

MC/21/2612

Date Received: 6 September 2021
Location: The Hollies and Southview, Sharnal Street,
High Halstow, Rochester
Proposal: Demolition of existing dwellings and outbuildings and construction of three 2-bedroom, twenty-five 3-bedroom, six 4-bedroom and one 5-bedroom dwellings with creation of a new access from Sharnal Street and associated car parking, hardstanding, landscaping, open spaces, infrastructure including drainage and earthworks.
Applicant Esquire Developments
Mr Andrew Wilford
Ward: Peninsula Ward
Case Officer: Madeline Mead
Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 10th November 2021.

Recommendation - Approved Subject to S106

- A. A Section 106 Agreement under the terms of the Town and Country Planning Act 1990 being entered into to secure the following developer's contributions:
- i) £502,348.80 commuted sum towards off site affordable housing.
 - ii) The provision of two first homes on site.
 - iii) £2,550.00 towards improvements to signage and sightlines on the PROW in the immediate vicinity of the development to help build new resident's awareness of the PROW network surrounding them.
 - iv) £230,295.04 towards expansion of the closest and most suitable schools.
Nursery and primary - Mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway
Secondary - Mainstream or SEND secondary/sixth form education within Medway
 - Nursery education: £49,890.05 within a radius of 2 miles from the development site, and/or SEND education within Medway
 - Primary education: £94,466.79 within a radius of 2 miles from the development site, and/or SEND education within Medway
 - Secondary education: £85,938.20 mainstream or SEND secondary education within Medway

- v) £5,974.85 towards improved facilities and equipment at Hoo Library and/or the Community Mobile library.
- vi) £75,000.00 towards improvements to sustainable transport provision.
- vii) £8,575.00 towards improved civic space and gateways to Strood town centre (greening projects, bollards and signage).
- viii) £22,878.66 towards the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- ix) £92,310.75 towards enhancement of open space facilities within the vicinity of the development and Medway's Metropolitan park - Great Lines Heritage Park.
 - £87,695.21 to enhance open space facilities within the vicinity of the development
 - £4,615.54 to Medway's Metropolitan park - Great Lines Heritage Park
- x) £8,376.39 towards Designated Habitats Mitigation.

B. And the following conditions: -

- 1 The development hereby permitted shall be begun before the expiration of one year from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

6 September 2021

20.014 601 - Plots 2-3 plans and elevations
20.014 608 - Plot 15 plans and elevations
20.014 615 - Plots 32-33 plans and elevations

22 October 2021

20.014 500 A - Additional land site layout
20.014 550 P2 - Street scenes
20.014 600 A - Plot 1 plans and elevations

20.014 602 A - Plots 4-6 plans and elevations
20.014 603 A - Plots 7-10 (1) plans and elevations
20.014 604 A - Plots 7-10 (2) plans and elevations
20.014 605 A - Plot 11 plans and elevations
20.014 606 A - Plots 12 & 14 plans and elevations
20.014 607 A - Plot 13 plans and elevations
20.014 609 B - Plots 16-19 plans and elevations
20.014 610 A - Plots 20-22 plans and elevations
20.014 611 A - Plots 23-25 plans and elevations
20.014 612 A - Plots 26-28 plans and elevations
20.014 613 A - Plots 29-30 plans and elevations
20.014 614 A - Plot 31 plans and elevations
20.014 616 A - Plot 34 & 35 plans and elevations
20.014 620 A - Garages and Carports
20.014 700 A - Unit mix plan
20.014 701 A - Unit heights plan
20.014 702 A - Parking plan
20.014 703 A - Refuse plan

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

- 3 No development shall take place until the access into the development site has been constructed so that there is clear visibility from 2.4m x 120m, with no obstruction above 0.6m above the level of the adjoining carriageway over the entire length of the site frontage. Nothing shall be planted, erected and/or allowed to grow to a height on the area of land so formed which would obstruct the visibility from the access.

Reason: Required prior to commencement to ensure the development preserves conditions of highway safety, pedestrian safety and the free flow of traffic in accordance with Policies T1, T2, and T3 Medway Local Plan 2003.

- 4 No development shall take place until a sustainable construction method statement has been submitted to and approved in writing to the Local Planning Authority. The development shall be constructed in accordance with the approved construction method statement.

Reason: Required prior to commencement to ensure the sustainability of the site in accordance with BNE4 of the Medway Local Plan 2003.

- 5 No development shall take place until an Air Quality Emissions Mitigation Statement has been submitted to and approved in writing by the Local Planning Authority. The Mitigation Statement shall be prepared in accordance with the Medway Air Quality Planning Guidance and shall specify the measures that will be implemented as part of the development to mitigate the development related road

transport emissions. The Mitigation Statement shall include full details of the following standard air quality mitigation measures:

- All gas fired boilers to meet a minimum standard of <40mgNO_x/kWh.
- The provision of one electric vehicle charging point per dwelling.

