



**MC/16/3742 Land South of View Road Cliffe Woods Rochester**



**Serving You**

Scale: 1:2500 10/10/17

© Medway Council, 2012

25 0 25 50 75 100 125 150 175 200

Metres

© Crown copyright and database rights 2012 Ordnance Survey licence number 100024225.

MC/16/3742

Date Received: 7 September, 2016

Location: Land South of View Road, Cliffe Woods, Rochester

Proposal: Outline application with some matters reserved (appearance, landscaping, layout and scale) for the construction of 50 retirement homes comprising a mix of 2/3 storey apartments and single storey bungalows with ancillary meeting room, gymnasium, office, parking and garaging with new vehicular access to View Road

Applicant: SJP Group Ltd

Agent: Mr Graham Simpkin  
Graham Simpkin Planning 2 The Parade  
Ash Road Hartley Longfield DA3 8BG

Ward Strood Rural

Case Officer Doug Coleman

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 25 October 2017.**

**Recommendation - Approval subject to;**

A. The applicant entering an agreement under Section 106 of the Town and Country Planning Act to secure:

- 1) Adherence to a 'No Pets Policy' that prevents occupiers of the proposed development to from both acquiring new pets whilst in residence and also from bringing existing pets with them when they move in (except caged pets e.g. birds, fish etc.);
- 2) A contribution of £23,397.50 to be used for improvements to the Parks Medical Practice, Parkside;
- 3) A contributions of £21,274.78 towards open space and provision;
- 4) A contribution of £11,179.00 towards bird mitigation measures

B. And the following conditions;

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

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

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

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

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- 4 The development hereby permitted shall be carried out in accordance with drawings:

Site location plan and drawing number 16-1212-03A received on 22 December 2016.

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

- 5 The details submitted pursuant to condition 1 shall include details and samples of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 6 The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping (hard and soft) and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for the completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 5 years of planting are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

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

- 7 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to the Local Planning Authority for approval in writing prior to the occupation of the development. The landscape management plan shall be carried out as approved.

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

- 8 No development, including site clearance and the demolition of existing buildings, shall take place until a Bat Survey has been submitted to and approved in writing by the Local Planning Authority. If bats are found, no development shall commence on site until appropriate methods and timing of works, including the provision of new roosting features have been submitted to and approved in writing with the Local Planning Authority. Thereafter, the approved methods shall be implemented and retained for the duration of the demolition and construction phases of the development.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 9 No development, including site clearance and the demolition of existing buildings, shall take place until a Dormouse Survey has been submitted to and approved in writing by the Local Planning Authority. If dormouse is found, no development shall commence on site until appropriate mitigation measures have been submitted to and approved in writing with the Local Planning Authority. Thereafter, the approved mitigation measures shall be implemented and retained thereafter.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 10 No site clearance or development shall take place until a detailed reptile survey and mitigation report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be implemented in accordance with the recommendations of Paragraph 6.4 of the Preliminary Ecological Appraisal by Calumma Ecological Services dated 8 January 2016. The

mitigation strategy must provide the following information:

- Translocation methodology
- Location of receptor site
- Reptile surveys of receptor site
- Details of ecological enhancements to increase carrying capacity
- Timetable of the proposed works.

The development shall be implemented in accordance with the approved mitigation strategy and retained thereafter.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on protected species and in accordance with Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

- 11 No part of any building shall be occupied until details of ecological enhancement measures, namely the creation of wildflower areas, the installation of butterfly houses; bee houses and brick bird nest boxes within the buildings have been submitted to and approved in writing by the Local Planning Authority. The approved shall be provided before any building is occupied and shall thereafter be retained.

Reason: In the interests of ecology and in accordance with the provisions set out under Policies BNE37, BNE38 and BNE39 Medway Local Plan 2003.

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

Reason: Required before commencement of development to ensure that features of archaeological interest at the site are properly examined and recorded in accordance with Policy BNE21 of the Medway Local Plan 2003 and Paragraph 139 of the NPPF.

