

MC/23/1835

Date Received: 16 August 2023

Location: Court Lodge, Lower Rochester Road, Wainscott, Rochester

Proposal: Demolition of a garage and the construction of 8 no. dwellings and a car port, as well as associated works including landscaping, amendments and relocation to access, erection of bin and bike stores and creation of internal roads.

Applicant Mr Mangal

Agent DHA Planning
Mr Jack Harley
DHA Planning, Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME143EN

Ward: Strood Rural

Case Officer: Arron Nicholls

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 5th June 2024.

Recommendation: Approval with Conditions

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The works shall be carried out in accordance with the following approved plans:
Received 16 August 2023:

Proposed elevations plot 4 (DHA_16351_10)
Proposed elevations plot 5-6 (DHA_16351_12)
Proposed floor plans 5-6 (DHA_16351_11)
Proposed typical plans and elevations cycle/refuse store (DHA_16351_16)

Received 25 February 2024:

Proposed site layout plan (DHA/16351/05 REV C)
Proposed plans plot's 1-3 (DHA/16351/07 REV A)
Proposed elevations plots 1-3 (DHA/16351/08 REV A)
Proposed plans plots 7 and 8 (DHA/16351/13 REV A)
Proposed elevations plots 7 and 8 (DHA/16351/14 REV A)
Proposed site sections (DHA/16351/17 REV A & DHA/16351/18 REV A)

Received 11 April 2024:

Proposed Ground floor site plan (DHA/16351/06 REV C)
Proposed ground floor plans and elevations plot 4 (DHA/16351/09 REV A)
Proposed plans and elevations car barn (DHA/16351/15 REV B)

Received 12 April 2024:

Comparative bock plan (DHA/16351/19 REV B)

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

- 3 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; measures to control noise affecting nearby residents; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan, unless any variations are otherwise first submitted to and approved in writing by the Local Planning Authority.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on surrounding residential amenities and in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 4 All materials used externally shall match those set out in Design and access statement (part 1 & 2), Proposed elevations plot 4 (DHA_16351_10), Proposed elevations plot 5-6 (DHA_16351_12) and Proposed typical plans and elevations cycle/refuse store (DHA_16351_16) received 16 August 2023, Proposed elevations plots 1-3 (DHA/16351/08 REV A), Proposed elevations plots 7 and 8 (DHA/16351/14 REV A) both received 25 February 2024 and Proposed plans and elevations car barn (DHA/16351/15 REV B) received 11 April 2024

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.

- 5 Prior to the commencement of the development hereby permitted, a scheme of acoustic protection against road traffic noise shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of acoustic protection sufficient to ensure internal noise levels (LAeq,T) no greater than 30dB in bedrooms and 35dB in living rooms with windows closed and a maximum noise level (LAm_{ax}) of no more than 45dB(A) with windows closed. Where the internal noise levels will be exceeded with windows open, the scheme shall incorporate appropriate acoustically screened mechanical ventilation. All works, which form part of the approved scheme, shall be completed before any part of the development is occupied and shall thereafter be maintained in accordance with the approved details.

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

- 6 No dwelling hereby approved shall be occupied until the areas shown on drawing number DHA/16351/05 Rev-C (received 23 February 2024) as vehicle parking spaces and car barn have been provided, surfaced, drained and marked out on site. Thereafter those spaces and car barn shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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 Policy T13 of the Medway Local Plan 2003.

- 7 No development shall take place above ground floor slab level until details for the provision of all electric vehicle charging points as shown in drawing number DHA/16351/05 Rev-C Proposed Site Layout Plan (received 23 February 2024) have 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 prior to first occupation of the development or in accordance with a timetable agreed in writing with the Local Planning Authority and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 116E of National Planning Policy Framework 2023.

- 8 Prior to first occupation of the development, the approved cycle storage facilities, as identified on drawing number DHA/16351/06 Rev B Proposed

Ground Floor Site Plan (received 23 February 2024) shall be fully implemented. The facilities shall be retained as approved thereafter.

Reason: In the interests of sustainability and to encourage cycle use with regard to Policy T4 of the Medway Local Plan 2003.

- 9 Prior to first occupation of any part of the residential development hereby approved, the refuse storage areas as identified on drawing number DHA/16351/06 Rev B Proposed Ground Floor Site Plan (received 23 February 2024) shall be implemented and thereafter retained for that purpose.

