

MC/18/1871

Date Received: 22 June 2018

Location: Land At Port Victoria Road Isle Of Grain Rochester Medway

Proposal: Outline application with some matters reserved (appearance and scale) for construction of six dwellings houses with associated estate road, provision of 14 on site car parking spaces, new pavement along the site road frontage and on site reptile habitat and removal of porta cabin to the North

Applicant Mr & Mrs Murison

Agent Bloomfields
Mrs Vicky Bedford 77 Commercial Road
Paddock Wood
TONBRIDGE
TN12 6DS

Ward: Peninsula Ward

Case Officer: Majid Harouni

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th June 2020.

Recommendation - Approved Subject to;

- A. The applicant shall enter into a legal agreement with the Council to deliver the following:
 - i- the existing Army Cadets building together with associated foundation, hard standing, drainage, plumbing and wiring on land marked blue in drawing 1377-002 Rev E shall be demolished, broken up and the resulting materials removed from the land and the land shall be kept in perpetuity as part of the landscape and wildlife habitat of the development approved under ref MC/18/1871 prior to the first occupation of any of the dwellings in the said development.

- ii- Prior to the commencement of the development mention in (i) above, the applicant shall submit for approval in writing by the Local Planning Authority a restoration method statement. The method statement shall have regard to the terms and requirements of conditions no 5, 6, 7, 9, 11, 15 and 16 of permission under ref MC/18/1871. In addition the method statement shall provide details of any fill materials, integration of the blue land with the designated reptile translocation and habitat land as identified by drawing mention in (i) above, implementation programme, long term management and maintenance of the combined land. The approved restoration method statement shall be implemented in full to the satisfaction of the Local Planning Authority prior to the occupation of any of the approved dwellings.
- iii- MC/18/1871 prior to the first occupation of any of the dwellings in the said development.
- iv- Prior to the commencement of the development mention in (i) above, the applicant shall submit for approval in writing by the Local Planning Authority a restoration method statement. The method statement shall have regard to the terms and requirements of conditions no 5, 6, 7, 9, 11, 15 and 16 of permission under ref MC/18/1871. In addition the method statement shall provide details of any fill materials, integration of the blue land with the designated reptile translocation and habitat land as identified by drawing mention in (i) above, implementation programme, long term management and maintenance of the combined land. The approved restoration method statement shall be implemented in full to the satisfaction of the Local Planning Authority prior to the occupation of any of the approved dwellings.

B. And the following conditions:

- 1 Approval of the details of the scale and appearance of the buildings (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 18 months 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 plan:

1377 002 Rev E 19/11/2019

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

- 5 No development above ground floor slab level of any part of the development hereby approved shall commence until schedule/sample of the materials and finishes to be used in the construction of the external walls, roofs, windows, doors and guttering of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. 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 Local Plan.

- 6 No development above ground floor slab level of any part of the development hereby approved shall commence until a detailed landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The full details of hard and soft landscaping and a programme for implementation on site. Details shall include the following:

i- Proposed hard surfacing materials; refuse or other storage units, lighting etc);
ii- Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed umbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.

iii- All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier or in accordance with a programme to be submitted to and agreed in by the Local Planning Authority.

Details shall be approved in writing by the Local Planning Authority and thereafter implemented in accordance with the approved timetable.

Reason: To ensure a satisfactory external appearance and provision for landscaping 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 and green infrastructure, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the first 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 Any tree and/or shrub planted pursuant to condition 7 and being removed or severely damaged; dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 9 Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the Local Planning Authority showing the existing and proposed site levels and the finished floor /slab levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the approved details.

Reason: In the interest of visual amenity of the surrounding properties and in compliance with Policy BNE2 of the Local Plan.

- 10 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- 11 Prior to the first occupation of the development hereby permitted details of historical interpretation boards to be incorporated within the development shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include location, design, dimensions and materials of the proposed interpretation and measures for their ongoing management and

maintenance. The approved details shall be installed prior to the first occupation of the development hereby permitted and retained thereafter.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

12 Prior to works commencing on site (including vegetation clearance) a detailed reptile mitigation and management plan must be submitted to and approved in writing by the Local Planning Authority. It must include the following:

- Updated reptile survey (if current survey no longer valid)
- Aims and objectives of reptile mitigation
- Methodology to implement reptile mitigation
- Details of ecological enhancements to be incorporated in to site such a bat and bird boxes
- Timings of works
- Details of condition receptor site prior to reptile translocation commencing.
- Details of management required
- Management timetable
- Details of who will carry out the works
- Details of monitoring

The works must be carried out as detailed within the approved plan.

