

MC/18/0096

Date Received: 10 January 2018

Location: Land Adjoining No. 35 Cooling Road High Halstow Rochester ME3 8SA

Proposal: Outline planning application with some matters reserved (appearance, layout, scale and landscaping) for the demolition of existing outbuildings and erection of five detached self-build dwellings with associated garages, parking, landscaping and improvements to existing vehicular access

Applicant Mr & Mrs Waller

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Kent
ME2 3RH

Ward: Peninsula Ward

Case Officer: Madeline Mead

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 4th July 2018.

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

Recommendation: Approval subject to:

- A) The submission of a Unilateral Undertaking under Section 106 of the Town and Country Planning Act 1990 to secure
 - i. £223.58 per new dwelling towards Designated Habitats Mitigation.
 - ii. A commitment to make the development plots available only as self-build plots.
- 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 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 the following approved plans:

For the purpose of the access only drawing number WA/17/130.02A received on the 13 April 2018.

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

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

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

- 6 Prior to the reserved matters being submitted a landscape strategy is to be submitted to and approved in writing by the Local Planning Authority. The landscape strategy should include details of hard and soft boundary treatment for the perimeter of the site, the ecological buffer area and the area fronting Cooling

Road. Details to be submitted should include maintenance details for those areas and a timetable for the implementation. The development shall be implemented in accordance with the approved details.

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 No development shall take place above slab level until details of the surfacing and drainage of the vehicle access has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details before the access is brought into use and shall be so retained at all times thereafter.

Reason: To ensure that the development permitted does not prejudice conditions of amenity and highway safety in accordance with Policies T1 and CF12 of the Medway Local Plan 2003.

- 8 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 (if applicable):

- 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: To manage surface water during and post construction and for the lifetime of the development.

- 9 Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must not take place until conditions 10 and 12 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified in writing by the Local Planning Authority until condition 13 has been complied with in relation to that contamination.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on human health and/or water courses as a result of

the potential mobilising of contamination and in accordance with Policy BNE23 of the Medway Local Plan 2003.

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

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

(ii) an assessment of the potential risks to:

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

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

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

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

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

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

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

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

- 13 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 10, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 11 which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 11 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 12.

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.

- 14 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan

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

Reason: Required before commencement in order to protect residential amenities in relation to Policy BNE2 of the Medway Local Plan 2003.

- 15 No development shall take place above slab level until servicing has been put in place for each plot, providing access to a public highway and connections for electricity, water and waste water. This shall remain in place until the occupation of the final unit.

Reason: In order to provide amenities in accordance with Policies BNE2 and CF12 of the Medway Local Plan 2003.

- 16 Within three months of commencement of the development an ecological enhancement strategy to be submitted to and approved in writing by the Local Planning Authority. The works must be incorporated in to the site as detailed within the submitted plan.

Reason: In order to minimise the impact on wildlife and habitat with regard to Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 17 Prior to the occupation of the first dwelling on site, the vehicular access shall be constructed in accordance with the approved plans, including sight lines from the access of 45 metres in each direction along Cooling Road.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

- 18 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained 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 Policies T1 and T13 of the Medway Local Plan 2003.

- 19 Prior to the installation of any external lighting on the site, including for each individual plot, a lighting design strategy for the site boundaries and for each plot should be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following details:

height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans);
demonstration of the effect on the rural landscape;
identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
how and where external lighting will be installed so that it can be clearly demonstrated that the areas to be lit will not disturb or prevent bats using their territory.

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: In order to limit the impact of the lighting on the the surrounding landscape and wildlife with regard to Policies BNE1, BNE5, BNE37 and BNE39 of the Medway Local Plan 2003.

- 20 The plot(s) must be marketed to self/custom builders for a minimum period of 12 months to the satisfaction of the Local Planning Authority before any consideration is given to revert to open market sale/to be developed by the land owner/developer.

Reason: To take account of the self-build nature of the submitted application and to regulate and control any subsequent development of the site in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 21 For each reserved matters application relating to an individual plot, evidence should be provided from the person(s) purchasing the plot to prove they have had primary input into the final design and layout of their home. This evidence shall be submitted to the Local Planning Authority as part of the reserved matters application.

Reason: To take account of the self-build nature of the application in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C and E of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of amenity, in accordance with Policies BNE1 and BNE2 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 for five self-build detached houses with all matters reserved except access.

An indicative site layout drawing has been submitted that shows how five detached dwellings could be accommodated within the site. The dwellings are proposed as self-build plots, all of similar size to be located within a new cul-de-sac accessed off of Cooling Road. A visibility splay of 2.5m by 45m (each side) is proposed to exit onto Cooling Road.

