

## **MC/23/0106**

Date Received: 17 January 2023

Location: Land At Middle Stoke Adjacent To 1 & 2 Jubilee Cottages  
Grain Road Middle Stoke

Proposal: Outline planning application with some matters reserved (appearance, landscaping, layout and scale) for demolition of redundant farm buildings and construction of 9 no. dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

Applicant BI  
Mr Richard Castle

Agent Bloomfields  
Mr Thomas Ogden 77 Commercial Road  
Paddock Wood  
Tonbridge  
Kent  
TN12 6DS

Ward: All Saints

Case Officer: Amanda Barnes

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 27th September 2023.**

### **Recommendation - Approval with Conditions**

- 1 The development for which permission is hereby granted shall not be commenced before detailed plans showing the layout, scale, appearance and landscaping of the site (referred to as "the reserved matters") have been submitted to and approved by the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 2 Application for the approval of the reserved matters shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004)

- 3 The development hereby permitted shall be commenced before the expiration of five years from the date of this permission or before the expiry of two years from the date of the approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990 (as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).

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

Received 17 January 2023

P.2561.062 Rev B - Plot 5 Indicative Plans and Elevations

P.2561.065 Rev A - Plot 8 Indicative Plans and Elevations

P.2561.066 Rev A - Plot 9 Indicative Plans and Elevations

P.2561.070 Rev A - Proposed Street Elevation

P.2561.080 Rev A - Unit Bedroom Plan

Received 10 February 2023

P.2561.060 Rev B - Plots 1 and 2 Indicative Plans and Elevations

P.2561.061 Rev B - Plots 3 and 4 Indicative Plans and Elevations

P.2561.063 Rev B - Plot 6 Indicative Plans and Elevations

P.2561.064 Rev B - Plot 7 Indicative Plans and Elevations

Received 6 April 2023

Site Location Plan

P.2561.030 Rev C - Proposed Block Plan

Received 23 June 2023

P.2561.031 Rev A - Proposed refuse vehicle plan

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

- 5 The number of dwellings permitted within the site under the terms of this outline permission shall not exceed 9.

Reason: To define the planning permission and for the avoidance of doubt.

- 6 No development above slab level shall take place, until details and samples of all materials to be used externally, have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

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

- 7 Any application for the approval of reserved matters relating to the landscape shall include full details of hard and soft landscaping and a programme for implementation. Details shall include:
- i. Proposed finished levels of contours, (including slab levels); means of enclosure; car parking layouts; existing areas of retained planting; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. external furniture, play equipment; refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc); retained historic features and proposals for restoration where relevant.
  - ii. Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; tree pit details including species, size, root treatment and means of support; implementation programme.
  - iii. All planting, seeding and turfing comprised in the approved scheme of landscaping, shall be implemented during the first planting season following occupation of the houses or completion of the development, whichever is the earlier.
  - iv. Details of lighting design, location and specification including spillage and intensity.
  - v. Detailed design for sustainable drainage systems.

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

Any tree and/or shrub planted pursuant to this condition and being removed or severely damaged, dying or becoming seriously diseased within 5 years of planting shall be replaced with a tree or shrub of a similar size and species unless approved in writing by the Local Planning Authority.

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

- 8 Within 3 months of works commencing within the site, a habitat establishment and management plan shall be submitted to and approved in writing by the Local Planning Authority. It must include the following:
- o Overview of the habitats to be enhanced/established within the site.
  - o Detailed methodology to carry out the habitat enhancement/ establishment works.
  - o Timings of the works and who will carry them out.
  - o Overview of the management to be carried out within the site once the habitats have been established/enhanced.
  - o Habitat Management Timetable.
  - o Details of who will carry out the works.
  - o Details of ecological enhancement features to be incorporated into the site and buildings.
  - o Monitoring.
  - o Details of how it will be funded.

The development shall thereafter be carried out at all times in accordance with the approved Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the landscape is properly managed for biodiversity in accordance with Policies BNE1, BNE6, BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and paragraphs 174 and 180 of the NPPF.

- 9 Prior to works commencing on site an updated barn owl survey and breeding bird mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The plan must detail how impacts on barn owl and breeding birds will be avoided and detail the location of replacement nesting features. The plan must be implemented as approved, and any agreed features thereafter retained on site.

Reason: Required prior to commencement to ensure that no birds are negatively impacted as a result of the development in accordance with Policies BNE37, BNE38 and BNE39 of the Medway Local Plan 2003 and paragraphs 174 and 180 of the NPPF.

- 10 No external lighting shall be erected on site without the prior approval in writing of the Local Planning Authority. The details of any lighting to be erected shall include design, the exact position, light intensity and spillage. The lighting should be designed in accordance with the Bat Conservation

Trust and the Institution of Lighting Professionals, titled Guidance Note 8 Bats and Artificial Lighting and should include lights that are downward facing and on motion sensors/timers.

Reason. To ensure a satisfactory external appearance and to ensure the provision of lighting does not result in glare or light overspill to surrounding properties or negatively impact any bats foraging in the area in accordance with Policies BNE2, BNE5 and BNE39 of the Medway Local Plan 2003 and paragraphs 174 and 180 of the NPPF.

- 11 No vegetation clearance or development shall take place during the bird nesting season (March to September inclusive) unless a suitably qualified ecologist has first confirmed that no nests or dependent young are present (nesting bird checks within 24 hours of work commencing).

Reason: Required before commencement to ensure satisfactory arrangements are made to safeguard the habitats in the interests of ecology in accordance with Policy BNE37 of the Medway Local Plan 2003.

- 12 Prior to the commencement of the development a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include amongst other matters details of: hours of construction working including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control; site contact details in case of complaints and details of the precautionary approach. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required prior to commencement in the interests of residential of the adjoining properties and to ensure no long-term detrimental harm to the ecology on site in accordance with Policies BNE2 and BNE37 of the Medway Local Plan 2003.

- 13 The details submitted in pursuance of Condition 2 shall show land reserved for parking or garaging in accordance with the Council's Approved Interim Parking Standards. None of the buildings shall be occupied until this area has been provided, surfaced and drained in accordance with the approved details. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (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.

