

MC/20/1237

Date Received: 1 June 2020
Location: The Hollies Sharnal Street
High Halstow Rochester
Proposal: Demolition of existing dwelling and outbuildings and erection of 30 residential dwellings including affordable housing. Creation of a new access from Sharnal Street, associated car parking, hard standing, landscaping, open spaces, infrastructure including drainage and earthworks.
Applicant Agent: Esquire Developments
Ward: Mr Andrew Wilford
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 11th November 2020.

Recommendation: Refusal

- 1 As a result of the rural location of the site, the proposed development for residential purposes is considered to be detached from local services and in an area where walking to the nearest village would be via a country lane with no footpaths or street lighting. The occupiers of the site would be heavily reliant on private vehicle as the alternative modes of travel are limited and employment opportunities are lacking. The proposal fails to contribute to the vitality of rural communities and is contrary to Policy BNE25 of the Medway Local Plan 2003 and paragraph 78 of the National Planning Policy Framework 2019.
- 2 The proposed development would result in a significant and detrimental impact on the highway safety, given the proposed access arrangements on to Sharnal Street and therefore would be in conflict with Policies T1 and T2 of Medway Local Plan 2003 and paragraph 109 of National Planning Policy Framework 2019.

Proposal

The application proposes the construction of 30 dwellings. The development would comprise two 1-bedroom maisonettes, seven 2-bedroom dwellings, fifteen 3-bedroom dwellings and six 4-bedroom dwellings. All of the dwellings would be two storeys in height and some would have elements that are of 1.5 storeys in height where there are garages attached. These attached garages propose accommodation within the roofspace. There would be a mix of detached, semi-detached and terraced properties.

All dwellings are provided with parking spaces, with some being provided with garages.

The existing dwelling is to be demolished and a new access constructed from Sharnal Street to serve the development. The access road leads into the site and continues round to the north eastern boundary. There would be two small roads off the main access road with housing facing onto those roads.

To the north eastern boundary of the site a landscaped buffer area is proposed along with an open space and play area.

A sub-station, sewage treatment plant and cellular storage crates are also proposed within the development.

Site Area/Density

Site Area: 1.09 hectares (2.69 acres)

Site Density: 27.5 dph (11.15 dpa)

Relevant Planning History

ME/86/1180	Proposed single storey rear extension and granny annexe to side Decision: Approval with conditions Decided: 24 March 1987
ME/74/44	Erection of extension Decision: Approval with conditions Decided: 1 July 1974

Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. High Halstow Parish Council, The Environment Agency, Southern Water Services, Kent Police, the RSPB, Natural England, Kent Wildlife Trust, KCC Biodiversity, NHS Medway Commissioning Group, EDF Energy and Southern Gas Networks have also been consulted.

Three letters of representation have been received with the following objections:

- Insufficient employment opportunities in the surrounding area.
- Further demand on services such as dentists and GP's.
- Not a sustainable location.
- Development would be car dependant.
- Increase in risk of road accidents.
- Increase in air quality issues around Four Elms.
- Noise pollution.

- Impact on the wildlife habitat.
- Piecemeal development.
- Loss of light.

Dickens Country Protection Society object for the following reasons:

- The site is in the rural area, remote from services and dependent on car usage.
- Scale and density of the development is too high.
- Development is out of character with the area.

High Halstow Parish Council object for the following reasons:

- The site is not in a sustainable location.
- Access to the site would increase the risk of road traffic accidents.
- Development would add to the poor air quality problem at Four Elms.
- Form of development is out of character with the existing linear pattern of development.
- Development is more suburban in character than rural.
- Isolated dwellings.

Southern Gas Network have advised that a low/medium/intermediate pressure gas main runs near the site and there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system.

UK Power Network has not raised any objection and provides a fact sheet for the use of their plans and working around their equipment.

Southern Water have advised that there is a private water communication pipe within the site and also advise that a sewer now deemed to be public could be crossing the development site. Should any sewer be found during construction works and investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Environmental Agency have reviewed the document 'Phase I Desk Study, Site Reconnaissance and Phase II Site Investigation Report' by LEAP (reference LP2200 dated 9th April 2020). No elevated concentrations of ground contaminants were reported that would represent a significant risk to Controlled Waters (the site is located above a Secondary Aquifer). However, not all areas of the site could be accessed and further investigations are proposed. Conditions have been recommended. They also recommend conditions for details for any drainage systems for infiltration of surface water into the ground and any piling or foundation design using penetrative methods.

KCC Ecology have advised that the mitigation measures that have been proposed in relation to Bats, Badgers and Hedgehogs are acceptable subject to conditions and that the ecological enhancements proposed are acceptable subject to conditions.

Natural England has no objection subject to the appropriate contribution for mitigation measures being secured.

Kent Police welcome discussions with the applicant/agent about site specific designing out crime and have identified some points that need to be looked at.

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 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below.

Planning Appraisal

Background

The application site consists of the original dwelling and associated land. It is unclear if this land originally formed the curtilage of the dwelling and therefore garden area, or if this land was just part of the countryside. On site there are some single storey buildings. No history of planning permission for this site exists for any of the detached buildings and therefore the buildings were either constructed without the benefit of planning permission. However, if all the land formed the curtilage to the dwellinghouse then they were possibly constructed under permitted development rights.

Aerial photographs of the site show that part of the land has previously been used for the open storage of caravans. No planning permission has ever been granted for this use within the site and therefore this was an unauthorised use of the site.

Principle

The site lies within open countryside, outside the rural settlement boundary and has no other particular designations within the Local Plan. As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric. Policy BNE25 of the Local Plan states development will be strictly controlled and will not be permitted except where it complies with a limited range of specified categories set out in the Policy, which do not apply in this case. Consequently, the proposal would conflict with Policy BNE25 of the Local Plan that seeks to restrict inappropriate housing development outside the built confines of settlements.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, and the Council does not currently have a five year land supply. As such there is non-

conformity between the restrictive countryside Policy BNE25 within the Local Plan and the more recent NPPF.