- 13 No development shall commence until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, deliveries to the site, noise, dust, lighting and the effect on wildlife and habitats arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority and all construction works shall be undertaken in accordance with this approved plan.

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

- 14 No development shall take place until a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority. Those details shall include:

i. a timetable for its implementation, and

ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: Required before commencement of the development in order to manage surface water during and post construction and for the lifetime of the development in accordance with Paragraph 103 of the NPPF.

- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the proposed means of foul water sewerage disposal. Work shall be carried out in accordance with the approved details before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

Reason: Details are required to be submitted and approved prior to the commencement of the development, due to the fact that below ground works will need to be undertaken prior to construction of the building. To safeguard the amenities of the occupiers of the proposed development in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 16 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where remediation is necessary, a remediation scheme must be prepared to bring the site to a suitable condition for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment, which is subject to the approval in writing of the Local Planning Authority.

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

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

- 17 The details submitted in pursuance of Condition 1 shall show land reserved for parking in accordance with the Council's adopted the Vehicle Parking Standards. No part of any buildings shall be occupied until this approved vehicle parking area has been provided, surfaced, drained and marked out on site in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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

- 18 The access shall not be used until the area of land within the vision splays shown on drawing number 16-1212-03A received on 22 December 2016 has been reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway. The vision splay so created shall be retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policy T2 of the Medway Local Plan 2003.

- 19 No vegetation clearance shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing). All vegetation removal must be undertaken to the Method Statement submitted with the application.

Reason: To ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 20 Prior to the installation of any external lighting on the site details of such lighting including its height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) and hours of use) together with a report to demonstrate its effect on the landscaping of the site, the rural landscape, views of the site from View Road, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust)) and of how this effect has been minimised shall be submitted to and approved in writing by the Local Planning Authority. Only the external lighting approved pursuant to this condition shall be used on the site and it shall only be used within the hours approved pursuant to this condition.

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

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

## **Proposal**

This is an outline application with all matters reserved (appearance, landscaping, layout and scale) apart from means of access. The proposal is for the construction of 50 retirement homes, and as amended would comprise a mix of bungalows and 2 storey apartments, with ancillary club house and gymnasium, with a small reception building and manager's office. A new vehicular access is proposed onto View Road. The access is on land outside the applicant's ownership and Notice has been served under Article 14 of the Town and Country Planning General Development Procedure Order 2015.

The illustrative layout drawing (as amended) shows access and egress off View Road with a one-way system around the site. Six individual blocks are shown. Three blocks would comprise terraces of two bedroom bungalows (total 15). The remainder of the development would comprise 35 apartments (eighteen 1-bedroom and seventeen 2-bedroom) in three 2 storey and one 3 storey blocks. 53 parking spaces are shown. The layout has also been amended slightly to increase the amount of useable open space within the site.

## **Site Area/Density**

Site Area:	1.2 hectares (2.9 acres)
Site Density:	41.6 dph (16.8 dpa)

## **Representations**

The application has been advertised on site and in the press as a major development and as development not in accordance with the development plan, and by individual neighbour notification to the owners and occupiers of neighbouring properties. Cliffe and Cliffe Woods Parish Council, Natural England, Kent Wildlife Trust, RSPB, KCC's Biodiversity Officer, NHS Property Services, Kent Police, Southern Water Services, Southern Gas Networks and EDF Energy have also been consulted.

**A petition with 152 signatures and 154 letters** have been received raising the following objections:

### *Principle*

- Proposal is contrary to approved development plan;
- Loss of productive agricultural land;
- Overdevelopment;
- Loss of trees and hedgerow;
- Loss of wildlife habitat;
- Proposal would contradict closer of Rookery Lodge;



### *Design*

- Three storey buildings would be out of character (*this has now been reduced to two storeys*);

### *Traffic*

- Additional traffic generated by the proposed development;
- The access is on a bend in road where visibility is poor for drivers using the road;
- Access is close to nursery and where there is on street parking;
- 42 spaces for 50 units is inadequate and would increase parking in View Road;
- Traffic calming would be needed on B2000;
- Proposal would increase pollution;

### *Infrastructure*

- Additional pressure on doctor's surgery, hospital, buses, water supply, drainage;
- Knock on effect on schools as other homes are freed up for young families;

### *Other*

- Area is not well served by shops with only a few village shops;
- No provision for refuse and re-cycling collection;
- The survey carried out by applicant in 'Design, Access and Planning Statement' is subjective and inaccurate;
- No information about construction controls, noise, spoil removal, working hours etc.