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

13 No development shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) Identify 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;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

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

Reason: To protect and enhance the natural environment in accordance with section 15 of the National Planning policy Framework.

- 14 The access shall not be used until vision splays have been provided on both sides of the vehicular access point(s) and no obstruction of sight, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within the splays thereafter.

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

- 15 The dwellings herein approved shall not be occupied until the area shown on the submitted layout as access road, turning area and vehicle parking space as shown in drawing 1377-002 Rev E have been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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.

- 16 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

Reason: In the interest of safety the construction works on site and residential amenities of the future residents.

- 17 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; parking, delivery and removal information, 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: In the interests of residential of the adjoining properties and in compliance with Policy BNE2 of the Local.

- 18 No development above ground floor slab level of any part of the development hereby approved shall commence until details of one electric vehicle charging point per dwelling with dedicated parking together with details of all gas fired boilers to meet a minimum standard of <40mgNO_x/kWh; have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full and retained in working order thereafter.

Reason: To ensure that provision is made for the parking and charging of battery powered cars in compliance with Policy BNE24 of the Local Plan.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 as amended no development within Schedule 2, Part 1, Classes A, B, C, D, E and F shall be carried out without the permission of the Local Planning Authority.

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.

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

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

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

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

- 22 No dwelling shall be occupied until the pavement along the northern side of Chapel Road has been extended eastward to include the application site full frontage with Port Victoria Road, Isle Of Grain to the satisfaction of the Local Highway Authority.

Reason: In the interests of highway safety and amenity of the local residents.

Proposal

This application is in outline for the erection of 6no dwelling houses comprising a pair of semi-detached and 4 detached houses with associated estate access road, provision for 14 on-site car parking spaces including 2 visitor parking, and an extension of the pavement along the northern side of Chapel Road/Victoria Road along the full frontage of the application site.

The matters that are to be determined at this stage comprise the access, estate layout and the landscaping of the application site; details regarding the appearance and scale are the proposed development are reserved for future consideration.

The proposal also involves the removal of the cadet's building from the land to the north which is within the applicant's ownership to alleviate the impact on the scheduled monument and to provide an ecology area for the translocation of reptiles from the part of the application site that is proposed for residential developed.

Site Area/Density

Site Area: 0.3hectares (o.78 acres)

Site Density: 20 dph (8 dpa)

Relevant Planning History

There have been several applications made on the site for several different uses, including outline/full applications for residential development.

1972 Erection of a single storey building for use as Army Cadet
Granted 1972

ME/79/1075 Outline residential development
Refused because the land was outside the settlement

ME/.82/790 Erection of stable building and use of land for equestrian purposes
Refuse
Appeal dismissed because of harm to the amenities of the adjoining residential properties.

ME/85/744 Erection of a bungalow dwelling
Refused, because the land was outside the settlement boundary.

ME/88/0333 Erection of 10 detached houses
Refused because the land was outside the village boundary

ME/88/1519 Erection of a detached house

Refuse because the land was outside the village boundary thus inappropriate form of development

1991 Stationing of a temporary re-locatable building for use as a doctor surgery
Permission granted for a temporary period of 4 years only.

Representations

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

2 letters have been received in support of the application making the following comments:

- More new homes are needed
- The school needs more pupils
- The land is derelict and a potential dumping ground
- Many younger families need housing, at affordable prices
- The development will bring improvements to the road,
- The development will clear the site frontage and install new pathways which is well overdue and much needed and safer.
- This piece of land is an eyesore with people using it as a dumping ground. It would be nice to have this area smartened up and give the nearby neighbours a better view instead of this rubbish.
- It would also be nice to have some new modern houses in Grain, allowing people to purchase a new home in a rural village.

12 letters of objection have been received raising the following comments:

- The entrance will be on a blind bend and is a one-track piece of road, many accidents and near misses have happened since living here.
- There are already parking issues this will result in more.
- Two cars cannot pass each other, let alone months of lorries.
- Views and noise levels will increase which will affect our wildlife, which we all love being close to.
- The services like school bus, doctor surgery cannot cope now, let alone more people,
- Port Victoria Rd has only one way out, and construction lorries etc would only serve to exacerbate the problem, and cause a very increased risk of collisions not only for drivers but also for those people who use the footpath, i.e. residents of Port Victoria Road and their families, also the numerous visitors that come to the parkland and beach area.
- There is already an issue with oversubscribed parking in that particular area. This is also the only access in and out for Port Victoria Road and Sea View Road, and

from experience when even small Lorries have come down this road for deliveries etc the only way to pass is to wait till they reverse or to mount the footpath.