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

The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 78, which states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

In determining whether the principle of this proposal is acceptable, it is a matter of whether it is considered sustainable development, and if so, whether it will enhance or maintain the vitality of rural communities.

During the consideration of the application by officers, concerns have been raised on behalf of the Council that the proposal does not constitute sustainable development. The applicants consider that officers are taking a traditional approach to the definition of sustainable development and are simply applying distances to services as a measure rather than applying a more holistic approach to the definition. Paragraph 8 of the NPPF sets out the planning policy definition of sustainability stating three overarching objectives. These are, an economic objective, a social objective and an environmental objective. It is these objectives against which the proposal should be considered.

In an attempt to demonstrate the proposal as sustainable development, the applicants have submitted the document "Current and Future Sustainability Trends in relation to Carbon Emissions, Behavioural Trends and Technological Advances". The first part of this document considers past and current movement and lifestyle trends, and the second part of the document takes the data identified in the first part and compares the carbon emissions arising from both vehicle movements and the energy performance of buildings to provide a combined view of the carbon emissions generated from a site located in a rural location.

The document submitted by the applicants sets out the following:

Car Journeys

Trends show business mileage and other private mileage has dropped but that commuting mileage has mainly stayed the same. By 2025 the number of trips could reduce to 6,800 miles per person per annum a 25% drop from 2002.

Walkable Distances

The Manual for Streets Guidance (2007) suggests walkable neighbourhoods are areas where a range of facilities are located within 800m walk. The CIHT guidance on 'Providing

for Journeys on Foot' (1999) guidance also identifies 2,000m as the preferred maximum walking distance for commuting and schools and 1,200m to other destinations. The data that has been analysed suggests that 80% of trips of up to one mile are undertaken on foot with 31% of journeys between 1 and 2 miles also undertaken on foot.

Open space and the countryside

The NPPF promotes access to the countryside and open spaces (paragraphs 96 and 118) and the value of access to these open spaces, which provide important physical and mental health benefits, has been particularly highlighted during the Coronavirus pandemic. Access to the countryside is part of sustainable development. Since the early 2000s there has been an increase in the number of people undertaking walks as a leisure activity, and that people in Rural Towns and Fringes are likely to undertake more walking trips and benefit from the access to countryside and open space.

Working from home.

Over a 12 month period from January to December 2019, of the 32.6 million people in employment, around 1.7 million people reported working mainly from home (5.2%). Based on trends it is anticipated to increase in the future. Taking a simple linear extrapolation of historic trends suggests that by 2025 6.5% of the population will be working mainly from home.

Shopping Trends

Shopping trends have changed with more people shopping online. Online shopping has increased further due to Covid-19.

Carbon Emissions Analysis for Rural Fringe Developments

The submitted document addresses the perspective of carbon emissions which is in turn used as a proxy for environmental impact.

Homeworking

Homes should include the provision of dedicated home office space. The applicant has confirmed that they would provide the following to aid this:

- Development to be served by fibre-optic broadband or fibre optic capable (in the event BT still need to upgrade the area).
- All properties to have enhanced power sockets that include USB connections to facilitate flexible spaces.
- All properties to have serviced area in garden for work pods /outbuildings / well being suites that will be 'plug and play'. These would be subject as an optional extra. Final installation of pod would be dependent on purchaser and individual circumstances/needs. These could be offered as optional extras or to be implemented at a later date by the occupant.

Delivery Culture

The pinnacle of the drive for retail deliveries could be the advent of drone delivery, with many providers already in the process of testing technologies, systems and regulations for this kind of service.

Autonomous vehicles

It is too early to predict the impact of this seismic shift in personal transport and although not included for this development, it should in the future be a further consideration.

Construction practices and supply chain

This advises that applicants will:

- ensure that labour used during construction on site will be based within 25 miles of the development
- plant and machinery will be contracted/leased based on its environmental performance, including the use of electric forklifts, solar generators, etc
- mortar silos could be used to minimise transport related to deliveries of concrete/mortar/cement
- introduce travel planning for the construction phase of its developments to maximise opportunities for more sustainable travel modes, from private car sharing to group vehicle hire

Transport Emissions

It is accepted that there will be a greater frequency of car trips on the rural fringe. In order to minimise this, and encourage a more rapid transition to a more sustainable, zero carbon transport system, the applicants have agreed to provide the following:

- 100% electric vehicle charging points i.e. 1 per property plus 1 charging point for visitors. These will be fast charge points.

Building Emissions

The applicants have advised they are prepared to do the following:

- Carbon Reduction of at least 40% above current Building Regulations in the built fabric of a property. This commitment will require the adoption of a number of the measures set out in Table 3, p.40 of the report and will exceed the new building regulations requirements by 10% when the new regulations come into effect in 2021.

It is not possible to be any more specific on what the actual methods of reduction are as they vary depending on property type (detached vs terraced). There are certain elements that will be essential, such as air source heat pumps and no boilers in order to achieve the 40% target. The key is to ensure flexibility of adopting a number of carbon reduction techniques. If planning permission were to be forthcoming, a condition with a % approach, with a subsequent follow up condition requiring a verification report is considered the most appropriate to secure this reduction.

Assessment of Sustainability

It is acknowledged that the assessment of sustainability is more than simply applying distances to services and therefore it is important to look at trends and shifts in behavioural patterns. However, it is also necessary to realise that some of these trends and behavioural shifts are generalised and apply to the whole population without stating variations which may occur due to locational differences. It is perhaps, also too early to be relying on certain behavioural shifts in pattern.

In terms of the sustainability of the location, the NPPF aims to ensure that homes can be provided with accessible services and employment. Paragraph 78 of the NPPF also seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the viability of rural communities. Paragraph 92 of the NPPF, relating to planning positively for the sustainability of communities and residential environments, also reflects this.