**One letter** has been received raising no objection to the principle of the development but expressing concern at the height of the buildings and consequent loss of privacy and outlook.

**Cliffe and Cliffe Woods Parish Council** has written objecting for the following reasons:

- Development is outside village boundary as identified in the 2003 Local Plan and is premature being made in advance of the new Local Plan and the emerging Cliffe and Cliffe Woods Neighbourhood Plan;
- Proposal would conflict with the Medway Landscape Character Assessment which recognises the value of the site;
- Loss of Grade 2 agricultural land;
- Impact on SSSI which adjoins the site;
- Access would be onto dangerous bend in View Road;
- Insufficient car parking;
- Residents unlikely to use public transport;
- Proposal would add to pressure on local services - shops, community centre, doctor's surgery and by freeing up family homes there would be more pressure on schools;
- Additional impact on drainage and risk of flooding;

- No need for facility has been identified;
- Applicant has failed to address concerns raised by Parish Council at pre-app meetings.

**Frindsbury Extra Parish Council** has written raising no objection.

**Dickens Country Protection Society** has written objecting for the following reasons:

- The access is inadequate and in a bend;
- Site is outside village envelope;
- Proposal would put additional pressure on doctor's surgery, community centre and other local service.

**Friends of North Kent Marshes** has written objecting for the following reasons:

- The site is outside the village boundary as defined in the Medway Local Plan 2003;
- The site is adjacent to Chattenden Woods and Lodge Hill SSSI designated for its nightingale population, special grassland and woodland. Additional housing would create pressures such as cat predation and recreational disturbance;
- This is a greenfield site and productive agricultural land;
- The site is within Cliffe Woods Farmland Landscape Area as identified in the Medway Landscape Character Assessment 2011 where the suggested action is to conserve and to create and to resist development proposal that would threaten to loss of rural and locally distinctive character;
- Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural landscape by ... protecting and enhancing landscapes.

**Medway Countryside Forum** has written objecting due to its close proximity to Chattenden and Lodge Hill SSSI and the additional pressures that are likely to be experienced from predatory pets such as cats on ground nesting species.

**Natural England** has written making the following comments:

The site is within 6km of Special Protection Areas and the appropriate mitigation contribution should be sought;

The site is adjacent to Chattenden Woods and Lodge Hill SSSI and additional information should be sought with regard to the impact on the SSSI in terms of air quality (dust during construction and from residents vehicles when the site is occupied), how the impact of the increased cat population will affect the SSSI and measures to provide alternative greenspace for residents, other than the SSSI.

**Kent Police Crime Prevention Design Advisor** has written advising that no reference has been made to Crime Prevention Through Environmental Design (CPTED) in the Design and Access Statement and there have been no pre-application meetings. In the event of planning permission being granted he has recommended appropriate conditions and informatives.

**Southern Water** has written with a plan showing the local sewer network. Southern Water has written advising that no development or new tree planting should be located

within 3m of a public sewer and no new soakaways should be located within 5m of a public sewer. Initial studies indicated that Southern Water cannot currently accommodate the needs of this development without the developer providing additional local infrastructure. The development would increase flows into the wastewater sewerage system, thereby increasing the risk of flooding contrary to Paragraph 109 of the NPPF. Southern Water have also asked for conditions to be imposed contrary to Paragraph 109 of the NPPF.

**Southern Gas Networks** have written with a plan showing gas works in the area.

**KCC's Biodiversity Officer** has written expressing concerns regarding the impact on the SSSI and also potential habitats on the site, particularly the quality of the hedgerows. The site has the potential for bats, hazel dormice and reptiles and appropriate surveys would be required.