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

- 10 No dwelling shall be occupied until details of the boundary treatment for the whole site has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details before first occupation of any dwelling and shall thereafter be retained.

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

- 11 Prior to the first occupation of the development herein approved, full details of a hard and soft landscape scheme should be submitted to and approved in writing by the Local Planning Authority. The details shall include:

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

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

III. A timetable for implementation.

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

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

- 12 Prior to the first occupation of the development herein approved, a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long-term design objectives, management responsibilities and maintenance schedules for all hard and soft landscape areas, including communal courtyard (except for small, privately owned, domestic gardens). Prior to any hand over from the developer to a management company, there shall be a walk over the site with an appropriate officer from the Local Planning Authority to check compliance with the planting and maintenance plans and any compliance requirements flowing from the site visit shall be undertaken prior to hand over. The development shall thereafter be managed in accordance with the approved details.

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

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

Reason: In order to limit the impact of the lighting on the Listed Buildings, the landscaping of the site, the surrounding landscape and heritage features, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, BNE34 and BNE39 of the Medway Local Plan 2003.

- 14 No part of the development shall be occupied until the new access road has been constructed in accordance with drawing number DHA/16351/06C and the existing accesses shown on drawing DHA/16351/02 closed. The access shall thereafter be retained.

Reason: In the interests of highway safety and the free flow of traffic.

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

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 171 of NPPF.

- 16 Prior to first occupation of the development (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 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 171 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.

- 17 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.

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 171 of NPPF.

- 18 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.

- 19 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1 Classes A, B and E of that Order unless planning permission has been granted on an application relating thereto.

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

- 20 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Climate Change Statement (received 22 August 2023). 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 159 of the National Planning Policy Framework 2023.

- 21 No development shall take place (including any ground works, site or vegetation clearance) until a method statement for the protection of biodiversity has been submitted to and approved in writing by the local planning authority. The content of the method statement will include :

- o Purpose and objectives for the proposed mitigation/compensation works.
- o Methodology necessary to achieve stated mitigation objectives for bats, badgers, dormice, GCN, reptiles, nesting birds and to protect trees, including identification of 'biodiversity protection zones'.
- o Extent and location of proposed construction and mitigation works, shown on appropriate scale maps and plans.
- o Timetable for implementation of the method statement, demonstrating that measures are aligned with the proposed phasing of construction.
- o Persons responsible for implementing the method statement, including times during construction when specialist ecologists need to be present on site to undertake/oversee works.
- o Use of protective fences, exclusion barriers and warning signs.

- o Reference to any other relevant documents such as Natural England licences, Environment Agency permits, Tree Protection Plans/Arboricultural Method Statements etc.
- o Initial aftercare and long-term maintenance (where relevant), and;
- o Disposal of any wastes for implementing measures.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To ensure ecological enhancements are incorporated into the development in accordance with BNE37 of the Medway Local Plan 2003.

22 No development shall take place (including any ground works, site or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed, including ecological enhancements and areas of mitigation detailed on a clear map.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Details of annual habitat and species monitoring.
- i) Details of how the monitoring will inform updates of the management plan.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To ensure ecological enhancements are incorporated into the development in accordance with BNE37 of the Medway Local Plan 2003.

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

Proposal

This application seeks planning permission for the demolition of a garage and the construction of 8 no. dwellings and a car port, as well as associated works including landscaping and relocation of the vehicular access, erection of bin and bike stores and creation of internal roads.

The Housing mix would comprise:

3-bed units – Total of 5

4-bed units – Total of 2

5-bed units – Total of 1

All dwellings would be two storeys in height and would include a mix of terraced and semi-detached properties, with private amenity areas to the rear and landscaping proposed to the fronts. Parking would also be provided in the form of surface parking for the existing dwelling and surface parking and a car port for the proposed new dwellings. The drawings indicate the materials would be a mix of brick type's, timber weatherboarding, timber double glazed windows, timber double glazed doors, hung tiles, slate roofs, Kent peg tiles, cast iron effect rainwater goods and permeable paving.

The proposed vehicular access to the site will come from a new junction with the Lower Rochester Road and would consist of one road into the site which would then divide to enable vehicular access to the proposed and existing dwellings. The two existing site accesses will be stopped up to enable safer access to the site for both pedestrians and vehicles.