Paragraph 103 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 122 of the NPPF advises that planning decisions should support development that makes efficient use of land, taking into account (amongst other matters), the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use.

The proposal is considered against this NPPF policy backdrop.

In terms of the economy, the development would offer some employment in the short term, whilst the dwellings are being constructed and the introduction of a population would allow for more spend within nearby villages. However, the development itself would not result in any long term employment opportunities within the immediate vicinity and the trend is likely to be owners/occupiers travelling out of the development for work.

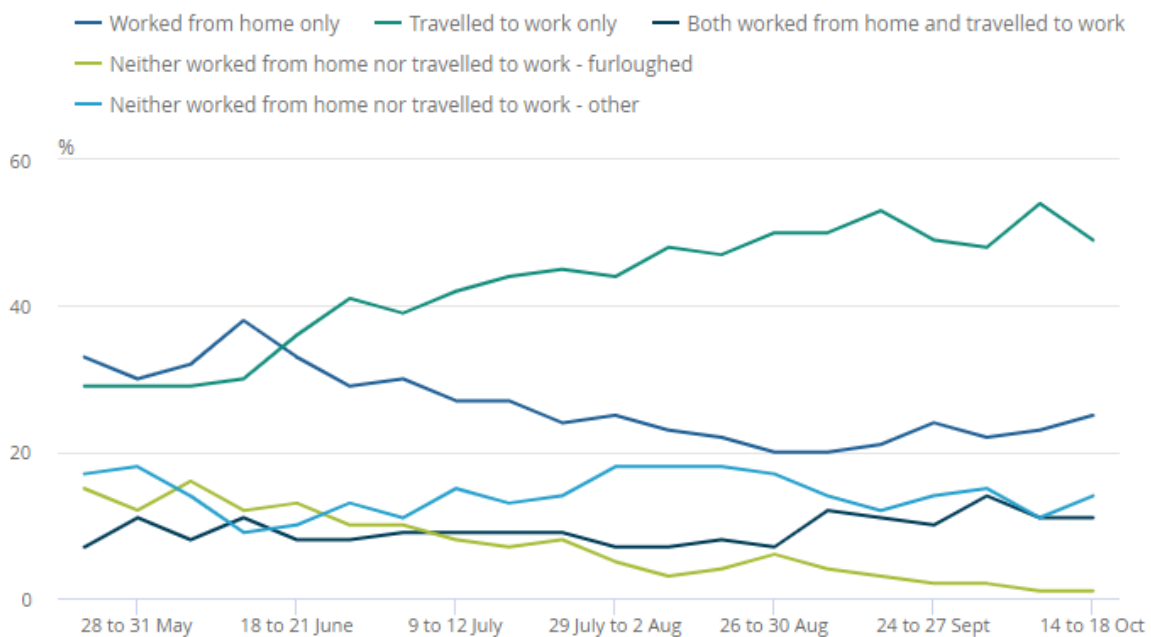
The case for an increase in people working from home is set out above with it being stated that between January to December 2019, 1.7 million of the 32.6 million people employed were reported to be mainly working from home. This constitutes approx. 5.2%. It is stated that this is expected to increase as previous statistics showed 4.3% working from home in 2015. Put in context, this is an increase of 0.9% over 4 years.

It is stated in the submitted document that 'we are in the midst of a home-working revolution'. This being claimed as in April 2020, nearly half of the working population were working from home due to COVID-19.

The latest publication, Coronavirus and the social impacts on Great Britain: 23 October shows the percentage of working adults that had travelled to work. The graph labelled as Figure 1 below shows the percentages from May to October 2020. The top two lines are of particular interest. The green line relates to those travelling to work only and the blue is those that worked from home only. Whilst the latest figures shown on the graph

below indicates a decrease in those travelling to work, this coincides with the increase in the number of reported coronavirus cases including deaths, and the Government announcing further areas as Tier 3 status. Prior to this, it can be seen that the trend towards people travelling to work had been steadily increasing.

Figure 1: The percentage of working adults that had travelled to work in Great Britain, May to October 2020



In addition to the percentages of people travelling to work and working from home, the publication states that among those that had worked from home in the past seven days, the main reasons they worked from home was that their employer had asked them to do so or they were following government advice.

It is considered the figures above highlight, that prior to the Coronavirus pandemic, the increase in trend towards working from home was only 0.9% over 4 years. Whilst the numbers of people working from home may continue to increase following the pandemic, it is too soon to state that it is a revolution and that numbers will remain at, or near to, their current levels. It is certainly too soon to measure the impact on the social and mental well being of working from home.

A survey published on 17 August 2020 by UK job board Totaljobs, claims that the disconnection from the day-to-day social interactions of the workplace and the encroachment of work on people's home lives has seen feelings of loneliness and isolation. The survey showed almost half (46%) of UK workers have experienced feelings of loneliness during their time in lockdown. 70% found the loneliness they experienced to have had a negative impact on their overall wellbeing with only 6% believing their imposed isolation had, in fact, had any positive effect at all.

In terms of access to services, being outside of any village envelope, means services within the immediate vicinity are limited. There is a small shop at the independently run garage which sells a limited selection of everyday household items. This garage can be reached via the footpath to the front of the site that has adequate street lighting. The Fenn Bell pub is also nearby and is located within 800m of the site, however, this is accessed via Fenn Street/Ratcliffe Highway that does not have a footpath or street lighting.

The closest villages to the site are High Halstow and Hoo St. Werburgh. Within the village of High Halstow, there is a Junior School, a pub, convenience store, village hall, sports ground/public open space and a cricket club. High Halstow village can be accessed from the application site via Britannia Road and Christmas Lane. Neither of these roads have any footpaths or street lighting. Apart from the local independent garage and the Fenn Bell pub all services are over 800m walking distance away which is the recommended walking distance as set out within the Chartered Institute of Highways and Transportation Journeys on Foot, 2000.