- 14 No development above slab level shall take place until details of cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority in accordance with the Local Planning Authority's adopted cycle parking standards. No building shall be occupied until such time as the cycle parking facilities relating to it have been provided in accordance with the approved details and are available for use.

Reason: To ensure the provision and permanent retention of bicycle spaces in accordance with Policy T4 of The Medway Local Plan 2003.

- 15 The access shall not be used until the width of the internal access and visibility splays of 2.4 x 38m to the east of the access, as indicated on drawing 22103/01 Rev A - Visibility Splay in the Transport Statement have been provided and no obstruction of sight, including any boundary treatment, more than 0.6m above carriageway level shall be permitted within the splays thereafter.

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

- 16 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.

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

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

Reason: In the interests of residential amenity and in compliance with Policy BNE2 of the Medway Local Plan 2003.

- 18 Prior to the submission of any reserved matters application, the applicant, their agents or successors in title, should secure the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. The programme of archaeological works shall include archaeological and geoarchaeological field evaluation followed by an

appropriate programme of archaeological mitigation works. A written report setting out the results of the archaeological and geoarchaeological evaluation shall be submitted to the local planning application prior to the submission of any reserved matters application.

Reason: Required prior to submission to ensure that features of archaeological interest are properly examined and recorded and so that the results of the field evaluation can inform any future reserved matter application, in accordance with Policy BNE21 of the Medway Local Plan 2003 and paragraph 194 of the NPPF.

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

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

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

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

- 21 Notwithstanding the Climate Change Statement submitted with the application, any application for the approval of reserved matters relating to the appearance shall include full details of the measures to address energy efficiency and climate change.

The development shall not be occupied until a verification report prepared by a suitably qualified professional 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 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 in consultation with the Lead Local Flood 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 agreed scheme.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

- 23 Prior to occupation (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 NPPF to ensure that suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere.

- 24 No development shall commence 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 agreed in writing by the local planning authority in consultation with the LLFA. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

The approved CSWMP and 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.



The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 168 of NPPF.

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

## **Proposal**

This is an outline planning application, with some matters reserved (appearance, landscaping, layout and scale) for the demolition of redundant farm buildings and construction of 9 no. dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

The layout proposes a cul-de-sac consisting of two lines of development; the front line is shown to broadly continue the building line established with existing properties to the west with two pairs of semi-detached houses and a single detached house. The second line indicates 5 properties behind, encroaching no further to the north than the existing garden areas associated with adjacent properties to the west. To the north an area of soft landscaping/open space will remain where the wider site abuts the A228.

The application advises that the layout has been designed to reflect the presence of the high-pressure gas main which runs to the north of the proposed site. All development, including garden areas are set outside the required buffer zone.

The scheme seeks consideration of access only, with the matters of appearance, landscaping, layout and scale reserved for later consideration. The site currently has a vehicular access to the south onto Grain Road and also a farm gate to the eastern side of the site. It is proposed to utilise the existing access on the southern boundary of the site to serve the new units and modify it to bring it up to current standards. The accessway will incorporate a hammerhead to allow for vehicles to turn and enter and leave in a forward gear, including the large refuse vehicles currently used.

The application is in outline with matters of appearance and layout reserved, however the illustrative plans show plots 1, 2, 3 and 4 as two pairs of semi-detached houses. The indicative plans show a large living room, dining room, kitchen and WC on the ground floor with 3 bedrooms on the first floor (one ensuite) and a family bathroom. The houses are shown approx. 11.6m in length, 5.9m in width and 8.2m to the ridge.

Plot 5 is shown as a detached house with a living room, kitchen/dining room and WC on the ground floor and 3 bedrooms (one en-suite) and a family bathroom on the first floor. The house is approx. 6.8m in length, 9.7m in width and 8.3m to the ridge.

Plots 6 and 7 are shown as detached houses with a living room, kitchen/family room, dining room and utility and WC on the ground floor and 4 bedrooms (one en-suite) and a family bathroom on the first floor. The houses are approx. 10.55m in length, 10.9m in width and 8m to the ridge.

Plot 8 is shown as a detached house with a living room, kitchen/dining room and WC on the ground floor and 3 bedrooms (one en-suite) and a family bathroom on the first floor. The house is approx. 6.8m in length, 9.7m in width and 8.3m to the ridge.

Plot 9 is shown as a detached house with a living room, kitchen/family room, dining room and study and WC on the ground floor and 4 bedrooms (one en-suite) and a family bathroom on the first floor. The house is approx. 11.33m in length, 10.9m in width and 8.3m to the ridge.

Indicative elevations have, been provided for all plots, which show the use of timber weatherboard cladding, hung tiles and exposed brickwork.

Detailed consideration for landscaping remains to be determined as part of a subsequent reserved matters planning application stage. However, the following features are suggested by the indicative layout:

- Retention and enhancement of vegetation along the boundary of the site with the A228.
- Retention of the open grassed area to the north of the development area of the site, which will be planted up as a wildflower meadow.
- Soft landscaping to the boundaries of the properties.
- Area of open landscaping to the site frontage with Grain Road.
- Areas of open and garden space to provide sufficient amenity space; and
- Likely permeable areas for incorporation into Sustainable Urban Drainage Systems (SUDs).

## Relevant Planning History

MC/06/2027 Outline application for the demolition of existing site buildings and the construction of 6 link detached houses each with a single garage and associated off road parking.  
Refused 24.04.2007.  
Appeal dismissed 15.01.2008.

## Representations

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

Stoke Parish Council, KCC Biodiversity, KCC Archaeology, Health and Safety Executive (HSE), RSPB and Kent Wildlife Trust have also been consulted.

The following are comments on the proposal as originally submitted:

**HSE** have written to advise that in respect of HSE licensed explosives sites they have no comments to make on the planning application provided that the development is not a vulnerable building. "Vulnerable building" means a building or structure of vulnerable construction, that is to say:

- (a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation.

- (b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation.
- (c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panes larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or
- (d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

**HSE** Advise against due to the proximity of the site to pipelines that are subject to the requirements of the Health and Safety.

Under Section 9, paragraph 072 of the online Planning Practice Guidance on Hazardous Substances - Handling development proposals around hazardous installations, published by the Department for Levelling Up, Housing and Communities, the local planning authority must give HSE advance notice when it is minded to grant planning permission against HSE's advice, and allow 21 days from that notice for HSE to consider whether to request that the Secretary of State for Communities and Local Government, call-in the application for their own determination.