Site Area/Density

Site Area: 0.37 hectare (0.91 acre)

Site Density: 22 dph (9 dpa)

Relevant Planning History

Court Lodge

MC/01/1949	Retrospective application for construction of a detached pool/leisure room. Decision: Approval with conditions Decided: 26 February 2002
MC/00/0474	Extensions to side, front and first floor to convert bungalow into house. Decision: Approval with conditions Decided: 18 May 2000

Representations

The application has been advertised on site and by individual neighbour notification to the owners/occupiers of neighbouring properties. Frindsbury Extra Parish Council and Southern Water Services have also been consulted.

Eight Letters of objection have been received raising the following concerns:

- Overdevelopment of the site that would change the rural nature of the area.
- Loss of privacy, outlook and sunlight.
- Concerns in relation to highways safety

The Frindsbury Parish Council have advised that although they have no issue in principle to the development, they have raised concerns in relation to the proposed vehicle entrance into the site and previous accidents on the junction of the B2000.

Councillor J Williams objects to the proposal on the following grounds:

- overlooking,
- overdevelopment and
- highways safety.

The Dickens Country Protection Society object to the proposal on the grounds of the site being in a rural area and an over development of the site.

Southern Water (SW) have provided records showing existing public foul water and surface water sewer and water mains assets within the development site. They set out the need for clearances needed for the various sewers and equipment ranging from between 3-6m and the associated restrictions on tree planting, soakaways and other drainage details in their proximity. SW require a NRSWA enquiry for changes to the highway access. SW provide guidance on SuDS requirements and details the applicants need to apply formally for connection to the water supply. The representation will be flagged as an informative.

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 December 2023 and are considered to conform.

Planning Appraisal

Principle

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

The application site is outside of the built confines of Wainscott as defined in the proposal maps to the Local Plan and, therefore, lies within open countryside. As such,

the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policy BNE25 of the Local Plan states development will be strictly controlled and will not be permitted except where it complies with a limited range of specified categories set out in the policy, which do not apply in this case. Consequently, the proposal would conflict with Policy BNE25 of the Local Plan that seeks to restrict inappropriate housing development outside the built confines of settlements.

The site is located on land designated as an Area of Local Landscape Importance and therefore Policy BNE34 is relevant. This designation seeks to protect the important rural qualities of the landscape and compliments Policy BNE25 that protects the rural area of Medway from development unless there are special circumstances that may require land to be released for an alternative use, say for example, as a large-scale extension of the urban boundary. Unless there are any special circumstances, development would be refused where the presence of built form would result in the sprawl of development into the open countryside. In addition, development would only be supported if it would not materially harm the landscape character and function of the area; the social and economic benefits outweigh the preservation of the landscape, and the development is sited and designed to minimise the harm. Such development would only be allowed where it demands a countryside location, it's a re-use or adaption of existing buildings; rebuilding or modest extension or annex to a dwelling and is within a rural settlement boundary.

The site is identified as being part of the 'Cliffe Woods Farmland' designation within the Medway Landscape Character Assessment (chapter 13). Whilst the site is currently used as a garden for Court Lodge, the landscape forms part of a wider area of undulating and complex mix of arable farmland and orchards. The character assessments guidelines are to encourage restoration and reinstatement of traditional orchards, with hedgerow and poplar shelter belt field boundaries and to seek to strengthen biodiversity value – increase woodland, hedgerows and wider field margins. The objective of such supporting policy is to encourage the strengthening of the qualities of the area and resist suburbanisation to villages and small settlements. In addition, the guidance also seeks to protect separation, rural character and the openness of countryside between villages. In the unlikely event that development is supported it would have to respect and enhance biodiversity and local distinctiveness.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, and the Council does not currently have a five-year housing land supply. As of 31 March 2023, Medway's 5-year housing land supply stands at 3.3 years.

The National Planning Policy Framework (NPPF) seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11). Paragraph 60 of the NPPF also seeks to boost the supply of housing by bringing forward a variety of land to meet specific housing requirements. Paragraph 83 of the NPPF also supports the provision of housing in rural areas where it will

enhance or maintain the vitality of rural communities. Although only a small development, it will nevertheless contribute to this small rural community.