Hoo village is served by a much wider range of facilities which include a secondary school, nursery, pharmacies, a leisure/sports centre, medical practices, convenience stores, a church and recreation grounds. Hoo village is also not located within the recommended maximum 800m walking distance and again, would involve walking along public rights of way (PRoWs), and/or roads without footpaths and street lighting. A round trip to Hoo village would be approx. 8.3km. It is likely that the majority of trips would be made by vehicle and therefore an indication of an over reliance on transport by private car contrary to Policy BNE25 of the Local Plan and paragraph 78 of the NPPF.

In considering alternative modes of transport, there is a good cycle path link from the site to Hoo St. Werburgh. Cycle routes to High Halstow would be via Britannia Road and Christmas Lane which are both narrow roads and therefore not necessarily considered to be good cycle routes.

The only bus stop that can be reached via a footpath is at the bottom of Christmas Lane, approx. 550m away. The bus service that runs from this stop does offer travel to the main town centres, which would offer employment and other facilities. However, the times of these services are limited with the buses arriving roughly every hour and running from approx. 06:50 to 19:00. As a result, the likelihood of occupants using private transport to commute to their place of work is greater.

It is acknowledged that the Council has been successful in securing money through the Housing Infrastructure Fund to provide much needed improvements to infrastructure on the peninsula in support of potential future development. However, there are conditions and timescales in place related to that funding, which whilst the Council is working hard to meet, at this time, the delivery of that infrastructure is not at a stage to provide support to this current proposal.

In terms of well being, it is said in the submitted document, that the NPPF promotes access to the countryside and open spaces (paragraphs 96 and 118) and the value of access to these open spaces, which provide important physical and mental health benefits, has been particularly highlighted during the Coronavirus pandemic. Access to the countryside is part of sustainable development. Again, this is not disputed, however, it is important to note that at the numbers proposed, the development itself, particularly as a proposal including family housing, is required to provide a certain level of open space including play space, as part of the site. The proposal does include some open space and play equipment, but the size of the space, number of pieces of equipment and the distance to the proposed dwellings does not meet the usual standards and is a compromised offer.

To conclude this section, it is acknowledged that lifestyles have and are continuing to change. However, at present and in light of the Coronavirus pandemic restrictions, it is not clear at this stage what the long term impact of this will be. What is clear, is that the site is in a countryside location and following construction, it offers limited access to employment opportunities, local everyday services and alternative modes of transport to the motor vehicle. The site is in excess of 800m walking distance to High Halstow village and other facilities in Hoo St. Werburgh, and is outside a network of safe walking and cycling routes to High Halstow and in most part, to Hoo St. Werburgh. In the absence of a range of facilities, housing in this location would not contribute to the vitality of rural communities, and is contrary to Policy BNE25 of the Local Plan and paragraph 78 of the NPPF.

In terms of the planning balance, it is not in dispute that the Council cannot demonstrate a 5 year housing land supply and therefore paragraph 11(d) of the NPPF is engaged.

The proposed development would provide social, economic and environmental benefits associated with the provision of new homes. These include the provision of jobs for local people during the construction period, as well as spend in the local economy and the positive impact of the countryside location on the wellbeing of the future occupants. However, the lack of accessibility to the site via sustainable modes, the lack of contribution to the vitality of rural communities and the Council's objection to the access due to highway safety (as set out in the Highways section below) would significantly and demonstrably outweigh the benefits of the proposed development. Consequently, the presumption in favour of sustainable development does not apply in this case.

Design and Layout

Paragraphs 124 and 127 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The development proposes a single access road into the site from Sharnal Street. The existing dwelling would be demolished to make way for the access road. A new dwelling

would be constructed facing onto Sharnal Street which would continue the linear form of development that exists within this street scene.

The layout of the scheme shows the dwellings fronting the main road into the site. This road curves round to the north east where it ends. There are two small roads branching from the main access road within the site which form cul de sac type arrangements. This layout allows for active frontages along the main road and the formation of an attractive streetscene.

The scheme has been designed to contain a mix of dwellings that are 2 storeys in height with some elements of the dwelling being 1.5 storeys. This is considered reflective of the existing built form within Sharnal Street. The mix of dwellings proposed includes 2, 3 and 4-bedroom dwellings and 1-bedroom maisonettes, which would comprise a mix of detached, semi-detached and terraced properties. There is also a mix of garages, carports and surface parking proposed within the development.

The development is not able to provide affordable housing on site, given the lack of interest from registered providers because of the number of units involved. To address this and meet the affordable housing need should planning permission be forthcoming, the applicant is proposing a commuted sum to be secured as part of a s106 agreement, as set out the relevant section below.

With the affordable housing provision aside, the proposed development provides a good mix of house types and sizes to meet the needs of different types of households and the architectural design is considered to be in keeping with the character of dwellings within the vicinity and of what would be expected within this rural location.

With regard to the proposed materials, it is considered that some of the materials, for example the window frames, weather boarding, fascia's and soffits (ground floor level), porches, brackets, doors, door frames and sills should be in timber, however, if the application were to be considered acceptable this could be overcome via a condition and submission of details and drawings.

The northeastern edge is the main edge to the open countryside and from where most people would be able to view the site from outside of the site. It is proposed to provide open space to serve the development in this location, intermingled with trees and a trim trail play facility running through this area. This edge would be landscaped with an approx. 5m buffer that would help soften the appearance of the development from outside of the site and in particular, from the Saxon Shore Way which runs alongside. A footpath link is proposed through from the development to the Saxon Shore Way, which in turn provides links to other PRow's within the vicinity. This provides easy access for leisurely walks.

Overall, no objection is raised to the design of the development should the principle ever be accepted, and the proposal is considered to be in accordance with Policies BNE1, H3 and H10 of the Local Plan and paragraphs 124 and 127 of the NPPF.