**Lower Medway Internal Drainage Board** have written to advise that while the site is located outside the Lower Medway Internal Drainage Board's District; it is within a river catchment that ultimately drains into the district, and they are particularly interested in the means of surface water disposal as the area is sensitive to flooding.

The site is adequately sized to accommodate an attenuation basin and the Lower Medway Internal Drainage Board welcomes the proposals for utilising SuDS features for surface water storage and to assist with pollution control. They also provide amenity and habitat, and they would encourage above ground features as they are easier to maintain. In view of the sensitive nature of the area with respect to flooding, the Board would like to stress that if minded to grant permission, it would be prudent to condition any consent for a full scheme for surface water disposal based on SuDS principles. The peak rate of stormwater run-off must be limited, the volume of run-off must be limited, and National Planning Policy Framework (NPPF) requires the development to be 'safe for its lifetime without increasing flood risk elsewhere' and, where possible, 'reduce flood risk overall'.

They note from the application that the proposed discharge of surface water from the development is (via an attenuation basin) into a watercourse at a restricted rate and as such, subject to a land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be conditional.

The consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws is separate from planning, and as such, it is strongly recommended that the applicant approaches the Board directly to start the process.

*(a copy of their letter has been provided to the applicants and has been considered by the Council's Flood and drainage officer responsible for suds)*

**National Gas Transmission** have written that the site location is in close proximity to National Gas Transmission plc's apparatus and development should not proceed without further assessment from Asset Protection. (*The applicants have been provided with a copy of this letter*).

**Southern Gas Networks** formally object to this planning application until such time as a detail consultation has taken place with them. (*a copy of this letter has been provided to the applicants*).

**National Grid Electricity** have not raised any objections.

**KCC Biodiversity** have written with following advice:

We have reviewed the preliminary ecological appraisal information submitted in support of this application and advise that an Ecological Impact Assessment (EclA) is sought from the applicant prior to determination of the planning application.

Although not limited to the following the EclA must include the following:

- Recommended bat emergence surveys.
- Barn owl mitigation strategy.
- Details of how the area of open space will be managed/retained.

**UK Power Networks** have advised that there is equipment at the site and enclosed a copy of their records which show the electrical lines and/or electrical plant.

**Southern Water** have written to advise they require a formal application for a connection to the public foul sewer to be made by the applicant or developer.

The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).

**Stoke Parish Council** have written with the following comments:

- The low sewage network for Middle Stoke is a pumped system. The pipe from the new site would be gravity fed down to the local pump house and extracted to the Stoke waste treatment plant. This system is regularly overwhelmed by rainwater, causing system breakdowns and raw sewage to be spread across the open road. This will be exacerbated by the additional properties.
- The entrance to the new site is located on A228 Grain Road and is exited via a narrow, one-way street, to the west end of the village. This junction has limited visibility and is a known hazard point which has resulted in a speed trap being placed next to it, to reduce the risk of incidents. With an average of 33 residents expected to be housed within the new site, this would greatly increase the use of this junction.
- The public amenities in Stoke are located approximately 500 metres away in Lower Stoke and are accessible only via foot paths, crossing the busy A228, or by car. This road is continuously used by lots of traffic, including heavy goods vehicles. This proposal has not provided any measures to improve the safe use of this crossing, or the ability for local parish amenities to absorb the increased population uplift.

- The area to the northeast of the site is currently classed as moderately high risk for ground subsidence. With the existence of a high pressure main under the site, and the requirements to move heavy plants around to conduct excavations, it is felt that this area should be classed as a high-risk. As such we would like to see a report conducted in line with SGN/WI/PS/6 and audited by an approved SGN assessor to ensure that any risk of explosion from working around the gas main had been mitigated prior to any planning application being agreed, in order to guarantee the safety of our residents and buildings.
- The parish no longer has a GP practice, and the proposal cannot be catered for in terms of doctors.
- Due to the site access road being flooded during heavy periods of rain, the ability for the emergency services to access the new site will be limited in these periods, increasing the risk to life.
- Stoke Parish also has no schooling facilities. Students are therefore required to attend the Allhallows Primary Academy and the Hundred of Hoo Secondary School to meet its educational needs. There are limited bus services in place for both schools, and they require children to cross the A228 / Grain Road at heavy traffic periods.
- This will cause an increased need to drive the children to school from this new housing development.
- Issues during construction caused by large vehicles.
- Street parking within Middle Stoke, is limited and 2 spaces per property is inadequate.
- Stoke Village has no direct public transport routes, and the proposal will be car reliant and therefore not sustainable.
- The A228 / Grain Road is not a safe route for cyclists to use.
- The two buildings identified for demolition are of heritage value, they are in fact the two oldest buildings in the village. Little consideration has been given to retain their use or the carbon impact their demolition and replacement will have on the environment. The sustainability assessment does not address the embodied carbon impact of this demolition, which is proven to be 10 times higher than their refurbishment.
- Elements of the submission refer to the site as a brown field site, this is incorrect as only a small farmyard in the southwest corner is brown field. The large majority of this site is classed as agricultural land.
- The Soil permeability and flooding impact has been incorrectly undertaken within the RSPD report, when checking the environmental agency data. The site has been identified as having a high risk of groundwater and a significant risk of surface water flooding from the site and the adjoining A228 / Grain Road run-off, especially when drains are blocked (which is a regular occurrence).
- The site has been identified as a moderate to high risk of groundwater flooding, with its point of access directly adjacent and leading onto a high groundwater flooding and low surface water effected street. With the Stoke flood barrier now on a managed decline program, any addition to the low flood risk will increase the likelihood of increased flooding.

