

**MC/22/1317**

**Date Received:** 25 May 2022  
**Location:** Land To Rear of Fenn House Farm Fenn Street  
St Mary Hoo Rochester  
**Proposal:** Outline application with all matters reserved for the construction of four self-build dwellings with associated parking and amenity space.  
**Applicant Agent:** Mr John Prenczek  
Barron Edwards Ltd  
Mrs Guneet Kaur Barron Edwards, Whitehall Place  
47 The Terrace  
Gravesend  
DA12 2DL  
**Ward:** Peninsula Ward  
**Case Officer:** Madeline Mead  
**Contact Number:** 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 16th November 2022.**

**Recommendation - Approval subject to:**

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

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

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

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

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the

case of approval on different dates, the final approval of the last such matter to be approved.

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

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

Received 03 November 2022:

Design Code: Fenn Street, St Mary Hoo, ME3 8QT by Barron Edwards Sterling  
Drawing number 001 Revision B - Site location plan only

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

- 5 No development shall take place on each individual self-build plot until a Construction Environmental Management Plan (CEMP) for that self-build plot, has been submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details that describes measures to control, hours of working, deliveries to the site, noise, dust and lighting arising from the demolition and construction phase of the development. The construction works shall be undertaken in accordance with this approved plan.

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

- 6 No development shall take place until a scheme based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (where applicable):

- i. Details of the design of the scheme (in conjunction with the landscaping plan where applicable).
- ii. A timetable for its implementation (including phased implementation).
- iii. Operational maintenance and management plan including access requirements for each sustainable drainage component.
- iv. Proposed arrangements for future adoption by any public body, statutory undertaker or management company.

The development shall be undertaken in accordance with the approved scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of the National Planning Policy Framework 2021.

- 7 No development shall take place until a sustainable construction method statement has been submitted to and approved in writing to the Local Planning Authority. Each dwelling 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.

- 8 Notwithstanding the information submitted within the Arboricultural Survey and Constraints, Impact Assessment and Tree Protection by Ben Larkham Associates Limited, reference tr-1553-20 (dated 26 October 2020), no development or site clearance works shall take place until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to any development on site and shall thereafter remain in place throughout the construction phases of the development.

Reason: Required prior to development to ensure no irreversible detrimental harm to the existing trees and to protect and enhance the appearance and character of the site and locality, in accordance with Policy BNE43 of the Medway Local Plan 2003.

- 9 No development shall take place until details of the cellular confinement form of construction within the root protection area of trees T3 and T4 as identified on drawing tr-1553-20 aia, has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to any commencement of development on site.

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

- 10 From the commencement of works and/or site clearance, all mitigation measures for badgers will be carried out in accordance with the details in section 5 of the Badger Survey Report (Hone Ecology February 2021), unless varied by a European Protected Species licence subsequently issued by Natural England.

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

- 11 From the commencement of works and/or site clearance, all precautionary mitigation measures for reptiles will be carried out in accordance with the details contained in section 8 of the 'Extended Phase 1 Ecological Habitat Survey Report' (Hone Ecology August 2020).

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

- 12 Within six months of works commencing, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include recommendations in section 9 of the 'Extended Phase 1 Ecological Habitat Survey Report' (Hone Ecology August 2020) and a timetable for implementation. The development shall be implemented in accordance with the approved details and thereafter retained.

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

- 13 No development shall take place above slab level in relation to each dwelling until servicing has been put in place for the plot to which the dwelling relates. The servicing shall provide access to a public highway and connections for electricity, water and wastewater.

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

- 14 No development shall take place above slab level in relation to each plot 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 of each plot shall be implemented in accordance with the approved details and shall thereafter be maintained.

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

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

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

- 16 Prior to occupation of any dwelling herein approved (or within an agreed implementation schedule) 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: This condition is sought in accordance with paragraph 168 of the National Planning Policy Framework 2021 to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 17 Prior to the installation of any external lighting on the site, including for each individual plot, a lighting design strategy for the site boundaries and for each plot should be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall include the following details: height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans); demonstration of the effect on the rural landscape; identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory; how and where external lighting will be installed so that it can be clearly demonstrated that the areas to be lit will not disturb or prevent bats using their territory.

