

## MC/24/0291

Date Received: 8 February 2024  
Location: Land adjacent to Fenn Street and Ratcliffe Highway, St Mary Hoo, Rochester, Medway  
Proposal: Full planning of associated application for 44 new homes (use class C3) with the provision parking, open spaces, SUDs and earthworks. Provision of overflow parking for Fenn Bell Conservation project and enhancement to existing access from Fenn Street on land adjacent to the Fenn Street and Ratcliffe Highway.  
Applicant Esquire Developments Ltd  
Agent Mr James Daughtry  
Ward: All Saints  
Case Officer: Tom Stubbs  
Contact Number: 01634 331700

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### Recommendation – Approval subject to:

- A. The applicant entering into a legal agreement under the terms of Section 106 of the Town and Country Planning Act 1990 to secure the following contributions:
- i. £10,778.24 towards community facilities within the vicinity of the site.
  - ii. £9,293/68 towards equipment and facilities at Grain and/or Strood and/or Mobile Libraries.
  - iii. £14,321.56 towards sports improvements at Hoo Sports Centre.
  - iv. £10,178.96 towards waste and recycling services.
  - v. £42,686.71 green space contribution.
  - vi. £74,072.88 for nursery provision within 2 miles of the development.
  - vii. £181,815.06 for primary provision within 2 miles of development site or SEND education within Medway.
  - viii. £144,058.32 for secondary provision within Medway.

- ix. £37,196.28 health contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility.
- x. £3,300 towards public rights of way improvements.
- xi. £50,000 towards bus service provision improvements.
- xii. £14,443.88 towards strategic measures in respect of the coastal North Kent Special Protection Area.
- xiii. Meeting the Council's costs.

B. And the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of 18 months from the date of this permission.

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

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

Received 8 February 2024:

Drawing numbers 10, 100, 101, 102, 104, 105, 106, 107, 109, 111, 112, 112, 114, 117, 118, 250, 251.

Received 9 April 2024:

Drawing numbers 01 Rev C, 02 Rev C, 103 Rev A, 108 Rev A, 110 Rev A, 115 Rev A, 116 Rev A, 20 Rev B, 21 Rev B, 22 Rev B, 23 Rev B,, 300 Rev A and 301 Rev.

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

- 3 No development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, protection of hedgerows, hours of working, deliveries to the site, parking of operatives vehicles, noise, dust arising from the construction phase of the development, details to control traffic building on items in the submitted transport statement and details of where Fenn Bell Conservation Project will park during construction has been submitted to and approved in writing by the Local Planning Authority. The construction works shall be undertaken in accordance with this approved plan.

Reason: Required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents with regard to Policies BNE2, BNE37 and BNE39 of the Medway Local Plan 2003.

- 4 Prior to commencement of works (including site clearance), a construction environmental management plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP will be based on the recommendations in the Preliminary Ecological Appraisal, PJC dated 6/2/24 and Reptile survey report, PJC, 25/6/24. and include the following:
- o Risk assessment of potentially damaging construction activities.
  - o A reptile mitigation strategy including detailed actions with frequencies, timings and those responsible for the reptile translocation and protection of receptor areas, prior to and during construction.
  - o Identification of 'biodiversity protection zones' and materials storage areas.
  - o Practical mitigation measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of species or habitat-specific method statements) for breeding birds, bats, badgers, dormice, reptiles and breeding birds.
  - o The location and timing of sensitive works to avoid harm to biodiversity features.
  - o The times during construction when specialist ecologists need to be present on site to oversee works.
  - o Responsible persons and lines of communication.
  - o The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person, and
  - o Use of protective fences, exclusion barriers and warning signs and responsibilities for maintenance of those.

The approved CEMP will be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any ecology interest and in accordance with Policy BNE35 of the Local Plan 2003.

- 5 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority. The archaeological works shall thereafter be carried out in accordance with the approved specification.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any archaeological interest and in accordance with Policy BNE21 of the Local Plan 2003.

6 No development shall take place (including site clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by, the Local Planning Authority. The content of the LEMP will be based on the recommendations on the Landscape Masterplan, Rev 2, EDLA 30/7/24 and section 5.4 of the Preliminary Ecological appraisal, PJC 6/2/24 to include the following:

- o Detailed landscaping plan with native species, planting plans, methodology and management measures.
- o Durable and integrated features for wildlife.
- o Constraints on site that might influence management.
- o Aims and objectives of management.
- o Appropriate management prescriptions for achieving aims and objectives.
- o Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period.
- o Details of the body or organisation responsible for implementation of the plan, and
- o Ongoing monitoring and remedial measures.