**Natural England** have sent a further e-mail saying that they are pleased that the applicant has agreed to the no pets policy, including preventing new residents bringing new pets to site. The concern relates primarily to cats but dogs, to a lesser degree can cause disturbance to nesting nightingales. They would not have concerns with pets such as goldfish or caged birds.

They have asked that measures are in place to ensuring that the daily presence of on-site staff monitoring the no pets policy, and that the Natural England will be consulted should the freehold of the site be sold in the future, or should there be any proposals to convert the leasehold for individual properties to freehold in the future (thereby removing the safeguard of monitoring the no pets policy). [These requirements could be incorporated into the Section 106 agreement].

## **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**

### *Principle*

The site is outside, but adjacent to, the built confines of the village of Cliffe Woods as identified on the Proposals Map to the Local Plan and therefore falls to be assessed under Policy BNE25 of the Local Plan which contains a presumption against development in the countryside unless one of six specified criteria can be met, none of which apply to this application. Policy BNE25 also states that:

*"Development in the countryside will only be permitted if it maintains, and wherever possible enhances, the character, amenity and functioning of the countryside, including the river environment of the Medway and Thames, it offers a realistic chance of access by a range of transport modes"*

There are no other policy designations for this site and according to the Proposals Map, the site is not adjacent to an SSSI. However, it appears that the Chattenden Woods and Lodge Hill SSSI has been extended to include the woodland which adjoins the south-east corner of the site, so the site is adjacent to and could potentially have an impact on the SSSI which will be addressed below.

Policy S1 is relevant in so far as it states that the development strategy for the plan area is to prioritise re- investment in the urban fabric. This application, involving development on open countryside, outside the urban area would be contrary to this policy.

Regard should also be paid to Paragraph 7 (Sustainable Development Principles), Paragraph 14 (Sustainable Development and plan making/decision taking), Paragraph 17 (Core Planning Principles), Paragraph 49 (5 year housing supply) and Paragraph 55 (Development in the Countryside) of the NPPF.

Having established that the application proposals are contrary to the Development Plan it is necessary to consider whether other material considerations, specifically the relevant policies in the NPPF, indicate that the application should be approved.

#### *Housing Supply Position*

The 2015/16 Authority Monitoring Report (AMR), published in December 2016, sets out the five year housing land supply position in Medway as at 31 March 2016. It calculates the 5 year supply based on the housing trajectory of sites phased in the next 5 years and the required delivery rate. The delivery rate was based upon an interim housing target of 1,000 homes per year.

When the housing trajectory and required delivery rate are calculated the Council does not have a 5 year housing land supply. Furthermore it has been proven and agreed at several planning appeals that there has been persistent under delivery of housing in Medway in recent years. Therefore it is viewed that a 20% buffer needed to be applied to the 5 year supply figures. As a result of the shortfall in the housing land supply, paragraphs 49 and 14 of the NPPF apply, and relevant policies for the supply of housing should be considered as not up to date.

Paragraph 49 of the NPPF 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.'* Therefore relevant policies fall away and decisions are made in accordance with the definition of sustainable development as outlined in the NPPF.

In early 2015 Medway Council and Gravesham Borough Council jointly commissioned GVA Bilfinger to prepare a full Strategic Housing and Economic Needs Assessment to identify housing, employment and retail growth over the plan period 2012-2035. The SHMA element of the SHENA identified an objectively assessed need of 1,281 dwellings per annum for Medway. This is yet to be formally adopted by the Council as its housing target through the Local Plan process. However it is the most up to date assessment of the OAN.

It is concluded that Medway Council does not currently have a 5 year land supply and so paragraph 49 of the NPPF applies.

### *Sustainability*

As suggested above the 5 year land supply position of Medway Council at present means that Policy BNE25 of the Local Plan falls away in terms of Housing Land Supply and the sustainability of the location proposed for development needs to be assessed. The sustainability of development in the NPPF has three parts as outlined in the NPPF paragraph 7: economic, social and environmental.