- The present site design creates a contamination risk in the area; the new pond site location has been historically used by farm machinery and chemical storage. This prior use has created a potential risk of water contamination from historic site soil contamination, increasing the possibility of water pollution and species damage.
- The sustainability proposal refers to the creation of a wild meadow to the north edge of the site. Due to nature this site is presently rarely used for farming and is left to grow wild most years. The proposal would therefore result in a net loss of over two thirds of the sites present biodiversity.
- The site is well known to hold several wild species, with wildflowers around its edge. The site also contains local newts and barn owl populations, which are listed on national registers.
- The wider impact on local protected bird species from increased recreational activity should be considered. At present no avoidance and mitigation measures have been provided to reduce this impact. In line with the HRA recommendations and the submission relating to these areas, the application should be dismissed, until works have been incorporated into the proposal.
- Noise and air pollution.
- The assessments made on the traffic reports data have been incorrectly undertaken and should be classed as unsuitable for this project.
- Stoke lacks adequate resilience and spare capacity in its local water pressure, local internet supply and long-term electrical supplies.

**41 letters of objection** have been received relating to:

- There is a problem with flooding at the moment, including raw sewage that enters property every time it rains hard.
- Loss of tight knit community.
- There is a large gas pipe that is running underground very near to this site and extremely irresponsible to build houses near it.
- There are protected newts living here.
- There are bats and barn owls in the barn that is proposed to be knocked down.
- Grain Road is extremely busy, not only cars, but continuous HGV's. Coming out of Middle Stoke will be a major hazard to all involved.
- The Stoke villages constantly have their electricity supply disrupted.
- Cannot get doctor's appointments.
- No village school/not enough school places.
- Parking is non-existent.
- Middle Stoke, has no play areas for the children, and they have to play in the road. More houses in this village increases traffic and therefore puts our children in danger.
- Concerns about what will happen to neighbour's driveway and rear garden once the structures are removed, and excavation works start.
- Destroy bug and animal life.
- Loss of view.
- Villages cannot take any more housing.

- Refused in 2007 - can only be challenged due to Medway Councils lack of a 5-year housing land supply. NPPF (paragraph 11) advises town planners to look favourably on sustainable development unless: "Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits". - doing nothing to upgrade our poor infrastructure while adding to the hamlets population by over 20% will indeed have an "adverse impact".
- This plot of land is described as a Brown field site, which it isn't as it is a derelict farm site.
- A pond is planned that no doubt will at some point be inhabited by at risk and protected species which is in the flood area thus not offering these species the protection they require.
- Loss of peace and tranquility and noise and light pollution.
- Limited public transport will be overwhelmed by more housing.
- Precedent.
- Increased pollution.
- Not sustainable development.
- Exit from Grain Road onto A228 has limited.
- The area to the Northeast of the site has a risk of ground subsidence, listed as moderately high.
- Construction disturbance.
- No safe routes for cyclists.
- The proposal is thereby contrary to Policies S1, BNE1 and BNE25 of the Medway Local Plan 2003.
- NPPF para 11b (ii) also confirms that when an adverse impact of a new proposal demonstrably outweighs, in this case, the "enhanced functioning of the countryside", then the proposal should be rejected.
- A 20% increase in houses in this location would also significantly increase the loading on the sewage drainage system and increase the probability of further backflows into toilets during flooding.
- The hedges around the field help populate and protect birds.
- The state of repair of the A228 leaves somewhat to be desired, Potholes litter the road. Further heavy traffic will cause more road disintegration.
- The two-building identified for demolition are of heritage value to the village as they are two of the oldest building in the village. Little consideration has been undertaken to retain their use or the carbon impact of demolition and replacing them. The sustainability assessment does not address the embodied carbon impact of this demolition, which is proven to be 10 time higher for a demolition and rebuild, over a refurbishment.
- Reports are inaccurate.
- Protected species on the site.
- Land should be used as a greenspace for children to play on.

Following the receipt of amended plans and re-consultation, the following letters of representation have been received:

**National Gas Transmission** have written that the site location is in close proximity to National Gas Transmission plc's apparatus and development should not proceed without further assessment from Asset Protection. (*The applicants have been provided with a copy of this letter*).

**National Grid Electricity** have not raised any objections.

**UK Power Networks** have sent a copy of their records which show the electrical lines and/or electrical plant.

**Southern Water** have advised the comments in their response dated 27/03/2023 remain unchanged and valid for the amended details.

**Southern Gas Networks** formally object to this planning application until such time as a detail consultation has taken place with them. *(a copy of this letter has been provided to the applicants).*

**Lower Medway Internal Drainage Board** have written to advise they have no further comments.

**KCC Biodiversity** have written to advise that sufficient information has now been provided to determine the planning application.

*Bats* - The preliminary ecological appraisal has detailed that 3 of the buildings have low potential to be used by roosting bats. When we previously commented we raise concerns that the cottage had not been surveyed however we have since realised that we reviewed the site plan incorrectly and the cottage will not be impacted by the works.

We are satisfied with the conclusions of the ecological Impact Assessment that bats have not been recorded roosting within the buildings proposed for demolition. As such we are satisfied that no details of mitigation are required. However, we highlight that the presence of bats can never be ruled out and in the event that bats found during the demolition works all works must stop and an ecologist contacted for further advice.

Three species of bats were recorded foraging/commuting within the site. As lighting can be detrimental to roosting, foraging and commuting bats, we recommend a lighting condition should be imposed.

*Breeding Birds* - Barn owls were recorded flying out of the atcost barn and evidence of barn owl pellets and feeding remains were recorded within the building. Barn owls are protected under the Wildlife and Countryside Act 1981 (as amended) from disturbance while nesting. A follow up barn owl survey is required prior to the demolition of the buildings within the site to ensure that the works do not result in the disturbance of a nesting barn owl.

The ecologist has advised that it is not appropriate for a replacement barn owl box to be erected within the site due to the location and we understand this reasoning but we question if there are opportunities to install a barn owl box elsewhere within the Hoo Peninsula. We advise that the results of the barn owl survey and detailed mitigation strategy are submitted as a condition of planning permission if granted.

There are suitable features for breeding birds to be present and works must avoid the breeding bird season. We recommend that the pre commencement barn owl survey also assesses if there are any other breeding birds within the site.



*Reptiles* - We agree with the conclusions that there is no suitable habitat for reptiles within the development site. However, the current management of the site must continue to ensure it does not establish within the site prior to construction works commencing.

*Hedgehogs* - There is potential for hedgehogs to be present within the site and we recommend that the precautionary mitigation approach is implemented if planning permission is granted. We recommend that details of the precautionary approach are included within the construction management plan.