The LEMP will 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 approved plan will be implemented in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any ecology interest and in accordance with Policy BNE35 of the Local Plan 2003.

7 No development shall take place until, a verification letter has been submitted to and approved in writing by the Local Planning Authority which confirms that a reptile mitigation strategy is in place and all required pre-works mitigation for reptiles has been completed including, established receptor site vegetation enhancements and hibernacula are in place, destructive search, capture and relocation of individuals to the receptor site has been completed and protective fencing/barriers are in place and will be maintained, throughout the construction period in accordance with the approved details.

Reason: Required before commencement of development to avoid any irreversible detrimental impact on any ecology interest and in accordance with Policy BNE35 of the Local Plan 2003.

8 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

- 9 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) has been submitted to and approved in writing by the Local Planning Authority in consultation with the Lead Local Flood Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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.

- 10 No development shall take place above slab level until a scheme for protecting the proposed development from noise that implements the measures described in the noise assessment reference 230801/3 dated 5 February 2024 has been 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<sub>ax</sub>) 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. The scheme shall include details of acoustic protection sufficient to

ensure amenity/garden noise levels of not more than 55dB (LAeq,T). 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 no long-term detrimental harm to conditions of amenity in accordance with Policy BNE2 of the Medway Local Plan 2003.

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

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

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

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

- 13 Prior to the first occupation of any dwelling herein approved, full details of both hard and soft landscape works and any artefacts to be located within the public space and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority.

These details should include.

- (i) Plans and information providing details of existing and proposed finished ground levels, means of enclosure, car parking layouts, other 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 planting plans, tree positions, planting build ups, written specifications (including cultivation and other operations associated with grass, tree and planting establishment, aftercare, and maintenance); 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 hard landscape), 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).

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 in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 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 landscape areas (except for small, privately owned, domestic gardens) for a minimum period of five years and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details. Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the LPA, the proposed landscape management company and the developer. The site visit will include a review of the site area proposed to be transferred to the management company and will assess whether the approved landscape plans have been implemented as approved, the condition and maintenance of all planting and what measures are necessary prior to a handover to the management company. The results of the site visit/walk over shall be submitted to and approved in writing by the Local Planning Authority and the agreed requirements in terms of re-planting/maintenance shall be undertaken prior to any hand over to the management company.

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

- 15 Prior to the first occupation of any dwelling herein approved, details of the detailed locations, specifications and long-term management proposals of the ecological enhancement measures, including but not limited to swift and bat bricks, shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained in accordance with the agreed management strategy.

Reason: To provide ecological enhancement with regards to paragraph 180 of the National Planning Policy Framework 2023.

- 16 Prior to the first occupation of any dwelling herein approved, details of the Local Equipped Area for Play (LEAP) shall be submitted to and approved in writing by the Local Planning Authority. The LEAP should be designed in accordance with the guidance from Fields in Trust and the details should include mixed aged play equipment, safe surfacing, fencing and management plan. The play area shall be provided in accordance with the approved details prior to the first occupation of any dwelling herein approved and shall thereafter be retained. The play area provided shall form part of the site visit between the LPA, developer and management company referred to in Condition 14 and any agreed requirements shall be undertaken prior to hand over to the management company.

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

- 17 No dwelling shall be occupied until a plan indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before any dwellings are occupied and shall thereafter be retained.

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

- 18 Prior to the first use of any of the buildings (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 systems has been constructed as per the agreed scheme and plans. The report shall include details and locations of critical drainage infrastructure (such as inlets, outlets and control structures) including as built drawings, and an operation and maintenance manual for the unadopted parts of the scheme as constructed.

Reason: To ensure a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk on site or elsewhere in accordance with paragraph 175 of the National Planning Policy Framework 2023.

- 19 The development herein approved shall incorporate the measures to address energy efficiency and climate change as set out within the Sustainable Design section of the design and access statement. 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 the National Planning Policy Framework 2023.

- 20 No part of the development shall be occupied until the final details of the Travel Plan have been submitted to and approved in writing by the Local Planning Authority. The final travel plan shall be implemented in accordance with the approved details and timetable and thereafter be complied with as long as any part of the development is occupied.

Reason: To ensure the sustainable transport objective related to the development of this site and to reduce potential impact on the surrounding area in accordance with Policy T14 of the Medway Local Plan 2003.

- 21 No part of the development shall be occupied until the final details of the cycle storage facilities have been submitted to and approved in writing by the Local Planning Authority. The cycle storage shall be implemented in accordance with the approved details and thereafter retained.

Reason: To ensure satisfactory cycle storage in accordance with Policy T4 of the Medway Local Plan 2003.