It is necessary to consider whether this proposal is sustainable development, and to also consider the impact of the development on the character of the area and the importance of the site in landscape terms. The NPPF definition in paragraph 8 refers to sustainable development having an economic, social and an environmental role, and these three overarching objectives need to be pursued in mutually supportive ways.

Economic

Para. 8 of the NPPF states that the economic aim of the document is to build a 'strong, responsive and competitive economy'. Economically, the site would boost the local economy during construction process providing jobs in the short-term. Being a small-scale development it is likely that the development will be delivered by a local SME using local services, employment and suppliers. Once completed the occupation of the dwellings will assist with local spend in the area.

Social

The NPPF defines the social role as: 'A social role is supporting 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 generation; and by fostering well designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and supports communities' health social and cultural wellbeing'.

The site is located within a short walking distance to Wainscott where there are a number of local services such as a convenience store and local transport connections. The route is via a footpath which is lit for the extent of the journey and would likely encourage walking. It is acknowledged that local shops would be outside of the accepted 800m recommended walking distance at 0.9 miles, however, local shops are within a short trip by car. The site is located in close proximity to the Hawkenbury Rise and Weaving Close bus stops which would allow for access for commuting.

The provision of 8 houses, although small in scale, will contribute towards meeting the Council's housing needs.

Environmental

The environmental role of the NPPF seeks to: 'protect and enhance our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy'.

The Site falls within the Cliffe Woods Farmland in the 2011 Medway Landscape Character Appraisal, which describes the site as an undulating and complex mix of arable farmland and orchards. The landscape character is impacted by visually intrusive pylons/power lines and plastic polytunnels and furthermore the loss of

orchards to arable farming has led to decline in distinctive fruit belt character - Section 13 of the Landscape Character. The Landscape Character Appraisal recommends maintaining the separation and openness between rural settlements, resisting development proposals that would threaten loss of rural and locally distinctive character, encourage restoration and reinstatement of traditional orchards, with hedgerow and poplar shelter belt field boundaries strengthening biodiversity.

Environmentally, the applicant has submitted surveys and reports to cover ecological matters, and these are considered in detail below, but they are generally acceptable. The ecological enhancements suggested, including native hedgerow planting and provision of integrated bat bricks, bird nest boxes, Beebrick and creations of a pond would be beneficial in terms of environmental gains from the development.

Design and Layout

Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area. Special attention needs to be paid to the impact on the character and appearance of the countryside. Policy BNE25 of the Local Plan seeks to ensure development is sensitive to these areas and Policy BNE33 seeks to conserve and enhance the natural beauty of the area's landscape.

The surrounding area contains a mix of house types and designs. It is acknowledged that the spatial pattern of development in the immediate surrounding area is characterised, by residential development to the north at Sole Street Farm of a rural character, with arable farmland and woodlands to the east and west.

The design and scale combined with the proposed materials will ensure that the proposal respects the rural character and appearance of the surrounding area. This includes indicative materials such as mix of brick types, timber weatherboarding, timber double glazed windows, timber double glazed doors, hung tiles, slate roofs, Kent peg tiles, cast iron effect rainwater goods and permeable paving.

The proposed layout has been informed by an approach that respects the site constraints and the pattern of settlement and landscape. The proposed vehicular access to the site will come from a new junction with the Lower Rochester Road and would consist of one road into the site which would then divide to enable vehicular access to the proposed and existing dwellings. The two existing site accesses will be stopped up to enable safer access to the site for both pedestrians and vehicles. The layout of the new dwellings would provide three new dwellings fronting onto Lower Rochester Road with three located behind these and two dwellings located to the rear of the existing dwelling.

The dwellings would then be arranged in a cluster which would assist the smaller scale rural character, which could correspond with the rural edge nature of the site. In addition, the infrastructure (roads, footpaths, surfaces) within the development have been designed so they do not appear overly engineered which is important given the sites rural characteristics.

The proposed design, scale and layout has been informed by an approach that respects the site constraints, existing pattern of settlement and landscape setting. To ensure the final design is reflected on site a condition is recommended to secure details of the external materials.

Subject to the abovementioned condition the application would be in accordance with Policies BNE1, BNE25 and BNE34 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Landscaping

The proposed layout shows a landscaped buffer zone to the south of the site, it is proposed to plant native species hedgerows around all the boundaries of the site as well as internally around parking areas and property boundaries. Alongside this it is also proposed to plant native species of trees throughout the site. Conditions are recommended to secure further landscape details and for a management plan to be submitted.