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

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

- 18 Prior to first occupation of any dwelling a Landscape Management Plan (LMP) for the common area within the site shall be 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 landscape areas held within these common areas and the boundary landscape area as identified as plot 6 within the Design Code (by Baron Edwards Sterling) received 3 November 2022, for a minimum period of five years and a timetable for the implementation. The development shall thereafter be implemented in accordance with the approved landscaping (and LMP) and 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 and BNE6 of the Medway Local Plan 2003.

- 19 Prior to the first occupation of each dwelling, a plan indicating the positions, design, materials and type of boundary treatment to be erected to serve the relevant dwelling shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the relevant dwelling is first occupied and shall thereafter be retained.

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

- 20 The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted Parking Standards. None of the dwellings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to hazardous on-street parking and in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 21 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change and sustainability statement, by Barron Edwards, received 28 July 2022. Each dwelling shall not be occupied until a verification report prepared by a suitably qualified professional, for the plot it serves, has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

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.

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

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

- 23 Each reserved matters application submitted in pursuance of this permission shall include statements of conformity with the Design Code, by Barron Edwards Sterling, received 3 November 2022 and herein approved.

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

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

Reason: 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.

- 25 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), the dwellinghouses herein approved shall remain in use as a single family 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 to C4 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.

## **Proposal**

This is an outline application for four self-build detached houses with all matters reserved.

An indicative site layout drawing has been submitted that shows how four detached dwellings could be accommodated within the site. The dwellings are proposed as self-build plots, all of similar size to be located within a new cul-de-sac. Access is also indicative, but the drawings show that the dwellings would be accessed off of Fenn Street, via an existing access between Fenn House and a new dwelling currently under construction.

## **Site Area/Density**

Site Area: 0.4 hectare (1 acre)

Site Density: 10 dph (4 dpa)

## Relevant Planning History

MC/20/2840            Outline application with all matters reserved for the construction of four self-build dwellings with associated parking and amenity space  
Decision: Refusal  
Decided: 16 April 2021

*Adjoining site to the south - Land Adjacent Fenn House Farm Fenn Street St Mary Hoo Rochester Medway ME3 8QT:*

MC/19/1044            Demolition of the existing buildings and construction of 2no. semi-detached 3-bed dwellings with vehicle crossover and associated parking, amenity space and landscaping  
Decision: Approved with conditions  
Date: 29 July 2019

## Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. KCC Biodiversity, Natural England, Kent Wildlife Trust, the RSPB, St Mary Hoo Parish Council and Southern Water have also been consulted.

**Six** letters of representation (two from the same person) have been received in objection to the proposal and raising the following matters:

- Not a suitable location for development, suburbanisation of small village
- Impact on local wildlife and habitats
- Impact on neighbouring residential amenity from noise
- Highway safety
- Loss of views
- Noise and light pollution
- Backland development

**One** letter has been received advising that the address of the applicant is incorrect.

**Four** representations have been received in support of the application raising the following matters:

- Support for self-build plots and individual design, including the design code
- Self-build plots are required
- No impact on amenity or highway safety

**The Dickens' Country Protection Society** have raised the following objections to the proposed development:



- The proposal constitutes an undesirable form of backland development
- The development is in the countryside outside the confines of any established settlement
- Remote location in a rural area and generally poorly serviced.

**St Mary Hoo Parish Council** raised the following objections to the proposed development:

- Impact of additional traffic movements
- Pedestrian and cyclist safety
- Highway safety
- Noise, traffic, air, light and noise pollution to residents during construction of the development

**Natural England** advises that subject to the appropriate financial contribution being secured, they are satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site.