The submitted indicative site layout drawing shows that a footpath is proposed to be created to the front boundary of the site adjacent to Cooling Road, which would run from the western boundary of number 35 Cooling Road through to the vehicular access road to serve the development and continued to the rear boundary of Notre Songe. There is also potential to provide a new footpath along the side of Plots 4 and 5, to the rear of Nos. 1 and 2 Thames View Cottages, if required.

Site Area/Density

Site Area: 0.42 hectares (1.04 acres)
Site Density: 5.66 dph (5.76 dpa)

Relevant Planning History

MC/04/1068	Mixed use of land as paddock and grazing land for agricultural livestock and construction of a building comprising two stables and hay/bedding store Decision Approval with Conditions Decided 11 August 2004
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Representations

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

High Halstow Parish Council, Dickens Country Protection Society, KCC Biodiversity, Royal Society for the Protection of Birds, Natural England, Kent Wildlife Trust, and Network Rail have also been consulted.

Dickens Country Protection Society has commented that there are insufficient community facilities to support the development.

High Halstow Parish Council has the following comments:

- Over intensification of the site.
- Concerns over infrastructure.
- Problems with the foul water pumping station.
- Pressure on local facilities.
- Road is unsuitable for increased volumes of traffic.
- Loss of amenity.
- Development is in the countryside.

KCC Ecology (KCCE) is satisfied that sufficient information has been provided with the application. KCCE recommend that native species are used to create the buffer area that is proposed to be created along the boundary with No. 35 Cooling Road. The submitted preliminary ecological appraisal has made recommendations to enhance the site for biodiversity. A condition is recommended to ensure an ecological enhancement strategy is submitted.

Natural England has no objection to the development subject to appropriate mitigation being secured by way of financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS).

Nine letters have been received with the following objections:

- Loss of privacy.
- New access onto Cooling Road would be dangerous.
- Further pressure on existing overstretched facilities.
- Development is overbearing and out of scale with existing properties.
- Scale of development is not in keeping with local surroundings.
- Additional traffic on the country lane.
- Pumping (water) station over capacity already.
- Air quality issues due to the increase in cars.
- Development on green belt land.
- Loss of views.

Eight letters have been received in support with the following comments:

- Small developments like this have less impact on the local area than major developments.
- The additional traffic would not cause any further issues.
- Small parcels of land like this have no other use than equestrian and are not large enough for agricultural use.

Reconsultations were carried out on amended/additional submissions. **Two** further letters were received from households that have already commented on the application with no additional objections than those already listed above.

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 starting point for the consideration of this application is whether the principle of development in this location is acceptable. The first issue to consider is the fact that the application site lies outside the village boundary of High Halstow, as defined in the proposals map of the Local Plan, and is therefore within the open countryside.

The Council acknowledges that it does not currently have a 5 year land supply for housing. Due to this lack of supply Paragraph 49 of the NPPF is engaged, which states that relevant housing supply policies should not be considered up-to-date if a 5 year housing land supply cannot be demonstrated. Therefore Paragraph 14 of the NPPF is applicable, which asserts that there is a presumption in favour of sustainable development in decision-taking, and requires that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts would significantly or demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The relevant housing supply policy in the Local Plan is Policy H11, which concerns restricting housing development within rural settlements. As a result of Paragraph 49 of the NPPF, in determining the current application, reliance on this housing policy and its reference to resisting housing outside village and urban boundaries, would be unlikely to be upheld at appeal.

Due to the lack of a 5 year land supply for housing, and given that the presumption in favour of development set out in Paragraph 14 of the NPPF applies to “sustainable” development, it is necessary to consider whether this proposal is a sustainable development, and to also consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition in Paragraph 7 refers to sustainable development having an economic, social and an environmental role, and in Paragraph 8 states that to be sustainable, development should achieve gains “jointly and simultaneously” in all three of these areas.

In respect of the proposal, socially, there are benefits from the scheme through the provision of housing to help meet the 5 year supply, and the close proximity of the site to local services and facilities within a suitable walking distance. Economically, the site would boost the local economy during construction process providing jobs in the short-term. The site is near to transport links that allow for good access for commuting and therefore, as it is sustainably located, it will help provide the increased workforce that enables continued economic growth in the longer term.

Environmentally, the applicant has submitted surveys and reports to cover ecological matters and these are considered in detail below but they are generally acceptable. The ecological enhancements suggested, including the retention, enhancement and creation of boundary hedgerows, and a 5m wide ecological buffer that would run along the eastern boundary of the site from north to south, would be beneficial in terms of environmental gains from the development. The site is not located within any protected sites, however, Dalham Farm SSSI is located on the northern side of Cooling Road (opposite the application site). The site is bordered on two sides by residential houses; No. 35 Cooling Road to the east and Notre Songe, 1 and 2 Thames View Cottages to the west. The landscape value of the site is therefore limited by these immediate surroundings and in some respects, as a result of its surroundings, the site could be considered an infill site. Overall, due to the limited landscape value, it is considered that there would be no negative impact on the environment.