The development shall be implemented prior to occupation and thereafter maintained in accordance with the measures set out in the approved Mitigation Statement.

Reason: Required before commencement to ensure that the development does not prejudice the amenities of future occupants in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 6 No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of impact on the Air Quality Management Area, hours of construction working; measures to control noise affecting nearby residents; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

Reason: Required prior to commencement of development to enable the Local Planning Authority to manage such development in the interests of neighbouring amenity and precautionary ecological mitigation in accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

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

Those details should be submitted in conjunction with the site Landscape Plan, and shall include (if applicable):

- i. a timetable and construction method statement for its implementation (including phased implementation where applicable).
- ii. appropriate operational, maintenance and access requirements for each sustainable drainage component are adequately considered.
- iii. proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be implemented in accordance with the approved details.

Reason: Required prior to development to manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 167 of National Planning Policy Framework 2021.

- 8 No development shall take place until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk

Reason: Required prior to commencement to manage surface water during the construction phase of the development as outlined at Paragraph 167 of National Planning Policy Framework 2021.

- 9 Notwithstanding the information set out in the arboricultural report by GRS Arboricultural Consultant, dated 16th September 2021, no development and no clearance of the site shall take place until details of hard surfacing within the prescribed root protection area of tree T21 as identified on drawing titled Tree Protection Plan - TPP01 have been submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the principles set out in British Standard 5837: 2012 Trees in relation to design, demolition and construction - Recommendations and Guidance Note 12, The Use of Cellular Confinement Systems near Trees - Guide to Good Practice, published by the Arboricultural Association. The clearance and development of the site shall thereafter be undertaken in accordance with the approved details.

Reason: Required prior to commencement to ensure no irreversible detrimental harm to the existing trees and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 10 Notwithstanding the submitted tree protection measures set out in the arboricultural report by GRS Arboricultural Consultant dated 16 September 2021, no development and no clearance of the site shall take place until tree protection

measures that include the full enclosure of the prescribed root protection area for tree T21 as identified on drawing titled Tree Protection Plan - TPP01 have been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be implemented on site prior to any site clearance and construction of the development and shall remain throughout the construction phase of the development.

Reason: Required prior to commencement to ensure no irreversible detrimental harm to the existing trees and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 11 No development shall take place above ground floor slab level until details of the provision of 1 electric vehicle charging point per dwelling has been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. The development shall be implemented in accordance with the approved details and shall thereafter be maintained in working order.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 12 No development shall take place above ground floor slab level until details of all materials to be used externally have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 13 No dwelling shall be occupied until a timetable providing details for the submission of an energy efficiency and climate change verification report(s) prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority. The verification report(s) will confirm all the measures to address energy efficiency and climate change as set out in the design and access statement, dated September 2021, and that an area within the rear garden of each dwelling has been provided with the necessary services to facilitate future outbuildings/work pods have been undertaken for each dwelling and that the ecological enhancement measures as set out in the Ecological Appraisal reference 5891 EcoAp2021 dv1/MD/DM (dated August 2021) have been delivered across the site.

Verification reports shall thereafter be submitted to the Local Planning Authority in accordance with the approved timetable and the development shall be maintained

to achieve a net carbon reduction of at least 50% against current Building Regulations Part L standards.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 154 the National Planning Policy Framework 2021.

- 14 No dwelling shall be occupied (or within an agreed implementation schedule) until a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved by the Local Planning Authority to confirm that the agreed surface water system has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 167 of the National Planning Policy Framework 2021.

- 15 No dwelling shall be occupied until the area shown on the submitted layout as vehicle parking space/garaging has 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/garaging.

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 No dwelling shall be occupied until details of cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage facilities shall be implemented in accordance with the approved details prior to the dwelling to which it relates is occupied and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle and refuse storage to accord with Policies BNE1 and T4 of the Medway Local Plan 2003.

- 17 No dwelling shall be occupied until details of the areas for equipped play facilities together with the play equipment and safe surfacing to be provided have been submitted to and approved in writing by the Local Planning Authority. The play area(s) shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained.

Reason: To ensure the satisfactory provision of play equipment in accordance with Policy L4 of the Medway Local Plan 2003.

- 18 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected and including an arboricultural method statement that addresses all boundary treatment proposed within the root protection area of retained trees, has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented 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 and impact on the retained trees, in accordance with Policies BNE1 and BNE43 of the Medway Local Plan 2003.