**KCC Biodiversity** have advised that sufficient ecological information has been submitted with the application.

**Southern Water** advise there are no public foul and surface water sewers in the area to serve this development. The applicant is advised to examine alternative means of foul and surface water disposal. The Environment Agency should be consulted directly, by the applicant, regarding the use of a private wastewater treatment works or septic tank drainage which disposes of effluent to sub-soil irrigation. The owner of the premises will need to empty and maintain the works or septic tank to ensure its long-term effectiveness. An informative would be placed on the decision that advises the applicant of the need to contact the Environment Agency directly. They have also advised that a sewer now deemed to be public could be crossing the development site.

## **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 and are considered to conform.

## **Planning Appraisal**

### *Background*

Material considerations for this application relate to MC/20/1025 for the construction of three self-builds, allowed at appeal, at 309 Lower Rainham Road, Rainham and

MC/21/2612 for the construction of 35 dwellings at the Hollies and Southview, Sharnal Street, High Halstow.

MC/20/1025 was refused and allowed at appeal. The site is within an Area of Local Landscape Importance (ALLI) and not in a highly accessible location. The Inspector concluded in terms of the impact on the character and appearance of the surrounding area that:

“It is difficult to reconcile this site with the term “countryside”. For the reasons given the proposal would not have an adverse impact on wider landscape character and therefore would accord with Policy BNE34. However, by building on the land some of its openness would be lost contrary to Policy BNE25 and to that extent there would be some detriment to the locality. There would therefore be harm caused to the character and appearance of the surrounding area, but the level of that harm would be limited and localised.”

In terms of that site being in an accessible location the Inspector concluded:

The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, opportunities to promote walking, cycling and public transport should be pursued, and patterns of growth managed accordingly. Three new dwellings would not be a major development. However, the reality is that future occupiers are likely to be car dependent for most journeys as the services within easy reach are sparse. So, whilst some choice exists the proposal would not encourage use of sustainable transport modes and would not be in accessible location. It would therefore be at odds with the relevant part of Policy BNE25.

The Inspector weighed heavily in favour of the scheme for providing three self-build dwellings for which there is a demand and would address the needs of a group with specific requirements and although three dwellings would not greatly improve the total supply, in the current circumstances in Medway any additional provision would be valuable.

With regard to paragraph 9 of the Framework the Inspector advised:

“The starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance. Indeed, they do not significantly and demonstrably outweigh the benefits of three additional homes for self-build when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.

The Inspector concluded:

“The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict.

MC/21/2612 was granted planning permission for the construction of 35 dwellings. This site is in close proximity to the application site and offered certain aspects to make the development more sustainable which included a S106 contribution to fund an additional bus service for a period of three years, development delivered at a faster rate with development commencing within one year of planning permission being granted, achieving a carbon reduction of at least 50%, gardens provided with necessary services to facilitate future outbuildings/work pods.

### *Principle*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to 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 on the boundary of a Special Landscaped Area as designated 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. Policy BNE33 is also relevant as the site falls on the boundary of a Special Landscaped area.

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 and Policy BNE33 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). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. Paragraph 79 of the NPPF also supports the provision of housing in rural areas where it will enhance or maintain the vitality of rural communities. Although only a small development, it will nevertheless contribute to this small rural community.

It is necessary to consider whether this proposal is sustainable development, and to also consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition in paragraph 8 refers to sustainable

development having an economic, social and an environmental role, and these three overarching objectives need to be pursued in mutually supportive ways.

In respect of the proposal, socially, there are benefits from the scheme through the provision of housing to help meet the 5-year supply. The site is within walking distance of the Fenn Bell Public House and Bradfield's Garage, which is primarily a vehicle repair establishment (to which people would drive anyway), although it also serves as a 'top up' for everyday goods. It is acknowledged that local shops would be outside of the accepted 800m recommended walking distance, however, local shops are within a short trip by car. The site is located in close proximity to the Fenn Bell bus stop which would allow for access for commuting, although due to the rural location the service would be at more irregular intervals than a site located in the urban area

Economically, the site would boost the local economy during construction process providing jobs in the short-term, it will help provide the increased workforce that enables continued economic growth in the longer term.