- 22 Prior to the occupation of any dwelling herein approved, the area shown on the submitted drawing 22 Rev B as vehicle parking space/garaging/car ports shall be provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space/garaging.

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

- 23 No more than 50% of the development herein approved shall be occupied until the s278 works including the traffic calming measures have been installed.

Reason: Development without provision of would traffic calming measures is likely to lead to traffic issues and in accordance with Policy T1 of the Medway Local Plan 2003.

- 24 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 landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies BNE1, BNE2, BNE5, and BNE39 of the Medway Local Plan 2003.

- 25 The approved carports shall not be enclosed, and no other permanent development shall take place, within or to the car ports whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or reenacting that Order). The car port parking spaces shall remain available for parking.

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

- 26 In this Condition "retained tree" means an existing tree which is to be retained in accordance with the Tree Retention Plan PJC/6425/23/B Rev 01 and Arboricultural Impact Assessment, Method Statement and Tree Protection Plan ref: PJC/6425/23/02 Rev dated 5 February 2024; and paragraphs a) and b) below shall have effect until the expiration of 5 years from the date of occupation of any part of the development for its permitted use.

- a) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the approved plans and particulars. Any pruning approved shall be carried out in accordance with British Standard 3998 (Tree Work).
- b) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time as may be specified in writing by the Local Planning Authority.
- c) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this Condition and the ground levels within those areas shall not be altered, nor shall any excavation be made without the written approval of the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality, in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 27 If, during development, contamination not previously identified is found to be present at the site, no further development shall take place until a method statement has been submitted to and approved in writing by the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

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

- 28 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) all dwellinghouses herein approved shall remain in use as a dwellinghouse falling within Class C3 only 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.

**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 25th September 2024.**

## **Proposal**

This application seeks full planning permission for the construction of 44 new homes (use class C3) with the provision of associated parking, open spaces, SUDs and earthworks. Provision of overflow parking for Fenn Bell Conservation project and enhancement to existing access from Fenn Street, on land adjacent to the Fenn Street and Ratcliffe Highway.

The residential development would be accessed from Fenn Street including the necessary improvements to the existing access for the Fenn Bell overflow Carpark which is to be retained as part of the proposal. Open space including play provision is to be provided adjacent to Fenn Street. Street trees and hedging are proposed along the new main roadway, while a hedging and buffer planting is proposed between the dwellings and the retained car park.

The application proposes 44 dwellings with 1 to 3 bedrooms. The dwellings will consist of a mixture of two storey dwellings, ranging from detached gable and hipped roof dwellings, mixed roof semi-detached properties, hipped roof terraces, two barn style terraces and one pair of maisonettes.

Footpath links are provided through the site to connect the existing footpaths network adjacent to the commercial units to Ratcliffe Highway roundabout footpaths.

### **Site Area/Density**

Site Area: 2.35 hectares (5.81 acres)

Site Density: 18.72dph (7.57dpa)

### **Relevant Planning History**

#### The Site

MC/22/1736                      Retrospective consent for the change of use from equestrian land to create an extension to the existing overflow car park.  
Decision: Approved  
Decided: 21 November 2022

Nearby Appeal decisions referred to in neighbour objections and in report.

*Land west of Newlands Road Farm, St Marys Hoo, ME3 8QT*

MC/23/0568                      Outline application with all matters reserved for the construction of 4x four self-build/custom home build plots.  
Decision: Refused  
Decided: 2 May 2023  
Appeal: Dismissed 29 February 2024

*5 Bellwood Court, St Marys Hoo, ME3 8RT*

MC/22/2934                      Construction of a detached dwelling with associated parking and landscaping.  
Decision: Refused  
Decided: 13 February 2023  
Appeal: Dismissed 23 January 2024

*Fenn Farm, Fenn Street, St Mary Hoo, Rochester, Medway, ME3 8QS*

MC/20/1818

Construction of 4 x four-bedroom detached houses; 1 x three-bedroom detached house with associated two detached garage blocks - one block incorporating a one-bedroom flat over together with means of access and car parking provision.

Decision: Refused

Decided: 19 February 2021

Appeal: Dismissed 12 August 2022

## **Representations**

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties, KCC Archaeology, KCC Biodiversity, High Halstow Parish Council, St Mary Hoo Parish Council, NHS Medway, UK Power Networks, National Grid, Southern Gas Networks, Southern Water, National Highways, Environment Agency, Natural England, Lower Medway Drainage Board and Kent Police have also been consulted.