- 19 No dwelling shall be occupied until, full details of a hard and soft landscape scheme have been submitted to and approved in writing for all areas except for privately owned, domestic gardens. The submitted details shall include:

i. Plans and information providing details of existing and proposed finished ground levels, means of enclosure, vehicle and pedestrian access and circulation areas, all paving and external hard surfacing, lighting and services (including drainage), tree grilles, minor artefacts and structures (seating, refuse receptacles and raised planters). Soft landscape works, including details of a planting and soil statement that confirms the soil profile / build-up of the landscape proposals and demonstrates its interface with the ground capping layer, planting plans, tree positions, written specifications (including cultivation and other operations associated with grass, tree and planting establishment); schedules of plants, noting species, plant sizes, root treatments and proposed numbers/densities where appropriate.

ii. Details for the design and specification of tree planting to enable healthy establishment at maturity. Information should provide details for the planting environment (including within soft and hard landscape as well as, raised planters), calculated soil volume, tree support and tie specification, guards and grilles, aeration and irrigation systems, soil build-up information (avoiding the use of tree sand), tree cell systems (to street tree planting environments).

iii. An arboricultural method statement that addresses all hard and soft landscape works proposed within the root protection area of retained trees.

iv. A timetable for implementation.

The development shall be implemented in accordance with the approved details and timetable and any trees or plants which within 5 years of planting are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping and impact on the retained trees, in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 20 No dwelling shall be occupied until a Landscape Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas (except for privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1, BNE6 and BNE43 of the Medway Local Plan 2003.

- 21 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE25 and BNE39 of the Medway Local Plan 2003.

- 22 No dwelling shall be occupied until details of how the ecological enhancements as set out in section 6.2 of the Ecological Appraisal reference 5891 EcoAp2021 dv1/MD/DM (dated August 2021) will be implemented within the development and a timetable for implementation has been submitted to and approved in writing by

the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details and shall thereafter be retained.

Reason: In the interest of conserving protected species and providing ecological enhancements in accordance with Policies BNE38 and BNE39 of the Medway Local Plan 2003.

- 23 Bat roosts within the carport building to serve plots 32, 33, 34 and 35 as indicated on drawing number 500 A shall be provided in accordance with the details shown on drawing number 220 A prior to the first occupation of plots 32, 33, 34 and 35 and shall thereafter be retained unless a bat emergence survey is undertaken by a competent person in relation to Southview prior to its demolition and the results show no evidence of bats present within the building. Details and results (including any alternative mitigation measures) of any such survey and a timetable for the demolition of the building and implementation of any alternative mitigation measures shall be submitted to and approved in writing by the Local Planning Authority and the development thereafter implemented in accordance with the approved details.

Reason: In the interest of conserving protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 24 From the commencement of works (including site clearance) mitigation measures for bats, badgers and hedgehogs shall be implemented on site in accordance with the details set out in section 6.1 of the Ecological Appraisal reference 5891 EcoAp2021 dv1/MD/DM (dated August 2021). The mitigation measures shall be retained throughout the duration of the site clearance and construction phase of the development.

Reason: In the interest of conserving protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

- 25 No services are to be installed within the prescribed root protection area of tree T21 as identified on drawing titled Tree Protection Plan - TPP 01.

Reason: Required to ensure no irreversible detrimental harm to the existing tree and in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 26 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. The development shall thereafter be implemented in accordance with the approved Method Statement.

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

- 27 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.

- 28 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) no development shall be carried out within Schedule 2, Part 1, Classes A, B, C and D of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring amenity in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

Proposal

The application proposes the construction of 35 dwellings. The development would comprise three 2-bedroom, twenty-five 3-bedroom, six 4-bedroom and one 5-bedroom dwellings. All dwellings would be two storeys in height. There would be a mix of detached, link-detached, semi-detached and terraced properties.

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

The existing dwellings, "Hollies" and "Southview" are 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 three 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: 1.33 hectares (3.28 acres)

Site Density: 26.3 dph (10.67 dpa)

Relevant Planning History

Hollies

MC/20/1237 Demolition of existing dwelling and outbuildings and erection of 30 residential dwellings. Creation of a new access from Sharnal Street, associated car parking, hard standing, landscaping, open spaces, infrastructure including drainage and earthworks.

Decision: Refused

Decided: 12 November 2020

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

Southview

MC/18/3295 Approval of reserved matters being appearance, landscaping layout and scale together with details pursuant to condition 05 of planning permission MC/17/4131 Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of a detached two storey dwellinghouse with associated detached garage, parking facilities and hard soft landscaping.

Decision: Approval with conditions

Decided: 8 February 2019

MC/17/4131 Outline application with some matters reserved (appearance, landscaping, layout and scale) for construction of a detached two-storey dwellinghouse with associated detached garage, parking facilities and hard/soft landscaping

Decision: Approval with conditions

Decided: 13 April 2018

MC/17/1304	Outline application with all matters reserved for the construction of a detached four bedroomed dwelling house with garage Decision: Refusal Decided: 6 June 2017
MC/16/4048	Construction of a dwarf wall with pillars and railings above together with installation of gates to front - Resubmission of MC/15/2610 Decision: Approved with conditions Decided: 12 January 2017
MC/15/2610	Construction of new boundary fence, wall and gate to front Decision: Refused Decided: 10 November 2015

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.