Environmentally, the applicant has submitted surveys and reports to cover ecological matters, and these are considered in detail below, but they are generally acceptable. The ecological enhancements suggested, including native hedgerow planting and provision of integrated bat bricks, would be beneficial in terms of environmental gains from the development. The site is located within a special landscape area, however, considering the existing setting of the site (rear of existing housing, wooded area to the east and vegetation to the west), with the boundary landscaping proposed for the development it is considered that the development would conserve and enhance the natural beauty of the area's landscape. Overall, it is considered that there would be no negative impact on the environment or the special landscape area.

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

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

NaCSBA, so that anyone wanting to build their own home can easily find the Local Authority register in their area.

In terms of Medway's Self Build Register, the level of demand is monitored via annual base years. To date, there have been 6 base years and the following demand has been established:

- Base Period 1 - 14 individuals
- Base Period 2 - 38 individuals
- Base Period 3 - 13 individuals and 1 association
- Base Period 4 - 12 individuals and 1 association
- Base Period 5 - 17 individuals
- Base Period 6 – 12 individuals

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

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. Consequently, the presumption in favour of sustainable development does apply in this case.

### *Design*

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. Paragraph 129 of the NPPF relates to design codes, and their use in providing a framework for creating distinctive places with a consistent and high-quality standard of design. Special attention needs to be paid to the impact on the character and appearance of the countryside Policy BNE25 of the Local Plan seeks to ensure development is sensitive to these areas and Policy BNE33 seeks to conserve and enhance the natural beauty of the area's landscape.

The surrounding area contains a mix of house types and designs. It is acknowledged that within the immediate vicinity, the existing dwellings form a linear development, however, across the road is an industrial estate and a residential cul-de sac-that joins the back of

the industrial estate with Malmaynes Hall Road and therefore this form of backland development would not be considered unacceptable in this location.

As appearance is a reserved matter, and as this is a self-build application, the development provides a real opportunity for exceptional, innovative and high-quality design.

A design code is considered important for this scheme to ensure there are adequate controls to prevent the proposed architectural style from being 'dumbed down' and to ensure that the scheme adheres to the rural vernacular that it seeks to reflect. Additionally, as a self-build scheme, the self-builder must be able to have control over the design of the house. A design code has been submitted with the application which articulates the design principles and materials, without being too prescriptive about the actual houses to be built, and this is considered acceptable. A condition is recommended for the reserved matters submissions to be in line with the submitted design code.

Subject to the abovementioned condition the application would be in accordance with Policies BNE1, BNE25 and BNE33 of the Local Plan and paragraphs 126, 129 and 130 of the NPPF.

### *Landscaping*

The design code, submitted with the application, identifies the land around the boundary of the site that would fall outside of the ownership of any of the dwellings and would provide a landscaped buffer. The information submitted advises of heights and species to be planted to these boundaries. The details submitted are considered appropriate in terms of ecological enhancements and to limit the impact of the development on the surrounding countryside and Special Landscape Area. Details of boundary treatments are also outlined within the design code and would use a mix of close boarded fencing between dwellings, cleft timber post and rail to the front/sides of the dwellings and post and rail with mesh infill to the external boundaries of the site.

Conditions are recommended for further landscape details and a management plan to be submitted.

Subject to the abovementioned conditions the application would be in accordance with Policies BNE1, BNE25, BNE33 of the Local Plan and paragraphs 126, 129 and 130 of the NPPF.

### *Amenity*

There are two main amenity considerations, firstly the impact of the proposed dwellings 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.

## Neighbouring Residential Amenity

The proposed dwellings are considered to be appropriately sited such that the development would not result in an unacceptable impact on neighbouring occupiers in relation to any overbearing impact, loss of light or sense of enclosure to neighbouring properties. The single storey nature of the dwellings proposed, along with boundary treatment will ensure no unacceptable overlooking will occur to the dwellings to the south.