Subject to the abovementioned conditions the application would be in accordance with Policies BNE1, BNE25, BNE34 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Amenity

There are two main amenity considerations, firstly the impact of the proposed development on neighbours and secondly the living conditions which would be created for potential occupants of the development itself. Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities.

Neighbouring Residential Amenity

Given the arrangement of the proposed dwellings within the site and their relationship with the existing dwelling at Court Lodge, the impact to neighbouring amenity is considered to be acceptable with regard to loss of daylight, outlook, privacy and overshadowing. Similarly, and by virtue of the location of the site, and its distance from the residential properties on Sole Street Farm it is considered that the proposal would not have a detrimental impact on the amenity of the residents of those properties either.

The construction of the development itself could also lead to noise and dust emissions to nearby residential properties. Accordingly, a condition is recommended to secure a Construction Environmental Management Plan (CEMP).

Amenity of Future Occupiers

With regard to the amenities of the future occupiers, the proposed dwellings have been considered against the Technical Housing Standards - Nationally Described Space Standard dated March 2015 (the national standard). Below is a table showing the proposed floorspace for each dwelling in comparison to the Technical Housing Standards - Nationally Described Space Standard.

Plot Number	Number of bedrooms and bed spaces	Proposed (m ²)	National Standard (m ²)
Plot 1	3 bed 4 person	86	84
Plot 2	3 bed 4 person	86	84
Plot 3	4 bed 6 person	113	106
Plot 4	5 bed 8 person	212	128
Plot 5	4 bed 6 person	107	106
Plot 6	3 bed 5 person	100	93
Plot 7	4 bed 6 person	108	106
Plot 8	3 bed 5 person	94	93

As indicated in the table above the gross internal floor areas (GIFA) for each plot would exceed the minimum requirements. In addition, the proposed bedroom sizes exceed the minimum requirements for floor area and width, and all habitable rooms would all be provided with suitable outlook.

With regard to the garden size, in the absence of any technical standards relating to private amenity space within the national standard, the Medway Housing Standards 2011 states that gardens should be a minimum of 10m in depth or 7m when constraints exist. The proposed private amenity space would be compliant with the guidance. In addition, off-road parking is also included for the proposed dwellings which is considered acceptable.

Given the arrangement of many of the properties and the rural nature of the site where further development and the intensification of units could alter the visual amenity of the development, have direct implications on neighbouring amenity and could also have wider implications in terms of traffic generation, particularly if this resulted in the creation of additional bedrooms, it is recommended that householder permitted development rights are removed with regard to Classes A, B, D, E, F, G and H, and also with regard to the change of use from Class C3 dwellinghouse to Class C4 small HMO.

Subject to the suggested conditions being imposed, no objections are raised in terms of the impact on amenities of both the future occupiers and neighbours. The proposal is considered to comply with Policy BNE2 of the Local Plan and paragraph 135 of the NPPF in this regard.

Noise

Due to the size and location of the proposed development adjacent to the B2000 and the A289, the applicant has submitted a Noise Assessment undertaken by ENZYGO environmental Consultants, (Ref; MAN.721.001.NO.R.003) dated April 2024.

The Noise Assessment highlights, that the site generally falls within the 'Low' to 'Medium' noise risk category during the daytime and 'Medium' category during the night. The external noise levels on the western elevation adjacent to Lower Rochester Road are relatively high in particular for plots 01, 02, 03. To mitigate against this an indicative double-glazing strategy, with trickle ventilation and 2.5m high fences along

the southern boundaries has been suggested to reduce internal noise levels to those required under BS8233 recommendations.

Subject to a condition to secure these measures, the proposal is considered to be in accordance with Policy BNE2 of the Local Plan and paragraphs 135, 180 and 191 of the NPPF.

Air Quality

Due to the size and nature of the proposed development, and in accordance with the requirements as set out in Medway Councils Air Quality Planning Guidance the applicant has submitted an Air Quality Assessment (AQA) undertaken by ENZYGO environmental Consultants, (Ref; MAN.712.001.AQ.R.002) dated March 2024.

Adopting a worst-case scenario, and when including the proposed and previously committed developments the AQA has predicted that the air quality impacts of the development itself are unlikely to be significant. In addition, the report also includes appropriate mitigation measures in line with the Medway Air Quality Planning guidance that all gas fired boilers meet a minimum standard of <40mgNOx/kWh and the provision of one Electric Vehicle charging point provided per dwelling.