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

- Only two affordable homes proposed
- 92 car parking spaces does not represent sustainable development
- Car dependant scheme
- Risk of surface water flooding
- English Bluebells on site and Bat roost
- Sharnal Street and roads to High Halstow dangerous for pedestrians
- Proposed access road is dangerous
- Site is not within the High Halstow Neighbourhood Plan
- Increased noise and pollution
- HIF should not be taken into consideration

Six letters have been received in support of the application

The Dickens Country Protection Society have written objecting 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 have written objecting for the following reasons:

- Site does not form part of the High Halstow Neighbourhood Plan
- Site is not allocated for housing in the Medway Local Plan 2003
- Car dominant development
- Access to the site would increase the risk of road traffic accidents.
- Lack of facilities in High Halstow
- Development would add to the poor air quality problem at Four Elms.

Southern Water have advised that there is a private water communication pipe within the site and 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.

The Environment Agency (EA) have advised that the underlying clay means that drainage for this scale of development will be problematic in this location. Discharge of controlled flows of surface drainage may be viable in line with the strategy mentioned, but that would be for the lead local flood authority to agree and also any drainage board responsible for the watercourse. Combining foul effluents from a large package treatment plant with surface water flows to discharge to the same minor watercourse is unlikely to be acceptable. The scale of discharge would likely require a permit. The EA would not guarantee to issue such a permit unless site specific risk assessment shows it is viable without posing a risk to controlled waters. Given the size of the proposed receiving watercourse, or drain it is unlikely this scale of foul effluent flow would be acceptable. Sealed modern cess pits for each property may be a viable option, but would require appropriate access for emptying and maintenance, which may affect the proposed layouts.

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 2021

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

The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

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 detached buildings. No history of planning permission for this site exists for any of these detached buildings and therefore the buildings were either constructed without the benefit of planning permission or, if all the land formed the curtilage to the dwellinghouse, 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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

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 and then strategically sustainable development using a sequential approach to location. Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted on a site allocated for that use; development essentially demanding a rural location, or the re-use or adaptation of an existing built-up area. It is in considering these Local Plan policies that the proposal, as a predominantly residential scheme on an unallocated greenfield site is in principle unacceptable. It would be deemed contrary to the strategic direction of the Local Plan highlighted in Policy S1 and S2 which direct development to brownfield sites, then sustainable sites, and are supported by Policy BNE25 of the Local Plan that restricts development in the countryside.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003; the Council does not currently have a five-year land supply; and as of the 2020-21

Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

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 79, 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 will be important to assess the matter of sustainability within the planning balance.

Landscape and Visual Impact

Not being able to demonstrate 5 years of housing land supply does not mean that the protection of the countryside and landscape character is a matter to be set aside. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it is in accordance with one of seven criteria. The first of these criteria directly reflects paragraph 174(b) of the NPPF, the concern for the "intrinsic character and beauty of the countryside".

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 174 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 (MLCA) 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 roadside edges) and protecting separation, rural character and openness of the countryside between villages'. There has not been a significant material change to the landscape character of the area since the area was described in the MLCA in 2011.

The application site is currently an area of land, which has its north-eastern boundary sitting directly on the edge of the Sharnal Street settlement. The application site is not free of development. The Saxon Shore Way PRoW runs adjacent to this north-eastern 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 north-eastern boundary of the application site is the most visually

prominent from the various receptors and would be open to views of the proposed development. Adjacent to the south-eastern boundary are what appear to be paddocks, adjacent to the southwestern boundary a dwelling, garden and what appears to be a small holding area.

Impact on the Wider Landscape Context

It is important that all new development proposals within the countryside are assessed in the context of their sensitivity to landscape, avoidance of material harm to landscape character and provide evidence that proactive steps are being taken to strengthen and enhance landscape character and distinctiveness.

The contrast 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 settlement's mature green outer boundary. The landscape character that has formed around the settlement of Sharnal Street is particular to it and therefore, whilst not covered by a specific designation within the Local plan, it is distinctive and valued.

Along the prominent north-eastern boundary of the site where the boundary is adjacent to the Saxon Shore Way, a landscape buffer of between 3m and 5m in width is proposed to reinforce the hedgerow and provide screening to the development to ensure there is no detrimental impact in visual terms when viewed across the open landscape. A mature oak tree (T21) sits within the site and would form part of 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 suitable spacing would better screen the development at a lower level. Should the application be considered acceptable a condition is recommended for final details of more appropriate landscape planting to be submitted.

Within the site and adjacent to the landscape buffer, an area of public amenity space is proposed. The space will be multifunctional and runs the entire length of this boundary. It is between approx. 6m and approx. 16m wide. The crown of tree T21 occupies a large part of this space and therefore parts of this open space will effectively be sterile to anything but grass. It is proposed that the subterranean water treatment works will be accommodated within this area. Also, within this area of open space, further sporadic trees are to be planted and a play area provided in the form of a trim trail running through 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.