- Views of the residents towards the river will be obstructed and their quality of life adversely affected.
- This site is outside the village
- There are numerous amounts of wildlife on this site that would need to be protected,
- Bus services in the village run one every hour and none after 6 pm.
- The development will add to road congestion and air pollution.
- The church and shop facility are also unable to cope with the current village population level.
- The views will also be spoilt which are second to none.
 - The sewage plant is already at full capacity.
- There are three underground tunnels there which are of historic interest to our village.
- There is a covenant on the land which states no houses could be built on it and I do not see this anywhere in the proposals.

St James Isle of Grain Parish Council are concerned that there are inaccuracies in the application form, Design and access statement and the planning statement submitted and until these have been addressed, they oppose the development.

The following comments have been received from the Parish to the revised proposal.

- The land on which the Cadet Hut is sited is not within the original application. Indeed Bloomfield's documentation which accompanied the original application states specifically that that land is excluded.
- If the land is to be included now, then surely a new application should be submitted?
- The content of the third paragraph is not clear – specifically the reference to *'the firing arc of the southern-most gun'*. This point needs further clarification.

Dickens' Country Protection Society express concern at the intensity of building which is immediately adjacent to an SSSI and we are concerned about disturbance to the SSSI.

Natural England no objection - subject to appropriate mitigation being secured.

KCC ecology comments that breeding populations of slow worms and common lizards have been recorded on-site, and information has been submitted detailing that an on-site receptor site will be created. Although we would prefer the receptor site to be larger we do accept that there is sufficient space to support the population. Therefore we have no objection subject to a condition that appropriate reptiles translocation strategy and management plan being submitted for approval by the LPA.

Southern Water has stated that there are main water and sewerage facility available in the locality.

KCC Archaeology advise that in historic environment terms, the setting of the adjacent scheduled fortress is the most significant factor. As before, I would expect Historic England would lead in providing you with advice relating to the scheduled fortifications and impacts on their setting.

In terms of the impact of the proposed development on non-designated archaeological remains, I am content that the impact on these could be mitigated by means of a programme of archaeological works such that any remains are appropriately investigated and recorded. In this regard, appropriate conditions are recommended.

Historic England

Within previous advice, we stated that the planning application failed to meet the requirements of the NPPF (para. 189), as it included neither a description of the monument's significance nor an assessment of the development's impact upon that significance. The original application also failed: to consider how that significance might best be conserved; to provide any justification for the harm posed; or to explore any means by which harm might be avoided, minimised or mitigated. It thus also failed to meet the requirements of paragraphs 184, 193 and 194 of the NPPF.

A Heritage Statement assessing the development's impact upon heritage significance has now been submitted. Although this statement is helpful, there are some inconsistencies within its conclusions. It also fails to properly assess the impact of the development should the battery be cleared of vegetation (which we think would be the most appropriate form of management for the site).

We also note that the stated level of harm - as defined within the report - is rather vague and not particularly helpful to those determining the proposal. The Heritage Statement states that the impact of the development upon the monument's significance will be "less than substantial." Whilst we agree with this statement, a far more refined assessment of the level of harm would have been more useful to the planning authority in determining the application, particularly when weighing up the relative harm and benefits of the proposal (as required by the NPPF, para. 194).

It is also very important to note that, whilst a proposal may cause less than substantial harm, this does not automatically make it acceptable from a planning point of view. The fact remains that less than substantial harm - whatever level it may be - must still be clearly and convincingly justified, and clearly demonstrated to be outweighed by the public benefits of the scheme.

It is indeed these decisions that you must now address in determining this planning application. A letter from Bloomfields Town Planners has now been submitted in support of the application which sets out what they consider to be the justification and public (and heritage) benefits of the scheme. These include:

- The provision of six dwellings at a time of need within an authority with a recognised housing shortfall
- Highway improvements (including extension of a public footpath)
- Provision of a managed ecology area in the site, and native hedging to encourage biodiversity
- Provision of three interpretation boards to improve appreciation of the Fort and its history

It is our view that the application does not demonstrate whether all less harmful alternatives, which might viably achieve the same ends, have been comprehensively explored. For example, the application does not demonstrate whether this same housing quota could viably be provided at other sites within the authority; whether six houses is the minimum number in order to make this development viable; or whether the provision of just six houses would address the identified housing shortfall to any meaningful extent, such that it would justify harm to a designated heritage asset.