In view of the above and subject to the recommended conditions no objection is raised with regards to Policy BNE24 of the Local Plan and paragraphs 135, 180 and 192 of the NPPF.

Flood Risk and Drainage

A revised Drainage Statement undertaken by DHA planning, (CS/16350), dated March 2023 has been submitted with the application and assessed with regard to Policy CF13 of the Local Plan and paragraphs 162, 167, 168, 169 AND 173 of the NPPF.

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

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

A review of the Environment Agency's (EA) online mapping tool has identified that the development site is within Flood Zone 1, an area with a low probability of flooding from Rivers and Sea.

The NPPF requires that a risk based Sequential Test should be applied at all stages of planning with the aim of steering new development to areas at the lowest probability of flooding. The proposed development is located entirely within Flood Zone 1 and as such it is considered to satisfy the Sequential Test.

A review of the British Geology online mapping tool has identified that the development site is underlain by Chalk with superficial deposits comprising of clay, silt, sand and gravel. A site investigation was carried out by Soiltec Laboratories Limited during February 2022 to assess the potential for use of soakaways and porous paving as the method for the disposal of surface water. Based on the site-specific testing, infiltration is considered a suitable method for the disposal of surface water for the site. A Sustainable Urban Drainage system will be provided which incorporates a combination of permeable pavements and underground cellular soakaways which will be used to accommodate the 1 in 100-year rainfall event. The use of rainwater harvesting grey water recycling and water butts is also recommended where practicable in order to provide an additional means of surface water attenuation as well as reduced demand on potable water supplies.

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

In view of the above, and subject to conditions, requiring the submission of further details with respect to a sustainable drainage scheme, the temporary management of surface water throughout the construction phase and a signed verification report confirming the agreed surface water system has been constructed as per the agreed scheme the proposal is in accordance with Policy CF13 of the Local Plan and paragraphs 168, 169 and 173 of the NPPF.

Highways

Policies T1, T2 and T13 of the Local Plan state that development proposals should not have a significant or unacceptable impact on highway safety or the existing road network and should make vehicle parking provision in accordance with the adopted standard. Paragraph 115 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112e states that applications for development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

The application has been submitted with a Transport Statement undertaken by DHA Planning, (Ref; PL/TV/16350), dated April 2024 and a Road Safety Audit Stage 1 (Ref; Appendix D) undertaken by Road Safety Answers dated 05 August 2023 which have been assessed. Given the number and scale of the dwellings proposed it is not considered that the additional trips associated with the proposal would have a significant impact on the local highway network.

In accordance with the adopted Medway Councils Interim Parking Standards 1 space should be provided for a 1 bed dwelling, 1.5 spaces for a 2-bed dwelling and 2 parking spaces for a 3+ bedroom dwelling. Based on the information submitted with the

application, for the new dwellings proposed, a total of 17 parking spaces would be provided, (including a car barn and a garage) with a further 2 parking spaces provided for visitors. For the existing dwelling at Court Lodge 3 spaces are proposed within a car barn. The proposals are considered to be in accordance with the Councils Interim Parking Standards

A condition is recommended to secure the provision of these spaces and charging points on site prior to occupation and their retention as parking spaces. The application is considered to be acceptable in respect of the transport and parking and comply with Policies T1, T2 and T13 of the Local Plan and paragraphs 115 and 116e of the NPPF.

Ecology

A Preliminary Ecological Assessment (PEA) undertaken by PJC Consultancy, (Ref; 4908E/22), dated 12 July 2023 has been submitted with the application and assessed with regard to Policy BNE37 of the Local Plan and paragraphs 180 of the NPPF.

The PEA concluded that, the habitats on site are of low ecological value. No statutory designated sites of nature conservation importance and no parcels of ancient woodland listed on the ancient woodland inventory were identified within the zone of influence. The site was considered to provide some opportunity for protected and notable species within the PEA submitted. The submission has recommended precautionary measures for Hazel Dormice, Reptiles, Birds, Badgers, other mammal species, invertebrates, Great Crested Newts and other Amphibians.