With regard to other boundaries of the site, it is proposed to have a landscape buffer of approx. 4m in width along the south-eastern boundary and part of the southwestern boundary. It is considered that screening views of the development along these boundaries is important to reinforce the character of the landscaping around the settlement of Sharnal Street, but that these boundaries not as sensitive as the view across open fields to the north-eastern 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 and will be subject to a condition if planning permission is forthcoming.

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 to parts of the development in the summer and filtered screening in the winter meets the objectives of Policy BNE6 of the Local Plan, paragraph 174 of the NPPF and the MLCA.

Trees

An arboricultural report has been submitted in support of the application.

Trees identified for removal

Trees T1 – T5; G6 and G7; T8 and T9; G10; T11; T19, T22-24 and G25 are within the site boundary 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 on the adjacent site (Beachcroft), close to the southwest corner of the site. Whilst they are unremarkable specimens, they are identified for retention presumably because they grow on land outside the control of the applicant.

Trees T15, T16 and T17 also grow outside of the site but 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.

The only tree growing on the site to be retained is tree T21. This is an oak tree, which stands close to the north-eastern site boundary as mentioned above. This tree is identified as a key arboricultural feature in the arboricultural report submitted with the application. 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.

The tree protection plan submitted with the application fails to adequately safeguard the root protection area for the tree T21 to be retained. On the tree protection plan, a significant part of the defined root protection area northwest of the tree stem is not protected by either protective fencing or ground protection. The arboricultural report refers to a guidance document titled "*Arboricultural Practise Note 12: Through the Trees to Development*". This document was withdrawn in October 2019 following publication of a revised edition of the British Standard BS5837. A condition is therefore recommended for details to be submitted using the relevant guidance to safeguard tree T21 from development including for an amended tree protection plan 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 along the north-eastern boundary. A condition is recommended for no installation of services within the root protection area of tree T21.

With the abovementioned conditions imposed it is considered that the development accords with Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

Design, Layout, Housing Mix and Type

Paragraphs 126 and 130 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 dwellings "Hollies" and "Southview" would be demolished to make way for the access road and vision splays. A detached dwelling, two pairs of semi-detached dwellings and a car port block would be constructed facing onto Sharnal Street. This would continue the linear form of development that exists within this street scene.

Turning into the site from Sharnal Street, the layout of the scheme shows the dwellings fronting the main road into the site. The road would run to the south-eastern corner of the site and curve round to the northeast where it ends in the form of a turning head and tree T21 being a visual feature. There are three small roads branching from the main access road within the site, which form the 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 two storeys in height. This is considered reflective of the existing built form within Sharnal Street. The mix of dwellings proposed includes 2-, 3-, 4-, 5-bedroom dwellings, which would comprise of a mix of detached, link-detached, semi-detached and terraced properties. There is also a mix of garages, carports and surface parking proposed within the development.

The development proposes for two of the dwellings on the site to be first homes. 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 in 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. If the application were to be considered acceptable this could be secured via a condition and submission of details and drawings.

The north-eastern 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 wide 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 the buffer 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 and the proposal is considered to be in accordance with Policies BNE1, H3 and H10 of the Local Plan and paragraphs 60, 63, 126 and 130 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 130f of the NPPF relates to the protection of these amenities.

Neighbours Amenity

The nearest dwellings which have the potential to be impacted by the built form of the development itself are “Beachcroft” and “Ingleside”.

Due to the distance from the side elevation of the proposed dwelling at plot 32, approx. 10m from the side elevation of “Ingleside” and approx. 5m from the annexe at “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”. There would be approx. 9m distance between the side/rear elevation of plot one and the flank wall of “Beachcroft”. No windows are proposed in the flank wall at first floor level of plot 1 and therefore it is considered that this proposed dwelling would not have a detrimental impact on “Beachcroft” in terms of loss of privacy, outlook, daylight and sunlight.

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 between approx. 9-10m 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.

A 2b4p would require a gross internal floor area (GIFA) of 79m², a 3b5p would require a GIFA of 93m², a 4b6p would require a GIFA of 106m², a 4b7p would require a GIFA of 115m², a 4b7p would require a GIFA of 115m² and a 5b8p would require a GIFA of 128m². A double bedroom should have a floor area of 11.5m² and be at least 2.55m wide and a single bedroom should have a floor area of 7.5m² and be at least 2.15m wide. All proposed dwellings would either meet these standards or exceed them.