Whilst the proposed development would result in further suburbanisation of the road, it is considered that in principle, residential development here would not cause sufficient harm to the wider character and functioning of the countryside to outweigh the presumption in favour of this sustainable development.

The nature of the proposed scheme as a self-build project must also be considered. Self-build is defined as when someone gets involved in, or manages the construction of their new home (definition from NaCSBA). The Department for Communities and Local Government (DCLG) published the Housing White Paper, Fixing Our Broken Housing Market in February 2017, which asserts it ‘will make it easier for people who want to build their own homes’ (p.14). The White Paper makes it clear that custom and self-build is an important part of the Government’s strategy to solve the housing crisis. As a result, Local Planning Authorities will be expected to have policies that support the development of small ‘windfall’ sites that are not allocated in policy plans, and they will be expected to identify opportunities for villages to thrive, especially where this would support local

services and meet the need for local homes for local people. The White Paper also commits to promoting the Right to Build portal from the National Custom and Self Build Association (NaCSBA), so that anyone wanting to build their own home can easily find the Local Authority register in their area.

In terms of Medway's Self Build Register, the level of demand is monitored via annual base years. To date, there have been 3 base years and the following demand has been established:

- Base Period 1 - 15 individuals
- Base Period 2 - 39 individuals
- Base Period 3 - 9 applicants (to date).

These figures indicate there is a clear demand for self-build plots in Medway and together with the impetus from the Government for the type of self-build development that is proposed under this application, this is a development that should be encouraged. The applicant is committed to ensuring the self-build nature of the scheme, and has incorporated this commitment into a Unilateral Undertaking.

Therefore the principle of new housing as set out above is generally acceptable and is in accordance with Paragraphs 7, 8, 14, and 49 of the NPPF and the Housing White Paper, subject to the consideration of the detailed matters set out below.

Design

Development Plan policy places considerable emphasis on the importance of achieving good design to ensure that all new developments are appropriate to the shape, size and location of the site. Paragraph 57 of the NPPF promotes the achievement of high quality and inclusive design for all development, including individual buildings and public and private spaces. Local Plan Policy BNE1 seeks to ensure that the design of development is appropriate in relation to the character, appearance and functioning of the surrounding area.

The surrounding area contains a mix of house types and designs. As appearance is a reserved matter, and as this is a self-build application, the development provides a real opportunity for exceptional, innovative and high quality design.

A design code is considered important for this scheme to ensure there are adequate controls to prevent the proposed architectural style from being 'dumbed down' and to ensure that the scheme adheres to the rural vernacular that it seeks to reflect. Additionally, as a self-build scheme, the self-builder must be able to have control over the design of the house. The design code will therefore need to be carefully planned, as it has to articulate the design principles and materials, without being too prescriptive about the actual houses to be built. The indicative design of the houses could demonstrate the design potential that is embedded in the principles set by the code. The issue of amount of garden space relative to the proposed built/hard area on any one plot is also important

to get right within the design code, as it will set the tone for the spatiality of the site and avoid a feeling of overdevelopment, which rural fringe sites should not exhibit.

Amenity

One of the core planning principles of the NPPF at paragraph 17 is to seek a good standard of amenity for all existing and future occupiers of land and buildings. This is reflected in Local Plan Policy BNE2, which states all development should secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

The proposal will clearly change the present situation at the site with regard to increased noise, disturbance, traffic and activity levels. However, the number of units proposed is not considered excessive or an overdevelopment of the site, and the proposed dwellings would be well-separated from neighbours, which would negate any impact. The proposed residential use of the site would be in keeping with surrounding residential uses. It is recognised there are likely to be issues during construction; these are discussed below.

With regard to the impact on neighbours, the proposed dwelling, plot 5, as shown on the indicative layout drawing would be the closest to a neighbouring property, Notre Songe. The flank wall of the property is indicated to be approx. 3.5m from the shared boundary with this property and approx. 14.5m from the proposed flank wall and rear elevation of Notre Songe. It is therefore considered that the privacy and light benefitting Notre Songe are not likely to be significantly affected. Privacy for neighbouring properties can be further protected through the detailed design of the proposed dwellings and positioning of habitable and non-habitable rooms and windows, and conditioned as necessary at reserved matters stage. Boundary treatment and screening is shown as indicative on the drawing and this would also help.