The economic sustainability of the site has two parts the sustainability of the site economically for residents and jobs growth created from the site. The proposal is for retirement homes and as such the residents would require limited access to employment, compared to the general population, and as such access to employment is not a significant issue so far as this application is concerned. Due to the nature of the site as a retirement village there is some opportunity for employment to be created as a result of the development. The applicant has advised that the development, when complete would generate up to 7 full time equivalent posts and as such there would be some employment generated by the proposal. The level of growth would therefore not be that great, but the need for employment created by the proposal would also be minimal due to the proposed usage.

In terms of social sustainability, the development needs to deliver social benefits to the community and be located where they can be accessible in terms of 'promoting healthy communities' under Part 8 of the NPPF. Paragraph 70 states that the planning system should: *'deliver the social, recreational and cultural facilities and services the community needs'*.

Medway Council has had some data from the Medway Council SHMA 2015 on the changes to the population, which indicates that older persons households are to increase over the period 2012-2037. The number of households 65+ is rise by 18,655 or 70.8% over that period. With specific regard to location, the SHMA indicates that at present more elderly people (66+) live in the rural area than the urban area. This may indicate that there is a need for elderly accommodation in the rural area. In total 22.91% of households in the rural area are 66+ age group compared to 21.96% in urban areas.

Having identified that there is an increase in older persons' households, it is necessary to establish whether there is a need for this type of accommodation. The Housing Needs Survey that formed part of the SHMA evidence tried to understand expectations and needs amongst Medway residents over the plan period. Firstly it analysed the level of care required. It indicated that 91.2% of respondents required no care or a low level of care. The accommodation proposed would respond to this demand as it is for a retirement village that would provide minimal care facilities.

The Housing Needs Survey also provided commentary on the different types of facility required. Excluding those people who would not consider any of the housing options proposed, the most popular option was to remain in their own homes with support if

needed over the next 5 years - a total of 30.8% of respondents to the survey. The next largest categories were buying another property or sheltered accommodation- both over 10% of respondents to the survey. The proposal would correspond to these considerations by providing low level care through the provision of on site security/manager and allowing people who want to remain at home, but perhaps downsize to choose this as an option.

In conclusion there is a growing older population within Medway and in rural areas of the authority. However those people classed as elderly wish to remain in their own home, but if not to find housing with minimal care needs or adjustments. The proposed retirement village may be able to provide for elderly people who wish to find housing in the areas with minimal care needs or adjustments and with an ambition to downsize.

In relation to the interaction with the existing facilities the development is on the fringes of Cliffe Woods, which has a local service centre approx. 180m to the north and has access to a bus stop approx. 185m to the west. This suggests that there are local facilities to service the development within a suitable walking distance. However no provision has been made for the impact of the new development on these existing facilities. A gym would be provided, which would be available for use by people in the existing community.

The impact on the environment is of vital importance to the sustainability of a site and this is assessed through paragraphs 109-125 of the NPPF. Significant to this development is the influence of the SSSI located to the south east of the development. Paragraph 118 of the NPPF states that *proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted.*

The applicant has submitted an ecological report that recognises the location of the proposal close to a SSSI and within the IRZ of this SSSI. However, Natural England and other organisations have raised concerns, particularly with regard to impact of the SSSI of the increase on the population of predatory pets such as cats. This issue is addressed below.

### *Agricultural Land*

The present site is located in the countryside and falls within an active agricultural land use as noted in the applicants ecological report. The broad agricultural land classification for the site is grade 1. This is the best and versatile agricultural land (1-3a) as defined in the NPPF. As such this area demands a certain level of protection from development.

NPPF paragraph 112 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.'*

The applicant has advised that the land is Grade II, which still falls within the best and most versatile category. The applicant adds that the site consists of a small corner of a large field, where it is difficult to access using modern large machinery. He adds that the anecdotal information from tenant farmer is that this is not the best land and that yields in the past have been lower than for the remainder of the farm.

It is acknowledged that there would be a loss of agricultural land, but having regard to the size of the site in relation to the wider extent of best and most versatile land on the Hoo Peninsula, and the need for the accommodation, no objection is raised under paragraph 112 of the NPPF.