*Landscaping Area* - The submitted information has detailed that the proposed landscaping area at the north of the site will be designed to benefit biodiversity. We are supportive of the principle of that proposal however the area is likely to be used by residents and therefore the ecological interest of the area may be minimal if not established or managed appropriately. We advise that if planning permission is granted there is a need for a habitat establishment and management plan to be submitted as a condition of planning permission. We advise that there must be only one habitat management plan for the site.

**Following comments raised by Planning Committee on 2 August 2023 KCC Ecology** have written to advise that sufficient information has been provided to determine the planning application.

*Bats* - The preliminary ecological appraisal has detailed that 3 of the buildings have low potential to be used by roosting bats. When we previously commented we raise concerns that the cottage had not been surveyed however we have since realised that we reviewed the site plan incorrectly and the cottage will not be impacted by the works.

We are satisfied with the conclusions of the ecological Impact Assessment that bats have not been recorded roosting within the buildings proposed for demolition. As such we are satisfied that no details of mitigation are required. However, we highlight that the presence of bats can never be ruled out and in the event that bats found during the demolition works all works must stop and an ecologist contacted for further advice.

Three species of bats were recorded foraging/commuting within the site. As lighting can be detrimental to roosting, foraging and commuting bats, the recommendations from the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8/23 Bats and Artificial Lighting', should be considered, when designing any lighting scheme for the proposed development.

We recommend that the lighting condition wording must require the following to be included:

- Lighting to be designed in accordance with the Bat Conservation Trust and the Institution of Lighting Professionals, titled 'Guidance Note 8 Bats and Artificial Lighting'.
- Types of lights.
- Plan showing the location of the lights.
- Lights to be downward facing and on motion sensors/timers.

Although bats were not recorded, we recommend that bat roosting features are incorporated in the buildings to retain suitable features for roosting bats within the site. Details can be provided as part of the site management plan as detailed below.

*Breeding Birds* - Barn owls were recorded flying out of the atcost barn and evidence of barn owl pellets and feeding remains were recorded within the building. Barn owls are protected under the Wildlife and Countryside Act 1981 (as amended) from disturbance while nesting. A follow up barn owl survey is required prior to the demolition of the buildings within the site to ensure that the works do not result in the disturbance of a nesting barn owl.

The ecologist has advised that it is not appropriate for a replacement barn owl box to be erected within the site due to the location and we understand this reasoning but we question if there are opportunities to instal a barn owl box elsewhere within the Hoo Peninsula. We advise that the results of the barn owl survey and detailed mitigation strategy are submitted as a condition of planning permission if granted.

There are suitable features for breeding birds to be present and works must avoid the breeding bird season. We recommend that the pre commencement barn owl survey also assesses if there are any other breeding birds within the site.

*Reptiles* - We agree with the conclusions that there is no suitable habitat for reptiles within the development site. However, the current management of the site must continue to ensure it does not establish within the site prior to construction works commencing.

*Hedgehogs* - There is potential for hedgehogs to be present within the site and we recommend that the precautionary mitigation approach is implemented if planning permission is granted. We recommend that details of the precautionary approach are included within the construction management plan.

*Landscaping Area* - The submitted information has detailed that the proposed landscaping area at the north of the site will be designed to benefit biodiversity. We are supportive of the principle of that proposal however the area is likely to be used by residents and therefore the ecological interest of the area may be minimal if not established or managed appropriately. We advise that if planning permission is granted there is a need for a habitat establishment and management plan to be submitted as a condition of planning permission. We advise that there must be only one habitat management plan for the site.

We recommend that the management plan also provides details of ecological enhancement features to be incorporated into the buildings and the 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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## Planning Appraisal

### Background, Principle and Planning Balance

Application MC/06/2027 - Outline application for the demolition of existing site buildings and the construction of 6 link detached houses each with a single garage and associated off road parking, was refused for the following reason:

*The proposed development is outside the confines of any settlement identified in the Local Plan as being suitable or capable of accommodating further residential development. The proposal therefore represents development in the open countryside and would also fail to maintain or enhance the character, amenity or functioning of the countryside. The proposal is thereby contrary to Policies SP1, SS8, EN1, QL1 and HP5 of the Kent and Medway Structure Plan 2006 and Policies S1, BNE1 and BNE25 of the Medway Local Plan 2003.*

The application was dismissed on appeal, the inspector advised that the important consideration was that the entire site lay within an area designated as open countryside in the adopted Medway Local Plan. The inspector also relied on Planning Policy Statement (PPS) 7 'Sustainable Development in Rural Areas'.

It was established that the unsuitability of this site for new speculative housing was compounded by the fact that it would be an outward expansion of the built-up area of Middle Stoke towards the A228 by-pass at the expense of open countryside. The application was also considered to be contrary to Policy EN1 of the Kent and Medway Structure Plan.

The inspector considered the proposal to be a visually prominent enlargement of a small settlement at the expense of the countryside in an unsustainable location that would be likely to be accessible for the most part only by private car. It was considered that the development would be a significant outward expansion of this small group of houses at the expense of land buildings that clearly possess the character of the countryside.

However, that decision was based on the local and National Planning context that existed at that time, which included an up-to-date Local Plan, a structure plan (which no longer exists) and National Policy documents that no longer exist.

The application must be assessed and determined against current Planning Policy and guidance.

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 NPPF seeks to pursue sustainable development, in a positive way through a presumption in favour of sustainable development, unless the paragraphs 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.

The site comprises three redundant agricultural buildings that no longer serve an agricultural use. The site extends to approximately 0.77 hectares and is surrounded by residential development to the east, south and west. The A228 abuts the site to the north, beyond which lies Lower Stoke.

The application site is located within the settlement of Middle Stoke, outside of the built confines of the village of Lower Stoke as defined on the proposals map to the Local Plan. Therefore, in principle the proposal is contrary to the strategic direction of the Local Plan highlighted in Policy S1. This policy directs development to brownfield sites and is supported by Policy BNE25 that restricts development in the countryside.

Paragraph 11(d) of the NPPF confirms that in respect of decision taking, the presumption in favour of sustainable development should be applied. This states that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - 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.

In relation to the Local Plan, the footnotes to paragraph 11 state that the Local Plan policies relevant to the consideration of this application for residential development (i.e. that seek to restrict the supply of land for housing such as settlement boundaries) should be considered out of date if the Council cannot demonstrate a 5 year Housing Land Supply or where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the past 3 years.