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 7m private amenity space on constrained sites and 10m for private amenity space in all other cases. The application site is not considered to be a constrained site and therefore should be providing 10m depths for all gardens. All proposed dwellings would be provided with rear gardens and either side access to these gardens or via a shared access. The majority of the dwellings

are provided with private amenity space with a depth of 10m, however, the gardens of plots 7-10 only appear to have a garden depth of approx. 7m with the other gardens that are short being between approx. 8.5m and 10m. This is by far not ideal, for a new build development, however, the plot widths of the dwellings that fall short are generous and therefore it is considered that although the depth would not meet the requirements of 10m, due to the width of the plots they would be provided with adequate private amenity space for future occupants of the dwellings.

An area of open space with trim trail type equipment positioned throughout is proposed adjacent to plots 14 and 15. The flank elevations of these plots are within close proximity to this play area and are below the distance of a residential dwelling to an area for play as set out in the Fields in Trust guidance. 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 result in an adverse impact on the occupiers of these properties in terms of noise disturbance and privacy. If planning permission is forthcoming, a condition it is recommended a condition be attached for details of the play equipment and its location to be submitted.

In order to ensure the dwellings, remain in single family occupancy a condition removing the permitted development rights for the dwellings to be used as small HMO's is recommended. These conditions are necessary in the interest of amenity, including noise and disturbance from increased comings and goings, vehicle parking and due to the development not being in a predominantly mixed-use character area.

Due to the rural location of the site, potential alteration to the design of the dwellings and in some cases the depth of the rear gardens, it is considered that permitted development rights should be removed with respect of Classes A, B, C and D of the General Permitted Development (England) Order 2015 (as amended). Class E is not proposed to be removed as the applicants, as part of the proposal, would be providing servicing as standard, to facilitate a work pod/outbuilding to aid homeworking facilities.

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 130f of the NPPF.

Highways and parking

Highway Safety

The application is for 35 residential dwellings with a simple bell mouth access from Sharnal Street. Drawing H-01 P1 submitted within the Transport Statement has outlined that the access would have a visibility splay of approx. 120m. A Road Safety Audit Stage 1 report (RSA) was also submitted with the application. It is considered that whilst providing an additional access onto Sharnal Street would not be considered ideal, due to the level of vehicle movements along A228 (in particular large HGVS'), however given the clear visibility splays, it is considered that the harm is not sufficient to meet the threshold of paragraph 111 of the NPPF. Given the safety aspect of this access, a condition is recommended to secure the vision splays prior to construction of the new dwellings on the site.

Accessibility

In terms of accessibility to services, it is likely that those residing in the dwellings would rely heavily on the private motor vehicle. Walking routes to High Halstow would involve walking down country lanes with no street lighting or pedestrian footpaths and therefore is unlikely to be taken up as a mode of transport. It is considered that both walking and cycling options to day-to-day facilities are limited and unattractive (thus the reliance of private cars).

A contribution of £75,000 has been requested and agreed, in order to improve public transport provision within the area. This contribution would fund 3 years of additional public transport, which would facilitate a change in modal shift from the private car to public transport and thus relieving pressure on Four Elms Hill RBT.

Parking

In line with the Council's Interim Parking Standards, the proposed development would require 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, a condition is recommended for the development to provide one vehicle charging point fitted per dwelling.

In terms of visitor parking, for the development of 35 dwellings, the parking standards would require a total of 9 visitor parking spaces to be provided. The drawings demonstrate that 9 visitor parking spaces have been provided and this level of parking spaces is considered acceptable.

With the abovementioned conditions imposed and a contribution of £75,000 towards additional public transport provision for 3 years, the development is considered to comply with Policies T1, T2, T4, T11 and T13 of the Medway Local Plan and paragraph 112e 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.

Inspection of the British Geological Mapping indicated the presence of London Clay Formation which would likely preclude the use of infiltration at the site. It is noted that infiltration testing has been undertaken and the results conclude that infiltration is not suitable.

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.

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 2.7l/s is acceptable. A condition is 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.

A condition is recommended for a plan to be submitted detailing the management of surface water throughout the construction phase from entering the site and removal of topsoil to the completion of the development. The plan should outline the phases of construction showing where and when drainage features will be installed and how runoff will be managed, to minimise flood risk and water quality impacts on site and to the surrounding areas. The plan should reference when the drainage will be installed with regards to houses, roads and any other hard standing (any drainage should be installed prior to these).

Overall, no objection is raised by the Council to the proposed site drainage subject to the recommended conditions. With the inclusion of the suggested conditions, the development is considered to be in accordance with paragraph 168 of the NPPF.

Ecology

An Ecological Appraisal dated August 2021 has been submitted with the application. This appraisal covers the building "Hollies" and its associated land and buildings.

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 designs.

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.

This current application includes the dwelling "South View". A bat survey has not been carried out at this property and therefore it is not known if this property has the potential for roosting bats. As this dwelling has not been surveyed, in order to mitigate against the worst-case scenario, a maternity roost of Brown long-eared bats being found, a Brown long-eared roost void will be required to be provided within one of the new buildings along the frontage with Sharnal Street. Details have been submitted for this provision within the block of four car ports to the front of the development and would be considered acceptable. Conditions are recommended to secure this provision and also for a Bat survey/emergence survey to be carried out.