### *Affordable Housing*

Policy H3 of the Local Plan sets a target of 25% for developments of 15 or more dwellings and larger than 0.5 hectare in rural locations with settlements of less than 3,000. The 2011 census indicates that Cliffe Woods has a population of 2,662. In the proposed location the Council would require an affordable housing level of 25% of the total homes built to be policy compliant. The proposal is for a 50 units that are market housing with no affordable housing and so is not policy compliant.

The applicant has submitted that they shall meet the affordable housing need via 'reduced market value' system. In view of the specialised nature of the proposal providing retirement housing specifically for over 55s, it would be considered inappropriate to seek a percentage of affordable homes, as the development is not for family housing, and as advised by the applicant, is affordable, as it is aimed to meet the needs of active elderly people on reduced incomes.

### *Design and appearance*

As the application is in outline form, the design and appearance of the proposed development would fall to be assessed at the reserved matters stage. The application is accompanied by an illustrative layout drawing which shows an access road off View Road, towards the eastern end of the site, with a one way circulation system around the site. Seven 'blocks' are shown comprising three single storey buildings, three two storey buildings and a club house gym. In principle, the proposed development would not be out of character with its surroundings in terms of design and appearance and in this regard, no objection is raised in terms of design and appearance under Policy BNE1 of the Local Plan and paragraphs 56 and 58 of the NPPF.

### *Amenity*

The application site is surrounded to the west and south by farmland. To the east it is bounded by the rear gardens of the detached houses in Englefield Crescent. The rears of these houses are between approx. 8m and 11m from the site boundary, and the nearest block of bungalows would be approx. 25m from the rear of these houses. The flank wall of 6 View Road would be approx. 12m from a two storey block. Providing there are no windows in this block, there would be no overlooking.

As the application is in outline form, matters of neighbour amenity would be addressed at the reserved matters stage, but from the illustrative layout drawing, it would appear that these could be satisfactorily addressed and not result in any unacceptable overlooking, loss of light or loss of outlook, and therefore no objection is raised under Policy BNE2 of the Local Plan or paragraph 17 of the NPPF in this regard.

### *Highways*

The TRICS trip generation database indicates that the proposed development would generate around 130 vehicle trips per day, equating to an average of 2.6 trips per dwelling. The peak trip generation is likely to occur during the middle of the day, with around 13 two-way trips. As would be expected, the development is expected to generate only around 9 vehicle movements during the peak hours on the local network. This low number of trips would not have a material impact on highway safety or capacity on the local road network and no objection is raised in this regard under Policy T1 of the Local Plan.

The application proposes a new access junction on View Road, on the outside of the bend in the carriageway. Concerns have been raised in respect of the proposed positioning of the new junction on the bend in the road, and the issues caused by existing kerbside car parking. The application demonstrates that vehicles leaving the access would have visibility along View Road in excess of the required standard. The provision of a conventional 42m visibility splay in each direction, from a set-back of 2.4m would keep the sightlines within the existing footway. It is likely that some parking restrictions on View Road in the vicinity of the access would be required in order to keep these sightlines clear and to ensure large vehicles can access and egress the development satisfactorily.

The applicant has agreed to pay the cost of providing waiting restrictions in View Road to secure the sight lines and address the issue. In the event of planning permission being granted, this would be secured by means of a Section 106 agreement.

The adopted vehicle parking standards require the provision of 1 space per one bedroom unit, and 1.5 spaces per two bedroom unit making a total requirement of 66 spaces, plus 12.5 visitor spaces. Under the revised scheme a total of 53 spaces are proposed (compared to 32 spaces and 10 garages as originally proposed). Whilst this parking provision would still fall short of the Council's standard, regard should be paid to the fact that the proposal is for retirement homes and not for private dwellings and therefore the level of car ownership is likely to be less than for family housing. Furthermore, the proposed development, although outside of the urban area, is adjacent to the rural settlement of Cliffe Woods and within walking distance of village shops, doctor's surgery and local facilities in general. A club house and gym are proposed to be provided on site, further reducing the need to travel and the site is on a bus route, with bus stops close by. Having regard to these considerations, no objection is raised in terms of parking under Policy T13 of the Local Plan.

