operators to assist with the delivery of the existing hourly evening and Sunday services. The contributions that would be secured by planning obligation would amount to £140,150 for the evening services and £39,600 for the Sunday service.

An additional bus service diversion contribution of £22,093 has also been requested and this contribution would assist with incentivising bus operators to divert their routes so that they would provide direct access to the site, rather than requiring residents of the development to make use of existing bus stops in the area.

Open Spaces

While if approved, provision of open space on site would be conditioned, this will not

address all open space matters, particularly regarding formal sports provision. An update on the required contributions will be provided at the Committee meeting

Community Centres and Neighbourhood Facilities

A contribution towards the provision of enhanced youth facilities, libraries and community centres of £61,520 has been requested.

Waste and Recycling

To ensure that adequate on-site waste bin provision is made and to enhance the capacity of waste recycling points in the area a contribution of £70,087 has been requested.

Health Care Facilities

NHS Property Services, based upon a occupancy rate of 2.45 persons per dwelling and a per capita charge of £191.00, has requested a contribution of £210,577 for primary care capacity improvements in the area.

The applicants have confirmed they consider the financial requests acceptable. As such if the application was deemed acceptable there would be a requirement for the applicant to enter into a Section 106 to secure the provision of financial contributions. Accordingly no objection is raised to the proposal under Policy S6 of the Medway Local Plan 2003.

Presumption in Favour of Sustainable Development and the Planning Balance

As explained at the outset of this appraisal the ‘presumption of sustainable development’, set out at paragraph 14 of the NPPF, states that when a development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless “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; or specific policies in this Framework indicate development should be restricted”. The presumption in favour of sustainable development does not apply if it is considered that the benefits arising from a proposed development are “significantly and demonstrably” outweighed by its adverse impacts.

The NPPF at paragraph 7 advises that there are three dimensions to sustainable development, expressed as the economic, social and environmental roles. Under the economic role the planning system should contribute to building a strong, responsive and competitive economy, by ensuring sufficient land of the right type is available in the right places and the right time to support growth. Under the social role strong, vibrant and healthy communities should be supported by: providing the supply of housing required to meet the needs of present and future generations; and creating a high quality built environment, with accessible local services. Under the environmental role the contribution should be towards protecting and enhancing the natural, built and historic environment and to do this, amongst other things, natural resources should be used prudently.

Social Dimension

The proposed development would contribute to the social dimension of sustainable development in making provision for additional market and affordable housing within the Council's area. The provision of up to 450 dwellings is therefore matter which should be afforded considerable weight in the determination of this application.

Economic Dimension

With respect to the economic dimension there would also be some dis-benefits arising from the loss of productive agricultural land. In economic terms there would be some advantage to the development arising from employment associated with the construction activity, albeit that would not be permanent and can therefore only be afforded limited positive weight. There would also be some benefit arising from additional household expenditure, albeit some of this would be diluted by the fact that in all probability some occupiers of the development would already be resident in Medway and would therefore move from one part of the local economy to another.

On balance it is considered that the development's economic advantages would outweigh the disadvantages arising from the loss of productive agricultural land.

Environmental Dimension

As outlined above the significant and demonstrable adverse environmental impacts would arise with harm being caused to the character and appearance of the Capstone, Darland and Elm Court ALLI and the general countryside at this point. There would therefore be adverse environmental impacts contrary to:

- the NPPF's objectives, insofar as they seek to secure the provision of well designed development that is respectful of its context, policy objectives which are highlighted most particularly in the fifth core planning principle (paragraph 17), paragraph 109 and section 7 of the NPPF; and
- the objectives of Policies S4, BNE25 and BNE34 of the Local Plan.

Notwithstanding the current five year housing land supply position within the Council's area, it is considered that the environmental harm arising from this proposal outweighs its social and economic benefits and that this development would therefore not be sustainable. It is thereby recommended that the application be refused on the grounds that it fails to comply with presumption in favour of sustainable development.

Conclusions and Reasons for Refusal

While this development would make a contribution towards meeting housing needs in Medway and generate some economic benefits, it is considered that those benefits would be outweighed by the significant and demonstrable adverse environmental impact arising from the scheme, namely:

- The development by changing the site from open, productive, arable farmland

to a residential estate would have an urbanising effect which would be harmful to character and appearance of the Capstone, Darland and Elm Court ALLI.

In the light of the identified environmental harm that would arise from this proposal it is considered that this development would be unsustainable and that the presumption in favour of sustainable development does not apply. The application is accordingly recommended for refusal.

The application is being reported to Planning Committee for determination due to its scale and sensitivity and the complexity of the determining issues, which merit consideration, assessment and appropriate balancing by the Planning Committee rather than officers.

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://publicaccess.medway.gov.uk/online-applications/>

APPENDIX 2

MC/18/0556 Committee Report

MC/18/0556

Date Received: 16 February 2018

Location: Gibraltar Farm Ham Lane Hempstead Gillingham

Proposal: Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space (Renewal of Planning Permission MC/14/2395)

Applicant Messrs. KD, JC & MC Attwood

Agent Hume Planning Consultancy Ltd. Innovation House
Discovery Park
Innovation Way
Sandwich
CT13 9ND

Ward: Lordswood And Capstone Ward

Case Officer: Majid Harouni

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 6th June 2018.

Recommendation - Approval subject to;

A. The applicants entering into agreement under Section 106 of the Town and Country Planning Act to ensure:

- i. a minimum of 25% affordable housing equating to 112 dwellings.
- ii. £411,840.00 towards Nursery provision
- iii. £1,010,880.00 towards primary education
- iv. £1,022,580.00 towards secondary education
- v. £269,100.00 towards Sixth Form

- vi. £73,514.08 toward waste and recycling
- vii. £305,760.04 towards Open space (sports, allotment and park improvement)
- viii. £56,227.5 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- ix. £35,653.00 towards improvement and new wearing course for PROW R24, RC25 and RC29
- x. £212,133.32 towards public transport (measures to improve evening service, Sunday service and diversion).
- xi. £221,312.60 toward the improvement of local doctor surgeries.
- xii. £108,374.50 (£239.61 per dwelling plus £550 monitoring costs toward Habitats Regulations (mitigation against Wintering Birds)
- xiii. £64,655.88 towards community facilities.

B. And the following conditions:-

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins except that authorised by condition 4 below and the development shall be carried out as approved.

Reason for the condition: As required to be imposed by Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission. The development hereby permitted shall begin not later than 12 months from the date of approval of the last of the reserved matters to be approved.

Reason for the condition: For the avoidance of doubt and to ensure the satisfactory and prompt development of the site.

- 3 No development shall take place until a scheme of phasing for the dwellings and highways and drainage infrastructure and associated open space / green infrastructure has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved scheme of phasing.