Landscaping

The site does not have any specific landscape designation in the Local Plan, but still has landscape value – it lies to the west of the ancient woodland known as Fishers Wood. NPPF paragraph 170 stipulates that decisions should contribute to and enhance the natural and local environment by ‘protecting and enhancing valued landscapes’ and ‘recognising the intrinsic nature and beauty of the countryside’. To assess the value of the landscape, the Medway Landscape Character Assessment 2011 has been reviewed. The site falls within Section 11 which is the Hoo Peninsula Farmland: the site has moderate sensitivity and poor condition. It recommends resisting ‘suburbanisation to villages and small settlements (particularly along road side edges) and protecting separation, rural character and openness of the countryside between villages’. This countryside location has value that needs to be recognised.

The application site is currently an area of land with the northeast boundary of the site sitting directly on the edge of the Sharnal Street settlement. The Saxon Shore Way PRow, runs along this northeastern boundary of the site and the hedgerow shrubs and trees that grow beside the PRow have established a partial green buffer that defines the edge of Sharnal Street when seen from various locations. This northeastern boundary is the most visually prominent from the various receptors and would be open to views of the proposed development.

The contrasts between open agricultural landscape surrounding the settlement edge of Sharnal Street is distinct and abrupt. A switch occurs, changing from wide and open arable fields mostly devoid of hedgerows to an established outer green boundary of scattered and occasional blocks of mature trees with hedgerows. At the centre of the settlement the ancient woodland at Fishers Wood stands over it, dominating its centre. At the base of the wood at the settlements middle, residential plots are typically enclosed by mature trees and taller hedges and these come together to form a whole when viewed from the generally eastern receptors to establish a transition in density of tall mature planting that gradually reduces until it joins the settlements mature green outer boundary. The landscape character that has formed around the settlement of Sharnal Street is particular to it and therefore distinctive and valued.

To the southeastern boundary are what appear to be paddocks, to the southwestern boundary a dwelling, garden and what appears to be a small holding area and to the northwestern boundary dwellings, gardens and commercial garage.

On the northeastern boundary of the site the application proposes a landscape buffer of between 3m and 5m in depth. The mature oak tree T21 within the site occupies part of this buffer with views under the canopy once pruned. Also, parts of the proposed subterranean water treatment works would sit within this buffer. It is proposed for this buffer to be planted with a native mix of trees and shrubs. It is considered that a hedge with integral trees at a suitable spacing would serve a better purpose to screen the development at a lower level. Should the application be considered acceptable a

condition is recommended for details of more appropriate landscape planting to be submitted.

On this northeastern boundary, adjacent to the 5m landscape buffer, an area of public amenity space is proposed. The space runs the entire length of this boundary and is between approx. 2m and 15m in depth. The crown of tree T21 occupies a large part of this space and parts will effectively be sterile to anything but grass in order to accommodate the proposed subterranean water treatment works. Within this area of open space it is proposed for further sporadic trees to be planted and a play area in the form of a trim trail running through it between the trees.

It is considered that the trees within the open space as well as the approx. 5m landscaping buffer, could offer filtered screening in the medium and long term. The planting will need to be predominantly deciduous, with a preference of native rather than exotic species – as a consequence the screen would be more effective in the summer than it would be in the winter

The southeastern boundary and part of the southwestern boundary is proposed to have a landscape buffer of approx. 4m. It is considered that restricting views of the development along these boundaries, is important, but not as sensitive as the view to the northeastern boundary. Whilst the proposed planting is not considered appropriate in terms of preserving the amenities of future occupants, and the impression of the planting at year five somewhat misleading, it is considered that suitable planting to buffer this edge could be provided and maintained.

If the application were to be considered acceptable conditions would be recommended for details of planting, play provision and associated maintenance to be submitted.

Overall, it is considered that with the above conditions imposed, landscaping that provides screening of parts of the development in the summer and filtered screening in the winter meets the objectives of Policy BNE6 of the Local Plan and paragraph 170 of the NPPF.

Trees

An arboricultural report has been submitted in support of the application. The revised version of the report by GRS (GRS/TS/TCP/AIP/TPP/AIA/41/20) is dated 9 September 2020 and takes account of advice from the Council to remove trees previously identified for retention close to the site entrance due to their condition, and also the oak tree identified as T19 close to the north east site boundary to accommodate play provision.

Trees identified for removal

Trees T1 – T5; G6 and G7; T8 and T9; G10; T11; T19 and H21 have been identified for removal. These trees are not protected by a tree preservation order and are unremarkable specimens. No objection is raised by the Council to their removal, subject to the planting and establishment of suitable replacement trees.

Trees identified for retention

Trees T12 and T13 grow in the garden at Beachcroft and are identified for retention. They are evergreen holly trees and potentially obstruct visibility to the south when exiting the site.

Trees T22 – T24 and G25 grow in the garden at South View and are also identified for retention. Having taken account of the existing site conditions it is considered that the percentage of the root protection area for trees T23 and T24 to be surfaced over is not in accordance with best practices. In the case of trees T22 and T23 it is possible that their presence might be a source of nuisance for future residents at plot 26. Tree T24 is in a relatively poor condition and grows over the proposed access road.

Trees T15, T16 and T17 grow close to the southern corner of the site. Their crowns occupy the same space as elements of the proposed planting and therefore might hinder the growth and establishment of new and replacement trees.

If the application were to be considered acceptable an informative would be recommended for the applicant to liaise with the tree owners over potential damage and future management of the above mentioned trees.

The only tree growing on the site to be retained is tree T21. This is an oak tree, which stands close to the northeastern site boundary. This tree is identified as a key arboricultural feature in the revised arboricultural report dated 9 September 2020. This tree would form part of the screening from views to the northeast and as such, every effort would need to be made to retain it if the application were to be considered acceptable.