## Amenity of Future Occupiers

Whilst full plans of the dwellings have not been submitted and are reserved for a later date, it is considered that the proposed dwellings could be designed to meet the technical housing standards - nationally described space standard dated March 2015 (the national standard).

With regards to the garden size, in the absence of any technical standards relating to private amenity space within the national standard, the Medway Housing Standards (interim) 2011 (MHDS) as guidance states that gardens should be a minimum of 10m in depth and 7m when constraints exist. The indicative layout shows that the gardens of the proposed dwellings would accord with this.

On the whole, it is considered that the design of four dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is a matter that would be properly considered at reserved matters stage. In principle, it is considered that the impact on neighbouring amenity and future occupier amenity would be acceptable and in accordance with Policy BNE2 of the Local Plan and 130(f) of the NPPF.

Due to the proximity of neighbouring properties the construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore, a condition is recommended requiring the submission of a construction environmental management plan. On this basis, the proposal is considered to be in accordance with the provisions of Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

## *Highways*

In terms of the impact to the highways, given that this application is for four dwellings, no objection would be raised.

The adopted Interim Residential Parking Standards require the provision of a minimum of two car parking spaces for a 3+ bedroom property. The indicative site plan submitted with the application does not indicate parking for each dwelling, however, the design code submitted with the application requires each plot to have a minimum of two car parking spaces per dwelling and therefore the proposal would comply with the requirements of the standards.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 112e outlines that development should provide electric charging facilities, therefore a condition is recommended to fulfil this objective.

The application is considered to be acceptable in respect of the transport and parking Policies T1, T2 and T13 of the Local Plan and paragraphs 111 and 112e of the NPPF.

### *Trees*

The application has been submitted with an arboricultural survey, constraints, impact assessment and tree protection. The arboricultural report advises that T7 (Douglas Fir) and T8 (mixed boundary planting) are proposed to be removed and T9 (hedging) may need to be reduced in size as part of the development and landscape enhancements.

Part of the proposed access road would be within the root protection area of trees T3 and T4. It is proposed that the access road at the point, within the root protection area would be installed utilising a cellular confinement form of construction allowing the long term retention of both trees.

Conditions are recommended for an up-to-date tree protection measure to be submitted (as the indicative layout has slightly changed since the report was carried out) and details of the cellular confinement for the access road to be submitted.

With the above-mentioned condition imposed, it is considered that the development would accord with Policy BNE43 of the Local Plan and paragraph 174 of the NPPF.

### *Ecology*

Sufficient ecological information has been submitted in support of this application.

### Badgers

The surveys submitted with the application conclude that an active outlier badger sett is present within the western boundary of the site. The concluding paragraph, of the survey states that "The badger sett itself within the hedge will not be directly impacted by the planned development. However, the closest boundaries of the buildings to be constructed are approx. 14m from the sett. Use of plant during the construction is likely to cause disturbance to badger should they be using the sett at the time. In addition, small trees adjacent to the hedge are to be felled, improvements made to the hedge through additional planting, and a boundary fence erected. A Natural England licence is therefore required due to potential disturbance to the sett during the planned development works."

This conclusion is agreed with and based on the following mitigation proposals, a licence would be granted to facilitate works:



- Revision of site plans to relocate a garage further away from the sett location.
- Supervision of works within 20m of the sett to be carried out under supervision of an experienced ecologist.
- Works within 10m to be undertaken by hand-only (no plant machinery). This will include demolition of the existing building on-site.
- Covering of excavations overnight.
- Felling of trees away from the sett.

Additionally, as the outlier sett would be within the curtilage of one of the dwellings, once operational, a picket fence would be installed 1m from this boundary to limit disturbance. The mobility of badgers must not be inhibited.

It is considered that as long as the proposed measures are adhered to (subject to variation from Natural England), the status of badgers can be maintained. A condition is recommended to secure the abovementioned measures.