Reason for the condition: This pre-commencement condition is required to ensure that the key elements of each phase of the development is completed in an order which ensures that infrastructure needs, landscaping/open space and access are in place relevant to each phase before further development is undertaken, in the interests of good planning.

- 4 The development of Phase One as agreed by condition 3 above shall begin not later than 12 months from the date of the approval of reserved matters applications relating to that phase.

Reason for the Condition: To ensure a prompt start on site.

- 5 The development hereby approved shall be carried out in accordance with drawing numbers EDP1995_74d (application boundary) submitted 16 February 2018 and Parameter Plan 2 Access Plan (Amended) Ref. 1661-SK-006 Rev A, submitted 16 February 2018

Reason for the condition: in order to ensure the development is carried out as approved.

- 6 All reserved matters and details required to be submitted pursuant to condition 1 shall be in accordance with the principles and parameters described and identified in the Illustrative Masterplan Ref. EDP1995_125 submitted 16 February 2018 and the Design and Access Statement submitted 16 February 2018. A statement shall be submitted with each reserved matters application, demonstrating how the submitted reserved matters comply with the Design and Access Statement and the indicative Masterplan documents.

Reason for the condition: For the avoidance of doubt and to ensure the satisfactory development of the site. Trees and Landscaping and Ecology.

- 7 No more than 450 dwellings shall be constructed on the site

Reason for the condition: For the avoidance of doubt and given all the assessments have been on the basis of this figure such that it is necessary to ensure the satisfactory development of the site.

- 8 The plans and particulars required to be submitted in accordance with the condition 1 shall ensure that no less than 2.96 ha of the site is set aside as woodland, 0.531 ha as open space and play space and where the development abuts the adjoining ancient woodland a clear minimum of 15m landscape buffer area/zone shall be maintained.

Reason for the condition: To ensure adequate open space for future occupiers of the development and to accord with Policy BNE37 of the Medway Local Plan 2003.

9 The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP), which shall include details of all trees to be retained and removed, any facilitation pruning required and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction-Recommendations' has been submitted to and approved in writing by the local planning authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. The measures set out in the AMS and TPP shall be adhered to in accordance with the approved details.

Reason for the condition: This condition is required and to be agreed pre-commencement to safeguard the arboricultural interests of the site before works commence that could cause irrevocable harm and to accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

10 A Landscape and Ecology Management Plan (LEMP), including long term design objectives, management responsibilities and maintenance schedules with timetable(s) for works for all landscape areas, other than domestic gardens, shall be submitted to the local planning authority for approval in writing prior to the first occupation of the development. The LEMP shall be carried out as approved in accordance with the approved timetable(s).

Reason for the condition: To safeguard the landscape and ecological interests of the site in accordance with Policy BNE37 of the Medway Local Plan 2003.

11 No dwelling shall be occupied until a Woodland Management Plan (WMP) for the existing and proposed woodland areas has been agreed in writing by the local planning authority. That part of the WMP for Hall Wood Ancient Woodland shall be in accordance with EDPs Heads of Terms for a WMP (EDP report ref: C_EDP1997_07).

The WMP shall include the following:

- a) Review of existing constraints and opportunities;
- b) Management objectives and associated practical measures;
- c) Details of initial enhancements and long term maintenance;

- d) Extent and location/area of management works on scaled maps and plans at a scale which shall have first been agreed by the local planning authority in writing;
- e) Timetable for implementation demonstrating that works are aligned with the proposed programme of development;
- f) Details for monitoring and remedial measures; and
- g) Persons responsible for implementing the works.

The measures set out in the WMP shall be implemented in accordance with the approved details and timetable(s).

Reason for the condition: This condition is required to safeguard the woodland and to ensure adequate management for the protection of landscape and habitat in accordance with policies BNE2 and BNE37 of the Medway Local Plan 2003.

12

The development in any phase shall not be first occupied until details of all fencing, walling and other boundary treatments, to include hedgehog holes relating to that phase have been submitted to and approved in writing by the local planning authority. The landscaping areas and buffer zones shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings as hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority. All boundary treatments and buffer zones to be installed in or adjacent the ancient woodland shall be carried out in accordance with the approved details.

Reason for the condition: To accord with policies BNE2 and BNE37 of the Medway Local Plan 2003

13

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons for the phase to which it relates following the occupation of the first dwelling on that phase or the completion of that phase of development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of that phase of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason for the condition: In order to accord with policies BNE2 and BNE37 of the Medway Local Plan 2003

14

No works shall take place (including ground works and vegetation clearance) until an updated species survey has been carried out to inform production of an Ecological Design Strategy (EDS) addressing all species mitigation for all species recorded within the site and the EDS has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints;
- c) Detailed method statements to achieve stated objectives for each species;
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans;
- e) The location of bat and bird boxes and/or bricks and their specifications;
- f) Type and source of materials to be used (including whether or not they are native species and local provenance);
- g) Timetable for implementation demonstrating that works are aligned with the proposed programme of development;
- h) Persons responsible for implementing the works;
- i) Details of initial aftercare and long term maintenance;
- j) Details for monitoring and remedial measures; and,
- k) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and retained thereafter.

Reason for the condition: This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm and to ensure adequate maintenance for the protection of landscape and habitat in order to accord with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

15

No part of the development hereby granted (including ground works and vegetation clearance) shall take place until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP: Biodiversity shall include the following:

- a) Details of the areas where ancient woodland soil and coppiced stools are to be translocated and method statement for translocation;
- b) Risk assessment of potentially damaging construction activities;
- c) Identification of biodiversity protection zones;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs; and,

j) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason for the condition: This condition is required and to be agreed pre-commencement to safeguard the ecological interests of the site before works commence that could cause irrevocable harm and to ensure adequate maintenance for the protection of landscape and habitat to accord with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

16 No external lighting fixtures or fittings shall be attached to any building or structure hereby approved and no free standing lighting equipment shall be erected on the site, other than those shown on the plans approved for condition 17 below or as may be agreed on a temporary basis under condition 15 during the construction period.

Reason for the condition: To accord with Policy BNE37 of the Medway Local Plan 2003.

17 No dwelling shall be occupied until a Lighting Strategy for Biodiversity, including a timetable for its implementation has been submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats, dormice and otters and that are vulnerable to light disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason for the condition: To accord with Policy BNE37 of the Medway Local Plan 2003

18 The access to the site shall be from North Dane Way Drive as show in drawing 186-SK-006 Rev A and the emergency vehicular access shall be from Ham Lane.

Reason for the condition: To accord with policies BNE1, T1 and T12 of the Medway Local Plan 2003.

19 Prior to first occupation of any dwelling details of the proposed emergency access shall be submitted to and approved in writing by the local planning authority. The approved emergency access shall be made available prior to the first occupation of any dwelling and thereafter retained for the purpose intended.