Paragraph 6.2.3 of the revised arboricultural report refers to the incursion into the root protection area for tree T21 to accommodate the road and a parking space, stating that it is at the recommended 20% threshold. The submitted details are insufficient in terms of demonstrating how the road and parking space within the root protection area would be constructed, therefore if the application were to be considered acceptable a condition is recommended for these details to be submitted.

A review of the drainage strategy layout ref. IDL/1022/07/100 Rev P1 (dated May 2020) shows that the position of tree T21 and its root protection area differ significantly to that shown on the tree protection plan. The drainage layout plan shows a favourable relationship between the root protection area and the proposed perforated drain to be laid beneath the road and parking area. This is very significant in terms of both the arboricultural impact assessment and the likelihood of being able to successfully retain this oak tree, which as mentioned earlier, is relied upon in terms of screening the development. Details of pruning works to accommodate future landscaping and the alleviation of ground compaction that occurred when the site was cleared would be required.

With the abovementioned conditions imposed it is considered that the development accords with Policy BNE43 of the Local Plan and paragraph 170 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 127f of the NPPF relates to the protection of these amenities.

Neighbours Amenity

The application proposes the formation of an access road from Sharnal Street adjacent to the residential dwelling, "South View". A driveway to serve the "Hollies" already exists in a similar location to that proposed. The formation of an access road to serve 30 dwellings would intensify the use of the site, in terms of comings and goings of vehicles entering and leaving the site. The access road would be positioned approx. 5m from the side elevation of "South View". It is considered that although the development of the site for residential purposes would have an increased impact on the occupiers of "South View", given the separation distance from the road to the side elevation of the property and the speed calming measures proposed within the development itself, it is not considered that this proposal would have a detrimental impact on the occupiers of this property. If the application were to be considered acceptable a condition would be recommended to secure the speed calming measures within the site.

The nearest dwellings which have the potential to be impacted by the built form of the development itself are "Beachcroft", "South View" and "Ingleside". However, due to the distance from the rear/side elevations of the proposed dwellings, approx. 25m to "South View" and approx. 50m to "Ingleside" it is not considered that the proposed development would have a detrimental impact on these properties in terms of loss of privacy, outlook, daylight and sunlight.

Plot 1 is the closest property to "Beachcroft", no windows are proposed in the flank wall at first floor level and therefore it is considered that this proposed dwelling would not have a detrimental impact on "Beachcroft".

Plot numbers 2 to 6 would back onto the rear garden of "Beachcroft", this would introduce some degree of overlooking that currently does not exist, however, the proposed gardens would have a depth of approx. 10m and therefore it is considered that an adequate distance would be provided so that these plots would not have a detrimental impact on this property in terms of loss of privacy.

Future Occupiers Amenity

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical housing standards - nationally described space standard dated March 2015.

The proposed dwellings would comprise two 1b2p maisonettes, seven 2b4p dwellings, eleven 3b4p dwellings, four 3b6p dwellings, one 4b6p dwelling and five 4b7p dwellings.

A 1b2p maisonette would require a gross internal floor area (GIFA) of 50m², a 2b4p would require a GIFA of 79m², a 3b4p would require a GIFA of 84m², a 3b6p would require a GIFA of 102m², a 4b6p would require a GIFA of 106m² and a 4b7p would require a GIFA of 115m². All of the proposed dwellings would either meet these standards or exceed them. It is acknowledged that a few of the single bedrooms would fall short of the standards for a single bedroom of 7.5m², however, the bedrooms are only marginally short and therefore considered acceptable.

The proposal is therefore considered to provide adequately sized living accommodation for future occupants of the dwellings.

The Medway Housing Design Standards requires a depth of 10m for private amenity space. All of the dwellings would be provided with rear gardens and either side access to these gardens or via a shared access. All of the dwellings are provided with gardens of either 10m in depth, or if they fall slightly short of the 10m in depth they have wide plots and therefore would be considered to provide adequate amenity space for future occupants of the dwellings. The maisonettes would have a shared amenity area of approx. 7m in depth which is considered adequate for the size of dwelling.

Adjacent to plots 14 and 15 an area of open space is proposed with trim trail type equipment positioned throughout. The flank elevations of these plots are in close proximity to this play area and below the Fields in Trust guidance in terms of the distance of a residential dwelling to an area for play. However, on balance, it is considered that as the play equipment would be located in a trail arrangement throughout this open space and not concentrated in a smaller area, there is sufficient distance from each piece of play equipment to the flank elevations of these properties and therefore there would not be an adverse impact on the occupiers of these properties in terms of noise disturbance and privacy. If the application were considered acceptable a condition would be recommended for details of the play equipment and its location to be submitted.

The construction of the development itself could lead to noise and dust emissions to nearby residential properties. The construction of the development could also have an impact on the Air Quality Management Area. If the application were to be considered acceptable a condition would be recommended for a construction environmental management plan (CEMP) to be submitted. The CEMP should pay particular attention to the effects that the construction of the site would have on the AQMA and what measures are to be taken to reduce emissions from site traffic through the AQMA.

With the abovementioned conditions imposed, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 127f of the NPPF.

Highways and parking

Highway Safety

The application is for 30 residential dwellings with a simple bell mouth access off of Sharnal Street. A drawing submitted within the Transport Statement has outlined that the access would have a visibility splay of approx. 80m. A Road Safety Audit Stage 1 report (RSA) was also submitted with the application. This RSA Stage 1 audit raised minimal comments.

Although the audit raised minimal comments, the Council have significant concerns with the proposal as submitted. The primary concern relates to the standards applied for the visibility splays and the second is the ability to achieve those splays to the north.