We suggest that further information and demonstrations would be required in order for you to make a truly informed and balanced decision on public benefits versus harm to heritage significance. We also consider that some of the benefits described are fairly low-level, for example, the extension of a public footpath, and the provision of interpretation boards for the Fort (a heritage benefit, but one that would be best placed within a broader scheme of management of the monument); and do not agree that such benefits (that will be felt only at a very local level) would outweigh the harm caused to a heritage asset of national importance.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

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 2019 and are considered to conform.

Planning Appraisal

Background

The application site comprises a semi-square area of land on the north side of Victoria Road. The land is surrounded from the west by a Public Right of Way (PROW -footpath and bridleway) and from the north and east by a large public open space.

As the relevant history shows, in 1972 permission was granted for the erection of a single-storey building for use as Army Cadet just to the north of the application site and

south of the scheduled monument. However, this permission was granted almost 4 years before the designation of the Grain Fort as a scheduled Monument in 1976. Therefore the impact the Cadet building would have on the setting of the nearby heritage asset was not a material consideration in 1972.

The cadet use of the building ceased and it was used as a changing room by the local football team and for birthday parties until 2014 and since then the building has been used for casual storage purposes.

Medway Local plan proposal map shows the application site to be just outside the built confines of the village of Grain and designated as part of a much larger public open space area.

However, the application site is privately owned and is fenced off from the rest of the public open space and as such is not available for public use.

In addition notwithstanding the 2m high fencing around the land, there is evidence that from time to time fly-tipping take place on this land which detracts from the visual amenity and character of the area.

The village confines and residential properties in Victoria Road extend south- southeast by over 65m beyond the frontage of the application site onto Victoria Road.

The 1940s aerial photos show that the application site formed part of the WWII defence infrastructure. Some remains of the structures associated WWII are still present on site.

The Medway Local Plan proposal map shows Scheduled Monuments beyond the Army Cadet's building to the north and the designated public open space to the east. The Grain Foreshore Country Park is also beyond the Cadets building.

The application as originally submitted was for 9no dwelling houses. Following extensive discussion and in response to Historic England comments about the impact on the setting of the scheduled monument, the scheme has been revised and the number of proposed dwellings houses has been reduced by 33% to 6. In addition, the applicant has also agreed to the demolition of the Army Cadet's building which is outside the application site but within his ownership and turn the associated land into a wildlife habitat area.

Principle

The application site has not been identified in the Local Plan for development. In addition, as mentioned above, the site is outside the built confines of the village of Grain. However, the current application must be considered on its own merits having regard to the national and saved local plan policies currently in force.

Paragraph 11 of the NPPF sets out a clear presumption in favour of sustainable development. For decision making this means approving development that accords with

an up to date development plan or (paragraph 11d) where the policies in the development plan are out of date because the LPA cannot demonstrate a 5 year supply of deliverable housing sites, assessing proposed sites in terms of their sustainability.

Paragraph 8 of the NPPF sets out the 3 overarching objectives of sustainability – economic, social and environmental.

In traditional sustainability locational terms, the application site is just outside the settlement but adjacent to and in front of substantial residential properties. The area has good vehicular access to local services and facilities (bus stop is less than 50m away in Chapel Road) connecting the application site to the local employment areas and services and the Medway Towns centres. The site is also in close proximity to shops and facilities in the village.

In Social terms, having regard to the Council's position with respect to lack of 5 years deliverable housing supply, the construction of 6 new houses would make a small contribution towards meeting the shortfall as well as potentially providing housing to meet local needs. This would represent a material social consideration in favour of the development.

In economic terms the construction of the houses would generate jobs as well as spending locally by the future residents of the proposed houses which would help to sustain and support local services and shops.

In environmental terms, the proposal would make good use of this vacant land that is untidy, overgrown and as the representation from one of the local residents indicated has been used for dumping rubbish/fly-tipping over the years. The proposal, therefore, would result in environmental improvement of the site and amenities of the nearby residents and users of the adjoining PROW and public open space.