Reason for the condition: To accord with Policy T12 of the Medway Local Plan 2003.

20 No development shall take place until a Construction Method Statement (CMS) has been submitted to and approved in writing by the local planning authority. The approved CMS shall be adhered to throughout the construction period. The CMS shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) wheel washing facilities;
- v) measures to control the emission of dust and dirt during construction; and,
- vi) a scheme for recycling/disposing of waste resulting from construction works.

Reason for the condition: This condition is required to be addressed pre-commencement as it relates to activities which would be likely to have an impact immediately upon first works on the site and it relates to the interests of highway safety and the protection of the environment.

21 No development hereby permitted shall commence until such time as the improvement works to the junction of North Dane Way and Albermarle Road and the link access road to the site as shown in the drawing 1661-SK-001 Revision A within appendix H of the Transport Assessment Report have been completed in accordance with details which shall first have been approved in writing by the local planning authority in writing.

Reason for the condition: This condition is required pre-commencement as it is essential that safe access is provided to the site before activities commence on site in order to accord with Policies T12 and T1 of the Medway Local Plan 2003.

22 No dwellings on the development shall be occupied until the carriageway(s) (including surface water drainage/disposal, vehicular turning head(s) and street lighting) providing access from the nearest public highway to that dwelling have been completed to at least binder course level and the cycle and footway(s) to surface course level.

Reason for the condition: This condition is required to ensure pedestrian and cycle and vehicular access is available for each dwelling before it is occupied in order to accord with policies T3 and T4 of the Medway Local Plan 2003.

23 No dwelling shall be occupied until details of the proposed arrangements for management and maintenance of the public realm, including streets, footways and other non-private open space within the development have been submitted to and approved in writing by the Local Planning Authority. The public realm shall thereafter be maintained in accordance with the approved management and maintenance details until such time as either a dedication agreement has been entered into or a private management and maintenance company has been established.

Reason for the condition: To accord with BNE1, BNE2 and T12

24 No dwelling hereby approved shall be occupied until a travel plan based on the Framework Travel Plan has been submitted to and approved in writing by the local planning authority.

Reason for the condition: To accord with policy T14 of the Medway Local Plan 2003.

25 Details submitted pursuant to condition 1 shall include a shared footway/cycleway on the north side of North Dane Way to link the development site with the Lords Wood Leisure Centre with associated improvements and street lighting. The details shall also include a timetable for its provision. The shared footway/cycleway shall be provided in accordance with the approved details and timescales.

Reason for the condition: To accord with Policy T4 of the Medway Local Plan 2003.

26 No development shall take place within any phase of the development until a programme of archaeological work has been secured and implemented in accordance with a written scheme of investigation for the relevant phase, which shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason for the Condition: To accord with Policy BNE21 of the Medway Local Plan 2003.

27 The first application for the approval of reserved matters on the site shall be accompanied by a sustainable surface drainage strategy for the entire application site. No dwelling hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters applications for the phase within which the dwelling is situated.

Before these details are submitted, an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in DEFRA's non-statutory technical standards for the design, maintenance and operation of sustainable drainage to drain surface water (or any subsequent version), and the results of the assessment provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and
- iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason for the condition: To accord with NPPF paragraph 103.

28

No development above slab level shall be undertaken on any dwelling until an acoustic appraisal specifying attenuation measures (where necessary) has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until the approved attenuation measures have first been installed in accordance with the approved details. The approved attenuation measures shall be maintained and retained thereafter.

Reason for the condition: To ensure acceptable living conditions for future occupiers of the site in accordance with Policy BNE2 of the Medway Local Plan 2003.

29

The development shall not be commenced until an Air Quality report has been submitted to and approved in writing by the local planning authority. Such a report shall accompany the reserved matters application under condition 1. The report shall contain and address the following:

- i) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- ii) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should quantify the measures or offsetting schemes to be included in the development which will reduce the air pollution of the development. Any scheme of mitigation set out in the subsequently

approved report shall include a timetable for implementation. The development shall be implemented and managed in accordance with the approved scheme.

Reason for the condition: This condition is required as a pre-commencement condition as air quality needs to be initially assessed prior to any works of development commencing as they could alter background air quality levels and this condition is required in the interests of the environment and living conditions of future occupiers and to accord with Policy BNE2 of the Medway Local Plan 2003

30

If during the course of development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for a remediation strategy detailing how the contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the local planning authority.

Reason: This area is prone to fly-tipping and therefore it is anticipated that as yet unidentified contamination may exist on site and to accord with Policy BN23 of the Medway Local Plan 2003.

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

Proposal

The application has been submitted in outline form with only means of access being for consideration at this time. Details relating to appearance, landscape, layout and scale have all been reserved for future consideration. The application proposes a development of up to 450 market and affordable dwellings, with 25% of these dwellings being affordable. The Design and Access Statement (D&A) accompanying the application indicates that the proposed houses would predominantly be two storeys in height, with ridge heights of around approx. 8.0m although some of the dwellings might be 2.5 storeys high (up to approx. 10.0m) and provide three floors of accommodation including within the roof space.

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

The proposed development would involve:

- The provision of a primary access point via the North Dane Way spur and an emergency access via Ham Lane;
- Internal estate roads;
- Approx. 5.67 hectares (approx. 14.0 acres) of open space, including a

- 'community park' and a formal children's play area of approx. 400 sqm;
The provision of approx. 2.96 hectares (approx. 7.31 acres) of new strategic woodland planting to contain the development and create a consolidated edge to the new housing, most particularly along the site's northern (Ham Lane) and eastern (open field) boundaries. This new shelter belt planting is described within the application documents as being a strategic woodland buffer of approx. 20m or more in width and it is submitted that this tree planting would be provided in the first planting season after the commencement of the development. This new planting would comprise a mixture of native and local indigenous tree and shrub species.

No details have been provided for the anticipated type and mix of dwellings. However, the D&A suggests that the scheme density would be in the region of 35 dwellings per hectare, with the dwellings occupying approx. 13.01 hectares of the application site area.

The proposed access would via the North Dane Way spur road to the south of the North Dane Way and Albemarle Road junction, approx. 320m to the south-east of the aforementioned junction. The spur road having been constructed as part of the now abandoned Medway Towns Southern Peripheral Road. The proposal would also involve an emergency access off Ham Lane, just to the south of southern extremity of the Elm Court complex.

Site Area/Density

Site Area: 23.93hectares (59.1 acres)

Site Density: 34.6 dph (14 dpa)

Relevant Planning History

MC/14/2395

Outline application for the development of up to 450 dwellings with all matters (appearance, landscape, layout and scale) reserved except for the means of access.

Decision: Refused 27/01 2016

Appeal: allowed 06/04/2017.