The application, as amended shows a pedestrian footpath, adjacent to the vehicular access the site, connecting the site to the footpath in View Road. This would ensure pedestrians have continuous footway links with the bus stops on View Road, and the village centre, and would, therefore comply with Policy T3 of the Local Plan.



## *Flood Risk*

The Environment Agency's Flood Map shows that a small section of the central part of the site is at a low risk (1 in 1,000) chance of flooding occurring in any one year. This was brought to the applicant's attention, and subsequently a Flood Risk Assessment was submitted. The proposals contained within the Flood Risk Assessment are acceptable in principle, subject to an appropriate condition. Subject to this condition, no objection is raised in terms of flood risk under Policy CF13 of the Local Plan and paragraph 103 of the NPPF.

## *Ecology*

Natural England, as a statutory consultee, has raised a concern with regard to the site being adjacent to Chattenden Woods and Lodge Hill SSSI and the impact of the proposed development on the ecological interests of the SSSI in terms of the increased cat population. This concern has been echoed by Friends of North Kent Marshes and Medway Countryside Forum.

The home ranges of cats have been studied worldwide and mean hunting ranges of in excess of 300 hectares have been recorded; males have been observed to have consistently larger home ranges than females, and nocturnal home ranges are larger than diurnal ones. When considering the maximum linear distance travelled by cats from one point to another, distances of over 3km have been recorded.

Measures to mitigate the effects of cat predation have been studied, including the use of bells and other collar-mounted devices along with fencing and the modification of cat behaviour by owners, such as limiting the amount of time a cat spends outside. To date, no method has entirely prevented predatory activity in cats.

The applicant originally responded to this concern by advising that they have strict 'No Pets Policy'. However, their original No Pets Policy, whilst preventing occupiers of the proposed development from acquiring new pets whilst in residence, did allow for future residents to bring existing pets with them when they move in. Whilst this would reduce the potential cat population, it could still result in cats being present at any time, and as such, have an impact on protected species within the SSSI, including nightingales. Natural England maintain that a No Pets Policy should be strictly applied to mean no pets, not allowing new residents to bring existing pets on the site. This matter has been the subject of extensive discussion between the applicant, Natural England and planning officers.

Policy BNE35 of the Local Plan states that *development that would materially harm, directly or indirectly, the scientific or wildlife interests of these sites will not be permitted unless the development is connected with, or necessary to, the management of the site's wildlife interest.*

Paragraph 118 of the NPPF states that *when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:*

- *if significant harm resulting from a development cannot be avoided, adequately*

*mitigated, or, as a last resort, compensated for, then planning permission should be refused*

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest*
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted*
- opportunities to incorporate biodiversity in and around developments should be encouraged;*
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.*

In this instance, based on the applicant's original 'No Pets Policy', the proposal would have been likely to result in significant harm to the SSSI resulting from the potential introduction of more pets, particularly cats, in close proximity to the SSSI. The applicant was advised that this was unacceptable as being contrary to planning policy.

The applicant has now acknowledged the significance of the issue and has agreed to a strict 'No Pets Policy', which means no pets whatsoever. This should be secured by means of a Section 106 agreement to which the applicant has agreed.

Accordingly, no objection is now raised on account of the harm to the SSSI resulting from the proposed development, under Policy BNE35 of the Local Plan and Paragraph 118 of the NPPF.

In addition to the concerns raised regarding the impact on the SSSI, the impact on the ecology of the site need to be addressed. KCC Ecology's have requested surveys with regard to bats, hazel dormice and reptiles at the site. The applicant is agreeable to undertaking surveys and has already under taken some work in this regard. Appropriate biodiversity enhancement measures are also sought as part of the proposed development. Conditions are recommended to ensure that the appropriate surveys are carried out and appropriate mitigation measures are in place.

Subject to these conditions, no objection is raised under Policy BNE39 of the Local Plan and Paragraph 118 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 £223.58 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, which would amount to a total of £11,179 in respect of the proposed development. 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 indicated that they are agreeable to paying this tariff. In the event of planning permission being granted this will be secured by means of a Section 106 agreement. No objection is therefore raised under Paragraphs 109 and 118 of the NPPF and Policies S6 and BNE35 of the Local Plan.