**Sixty-five** letters of objection have been received from fifty-two different contributors/households. The following concerns (relevant to planning) have been raised:

- Additional pressures onto the existing stretched road network on the Peninsula. Concerns about the safety of the access onto a busy road and questioning the adequacy of the traffic calming measures.
- The application site is not in a sustainable location with poor bus routes and unsafe bus stops including a lack of shelter opportunities for users, poor walking routes and no easy access to shops (many question the usability of Bradfields garage for shopping needs) and therefore would be car dominated. As per recent appeal decision APP/A2280/W/23/3318618 of adjacent 5 Bellwood Court.
- Inappropriate development in a green field and rural location. The scale would be an overdevelopment of site out of character with scale of the local and wider St Marys Hoo.
- It would reduce the gap between St Mary Hoo and High Halstow.
- Inappropriate site location due to the existing flooding issues of which the proposals would cause further issues.
- Lack of infrastructure to support the development with lack of schools, doctors, dentists etc.
- Loss of farmland.
- Would be more appropriate for the expansion of the Zoo than housing. If the Zoo were to extend further, it would be into ancient woodland. Also concerns raised that the Zoo is not a community benefit being a business that is considered to be a detriment to local residents. Loss of part of the overflow carpark which would impact neighbours.

- Additional pressure on existing power, gas and broadband provision which is currently poor in the area.
- Impact on neighbours from the development and increased air quality and noise.
- Properties do not have any green energy sources.
- Disruption during construction.
- Impact on wildlife that use the site.

**St Mary Hoo Parish Council** have written to object on the following grounds:

- The development is a unique rural area consisting of mostly ribbon development long Ratcliffe Highways and Fenn Street in small groups of houses and the proposal does not reflect this.
- There are concerns of increased flooding and impact further downstream. The drainage rate is considered to overwhelm an overloaded watercourse. Raising concerns with the Internal Drainage Board removing their objections.
- The site is not sustainable as per a number of planning appeal decisions:- APP/A2280/W/23/3318618 at 5 Bellwood Court for 1 self-build detached house, APP/A2280/W/23/3323010 – Land west of Newlands Farm – outline consent for 4 self-build/custom build plots and APP/A2280/W/21/3271246 – Fenn Farm, Fenn Street for 4 four bedroom properties, a three bedroom and a one bedroom property.
- The environmental impact of other developments such as additional Allhallows caravans and other housing approvals on the road network with increase noise and air quality issues. There would also be noise and air quality and disturbance during construction.
- Increased pressure on the insufficient Peninsula infrastructure including doctors and schools.
- The Zoo is not a community project, and locals feel like they have now lost their local pub which is not open in the evenings. The expansion of the zoo causes more nuisance for residents.
- Concerns over the proposed highways safety works, bus stops and reptile surveys.

**High Halstow Parish Council** have written to indicate the development is within the Countryside and fails to meet the accessibility by different transport nodes within Policy BNE25 of the Medway Local Plan 2003.

**Dickens Country Protection Society** have objected due to the excessive number of units in a rural area being a gross overdevelopment. If it were to be considered for approval the layout should include buffer zone fronting Ratcliffe Highway and the Fenn Street frontage should be open, low density and varied to respect the existing environment.

**Lower Medway Internal Drainage Board** original wrote to raise concerns about the sensitive flooding downstream and that land drainage consent is required. Following the submission of additional information, they were satisfied.

**Southern Gas Networks** responded with a plan describing the location of SGN assets and guidance notes about locating pipes onsite and safe digging practices. *An informative will be added to any decision to bring this to the applicant's attention.*

**UK Power Networks** provided a copy of their records which show the electrical lines and/or plant, and a fact sheet with information regarding the use of their plans and working around their equipment and details of who to contact if the development will affect UK Power Networks High Voltage Equipment. *An informative will be added to any decision to bring this to the applicant's attention.*

**Kent Police** have written to advise of their concerns with regard to security and have set out some issues that need to be addressed/considered; they have also suggested the developer contacts them to ensure compliance with Secure by Design (SBD). *An informative would be included within the application to bring this letter of representation to the applicant's attention.*

**The Environment Agency** have written with no comments as it falls outside of their statutory remit.

**Southern Water (SW)** have provided records of their sewers. They have indicated that the Environment Agency should be consulted about the use of private wastewater treatment works which disposes of effluent to watercourse. They provide information about what the developers need to do for the adoption of any SUDS features. They indicate SW can facilitate water supply to the development but an application for connection would be required and details are provided for the applicant in how to do this. *An informative would be included within the application to bring this letter of representation to the applicant's attention.*

**Natural England** have written to raise no objection subject to the securing of an appropriate mitigation for recreational pressures on habitat sites. A net increase in residential accommodation which would impact the Special Protection Areas and Ramsar sites and the need for mitigation and an appropriate assessment under the Conservation of Habitats & Species Regulations 2017 as amended. It also informs of the impact of the People over Wind judgement.