MC/14/0324

Town and Country Planning Act (Environmental Impact Assessment) (England and Wales) Regulations 2011 - request for a screening opinion as to whether an Environmental Impact Assessment is necessary for Residential Development of up to 500 market and affordable dwellings with the provision of access, estate roads and incidental open space.

Decision EIA Not required

Decided 24/02/2014

Representations

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

Maidstone Borough Council, The Environment Agency, Natural England, the Highways England, the Kent Downs AONB Unit, Kent Police, Medway Fire Service, NHS Property Services, Bredhurst Parish Council, Boxley Parish Council, the Royal Society for the Protection of Birds, the Kent Wildlife Trust, Southern Water, Southern Gas Networks, National Grid Plant Protection, ED, the Hempstead Residents' Association, Sport England, the Open Space Society, the Ramblers Association, the British Horse Society, Protect Kent, the Medway Towns Sports Council, have also been consulted.

148 letters of objection have been received expressing the following comments:

- Loss of farmland, woodland and countryside
- Damage to character and adverse visual impact.
- Damage to wildlife and ecology.
- Lack of infrastructure.
- Danger of flooding.
- Traffic congestion.
- Noise and air pollution.
- Loss of privacy for neighbours.
- Coalescence of Lordswood/Princes Park/Walderslade and Hempstead.

1 letter of support stated: need for more housing and site not currently well used.

Tracey Crouch MP has written to state that her previous objection still stands: the loss of green space, ecological impact and negative impact on local infrastructure.

Highways England has written to advise that it has no objection.

Environment Agency has written to advise that it has no objection subject to the imposition of condition on any approval.

KCC Ecology written to advise that it has no objection.

Boxley Parish Council – object on the following grounds:

- Loss of farmland, woodland and countryside
- Damage to character and adverse visual impact.
- Coalescence of Lordswood/Princes Park/Walderslade and Hempstead.
- Damage to wildlife and ecology.
- Lack of infrastructure.
- Danger of flooding.
- Traffic congestion, exacerbated by recent housing permissions.

- Noise and air pollution.

Kent County Council's Heritage Conservation Group have written to advise that they have no objection subject to the imposition of a condition on any approval.

NHS Property Services has written requesting a contribution of £210,577 based on a sum of £467.95 per dwelling towards healthcare.

Sport England has written requesting a financial contribution £510,813 towards sports.

Kent Fire & Rescue Service has written to advise that it has no objection subject to the imposition of a condition on any approval

Natural England has written drawing attention to the sites proximity to the Kent Downs AONB and ancient woodland.

Southern Water has written advising that flooding and waste water problems would occur without the provision of a drainage strategy, which should be conditioned on any approval

Woodland Trust has written to object on the grounds of direct loss and disturbance to two ancient woodlands.

Kent Police's Crime Prevention Design Officer has written recommending a Crime prevention condition on any approval.

The Hempstead Residents Association has written to object on the basis that:

- Proposal is inappropriate development in an unsustainable location.
- Travel plan is unrealistic.
- Adverse impact on highways network.

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 2012 and are considered to conform.

Planning Appraisal

Background

The original application, MC/14/2395, for the erection of 450 dwellings was refused by Planning Committee in January 2016 for the following reason:

“The development would result in an inappropriate form of development within a locally valued landscape and Capstone, Darland and Elm Court Area of Local Landscape Importance, resulting in harm to the landscape and rural character and appearance of the area contrary to the objectives of Policies S4, BNE25(i) and BNE34 of the Medway Local Plan 2003; the Medway Landscape Character Assessment 2011; National Planning Policy Framework, in particular, the fifth Core Planning Principle referred to in paragraph 17 and paragraph 109 of the National Planning Policy Framework.”

An appeal was lodged against the Council's decision and a public inquiry was held into the case. The inspector recommended to the Secretary of State that the appeal be allowed and planning permission be granted. The Secretary of State considered the case and agreed with the Inspector's assessment of the case and conclusion. As a result, The Secretary of State on 06 April 2017 allowed the appeal and granted planning permission.

Principle

Having regard to the Secretary of State's decision and notwithstanding the planning permissions that Medway Council has granted for housing development around the borough since the Secretary of State's decision just over a year ago, Medway Council is not able to demonstrate a 5 year housing land supply. As such no greater weight can be afforded to the Policies BNE25 and BNE34 of the Local Plan, relevant to the supply of housing land than at the time of the public inquiry.

As such Paragraph 49 of the NPPF will apply. This paragraph states:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This was the same position as when the Inspector (and Secretary of State) considered the previous application and formed the view that the proposal represented Sustainable development.

Paragraph 7 of the NPPF sets out that there are 3 dimensions to Sustainable development- economic, social and environmental.

The Secretary of State concluded that the development would harm the character and appearance of the immediate area and therefore fails to accord with the provisions of BNE25 and BNE34. As such, the proposal represented environmental harm. He considered though that this harm was not critical to the function of Capstone and Horsted Valleys as a whole and that the considerable social and economic benefits of the proposal (housing as a whole, affordable housing, jobs and training, woodland management, improvements to play and transport and structural landscaping) outweighed the negative environmental impacts.

That decision is still considered to be recent and relevant, based on the fact that the Council cannot demonstrate a 5 year housing land supply and the application of paragraphs 49 and 7 of the NPPF. The permission is still capable of being implemented subject to compliance with the conditions imposed by the Secretary of State and therefore great weight must be attached to that decision and the balance of the planning merits set out in the Inspectors report and Secretary of States decision. Therefore, the Secretary of State's arguments with regard to the significant economic and social benefits of the proposal that outweigh the environmental harm and that the site is situated in a sustainable location are still relevant and on this basis, the principle of the proposal for residential development is considered to be acceptable.

Other material consideration

In view of the recent Secretary of State's decision referred to above; no objection comments received from Highways England and other consultees; and no new issues being raised by the representations received from the local residents compared with the 2014 application approved by the SOS, no objection is raised to the application under the provisions of Policies BNE1, BNE2, BNE21, BNE23, BNE24, BNE25, BNE34, BNE37, BNE39, S6, H3, T1, T2, T3 and T4 of the Local Plan and paragraphs 7, 14, 17, 35, 56, 57, 58, 61, 109 and 112 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 £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed, but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

- An administrative body being identified to manage the strategic tariff collected by the local authorities;
- A memorandum of understanding or legal agreement between the local authorities and administrative body to underpin the strategic approach;
- Ensure that a delivery mechanism for the agreed SAMM measures is secured and the SAMM strategy is being implemented from the first occupation of the dwellings, proportionate to the level of the housing development.

The applicants have agreed to pay this tariff and have agreed that this is included in the S106 process. No objection is therefore raised under Paragraphs 109 and 118 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 are necessary to make the development acceptable in planning terms, they are directly related to the development and are fair and reasonable in scale and kind.

Changes to S106 Contributions

The contributions put forward to cover improvements to PROWs and Great Lines Heritage Park are in addition to those agreed as part of the previously approved scheme. These new contributions are considered to meet the above tests.