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. 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. A condition is recommended to secure these ecological enhancements.

Subject to the suggested conditions above, no objection is raised regarding Policies BNE37 and bNE39 of the Local Plan and paragraph 180 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, a condition is 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 174 and 186 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 a watching brief condition be included as part of any planning permission.

With the abovementioned condition imposed it is considered that the development would comply with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

Climate Change and Energy Efficiency

The applicants have advised they are prepared to reduce carbon emission by at least 50% above current Building Regulations in the built fabric of a property. A range of measures to address energy efficiency, reducing water consumption, enhancing biodiversity and embodied energy is within the design and access statement submitted with the application. Electric car points will be provided, and hard standings will be drained as requirements of a condition should the application be considered acceptable.

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 £253.83 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 it would be secured as part of a Section 106 Obligation. No objection is therefore raised under Paragraphs 180 and 181 of the NPPF and Policies S6 and BNE35 of the Local Plan.

S106 Matters

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

- ii) £502,348.80 commuted sum towards off site affordable housing.
- ii) The provision of two first homes on site.
- iii) £2,550.00 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.
- iv) £230,295.04 towards expansion of the closest and most suitable schools.

Nursery and primary - Mainstream nursery/primary education within a radius of 2 miles from the development site, and/or SEND education within Medway
Secondary - Mainstream or SEND secondary/sixth form education within Medway

- v) £5,974.85 towards improved facilities and equipment at Hoo Library and/or the Community Mobile library.
- vi) £75,000.00 towards improvements to sustainable transport provision.
- vii) £8,575.00 towards improved civic space and gateways to Strood town centre (greening projects, bollards and signage).
- viii) £22,878.66 towards the creation of additional capacity in Primary Care premises required as a result of the increase in housing and resulting patient registrations. This can be, by the way of extension to, refurbishment of, or upgrade to existing practice premises within the vicinity of the development, or contribution towards a new facility if this is required to support the population growth.
- ix) £92,310.75 towards enhancement of open space facilities within the vicinity of the development and Medway's Metropolitan park - Great Lines Heritage Park.
- x) £8,376.39 towards Designated Habitats Mitigation (as set out above).

The applicants have agreed to meet these contributions which would be secured by a Section 106 Agreement. No objection is therefore raised under Policy S6 of the Local Plan and paragraphs 55 and 57 of the NPPF.

*Presumption in Favour of Sustainable development and the Overall Planning Balance
(Having Regard to the Council's Position on its Five-Year Land Supply)*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

The Council accepts that the current Local Plan is of age, being adopted in 2003. However, the assessment above refers to Local Plan policies where they are still considered relevant and applicable.

The Council cannot demonstrate a five-year supply of housing land sought by paragraph 74 of the NPPF. There is therefore a significant need for new housing in the Medway area, including affordable housing and as the development proposed would create new housing, the presumption in favour of sustainable development as set out in Paragraph 11(d) of the Framework is engaged. Paragraph 11(d)(ii) applies which states that:

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁷, granting permission unless:
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As of the 2020-21 Housing Delivery Test, the Council had only delivered 55% of its target number of dwellings in the preceding 3 years.

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

Economic

New residents will generate more demand for local services and facilities, and this would contribute to boosting the local economy contributing to the vitality of the community and the local economy, however, given the limited range of services in High Halstow, limited weight is applied to this as an economic benefit.

The development would also boost the local economy by providing construction jobs and supporting local building trades, albeit that this would be for a temporary period.

Whilst the development would provide additional council tax income this would be used to mitigate for and deliver necessary services and infrastructure for the residents and would, therefore, be a neutral effect.

The planning obligations set out in the S106 include a range of financial contributions to make the proposal acceptable. These financial contributions are intended to mitigate the effects of the development and render it acceptable in planning terms. They, therefore, do not constitute economic benefits.

Social

The NPPF confirms that social objective is: “to support, strong, vibrant and healthy communities by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future need and support communities, health, social and cultural wellbeing”.

The development would deliver an additional 33 dwellings towards the housing land supply, of which two of these would be First Homes. Due to the lack of interest from registered providers because of the number of units involved, a commuted sum has been agreed for the off-site provision of affordable housing. It is considered that moderate weight can be attached to the social benefits of the provision of an additional 33 dwellings which include two First Homes and a commuted sum for affordable housing to meet the lack of housing supply in accordance with the guidance in the NPPF.

The proposal will be delivered by an SME developer and therefore could be delivered in a reasonable timeframe. The applicants have agreed for the development, if approved, to commence within one year from the date of the decision.