With regard to the primary concern over the highway standards applied, the applicants have applied Manual for Streets 1 (MfS1) design guidance. However, the Council is of the view that this is not a 'street' as defined by MfS1. MfS1 itself states it is applicable where: *"A street is defined as a highway that has important public realm functions beyond the movement of traffic ... Most highways in built up areas can therefore be considered as streets."* MfS1 also states that *"Many of its key principles may be applicable to other types of streets, for example High Streets and lightly trafficked rural areas."*

Manual for Streets 2 (MfS2) expands on but does not supersede MfS1. It is acknowledged that MfS2 suggests that wider types of roads, and any speed limit, might be considered for treatment as 'streets' but the underlying principle remains on the form and function of the road in question, its use and the presence of a 'community'. The ethos of these publications may have expanded but remains focused on a sense of 'place', or creating a sense of 'place'.

Therefore, the ethos that the 'streets' have a mixed function and a form of 'place', leads to the conclusion that A228 Sharnal Street is not a "street". This is an 'A' class primary route serving large commercial, industrial, distribution, freight/container port, strategic gas and oil storage (Thamesport). It is noted that within MfS2 it makes reference to using its guidance, up to a limit of 10,000 vehicles per day, which the A228 is above.

It is noted that the Safety Audit Team visited the site on 14th May which is during the earlier stages of the national Lock-Down. Only the construction industry had been permitted to return to work on 11th May whilst most of the population were told to stay at home. Schools, universities and most industries were closed, and almost all shops, eateries and leisure outlets were closed. Traffic flows in mid-May would have been

considerably lower than the typical flows expected on this route. The Safety Auditors make no reference to this nor do they comment on the flows observed, or the observed traffic speed.

The Council, like most Highway Authorities, adopts Design Manual for Roads and Bridges (DMRB) as our design standard although it recognises that it is mandatory only for trunk roads and motorways, however, given the characteristics of the site and automation traffic count (ATC) showing a significant proportion of HGV'S, the design of a visibility splay would require DMRB:

Visibility splays for junctions, previously set out in TD42, are now spread across CD109 (Highway Link Design) and CD123 revision 2 (Geometric design of at-grade priority and signal controlled junctions). CD123 refers to Stopping Site Distance (SSD) to be used for the 'y' distance at junctions dependent on Design Speed.

Design speed: for *Urban* 40mph roads the Design Speed is considered to be 70kph (Table 2.5 of CD109). SSD would be 120m, or relaxed one step to 90m (table 2.10, CD123).

However, Sharnal Street may be considered as a *rural* road (certainly semi-rural). The Design Speed is thus derived from Figure 2.1 (CD109) and is based on the Layout Constraint (Lc, from Table 2.3) and on the Alignment Constraint (Ac, based on 'bendiness' and on Harmonic Mean Visibility, Equation 2.2b). Lc might be considered as 33 (narrow verge, high frequency of junctions, accesses and lay-bys); Ac may be estimated at around 8.5 in the absence of a calculated assessment, thus the Design Speed may be considered to be 85kph for this section of rural road with 40mph speed limit. In this case SSD for 85kph is 160m (dropping to 120m for a one step relaxation). It is therefore concluded that 80m is inappropriate as it is well below the Standard even if it was measured to the channel. The Design equates to 56.4m to the channel, which is below the standard for a 30mph urban road.

The secondary concern relates to the boundary treatment to the neighboring site to the north. The boundary treatment is brick wall, with high pillars and therefore concerns are raised whether the visibility can be achieved in any case (It is noted that the applicant's visibility splay is set off the channel by 1m).

Following objection from the Council with regard to the proposed access and visibility splays and the use of MfS1, the applicant submitted a second RSA. This RSA also raised minimal comments, however, with regard to traffic flows on Sharnal Street the audit team did note ... "*Traffic flows were observed to be constant with a significant proportion of HGVs including, aggregate lorries, articulated contained vehicles and tanker vehicles*".

It is to be noted that following the second RSA, concerns are still raised regarding the safety and suitability of the proposed access arrangements.

Parking

In line with the Council's Interim Parking Standards, the proposed development would require 1 parking space for a 1 bedroom unit, 1.5 parking spaces for a 2 bedroom dwelling and 2 car parking spaces for a 3+ bedroom dwelling. Each dwelling has been provided with vehicle parking in line with the standards. Some of the dwellings also have the benefit of garages, however, these do not meet the minimum requirements as outlined by the standards and therefore are not considered within the parking provision. It is noted that with the current NPPF, there is a requirement for new developments to be fitted with electric vehicle charging points and therefore, should this application be considered acceptable a condition would be recommended for the development to provide one vehicle charging point fitted per dwelling.

In terms of visitor parking, for the development of 30 dwellings, the parking standards would require a total of 7.5 visitor parking spaces to be provided. The drawings demonstrate that 7 visitor parking spaces have been provided and this level of parking spaces is considered acceptable.

Whilst the level of parking provision is considered acceptable, it is considered that the proposed access arrangements do not provide a safe means of vehicular access to the highway and is therefore contrary to Policies T1 and T2 of the Local Plan and paragraph 109 of the NPPF.

Drainage and Surface water flood risk

The latest Environment Agency flood maps indicate there is a small area at (low) risk of surface water flooding. The floor levels of affected properties should be raised a minimum of 150mm and suitable flood resilience measures adopted to manage residual risk via solid floor construction and raised sockets and services.

The drainage system will consist of permeable paving, and cellular storage and will limit discharge to predevelopment rates whilst accounting for long term storage requirements. It is considered that the 2.5l/s discharge rate is acceptable.

Generally, a 2l/s/ha discharge rate should be adopted, however due to the tidal proximity, yet considering recent drainage issues experienced downstream the proposed 2.5l/s is acceptable. If the application were to be considered acceptable, a condition would be recommended for details that demonstrate that there would be no increase in flood risk as a result of discharge of the treated effluent, and discharge rates of this aspect to be submitted.

Overall, no objection is raised by the Council to the proposed site drainage subject to the recommended condition and the development is considered to be in accordance with paragraph 165 of the NPPF.