Other contributions are as previously agreed or adjusted to reflect more recent needs data and indexation. The contribution sought by Sport England has not changed from the previous application and was taken into account in the previously agreed open space contributions. It is not considered appropriate to alter that requirement at this stage.

The following contributions are sought:

- i. Secure a minimum of 25% affordable housing equating to 112 dwellings.
- ii. £411,840.00 towards Nursery provision (St Benedicts RCP, Lordswood Primary, Kingfisher Primary, a new free school in the area.)
- iii. £1,010,880.00 towards primary education (St Benedicts RCP, Lordswood Primary, Kingfisher Primary, a new free school in the area.)
- iv. £1,022,580.00 towards secondary education (Expansion at one or more of Greenacre Boys, Walderslade Girls, Holcombe Grammar School, a new free school in the area.)
- v. £269,100.00 towards Sixth Form (Expansion at one or more of Greenacre Boys, Walderslade Girls, Holcombe Grammar School, a new free school in the area.)
- vi. £73,514.08 toward waste and recycling
- vii. £305,760.04 towards open space (sports, allotment and park improvement)

- viii. £56,227.5 toward the Great Lines Heritage Park (£51 per person – 2.45 persons per home on average)
- ix. £35,653.00 towards improvement and new wearing course for PROW R24, RC25 and RC29
- x. £212,133.32 towards public transport (measures to improve evening service, Sunday service and diversion).
- xi. £221,312.60 toward improvement of local doctor the Lords Wood Community Health Living Centre, Matrix Medical Practice, Hempstead Medical Centre, Princes Park Medical Centre, Walderslade Medical Centre, Walderslade Village Surgery, DMC Walderslade Surgery and Tunbury Avenue Surgery
- xii. £108,374.50 (£239.61 per dwelling plus £550 monitoring costs toward Habitats Regulations (mitigation against Wintering Birds)
- xiii. £64,655.88 towards community facilities

Local Finance Considerations

None

Conclusions and Reasons for Approval

The principle of the development is considered acceptable in the context of delivering sustainable development as required by the NPPF. This proposal will deliver a much-needed mix of market and affordable dwellings of different sizes, types and tenure required to meet the needs of a mixed community in a quality and attractive environment and will assist in delivering and enhancing infrastructure in the locality.

Whilst the development would have an impact on the local ecology and open character of the area, it is not considered that this would be significant having regard to the proposed mitigation measures and the developer contributions agreed.

The proposal is considered to be in compliance with Policies S1, S6, BNE1, BNE2, BNE3, BNE6, BNE21, BNE22, BNE23, BNE24, BNE25, BNE37, BNE39, BNE43, BNE48, H3, H10, L2, T1, T2, T3, T4 of the Local Plan, and paragraphs 7, 8, 14, 17, 35, 47, 49, 56, 57, 58, 61, 73, 109, and 112 of the NPPF.

This application would normally be determined under delegated authority but is being reported to planning committee due to the extent of local interest expressing a view contrary to the recommendation.

Background Papers

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

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

APPENDIX 3

Leaflet, Poster and Areas of Distribution for Gibraltar Farm Public Consultation Event

LAND AT GIBRALTAR FARM



PUBLIC CONSULTATION EVENT

Outline proposals for residential development of up to 450 dwellings have been prepared for Land at Gibraltar Farm, Gillingham.

The site already has outline planning permission and the public are now invited to view the latest outline proposals which will provide access from Ham Lane (in place of the approved scheme from North Dane Way). Visitors will be able to raise any questions to members of the consultancy team at the consultation event.

Location: Hempstead Library (Community Hub)
ME7 3QG

Date: 16th November 2018

Time: 1:00pm to 8:00pm

For those unable to attend, the consultation material, details of the outline proposals and online comment form will be made available to view online after the event by visiting:

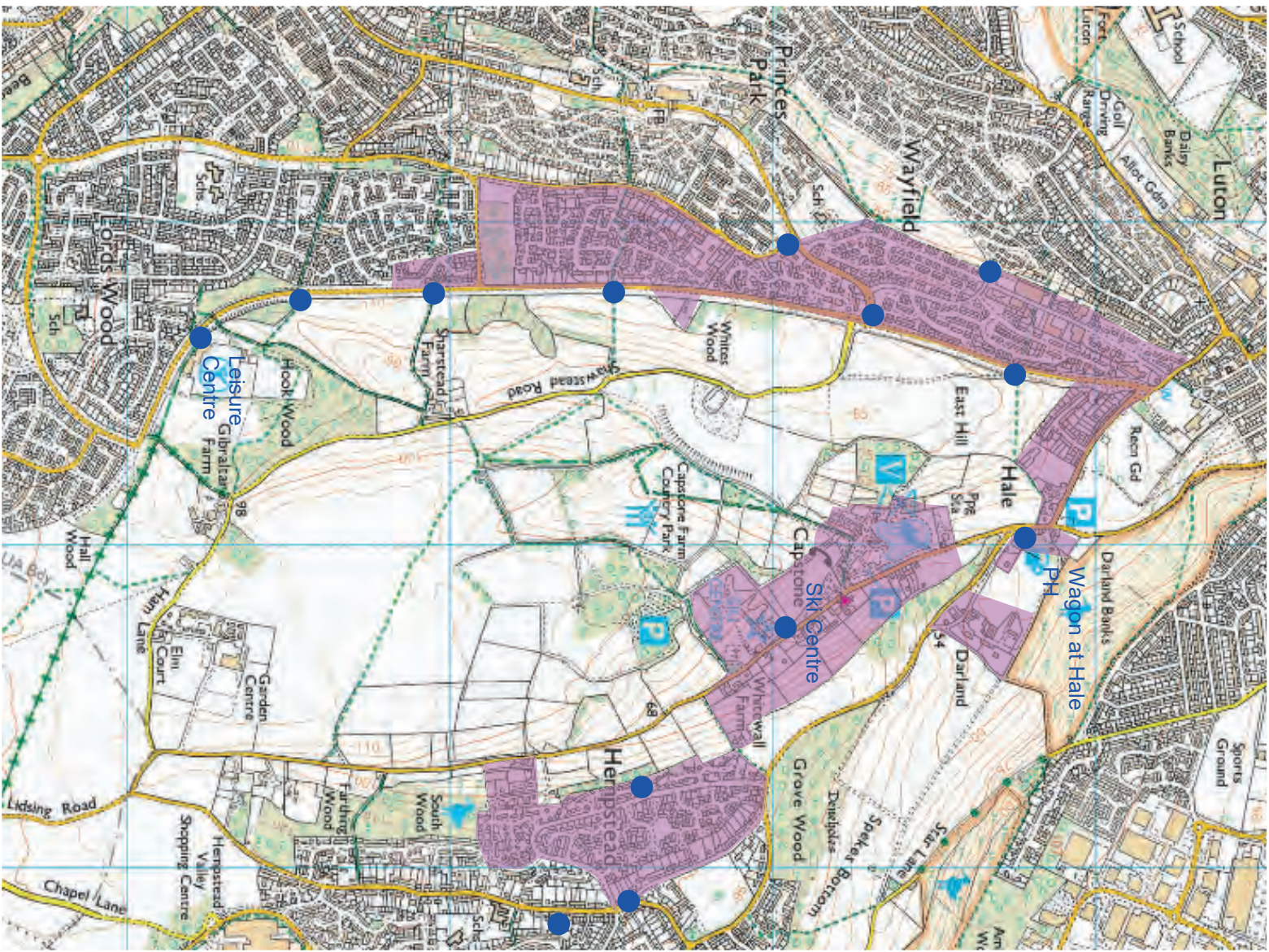
www.humeplanning.co.uk



Letter
Distribution
Area



Poster
Distribution
Points



Hempstead
Village Hall

APPENDIX 4

Presentation Boards

Presented at Public Consultation Event and Made Available for Online-Viewing



OUTLINE PLANNING APPLICATION - LPA REF. MC/14/2395:

Submitted: August 2014
Outline application with some matters reserved (appearance, landscaping, layout, scale) for construction of up to 450 market and affordable dwellings with associated access, estate roads and residential open space

SECRETARY OF STATE APPEAL - REF.APP/A2280/W/16/3143600:

Submitted: February 2016
Against refusal of MC/14/2395 for up to 450 homes

APPEAL ALLOWED
Determination: March 2017

OUTLINE PLANNING APPLICATION - LPA REF.MC/18/0556:

Renewal of Planning Permission
MC/14/2395 for up to 450 homes

APPROVED
Determination: September 2018

Land within Medway Council's Ownership (outlined red - necessary to provide access from North Dane Way for the approved development). Ancient Woodland edged and shaded green

Cabinet Decision 7th August 2018 not to dispose of the Council owned land, and resulting in the applicant proceeding with a revised application with alternative access from Ham Lane.

Gibraltar Farm
2. Landscape Strategy



Landscape Elements

- Woodland Buffer
- Public Open Space
- Mixed Native Hedgerow
- SuDS

Indicative Planting Schedules

Woodland Planting Mix

Latin Name	Common Name	Root	Height (cm)
Acer campestre	Field Maple	BR	80 to 100
Acer campestre 'Varieg'	Field Maple 'Varieg'	BR	250 to 300
Acer pseudoplatanus	Sycamore	BR	80 to 100
Carpinus betulus	Common Hornbeam	BR	80 to 100
Corylus avellana	Common Hazel	BR	80 to 100
Corylus avellana	Common Hazel	BR	80 to 100
Corylus avellana	Common Hazel	BR	80 to 100
Fagus sylvatica	Common Beech	BR	80 to 100
Tilia cordata	Small-leaved Lime	BR	80 to 100

Specimen Tree Planting

Latin Name	Common Name	Girth (cm)	Root	Height (cm)	Clear Stem (cm)	Bribs
Alnus glutinosa	Common Alder	12 to 14	BR	350 to 425	175 to 200	5
Betula ulula var. jacquemontii	West Himalayan Birch	12 to 14	BR	350 to 425	175 to 200	5
Betula pubescens	Downy Birch	12 to 14	BR	350 to 425	175 to 200	5
Amelanchier canadensis	Shadbush	12 to 14	BR	300 to 350	Feathered	7
Acer campestre	Field Maple	12 to 14	BR	350 to 425	175 to 200	5
Prunus padus	Bird Cherry	12 to 14	BR	350 to 425	175 to 200	5
Quercus robur	Oak	12 to 14	BR	350 to 425	175 to 200	5
Salix alba x chrysantha	Redstem Willow	12 to 14	BR	350 to 425	175 to 200	5
Tilia cordata	Small-leaved Lime	12 to 14	BR	350 to 425	175 to 200	5

Amenity Shrub Planting

Latin name	Common name	Habit	Bribs	Height (cm)	Age	Root	% of mix
Acer campestre	Field Maple	Branched	2	100 to 125	1+1	B	10
Ilex aquifolium	Holly	Branched	2	30 to 40	2L	C	10
Corylus praecox	Cast Nut	Branched	2	40 to 60	3L	C	10
Corylus avellana	Hazel	Branched	3	60 to 90	1+2	B	20
Cornus sanguinea	Common Dogwood	Branched	3	60 to 80	1+2	B	20
Cornus stolonifera Flaviramea	Yellow Dogwood	Branched	2	40 to 60	1+1	B	20
Ulmus glabra	Wych Elm	Branched	-	80 to 100	1+1	B	10

Hedgerow Mix

Latin name	Common Name	Habit	Bribs	Height (cm)	Age	Root	% of Mix
Crataegus monogyna	Hawthorn	-	-	40 to 60	1+1	B	50
Prunus spinosa	Blackthorn	Branched	2	40 to 60	1+1	B	5
Acer campestre	Field Maple	-	-	40 to 60	1+1	B	25
Cornus sanguinea	Common Dogwood	Branched	2	40 to 60	1+1	B	10
Cornus stolonifera Flaviramea	Yellow Dogwood	Branched	2	40 to 60	1+1	B	10

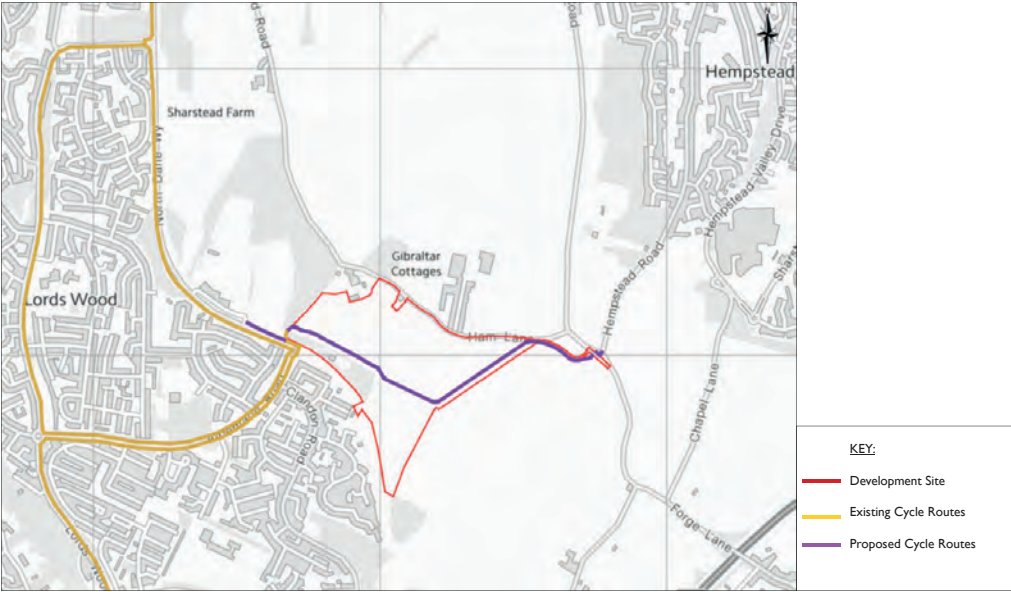
- Site Boundary
- Existing/new Public Right of Way
- Pedestrian/cycle links
- Play Area
- Vehicular Access
- Pedestrian Access