### *Other S106 Matters*

The Community Infrastructure Levy Regulations 2010 provide that in relation to any decision on whether or not to grant planning permission to be made after 6 April 2010, a planning obligation (a s106 agreement) may only be taken in to account if the obligation is (a) necessary to make the development acceptable in planning terms;(b) directly related to the development; and (c) fairly and reasonably related in scale and kind to the development. The obligations proposed comply with these tests because they are necessary to make the development acceptable in planning terms, they are directly related to the development, and they are fairly and reasonably related in scale and kind to the development.

### Health

A contribution of £23,397.50 based on an occupancy ratio of 2.45 persons per dwelling (ppd) and £191 per person to be used for improvements to the Parks Medical Practice, Parkside, Cliffe Woods to increase capacity to accommodate additional patients.

## Education

As the application is for retirement homes, no education contribution is sought in this instance.

## Greenspace Services

Applying the formula in Medway Council's Developer Contributions Guide (2014), £79,518.18 would normally be sought for a development of this size, based on an occupancy ratio of 1.33 ppd for the 18 x one bedroom units, and 2.45 ppd for the 32 x two bedroom units. However, following discussions with the applicant/agent, the contribution has been reduced, taking account of the fact that this is a retirement facility, and therefore no children's play space contribution is sought. Also, an area of open space/communal garden is to be provided within the site, thereby reducing the parks and gardens and outdoor sports contribution. The contribution is, therefore as follows:

<b>Table 2: Typology</b>	<b>Medway standard</b>	<b>Land South of View Road</b>	<b>Rate (£)</b>	<b>Sub total</b>	<b>Notes</b>
<b>Parks &amp; Gardens</b>	0.4/1000	0.03	99.00		Not required - providing 350sqm on site
<b>Play</b>	0.08 /1000	0.01			Removed - not relevant to residents
<b>Amenity Greenspace</b>	0.74 / 1000	0.05	33.00	2,269.74	
<b>Natural Greenspace</b>	1.35/1000	0.09	152.00	10,454.56	
<b>Outdoor Sport</b>	0.5/1000	0.03	149.00	7,450.00	Discounted as providing some sports provision (e.g. bowls/petanque) on site. Equated at 50sqm. Previous figure was £10,248.22
<b>Allotments</b>	0.18/1000	0.01	16.00	1,100.48	Discounted if can provide raised planters on site for residents to grow veg etc. Need area & further details
<b>Total</b>	<b>3.26/1000</b>	<b>0.22</b> ha		<b>£21,274.78</b>	

The applicants have indicated that they are agreeable to entering into a Section 106 agreement and to pay these contributions and, therefore, no objection is raised in this regard under Policy S6 of the Local Plan.

### *Local Finance Considerations*

There are no local finance considerations raised by this application.

### **Conclusions and Reasons for Approval**

The principle of the proposed development is acceptable under Policy BNE25 of the Local Plan and Paragraph 49 of the NPPF. No objections are raised in terms of economic or social sustainability, loss of agricultural land, design, amenity, highways and parking or flood risk and the proposal would comply with Policies BNE1, BNE2, CF13, H3, T1, T2 and T13 of the Local Plan and Paragraphs 17, 58, 70 and 103 of the NPPF.

The concerns regarding the impact on the SSSI, have been addressed by the applicant agreeing to a strict No Pets Policy, and therefore, no objection is raised under Policies BNE35 and BNE39 of the Local Plan and Paragraph 118 of the NPPF.

The applicant has also agrees to enter into a Section 106 agreement to secure appropriate developer contributions in respect of strategic mitigation measures, health and open space, and in this regard the no objection is raised Policy S6 of the Local Plan.

Accordingly the application is, therefore recommended for approval.

The application is being referred to the Planning Committee for consideration of account of the number of letters of representations that have been received contrary to the Officer 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://publicaccess.medway.gov.uk/online-applications/>