Ecology

An Ecological Appraisal dated May 2020 has been submitted with the application.

Roosting Bats

The ecological appraisal reported that brown long-eared bat droppings were found within the single storey building on site. A Technical Briefing Note TN1: Bat Survey Results dated August 2020, was subsequently submitted. This survey did not find any evidence of roosting Brown long eared bats but did record a single Common Pipistrelle entering the building identified as B2 within the report. It is therefore assumed that this building may be used by roosting bats on an occasional basis. None of the other buildings had evidence of roosting bats.

The following mitigation measures have been proposed:

- Internal inspection and rendering the building unsuitable for bats under supervision of a licenced ecologist;
- Appropriate timings for the above works;
- Replacement roost opportunities on the new build/retained trees;
- A sensitive lighting design.

It is considered that the favourable conservation status of bats can be maintained if the mitigation measures are adhered to. If the application were to be considered acceptable a condition is recommended to ensure that the mitigation measures are implemented.

Prior to removal of the building, the applicants would need to apply for an EPSM Licence from Natural England. This would be advised by way of an informative.

Badgers and Hedgehogs

Whilst not assumed to be permanently utilising the site, there is the potential for badgers (a protected species) and hedgehogs (a priority species) to traverse the site during the construction phase of development. To prevent harm to these species, the report has recommended precautionary mitigation measures, i.e. the covering of/providing escape from excavations. If the application were to be considered acceptable a condition is recommended to secure the mitigation measures.

Ecological Enhancements

The ecology appraisal submitted with the application has recommended suitable enhancements, which includes native planting/wildflower grassland creation and the provision of bird/bat/insect boxes. If the application were to be considered acceptable a condition is recommended to secure these ecological enhancements.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 175 of the NPPF.

Air quality

Although the application site is not next to the Four Elms Air Quality Management Area (AQMA), any traffic going to and from the site that would be travelling to other transport links, is likely to have to pass through the AQMA. Therefore, in order to offset and mitigate the potential increase in traffic emissions through the AQMA, if the application were to be considered acceptable a condition would be recommended for an Air Quality Emissions Mitigation Statement to be submitted and approved.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE24 of the Local Plan and paragraphs 170 and 181 of the NPPF.

Contamination

The application was submitted with a Phase 1 Desk Study and Phase 2 site investigation by LEAP Environmental Ltd (LP2200 dated 9 April 2020). The reports are in line with current guidance and it is accepted that levels of contamination found were not above unacceptable levels. However, the reports state that some areas were inaccessible due to the presence of buildings and vegetation. Therefore, it is considered that if the application were to be considered acceptable a watching brief condition would be recommended.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraph 178 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 £250.39 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 this tariff and would be secured as part of a Section 106 Obligation. No objection is therefore raised under Paragraphs 175 and 176 of the NPPF and Policies S6 and BNE35 of the Local Plan.

Climate Change and Energy Efficiency

The applicants have advised they are prepared to reduce carbon emission by at least 40% above current Building Regulations in the built fabric of a property. All new windows are to be double-glazed windows which will significantly reduce noise and improve heat insulation and air source heat pumps are proposed. Electric car points will be provided and hard standings will be drained as requirements of conditions should the application be considered acceptable.

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 have been calculated based on the quantum and location of the proposal and are directly related to the development.

The following contributions are sought in accordance with Medway Council's Developer Contributions Guide 2019:

- i) £675,750.40 commuted sum towards off site affordable housing.
- ii) £2,250.00 towards improvements to signage and sightlines on the PROW in the immediate vicinity of the development to help build new residents awareness of the PROW network surrounding them.
- iii) £167,100.42 towards expansion of the closest and most suitable schools. Nursery and primary: one or more of High Halstow Primary School, Hundred of Hoo Academy, Hoo St Werburgh Primary. Secondary: Hundred of Hoo Academy
- iv) £5,052.00 towards improved facilities and equipment at Hoo Library.

- v) £2,395.80 towards programme delivery for young people (ages 8-19 and up to 25 for with disabilities) in the Hoo area. This may include facilities, providing access, supplies, equipment, and/or instructors.
- vi) £5,293.50 towards the provision, improvement and promotion of waste and recycling including:
- Waste containment for the development (waste and street litter bins)
 - Maintenance & improvement of local bring centres (HWRC's & bring sites) to cover the developments impact
 - Waste education & promotion (The development, local schools & events)
- vii) £78,048.90 towards enhancement of open space facilities within the vicinity of the development and Medway's Metropolitan park - Great Lines Heritage Park
- viii) £19,343.70 towards the provision to support the foundation and development of the Peninsula locality Primary Care Network including the supporting infrastructure, IT, training and equipment.
- ix) £7,261.31 towards Designated Habitats Mitigation.

Conclusions and Reasons for Refusal

As a result of the countryside location where the site is in excess of 800m walking distance, and is outside a network of safe walking and cycling routes to High Halstow and in most part, to Hoo St. Werburgh; and given the limited access to employment opportunities, local everyday services and alternative modes of transport to the motor vehicle, the proposal for housing would not contribute to the vitality of rural communities, and is contrary to Policy BNE25 of the Local Plan and paragraph 78 of the NPPF.

The benefits of the proposal in terms of housing numbers, construction jobs created during the build phase and the positive impact of the countryside location on the wellbeing of the future occupants would not outweigh the lack of accessibility to the site via sustainable modes, the lack of contribution to the vitality of rural communities and the Council's objection to the access due to highway safety. Consequently, the presumption in favour of sustainable development does not apply in this case.

The proposed access arrangements and visibility splays are unacceptable and present a risk to highway safety contrary to Policies T1 and T2 of the Medway Local Plan 2003 and paragraph 109 of the National Planning Policy Framework 2019.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the applicants being a Small Medium Enterprise (SME) and the officer's recommendation for a refusal.

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 on Medway Council's website.