The overall conclusion in terms of the principle of development is that although the application site is not within the settlement boundary, it would make effective use of the land which is located immediately adjacent to the settlement of Grain. It is considered that the site is in an accessible and sustainable location where there would be no significant harm caused by the development.

The proposal then needs to be considered against other material considerations and policies.

Open space

The Local Plan proposals map identifies the application site to be part of the protected open space where Policy L3 is relevant.

This policy L3 (i) states that:

Development which would involve the loss of existing formal open space, informal open space, allotments or amenity land will not be permitted unless sports and recreational facilities can best be implemented, or retained and enhanced through the redevelopment of a small part of the site.

Although the application site is identified to be part of a much large public open space, in practice, it is a privately owned piece of land that is enclosed by 2m high palisade fencing and as such is not accessible by members of the public. Therefore its development would not adversely impact on the public open space currently available to the local residents and the development of the site would help to tidy up the site and improve visual amenities of the nearby residents.

Layout

The layout of the proposed housing estate is a matter for determination at this stage.

The layout shows 3 out of the 4 proposed detached houses would be along the eastern boundary fronting the proposed estate road and backing on to the public open space. The rear garden of these detached houses would be east facing and about 10m deep. The 4th detached house would be sited along the northeast corner of the site and backs on to the PROW to the west.

The proposed semi-detached houses would be south facing and have pedestrian access on to Victoria Road.

Car parking spaces associated with the houses would all be accessible from the proposed estate road.

Although the scale and appearance of the proposed houses will be decided at the Reserved Matters stage, it is expected that all 6no houses would be 2 storey with a pitched roof.

To maintain good legibility of the site, appropriate to the scale of the development, a simple spine road with adequate hammer head-turning area would be provided to serve all six houses. Except for the semi-detached houses that would front the road the remaining 4no houses would front the proposed estate road.

The proposed layout also provides a large green amenity space measuring just over 400m² along the northeast corner of the site. This area would provide an opportunity for ecology enhancement and biodiversity to be provided in this development.

The proposed layout shows the houses are well-positioned reflecting the building line and street scene of the adjoining properties/houses. Also, the indicated density and design for the number of units proposed would be satisfactory and the development would relate well to the character, density and appearance of the wider surrounding area.

It is considered that the proposed layout plan demonstrates that the site's opportunities have been fully utilised to achieve a good and acceptable layout. The proposal therefore accords with Policy BNE1 and the principles of good design set out in the NPPF

Amenity

While this is an outline application, as stated about layout is for determination now and the submitted layout demonstrates that there will not be any unacceptable impact on the amenities of surrounding residents.

In terms of the amenities of prospective occupiers it is considered that reserved matters will demonstrate that internal floorspace can be provided to meet or exceed national standards while external garden area will meet the Council's standards.

Therefore it is considered that the proposal is in accordance with Policy BNE2 of the Local Plan.

Highways

The proposed development would provide a satisfactory access road with sightlines on to Port Victoria Road.

The proposal also makes provision for adequate on-site turning for service vehicles and for two on-site car parking spaces per dwellings plus two visitor parking spaces.

In addition, the development would also extend the existing pavement eastward to cover the full frontage of the application site which would improve connectivity in this part of the road to the benefit of the wider community.

The proposal would comply with policies T1 and T13 of the local plan.

Scheduled Monument

Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects the setting of a heritage asset, special regard should be had to the desirability of preserving its setting.

Paragraph 193 of the NPPF says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Significance can be harmed or lost through alteration or destruction of a heritage asset, or by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative

contribution to the significance of an asset, may affect the ability to appreciate that significance or maybe neutral.

Paragraph 194 of the NPPF says, any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

The Grain Fort as a scheduled monument falls into six separate areas of protection. There is five 19th century coastal artillery fortifications, including a gun tower, a fort and three batteries, and later 20th-century additions, including two searchlight emplacements,. It was constructed on low-lying ground on the eastern reaches of the Isle of Grain, commanding the entrance to the River Medway.

Grain Tower was constructed in response to fears of a French invasion during the mid-19th century and projects into the Medway channel. The three-storeyed, roughly oval artillery tower is brick-built with walls faced in granite ashlar. The Grain fort was first listed as a Grade II listed building in 1976.

The scheduled monument is situated to the north of the application site beyond the Army Cadet building and is enclosed and screened by overgrown vegetation and trees.