In this respect the Council currently has approx. 3.6 years housing land supply and the last housing delivery test was 67%. As a result, the policies in the Local Plan that seek to restrict housing supply are out of date and the presumption in favour of sustainable development in the NPPF is applied.

That part of Policy BNE25 which seeks to restrict housing is therefore out of date.

Paragraph 8 of the NPPF sets out that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways, as follows:

- a) an economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.

- b) a social objective - 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 well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective - to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

### Economic Objective

The use of this site would make more efficient use of the land and would help to meet the need for new homes (NPPF paragraphs 119 and 124) by providing nine new family dwellings and would result in the appropriate development of previously developed, under-utilised land to meet identified housing need (NPPF paragraph 120).

Paragraph 69 of the NPPF identifies the important contribution that such sites can make towards meeting the housing requirements of an area. Local Planning Authorities are encouraged to support the development of windfall sites through their decisions.

During the construction phase of the development, the erection of nine new dwellings in this location would result in increased investment in tradesmen and suppliers, jobs would be created from construction jobs (and apprenticeships), providing demonstrable economic benefits that would assist with the overall objectives to support growth.

The provision of nine new family homes would be consistent with Paragraph 79 of the NPPF which seeks to locate housing where it will enhance or maintain the vitality of rural communities and which states that where there are groups of smaller settlements, development in one village may support services in a village nearby. In the longer-term new residents could help to support services in the village (Lower Stoke) through an increase in local housing spending.

### Social Objective

The redevelopment of the site as proposed, would provide 9 houses towards meeting the housing need in Medway. The properties would be modern constructed family homes with a good level of internal and external amenity space whilst reflecting the established character and appearance of the locality.

### Environmental Objective

The site is not within an Area of Local Landscape Importance and is shown as white land on the proposals map to the Local Plan – i.e., it does not have any designated landscape protection policies within the Plan that are relevant. On site there are currently utilitarian agricultural buildings that are no longer required. The proposal has a large area of landscaping to the north, that will include an area with wildflower meadow which has the benefit of ecological enhancement. In addition, ecological mitigation and enhancement measures can be incorporated to preserve and enhance biodiversity at the application site, secured via condition.

### Tilted balance

Given the Council's housing shortfall the policies in the Development Plan which are relevant to the supply of housing, and which seek to restrict it are considered out of date. As such planning permission should be granted, unless the application of policies in the NPPF that protect an area's asset of particular importance provides a clear reason for refusing development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole. The proposed development is not affected by any such policies and consequently the 'tilted balance' and the presumption in favour of sustainable development is engaged.

The provision of nine new dwellings will contribute to the Council's five-year housing land supply. In addition, small sites such as this are often built out relatively quickly. The centre of Lower Stoke is located within 500 metres to the north of the application site and is connected by footways which run along Grain Road and the High Street to the village centre. The village services, including convenience store, post office, public house, restaurant, village hall and vehicle repair garage are therefore within reasonable walking and cycling distance on relatively flat terrain. The footway has appropriate width and is paved and lit throughout its full length.

In addition, Lower Stoke is served by a bus route which runs between Chatham and Grain. The location of the proposal site is therefore considered to be sufficiently sustainable and suitable for the small-scale development proposed.

Having regard to this, and the distance from local services in Lower Stoke, it is considered that the proposal in this location is capable of forming a sustainable development that would be in accordance with NPPF guidance and is acceptable in principle.

In addition, it could be argued that there is a fall-back position available to convert the agricultural buildings on site under Class Q of the General Permitted Development Order, as amended to residential use.

In *Mansell v Tonbridge and Malling Borough Council*- In September 2017, a judgment in the case of *Mansell v Tonbridge & Malling Borough Council* [2017] EWCA Civ 1314 was handed down by the Court of Appeal. The case concerned the grant of planning permission for four houses on land currently occupied by a tired bungalow and a large agricultural building. In granting consent for four replacement houses, the Council took into account the fact that the barn could be converted to three houses under Class Q (agricultural to a residential dwelling) of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("Class Q").

The Court decided that the approach taken by a Local Planning Authority to utilise a permitted development fallback position to deviate from development plan policy, as it was an important material consideration, to be a thoroughly sound application of planning law and practice.

For the reasons set out above, the proposed development is not considered to significantly harm the character of the local area and the principle of housing on this site is considered to be in accordance the sustainable criteria set out in the NPPF.

### *Layout and Design*

The NPPF attaches great importance to the design of the built environment. Paragraphs 126 and 130 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

The site is situated on a prominent location on Grain Road and development would be visible from both the north and the east. The application seeks to remove agricultural buildings and replace with a total of nine new dwellings. Whilst design and layout are reserved matters, the indicative plans provided within the application submission indicate how the site could be developed.

The siting of the new buildings will ensure that suitable spacing, in respect of the presence of existing residential properties, is maintained as well as maintaining the established building line found to the west of the application site.

The two-storey mix of semi-detached and detached properties will complement the general character of the area.

The design and materiality will be key to the success of any forthcoming scheme, which will be dealt with as part of the reserved matters applications. Given the site's location in the countryside, the design of the properties along with the materials used, soft and hard landscaping and boundary treatments will need to have regard to this.

Landscaping is proposed on site with a wildflower meadow, biodiversity area and screening to the north, along with indicative landscaping proposed in and around the development. The exact landscaping details will be a matter for the reserved matters, but the illustrative plans give a good indication that an appropriate amount of soft landscaping can be undertaken appropriate for this rural location.

The illustrative plans clearly demonstrate that in principle 9 units are capable of being delivered in a well-designed way and as such the application is considered to be acceptable and in accordance with Policy BNE1 of the Local Plan and paragraphs 126 and 130 of the NPPF.

### *Amenity*

Policy BNE2 of the Local Plan requires all development to protect those amenities enjoyed by nearby and adjacent properties. It states that the design of development, should have regard to: (i) privacy, daylight, and sunlight; and (ii) noise, vibration, light, heat, smell and airborne emissions consisting of fumes, smoke, soot, ash, dust and grit; and (iii) activity levels and traffic generation.