### Lighting and Biodiversity

To mitigate against potential adverse effects on badgers (and bats), and in accordance with the NPPF, the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. A condition is recommended for the development to incorporate a sensitive lighting design for biodiversity.

### Reptiles

Due to the presence of some reptile habitat within the site, the report submitted with the application recommends precautionary measures. This includes removing vegetation/rubble piles by hand and carrying out clearance of grassland during warm days between March and September (allowing reptiles to move).

This is considered acceptable, and a condition is recommended to secure the implementation of enhancements.

### Breeding birds

The site contains suitable habitat for breeding birds and all nesting birds are protected under the wildlife and countryside act 1981 (as amended). An informative is recommended to draw the applicants' attention to this.

### Biodiversity and Ecological Enhancements

In alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged. The preliminary ecological appraisal makes suitable enhancement recommendations in table 2, including native hedgerow planting and provision of integrated bat bricks. A condition is recommended for measures to enhance biodiversity to be submitted.

Subject to the suggested conditions above, no objection is raised regarding Policy BNE37 of the Local Plan and paragraph 180 of the NPPF.

### *Flood Risk and Drainage*

The application site lies within Flood Zone 1 (Low Risk) according to the Environment Agency Mapping.

Paragraph 56 (reference ID:7-056-20220825) of the NPPG presents a hierarchy of drainage options to follow with the aim being to discharge surface runoff as high up the hierarchy as possible. This is also reiterated within Part H3 (Part H) of the Building Regulations. The options are:

- 1 Into the ground.
- 2 To a surface body.
- 3 To a surface water sewer, highway drain, or another drainage system.
- 4 To a combined sewer.

British Geological Mapping indicates the presence of London clay at bedrock which would not allow the use of infiltration.

It is noted that at this stage the proposal is in outline. The Local Lead Flood Authority are aware of significant flooding experienced within the surrounding area and therefore it is recommended for the use of SuDs on each plot to ensure that the risk of flooding is not increased within the area or on plot.

The use of rainwater harvesting grey water recycling and water butts is also recommended where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

It should be ensured that there is a maintenance schedule in place for the lifetime of the development to maintain any SuDs, which serve it. All SuDS should be located in publicly accessible areas, unless deemed inappropriate or not possible, to allow for suitable access for maintenance. Details would need to be submitted showing a plan of the frequency of maintenance for each SuDS feature on site based on guidance in the CIRIA SuDS Manual as well as details of who will carrying out the maintenance.

Overall, no objection is raised to the proposed site drainage subject to conditions to secure the drainage and on this basis, the development is considered to be in accordance with paragraph 168 of the NPPF.

### *Climate Change and Energy Efficiency*

A climate change and sustainability statement has been submitted with the application which outlines how the buildings would be constructed to address energy efficiency and

climate change. A condition is recommended for an energy efficiency and climate change verification report to be submitted. With the abovementioned condition imposed the proposal is in accordance with paragraph 154 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 £275.88 per dwelling 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 submitted a SAMMs mitigation contribution agreement and paid the tariff. No objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

### *S106 Matters*

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

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

## **Conclusions and Reasons for Approval**

It is considered that the proposed development is acceptable in principle, in that, whilst it is outside the urban area and is within the countryside, the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of its sustainability, and in terms of the Housing White Paper and the need for self-build developments. Whilst matters relating to scale, appearance, layout and landscaping are reserved for consideration at a later date, overall, it is considered that in relation to access, amenities, parking and highway safety, the scheme is acceptable and will provide a high-quality, self-build housing development that will help meet a need in the area. As such the proposal is considered to be in accordance with the provisions set out in Paragraphs 8, 11, 60, 79, 111, 112, 126, 129, 130, 154, 168, 174, 180, 181 of the NPPF and Policies BNE1, BNE2, BNE25, BNE33, BNE35, BNE37, BNE43 and S6 of the Local Plan.

The application would normally fall under delegated powers for determination but is being reported to Committee due to the number of representations received expressing a view contrary to officer recommendation.

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## **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/>