The PEA determined that there are suitable roosting features on site for bats in buildings and as a result further surveys were required. PJC undertook a Bat Emergency Survey, (ref; 5221E/23/01) dated 1st June 2023, which concludes that no bats were seen emerging or re-entering buildings proposed for demolition. The report highlighted that there is also the potential for the site to be used by commuting/foraging bats. Lighting can negatively impact nocturnal species, like bats, that could be foraging and commuting on site and in the surrounding habitat. To mitigate against potential adverse effects on bats and in accordance with the NPPF, the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' should be consulted for the lighting design of the development. A condition is recommended for the development to incorporate a sensitive lighting design for biodiversity.

The mitigation measures set out in the PEA are suitable for the proposed works for all the species above and therefore conditions are recommended securing ecological avoidance, mitigation measures, ecological enhancements, and the submission of a biodiversity method statement.

Although the application was made before the 12 February 2024 requirements for 10% Biodiversity net gain, the application has been considered under paragraph 180d of the NPPF which states that "[planning] decisions should contribute to and enhance the natural and local environment by providing net gains for biodiversity", which is generally taken to mean at least 1% gain and in the absence of any data spread sheet submitted with the application it has not been possible to determine a biodiversity net gain. However, the ecological enhancements as set out in the ecological appraisal are considered acceptable and a condition requiring the submission of a Landscape and

Ecological Management Plan that secures and sets out the long-term management of the proposed ecological enhancements is recommended.

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

Climate Change and Energy Efficiency

The NPPF identifies that good design “is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities” (paragraph 124). Paragraph 131 in particular refers to great weight being given to outstanding or innovative designs which promote high levels of sustainability.

The Climate Change Statement (received 22 August 2023) confirms the sustainable technologies which would be incorporated into the scheme which is summarised as follows:

- 1 electric vehicle charging point per dwelling.
- Sheltered Cycle storage.
- Insulated central heating systems.
- Water meters.
- Designed to maximise water efficiency.
- Residents will be provided with an information pack outlining tips and advice to reduce their energy and water usage.

The proposed application is considered to comply with paragraph 160 of the NPPF and a condition is recommended to secure these measures.

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. 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 applicants have paid this tariff and completed a SAMMs Bird Mitigation Contribution Agreement form under MC/20/0430. No objection is therefore raised with respect to Policies S6 and BNE35 of the Local Plan and paragraphs 186 and 187 of the NPPF.

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. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

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

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

In this regard, the Council is unable to demonstrate a five-year supply of housing land sought by paragraph 76 of the NPPF. There is therefore a significant need for new housing in the Medway area. Paragraph 11 (d) of the NPPF indicates that in such circumstances permission should be granted unless: i. the application of policies in the 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 the Framework taken as a whole.

The proposal will provide 8 dwellings and given the significant shortfall of housing provision in Medway this is a significant benefit that carries substantial weight.

The site, being within an existing domestic garden, close to pylons and close to the by-pass, has limited landscape quality and the development can be assimilated without unacceptable harm to the rural landscape qualities of the area, while any ecological or biodiversity issues can be addressed.

The development will bring some economic benefits and is in relatively close proximity to services by foot or public transport.

Taking all of the above into consideration and applying the tilted balance pursuant to paragraph 11d of the NPPF, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The proposal would therefore represent a sustainable form of development when assessed against the NPPF as a whole.

Conclusions and Reasons for Approval

Although not providing the required 5-year land supply, the Council's policies provide a plan-led approach to future growth. The NPPF reiterates the primacy of the statutory

plan-led approach, which in this case would allow for meeting the housing needs in a manner that best protects its rural landscape setting.

The proposal is considered to make an effective contribution in meeting the need for homes, in a manner which delivers much needed homes, whilst safeguarding the environment and biodiversity as well as being sympathetic to local character, including the surrounding landscape setting and intrinsic character of the countryside location.

The scheme is considered to be acceptable and would be acceptable in relation to Policies BNE1, BNE2, BNE24, BNE25, BNE33, BNE34 BNE35, BNE37, S1, S2, S6, T1, T2 and T13 of the Medway Local Plan 2003, paragraphs 8, 11, 60, 79, 115, 116, 131, 135, 160, 168, 169, 173, 180, 186, 187, and 191 of the NPPF

This application would normally be determined under delegated powers but as a result of the number of objections received expressing a view contrary to the officer's recommendation the application is being reported to planning committee for determination.

Background Papers

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>