The applicants have agreed to pay a Section 106 contribution of £75,000.00 towards an additional bus service to the area for a period of three years. This additional bus service would allow for a change in modal shift from the private car to public transport and provide better public services to local facilities and amenities such as shops, schools, pubs, food outlets and employment. The provision of an additional bus service for three years, would bridge the gap with regard to sustainability in the short term in terms of travel distances and providing connections, whilst infrastructure on the peninsula in support of potential future development as part of the Housing Infrastructure Fund is put in place and for other larger housing development to come forward in High Halstow.

The COVID-19 pandemic has highlighted the need for dwellings to be adaptable, particularly allowing for the occupiers to spend a significant amount of time at home, including working from home. Taking account of this, the proposal is designed with all of the dwellings exceeding the national space standards and to have gardens with space that could facilitate home working and home learning through the addition of outbuildings at a later date. The applicants have confirmed that they would be providing services to all the gardens as standard, to allow for the siting of a work pod/outbuilding, if required by future occupants. This contributes to and promotes well-being for the future occupiers. Moderate weight is attached in this regard given that it would benefit the occupiers and existing population of High Halstow, with regard to the additional bus service. The occupiers of the development itself would benefit with regard to the services being put in place to all of the gardens and the fact that all of the dwellings meet and exceed the gross internal floor area of the nationally described standards when taken as a guide.

Environmental

In terms of carbon reduction the proposal will deliver carbon efficiencies within the build of at least 50% reduction in carbon footprint for all of the properties v's that of the current Part L building regulations.

All dwellings will include the provision of an electric vehicle charging point.

The Carbon reduction measures are considered to carry moderate weight given that some proposals are to meet the requirements of the NPPF but recognising that some go beyond the minimum for the newly proposed Part L of Building Regulations.

The application site at present offers very little in terms of biodiversity. The proposal would introduce native species into landscaped areas within the design and also the provision for a Brown long eared bat roost within the proposed car port. This is considered to carry moderate weight given that the proposed would increase biodiversity and habitats units on the site.

It is considered, no harm would arise in relation to ecology, flood risk, drainage or highway safety subject to appropriate conditions. However, these are not public benefits and are considered neutral in the overall planning balance.

The proposed open space and landscaping provided as part of the scheme would mainly benefit future occupiers and would mostly off-set the overall harm to the rural landscape.

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. The Council has declared a climate change emergency and cannot demonstrate a five-year land supply. It has also since been demonstrated that the Council is below the requirements of the NPPF in terms of delivery and meeting the Housing delivery Test.

Previously, issues around connections to services and the lack of alternative modes of transport was a concern in terms of whether the proposal constitutes sustainable development or not and the proposal refused on this basis. Greater weight is now attached to the requirement of the Council to deliver sustainable housing.

Whilst still providing a development scheme that will achieve a carbon reduction of at least 50% for all of the properties v's that of the current Part L building regulations, all of the gardens being provided with the necessary services to facilitate future outbuildings/work pods, the applicant has sought to address the issue previously raised around connections. To ensure the development is more sustainable in the short term, whilst awaiting the infrastructure proposals for the peninsula to be constructed and for more services to be developed as part of larger development site, the applicant has agreed to a contribution of £75,000.00 to fund additional bus services to the area for a period of three years. This provides an alternative mode of transport to the private vehicle. When the wider infrastructure proposals and larger development sites come forward, this development will be better connected to the new railway station and road

network improvements, as well as improved bus services in the long term and the provision of other local services closer by. In addition, being an SME, the developer is able to provide the development at a faster delivery rate than larger house builders and has agreed to commence development within one year of planning permission being granted.

Taking account of all aspects above, that the site is not subject to any particular landscape designations and that the landscape proposals will be sufficient to screen the development, the proposal is considered acceptable and recommended for approval

Conclusions and Reasons for Approval

Although not providing the required 5-year land supply, the Council's policies provide a plan-led approach to future growth. The NPPF reiterates the primacy of the statutory plan-led approach, which in this case would allow for meeting the housing needs in a manner that best protects its rural landscape setting.

The proposal is considered to make an effective contribution in meeting the need for homes, in a manner which delivers the homes at pace, offers improved bus services and connections, whilst safeguarding and improving the environment as well as being sympathetic to local character, including the surrounding landscape setting and maintaining the intrinsic character and beauty of the countryside.

The scheme under this current proposal is considered to be acceptable and would comply with Policies BNE1, BNE2, BNE6, BNE23, BNE24, BNE25, BNE35, BNE37, BNE39, BNE43, H3, H10, S1, S2, S6, T1, T2, T4, T11 and T13 of the Medway Local Plan 2003 and the objectives of paragraphs 11, 55, 57, 60, 63, 78, 79, 111, 112, 126, 130, 168, 174, 180, 181, 183 and 186 of the National Planning Policy Framework 2021.

The application would normally be determined under delegated powers but is being referred for Committee due to letters of representation received contrary to the 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/>