- Proposed
- Trees/woodland planting
 - 15m ancient woodland buffer
 - Amenity shrub planting
 - Wildflower grassland within POS
 - SuDS (Attenuation basin/swale)
 - Specimen tree
 - Amenity grassland
 - Mixed native hedgerow
 - Allotments





Ham Lane Access



Proposed Pedestrian / Cycle Route in Context of Existing Cycle Routes

Access and Highways

The revised access proposals would see the introduction of two new points of access onto Ham Lane, approximately 500m from the junction with Lidsing Road.

Ham Lane, between the accesses and through to Lidsing Road, is proposed to be widened to 6m with an additional 2m footway.

The junction between Ham Lane, Lidsing Road and Hempstead Road is proposed to be redesigned to improve capacity, visibility and pedestrian/ cycle facilities – in order to derive overall safety improvements.



Ham Lane/ Lidsing Road/ Hempstead Road Improvements

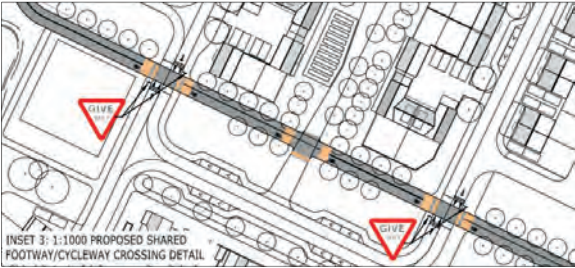
Sustainable Travel Enhancements

The development would deliver a new, high quality pedestrian and cycle corridor linking the Lords Wood and Hempstead areas. The Hempstead Valley retail area lies around 2km from the eastern extent of Lords Wood, within walking or cycling distance for many.

The pedestrian & cycle route would be generally segregated, connecting to the existing cycle route on North Dane Way.

In the development site, the pedestrian & cycle route would be segregated and afforded priority over vehicular traffic at crossing points.

As part of the aforementioned junction improvements a Toucan crossing would be introduced to allow for safe crossing.



On-site pedestrian and cycle priority



Connectivity at North Dane Way



Gibraltar Farm

4. Proposed Layout

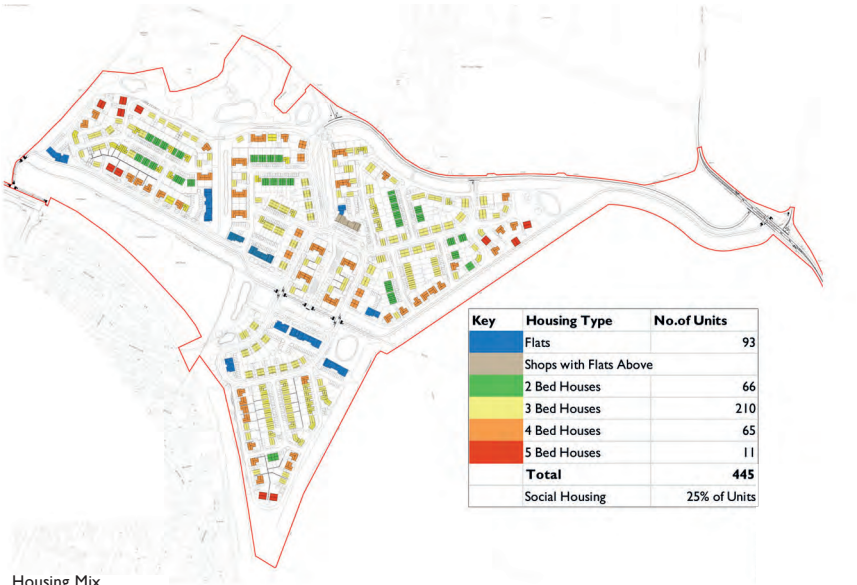


- 1. New road junction
- 2. New local shops/ cafes with flats over
- 3. Cycle & footpath
- 4. Local Play Area
- 5. Community orchard & allotments
- 6. Footpaths maintained
- 7. Wooded landscape buffer
-  Potential new bus stop