With regard to the amenities of future occupants of the development site itself, the detailed design of the proposed dwellings would need to pay regard to the Technical Housing Standards - nationally described space standard (2015). Consideration should be given to the need to create sufficient privacy within the proposed gardens. It is considered that careful design and boundary treatment could provide a satisfactory scheme in this respect.

On the whole, it is considered that the design of 5 dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is an issue that would be properly considered at reserved matters stage. In principle, it is considered that the impact on amenities is acceptable and in accordance with Policy BNE2 of the Local Plan and the fourth core planning principle in Paragraph 17 of the NPPF.

Highways

The adopted Interim Residential Parking Standards 2010 require a minimum of two spaces for a dwelling with three bedrooms or more. The indicative drawing shows each property to have at least two car parking spaces as well as garages. However, these drawings are indicative and garages may not be required for each plot. It is considered that sufficient off road parking can be accommodated within each plot.

The drawing shows vision splays of 2.5 x 45m both ways along Cooling Road, a condition is recommended to secure the provision of the access, including sightlines. As it is proposed to offer individual parcels of land to private individuals as 'self-builds' it is recommended the access be provided prior to occupation of the first dwelling on the site.

In terms of pedestrian access within the cul-de-sac, the indicative site layout drawing does not show a footpath within the cul-de-sac. The drawing does show a proposed footpath to the front boundary of the site adjacent to Cooling Road, which would run from the western boundary of No. 35 Cooling Road through to the vehicular access road to serve the development. This footpath is shown to be positioned behind the existing hedgerow and therefore would not affect the character of this rural road.

On the basis of the above, the development is considered acceptable with regard to Policies T1, T2 and T13 of the Local Plan and paragraph 32 of the NPPF.

Contamination

There is potential for contamination to be present on the development site, either arising directly from the former use of the outbuildings on the site or from land in close proximity to the proposal site. Due to the proposal being for residential use it is necessary for a contamination report and remediation scheme to be submitted. This can be secured by suitably worded conditions. Subject to this, the proposal is considered to be in accordance with the provisions of Paragraph 120 of the NPPF and Policy BNE23 of the Local Plan.

Construction

Due to the proximity of neighbouring properties the construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore it is recommended that a condition is imposed requiring the submission of a Construction Environmental Management Plan. On this basis, the proposal is considered to be in accordance with the provisions of paragraph 17 of the NPPF and Policy BNE2 of the Local Plan.

Ecology

Paragraph 118 of the NPPF expects local authorities to conserve and enhance biodiversity. Policy BNE37 of the Local Plan relates to the protection of wildlife habitats, and Policy BNE39 concerns protected species.

A Preliminary Ecological Appraisal has been submitted with the application, together with a Reptile and Great Crested Newt Survey Report. The report states that the site consists of a very shortly grazed horse paddock with a discontinued hedge along the road and a 3m wide strip of shrubs along the East boundary.

The conclusions of the reports are acceptable in relation to any impacts the development may have on protected species or sites and no additional ecological information is required. The preliminary ecological appraisal has made recommendations to enhance the site for biodiversity, details of the enhancements would be requested as a condition of planning permission if granted.

On the basis of the above, the application is considered acceptable in terms of its nature conservation impact, under the provisions of Paragraph 118 of the NPPF and Policies BNE37 and BNE39 of the Local Plan.

Bird Mitigation

As the application site is within 5km of the Medway Estuary & Marshes SPA, Ramsar and SSSI and 2km of the Thames Estuary & Marshes SPA, Ramsar and SSSI, though small, the proposed development is likely to have an 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. 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 are in the process of submitting a

unilateral undertaking. 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 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 for the reasons explained in the previous section.

The only other matter concerning s106 relates to an obligation for the development to be self build. The applicant has agreed to the inclusion of such an obligation to ensure the development is delivered in this manner.

Conclusions and Reasons for Approval

It is considered that the proposed development is acceptable in principle, in that, whilst it is outside the village boundary of High Halstow, the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of its sustainability, and in terms of the Housing White Paper and the need for self-build developments. Whilst matters relating to scale, appearance, layout and landscaping are reserved for consideration at a later date, overall it is considered that in relation to access, amenities, parking and highway safety, the scheme is acceptable and will provide a high-quality, self-build housing development that will help meet a need in the area. As such the proposal is considered to be in accordance with the provisions set out in Paragraphs 7, 8, 14, 17, 32, 49, 56, 57, 109, 118 and 120 of the National Planning Policy Framework, and Policies BNE1, BNE2, BNE23, BNE35, BNE37, BNE39, H11, S6, T1, T2 and T13 of the Medway Local Plan 2003. Therefore the application is recommended for approval subject to s106 and conditions.

The application would normally fall under delegated powers for determination, but is being reported to Committee due to the number of representations received expressing a view contrary to 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://publicaccess1.medway.gov.uk/online-applications/>