There are two main amenity considerations, firstly the impact of the houses on the neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Paragraph 130(f) of the NPPF and Policy BNE2 of the Local Plan relate to the protection of these amenities.

Neighbouring Residential Amenity - The indicative plans show that the 9 units can be laid out in a fashion that would ensure there would be no demonstrable adverse impacts in respect of the neighbouring amenities of existing residents with regard to loss of outlook, daylight and sunlight.

Adequate separation distances can be achieved to ensure that the development of this site will not result in any unacceptable overlooking or reduction in privacy or having an overbearing impact upon existing neighbouring properties.

Due to the proximity of the proposal to neighbouring dwellings a Construction Environmental Management Plan is required, and an appropriate condition is recommended.

Amenity of Future Occupiers - The proposed development has been designed to provide a good standard of living. The indicative dwellings have been designed with internal layouts that will exceed the Nationally Described Space Standards and with adequately sized garden area and external amenity space to meet the needs of future occupants.

It is recommended that an informative is added to any permission to advise the applicant that the Landscaping Reserved Matters application should explore an area dedicated to play space.

The development is considered to be in accordance with Policy BNE2 of the Local Plan and paragraph 130(f) of the NPPF.

### *Contamination*

A Ground sure desk top study has been submitted but no site walkover has been carried out. Due to the previous agricultural use of the site a watching brief condition is recommended.

Subject to the condition the application is considered to be acceptable and in accordance with Policy BNE23 of the Local Plan and paragraph 183 of the NPPF.

### *Ecology*

Under section 40 of the NERC Act (2006), and paragraph 174 of the NPPF, biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF, the implementation of enhancements for biodiversity should be encouraged.

The preliminary ecological appraisal has detailed that 3 of the buildings have low potential to be used by roosting bats and as such no details of mitigation are required. However, the presence of bats can never be ruled out and in the event that bats found during the demolition works all works must stop and an ecologist contacted for further advice.



Three species of bats were recorded foraging/commuting within the site. As lighting can be detrimental to roosting, foraging and commuting bats, an appropriate condition is therefore recommended for any external artificial lighting to ensure it does not have any detrimental impact on bats.

Although bats were not recorded it is recommended that bat roosting features are incorporated in the buildings to retain suitable features for roosting bats within the site, a suitably worded condition is recommended to that effect.

Barn owls were recorded flying out of the atcost barn and evidence of barn owl pellets and feeding remains were recorded within the building. Barn owls are protected under the Wildlife and Countryside Act 1981 (as amended) from disturbance while nesting. A follow up barn owl survey is required prior to the demolition of the buildings within the site to ensure that the works do not result in the disturbance of a nesting barn owl. An appropriate condition is recommended including the need for a detailed mitigation strategy.

There are suitable features for breeding birds to be present and works must avoid the breeding bird season. It is recommended that the pre commencement barn owl survey also assesses if there are any other breeding birds within the site.

There is potential for hedgehogs to be present within the site and it is recommended that the precautionary mitigation approach is implemented. Details of the precautionary approach should be included within the construction environmental management plan.

The submitted information has detailed that the proposed landscaping area at the north of the site will be designed to benefit biodiversity. This is considered a benefit of the scheme. However, the area is likely to be used by residents and therefore the ecological interest of the area may be minimal if not established or managed appropriately. Consequently, a condition requiring a habitat establishment and a management plan is recommended.

Subject to the above-mentioned conditions the scheme is considered to be in accordance with Policies BNE37, BNE38 and BNE39 of the Local Plan and paragraphs 174 and 180 of the NPPF.

### *Flood Risk*

The site is situated within Flood Zones 1 'Low risk' per Environment Agency mapping. The area surrounding the site faces significant flooding and the Lead Local Flood Authority is currently undertaking works to improve this. On the basis of this all efforts should be made to reduce the risk of flooding within the area.

Paragraph 079 of National Planning Policy Guidance: *Flood and Coastal Change* states that when considering major development, sustainable drainage systems should be provided unless demonstrated to be inappropriate.

Paragraph 80 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 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.

This is reflected also in Part H3 of (Part H) of the Building Regulations.

British Geological Mapping indicates the presence of London Clay at bedrock which suggests that infiltration is unlikely. The proposal seeks to use attenuation features such as permeable paving and attenuation ponds and tanks to hold water before discharging at a restricted rate of 2l/s. It is recommended that discussions are held between the applicant and the Lower Medway Internal Drainage Board (LMIDB) to agree permission to discharge into the surrounding ditches.

Supplementary advice has been received that confirms that the proposed drainage strategy is able to support the proposal for up to 9 dwellings and which includes the retention of 1 and 2 Jubilee Cottages.

The information advises that the comments received from the Parish Council relating to the existing Southern Water Pump Station being regularly overwhelmed cannot be substantiated, however, it may be due to excessive amounts of surface water getting into the foul water drainage system. Nevertheless, this relates to matters outside of the site and outside the applicant's control. The design of the proposed development, will control surface water runoff at the site, ensuring that the development is able to cater for up to and including the 1 in 100-year storm event, including 40% climate change, therefore preventing any water from the site contributing to any reported existing surface water drainage problems.

The Parish Council also raised a query about the potential groundwater flood risk. The supplementary information advises that detailed design takes this into account and manages all flood risk through design, which will only improve water management and water quality going forward.

As previously mentioned, the geology records show the site is underlain by London Clay, this type of geology is not usually associated with groundwater flooding, as it is generally impermeable. The Strategic Flood Risk Mapping provided by Medway Council, does not show any history of groundwater flooding events in the vicinity of the proposed development. Therefore, groundwater flooding is not thought to be a significant risk.

Subject to conditions to implement a scheme based on sustainable drainage principles no objection is raised and the application is considered to be in accordance with Policy CF13 and paragraph 167 of the NPPF.

### *Access and Parking*

The site currently benefits from two vehicular accesses off the Grain Road. The main access is located to the south of Grain Road, with a secondary access to the east. The main access achieves poor views to the east (left), given the absence of a footway, but mostly due to the horizontal alignment of the highway. The proposed plans show that an adequate visibility splay can be achieved to serve a development of 9 dwellings.

The plans indicate that the site can be adequately serviced by a refuse vehicle.

Adequate parking has been shown on the indicative layout to meet with the Councils Parking Standards.

