

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 7 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

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77 Commercial Road

Paddock Wood

Tonbridge

Kent

TN12 6DS

Ward: All Saints

Case Officer: Amanda Barnes

Contact Number: 01634 331700

Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 20th December 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 13 November 2023
P.2561.010 Rev A - Site Location 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 7.

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:

- Overview of the habitats to be enhanced/established within the site.
- Detailed methodology to carry out the habitat enhancement/establishment works.
- Timings of the works and who will carry them out.
- Overview of the management to be carried out within the site once the habitats have been established/enhanced.
- Habitat Management Timetable.
- Details of who will carry out the works.
- Details of ecological enhancement features to be incorporated in to the site and buildings.
- Monitoring.
- 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 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.

- 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 which shall thereafter be implemented.

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 first been submitted to and approved in writing 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 then be submitted to the Local Planning Authority 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 first 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 of the development 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 in writing by the Local Planning Authority to confirm that the agreed surface water and foul 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 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 in the full planning report.

Proposal

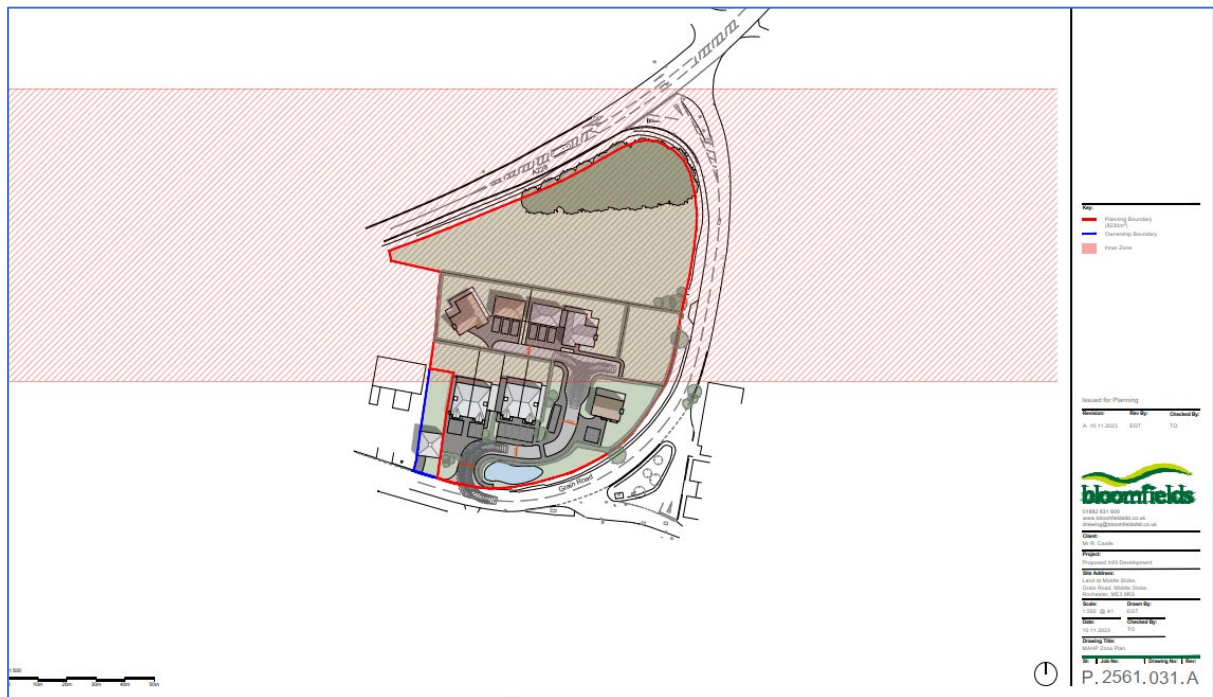
This is an outline planning application, with some matters reserved (appearance, landscaping, layout and scale) for the demolition of redundant farm buildings and construction of 7 no. dwelling houses, provision of attenuation pond and comprehensive landscape area (incorporating wildflower meadows, biodiversity area and tree planting).

Background

This application was taken to committee on 27 September where members approved the application, for the construction of 9 no. dwelling houses, subject to referral to the Health and Safety Executive (HSE). Following referral, the HSE, advised that the development lies in the inner and middle consultation zones of the 5 feeder Shorne/Isle of Grain pipeline and the Isle of Grain/Deansgate pipeline (see below superseded plan for 9 units). In that consultation HSE advised against the proposed development because of the presence of 4 new dwellings in the inner consultation zone of the 5 Feeder Shorne/Isle of Grain pipeline. This reflects the HSE's policy of advising against more than 2 new dwellings in the inner consultation zone.



Following negotiation with the applicant the scheme has been reduced from 9 to 7 units so that only 2 dwellings are shown on the indicative plan to be set within the inner zone (see image below of the revised plan for 7 units)



HSE Advice

HSE is a statutory consultee for this planning application as the proposed development is in the inner and middle consultation zones of a major accident hazard pipelines – the 5 Feeder Shorne/Isle of Grain gas pipeline (7095_1367) operated by National Grid Gas plc. A small part of the proposed development also lies in the consultation zones of the Isle of Grain/Deansgate gas pipeline (7128_1399) operated by Southern Gas Networks.

The role of HSE's Land Use Planning team is to provide Local Planning Authorities with safety advice on the risk to people at the proposed development from a major accident at a major accident hazard pipeline. In generating its advice, HSE takes account of the size and nature of the proposed development, the inherent vulnerability of the exposed population and the ease of evacuation or other emergency procedures for the type of development proposed. HSE's advice is usually determined by a combination of:

- the consultation zone in which the development is located (inner, middle or outer), and
- the 'Sensitivity Level' of the proposed development

A decision matrix using the combination of the consultation zone and the sensitivity level will determine HSE's response, which will be that HSE either 'Advises Against' or 'Does Not Advise Against' the granting of planning permission for the proposed development.

In the WebApp consultation on the original outline planning application in February (ref HSL-23022318115-308) HSE advised against the proposed development because of the presence of 4 new dwellings in the inner consultation zone of the 5 Feeder Shorne/Isle of Grain pipeline. This reflects HSE's policy of advising against an application for more than 2 new dwellings (a sensitivity level 2 development in HSE's LUP methodology) in the inner consultation zone.

The revised proposal has a reduced number of dwellings and just two houses (each with a detached garage building) shown on the indicative plans as being in the inner consultation zone and five houses in the middle consultation zone. As shown in the Development Type tables on HSE's LUP methodology webpages, HSE does not advise against 1 or 2 new dwellings in the inner zone and does not advise against up to 30 new dwellings (at a density of no more than 40 dwellings per hectare) in the middle zone. HSE understands that the area to the north and east of the development area which is also in the inner consultation zone would be occupied by open landscaping and would have no facilities to cause people to congregate (e.g. children's play areas, sports pitches).

Taking into account this new information, HSE does not advise on safety grounds against the granting of permission for the revised planning application MC/23/0106; this advice supersedes that obtained from HSE's LUP Web App on 23 February 2023. In these circumstances, there is no need for HSE to consider requesting that the application be called-in by the Secretary of State for his own determination.

Conclusions and Reasons for Approval

The application is the same as that previously approved but with a reduction in the number of houses from 9 to 7. 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 application is being referred back to Committee for a determination following the previous committee decision to approve on 27 September 2023 subject to referral to the HSE. Please note that this application will not require referral to the HSE as they have already commented.

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/>