Gibraltar Farm

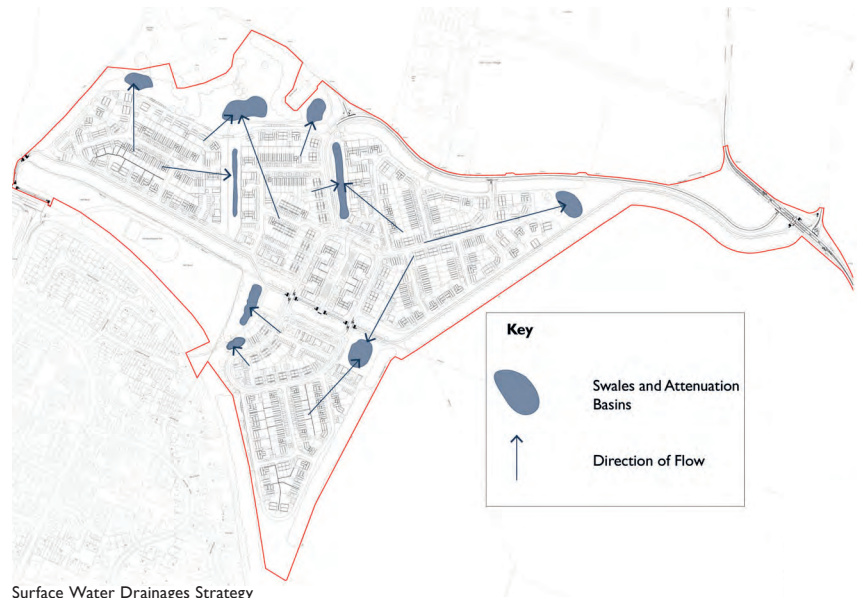
5. Strategy Diagrams



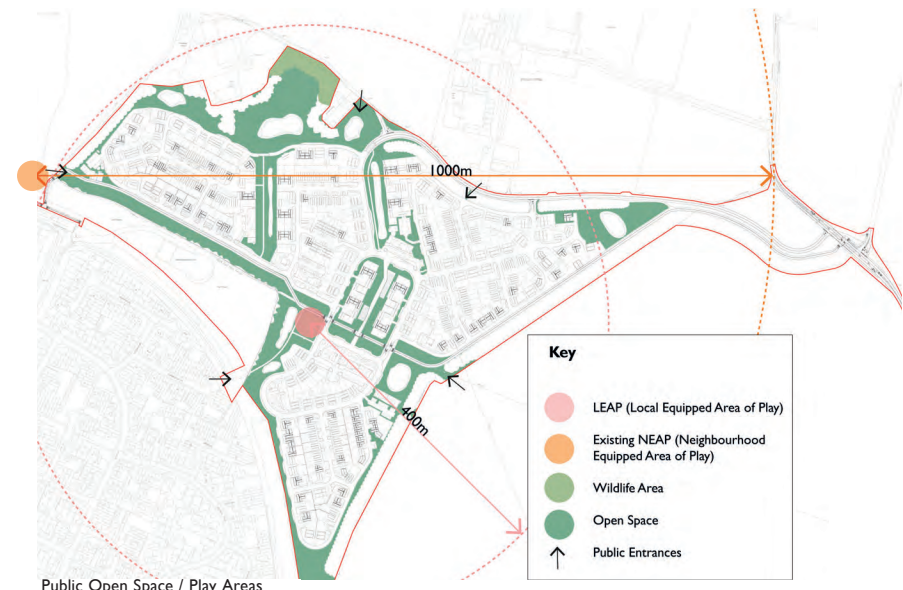
Housing Mix



Character Areas / Storey Heights



Surface Water Drainages Strategy



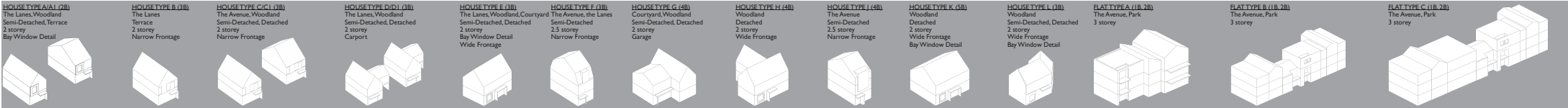
Public Open Space / Play Areas



Gibraltar Farm

6. Character Areas

HOUSE & FLAT TYPES

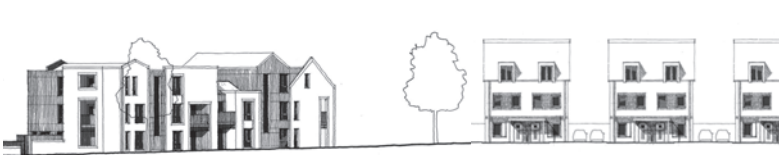


CHARACTER AREAS

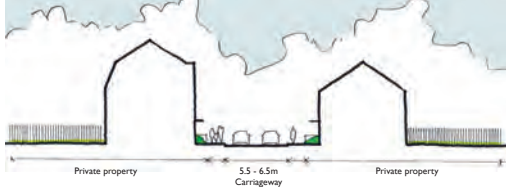
1. The Avenue



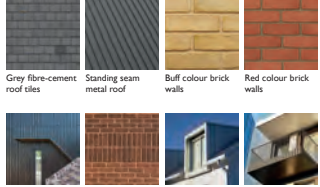
Typical Plan



Typical Elevation



Typical Section



Typical Materials Palette

- 6.5m or 5.5m wide roads with 2m pavement either side.
- Mix of 3 storey, 2.5 and 2 storey.
- Flat blocks are located within this character area.
- Higher density relative to the scheme.
- Material palette that signifies a relationship to the other character areas.
- Urban typology with the aim of defining the green link from the north of the site, through to the Community Park.
- Consistent alignment with street front.

2. The Lanes



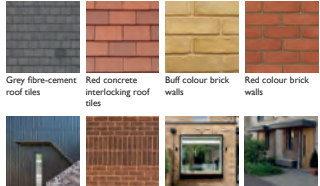
Typical Plan



Typical Elevation



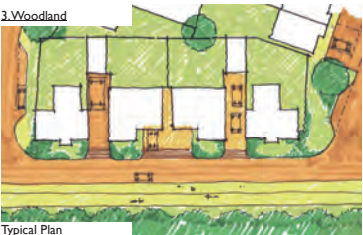
Typical Section



Typical Materials Palette

- 5.5m or 4.8m wide roads
- Largely shared surface
- Continuous rhythm in roof lines
- Small front gardens
- Intimate street scene
- Predominantly two storey
- Medium density relative to the scheme
- Material palette that signifies a relationship to the other character areas

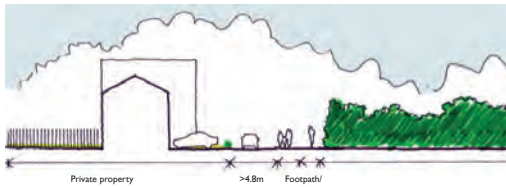
3. Woodland



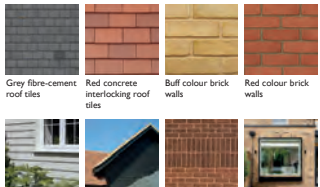
Typical Plan



Typical Elevation



Typical Section



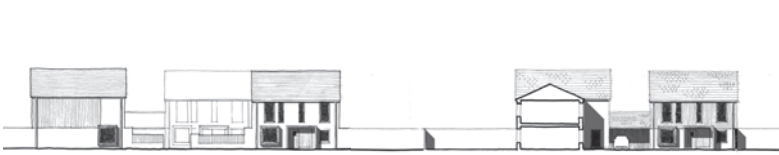
Typical Materials Palette

- 4.8m wide roads
- Shared surface
- Larger front gardens
- Greater spacing between properties
- Predominantly two storey
- Low density relative to the scheme
- Material palette that signifies a relationship to the other character areas
- Green street character
- Interface with green boundary to the site
- Pedestrian pathways
- Leafy suburban edge

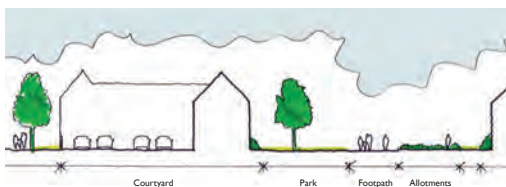
4. Courtyard



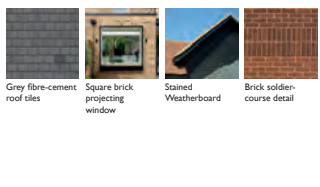
Typical Plan



Typical Elevation



Typical Section



Typical Materials Palette

- Courtyard
- Shared surface
- Small front garden
- Tight spacing between properties
- Predominantly two storey
- Low density relative to the scheme
- Material palette that features timber boarding
- Views beyond to the Park