The development is unlikely to lead to an adverse impact on highway safety or the free flow of traffic on the highway network. It is predicted that the development would generate 5 vehicular trips during the AM and PM peak periods.

The NPPF has put sustainable development as a central core and Paragraph 112E outlines that development should provide electric charging facilities, and a condition to that effect is recommended.

No objections are raised in respect of the Policies T1, T2, T3 and T13 of the Local Plan or paragraphs 111 and 112E of the NPPF.

### *Waste and Refuse Storage*

Every dwelling is required to have a designated space for waste although it is unclear where these are from the indicative plans. However, as the application is in outline with all matters reserved it is considered that this could be positively addressed in the reversed matters applications and an appropriate condition is recommended.

### *Archaeology*

The application site lies in an area of archaeological potential relating to past discoveries dating to the Prehistoric period onwards that have been previously made in Middle Stoke and are recorded in the Kent Historic Environment Record.

Archaeological remains of Late Bronze Age – Early Iron Age, Romano-British and medieval date were recorded to the north / north-west of the application site during works for the re-alignment of the A228. Cropmarks indicating the presence of several ring-ditches (most-likely representing the plough-flattened remains of Prehistoric burial mounds) are recorded about Middle Stoke, including examples to the east, south-west and west of the application site. The Stoke Tithe Map of 1841 shows a cluster of buildings at the southern end of the site, including a house and outbuildings, along with a barn with associated yards and garden.

Geological mapping indicates that the application site is located in an area where superficial Head deposits of clay & silt and clay, silt, sand and gravel are recorded. It is possible that these Head deposits include fluvial (river terrace) gravels of Pleistocene date which could contain Palaeolithic artefacts and Pleistocene faunal (or other) paleo-environmental remains.

The site has the potential to contain archaeological remains of multiple periods. A programme of archaeological work is recommended which should include archaeological and geoarchaeological field evaluation followed (as necessary) by appropriate mitigation measures. As the application is outline, it is recommended that the field evaluation works are carried out prior to the submission of any detailed (reserved matters) application such that if significant archaeology is present this can be taken account of in the detailed design.

Subject to the aforementioned condition the application is considered to be acceptable and in accordance with Policy BNE21 of the Local Plan and paragraph 194 of the NPPF.

### *Climate Change and Energy Efficiency*

The applicants have advised that each unit can be fitted with a heat pump or biomass fitted boiler as encouraged as part of the latest government incentive. The houses have a southern elevation that allow for maximum light levels to be absorbed whilst allowing for the convection of natural heat from the sun taking its trajectory from east to west. With the orientation of the units, it is possible for them to be effectively fitted with solar panels although the use of solar tiles is a material consideration as technology has improved.

A SUDS system with fuel interceptors and holding tanks ensures that surface water is controlled in terms of flow rate but is also dealt with in terms of improved filtering.

Each house will be provided with recycling bins to encourage the separation of recyclable materials, whilst compost bins can be provided at each house to encourage green waste recycling.

A large landscape area is proposed to the north of the site that will benefit from high levels of native planting (the details of which would form part of the reserved matters application). This area not only serves as a biodiversity area for encouraged wildlife, but proposed wildflower meadows will encourage increased pollinators to the area such as bees, which in turn supports the natural pollination of the surrounding farm crops and local native species. This landscape area also has the benefit of screening the main road in terms of noise and visual screening to the future occupiers. Planting adjacent to the road, will assist improving air quality adjacent to the highway.

Water butts can be provided at the bottom of downpipes to encourage water reuse in gardens, with any residual runoff then going to the attenuation pond on the southern side of the site. Not only does the attenuation pond control the flow of runoff, it has the ability to increase the ecological value of the area.

When the houses are built out and being prepared for sale the intention is to have a pack provided to each house to identify the measures that households can themselves take to reduce water and electricity demands whilst encouraging wildlife in the garden through the use of bug hotels, bee bricks etc.

Notwithstanding the above, a condition is recommended that further information is submitted at the reserved matters stage when the detailed design of the houses has been finalised, subject to this the development is considered to be in accordance with paragraph 154 of the NPPF.

### *Other material issues*

Concern has been expressed by the HSE, SGN and National Gas transmission regarding the proximity of their pipeline and assets to the application site and development. The applicants are content that the scheme has been designed to be away from such sensitive pipelines and to adhere to any required separation distances. All construction and indeed the houses and gardens are set away from the pipelines and protection zones. Notwithstanding this, the HSE have required that an approval should not be issued without them being given notification and being able to fully consider this issue. In addition, all the letters from the above bodies have been sent to the applicants in order that they can make contact and ensure all the necessary precautions are undertaken such that any reserved matters will address the concerns.

### *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 £314.05 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 by way of mitigation for the adverse effects of the development. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by 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. Further information regarding the work being undertaken is available at The Bird Wise website which can be found at <https://northkent.birdwise.org.uk/about/>.

The applicant has paid the SAMMS Mitigation Contribution Agreement therefore no objection is therefore raised under Policies S6 and BNE35 of Local Plan.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. There was therefore a need under the Conservation of Habitats and Species Regulations 2017 for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

The applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 180 and 181 of the NPPF.

### *Local Finance Considerations*

There are no local finance considerations due to the extent of works proposed.

### **Conclusions and Reasons for Approval**

Recognising the Council's position regarding its lack of 5-year housing land supply and the fact that this limited development is considered to be sustainable in accordance with the NPPF, the principle of the development is considered to be acceptable. The design and materiality of the scheme, with reference to its rural location, will be a key consideration for the scheme at the reserved matters stage. The development is in outline form with all matters reserved for future consideration except access, however, it is shown on indicative plans that the housing could fit onto the site without causing demonstrable harm to the character of the local area, amenity or issues with regard to the highway network and as such it is in accordance with Local Plan Policies and the NPPF.

The proposal would normally be determined under officers delegated powers, however due to the number of representations received the case is being referred to the Planning Committee for determination.

The application was initially reported to the Planning Committee in August but was deferred to enable further consideration to be given to a number of matters, predominantly relating to ecology. The applicant has provided an illustrative ecological management plan, to demonstrate what could be provided pursuant to condition if the application is approved, and the Council's ecological consulted has provided updated advice which is reported within the representations section of this report.

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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/>