Historic England in their representation has agreed with the applicant's heritage statement conclusion that the proposed development will have "less than substantial." impact on the setting of the scheduled monument. Historic England in their conclusion have stated:-

"We think that the proposal would cause a low level of harm to heritage significance, through impact upon the setting of the scheduled Grain Fort (and particularly, Grain Battery). We agree that this harm would be less than substantial but this makes it no less important, from a planning perspective that this harm is clearly and convincingly justified and outweighed by the public benefits of the scheme, if it is to be deemed acceptable."

Paragraph 196 of the NPPF states:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Having regard to paragraph 196 of the NPPF, it is considered that the proposed development would deliver the following overall benefits which would positively contribute toward the setting of the schedule monument and provide public benefit:

- Demolition and removal of the cadets building that was constructed before the designation of Grain Fort as a heritage asset from the setting of the schedule monument and return of the land in visual form to improve the setting of the Grain Fort in perpetuity.
- To turn the northeast corner of the application site together with the Cadets' building land into a biodiversity area and habitat for translocation of reptiles from the rest of the application site and complement the adjoining public open space. In so doing also ensure that the fort line of fire would be permanently kept open and free from any structures.
- Construction of 6 no new market housing in a very sustainable location at a time when the Council is in short of five years housing land supply and there is a need to provide more housing in the borough in response to the growing housing need. Moreover, in the context of a village the size of Grain, the proposed 6 houses would be a reasonably significant development.
- Keep the number of dwelling houses to no more than 6 no and design the layout of the development so that the northeast corner of the site, adjacent to the army cadets land remains permanently open in order to contribute positive contribution to the setting of the schedule monument.
- Tidy up the land, improve visual and residential amenities of the nearby residents and put the land into a long term viable use that will have long environmental benefits.
- The scheme would generate economic benefit through both the construction and the activities of future residents of the proposed houses such residents would also contribute socially to the village.
- To extend eastward the existing pavement that currently terminates in front of 67 Chapel Road and just before the PROW to include the application site frontage.
- To installing a notice board to provide background information about the scheduled Monument facility.

Paragraph 196 of the NPPF indicates that harm to the heritage asset should be weighed against the public benefits of the proposal, including securing its optimum viable use.

It is considered the above steps cumulatively will make a significant contribution to improve the setting of the schedule monument and provide public benefits in line with paragraph 196 of the NPPF.

Planning Balance

Heritage England has set out the harm that it considers 6 houses will have on the setting of the scheduled monument. They consider that this will be less than substantial. It is considered that the above benefits will not only help to improve the setting of the Fort in the longer term, addressing Heritage England concerns, but will deliver public benefits in the form of much needed housing which will also help to sustain village services in the future.

Ecology

The ecology report submitted has been considered by the KCC Ecology officer and has raised no objection subject to imposing an appropriate condition relating to a reptiles translocation strategy and management plan being submitted for approval by the LPA.

Archaeology

The submitted supporting document has been assessed by KCC archaeology and they have raised no objection subject to appropriately worded conditions.

Contamination

Having regard to the previous use of the land it is recommended that a condition be imposed to ensure that if contamination not previously identified is found to be present then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination will be dealt with.

Bird Mitigation

As the application site is within 6km of the North Kent Marshes SPA/Ramsar Sites, the proposed development is likely to have a significant effect, either alone or in combination, on the coastal North Kent Special Protection Areas (SPAs)/Ramsar sites from recreational disturbance on the over-wintering bird interest. Natural England has advised that an appropriate tariff of £239.61 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. The strategic measures are in the process of being developed but are likely to be in accordance with the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMM) produced by Footprint Ecology in July 2014. The interim tariff stated above should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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

The applicant has already paid this tariff. (£245.56 per dwelling X six dwellings = £1473.36). No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Local Finance Considerations

None

Conclusions and Reasons for Approval

For the reasons stated above it is considered the principle of the development to be acceptable and that the development would have less than the substantial impact on the setting of the scheduled monument and the identified public benefits resulting from the development would outweigh the limited impact on the setting of the heritage asset.

It is further considered that the proposal would relate well with the character and appearance of the adjoining settlement. With regards to neighbour amenity, the development would not create any significant harm in terms of proximity, light or overlooking and would provide acceptable vehicular access arrangement, on-site car parking and turning area.

For this reason, the proposal is considered to comply with the NPPF paragraphs 11, 175, 176, 193, 194, 196 and Policies S6, BNE1, BNE2, BNE35, L3, T1 and T13 of the Local Plan 2003 and is recommended for approval subject to conditions as set out.

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

Background Papers

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

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