**National Highways** have indicated their concerns about the safety, reliability and operational efficiency of the Strategic Road Network in this case the M2. However, on assessing the application and submitted documents have raised no objection.

**KCC Biodiversity** originally wrote to require further details requested an update on the landscaping scheme for the acceptability of the reptile translocation within the application site.

After the additional information was provided, they indicated a low number of common lizards have been recorded which could be affected by habitat clearance. The mitigation strategy has been proposed for a reptile receptor site which is acceptable subject to a

construction environment management plan. The preliminary ecological assessment indicates minimal hedgerows to be removed and works to hedges will form part of a mitigation strategy condition. The site is suitable for foraging and commuting bats and badgers and therefore a sensitive lighting condition is required. There is potential for biodiversity benefits to be retained onsite from the proposed open space and a Landscape Ecology Management Plan will be required. Finally, the development is within 6KM of designated sites and the SAMMS bird mitigation would be required to offset impact.

**National Gas Transmission** have written to indicate that they have assessed the impact on their equipment of which concluded there is none to be found in the area.

## **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 (NPPF) and are generally considered to conform. Where non-conformity exists, this is addressed in the Planning Appraisal section below.

## **Planning Appraisal**

### *Background*

In relation to the Fenn Bell Inn and Zoo, there is a full part retrospective planning application, MC/24/0526 under consideration for the construction of a single storey multi-purpose building for kitchen and vet facilities, the redevelopment of the existing Zookeeper's Lodge (Use Class C3), renewable energy improvements including Solar PV and one Borehole, and improvements to the existing zoo enclosures, pedestrian access, parking provision, septic tank, security features, and refurbishment of the Fenn Bell Inn Pub.

The applicant is proposing that the money from the building out of the housing scheme the subject of the application for consideration in this report can provide the community benefits to the ongoing operation of the Fenn Bell Conservation Project. This will be considered in further detail below.

### *Principle*

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

The application site is located within the countryside, it has no specific landscape designation in the Local Plan but sits directly adjacent to the North Kent Marshes Special Landscape Area. To the north-east there is a small cluster of industrial buildings which



includes factory and office buildings. Immediately to the north of that is the Fenn Bell Public House and Zoo, of which the overflow car park, recently approved, sits within the application site. The existing residential development known as 'Bellwood Court' is sited immediately adjacent to the site to the east. Defra's MAGIC Agricultural Land Classification map which shows the site within the post 1988 surveys as Grade 2. The agricultural land parcel is not of a size and scale that would have a detrimental impact on the local or national agricultural production.

As a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric and then strategically sustainable development using a sequential approach to location. Policy BNE25 of the Local Plan directs that development in the countryside will only be permitted on a site allocated for that use; development essentially demanding a rural location, or the re-use or adaption of an existing built-up area. The proposal therefore runs contrary to these policies.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003 and the Council does not currently have a five-year land supply. In light of that paragraph 11 of the NPPF is engaged. In this respect policies which seek to restrict the supply of housing are considered to be out of date and a presumption in favour of sustainable development is applied.

The NPPF seeks to pursue sustainable development, (including countryside sites where appropriate), in a positive way through a presumption in favour of sustainable development, unless the policies within the NPPF provide clear reasons for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits (paragraph 11).

The NPPF also provides a narrative in terms of housing proposals for the rural area at Paragraph 82. This indicates decisions should be responsive to local circumstances and support housing needs including affordable housing, while paragraph 83 seeks to promote sustainable development in rural areas and that housing should be located where it will enhance or maintain the vitality of rural communities. While paragraph 84 seeks to prevent isolated homes in rural areas.

The development would not result in an isolated development due to the proximity to existing properties (residential and commercial) in Fenn Street and Bellwood Court. These border the site to the north and west, while the Ratcliffe highway borders to the south. To the east across Fenn Street is a cluster of residential properties.

In terms of sustainability and access to services and car dependence, the applicants indicate that there is connection to Bradfields Service Station which would provide some top up shopping. However, this would not meet the weekly or even daily shopping needs of prospective residents while access to other services and facilities is even more distant, and the development would therefore be car dependent.

This has been the conclusion of appeal inspectors for small development in the area including at Fenn Farm and Bellwood court. However, it is noted that the scheme has attempted to assist in making the scheme more traditionally sustainable by agreeing a s106 contribution to provide improvements to bus services whilst also introducing pedestrian footpaths through the site where there currently none on this section of Fenn Street and improvements to bus stops.

In determining whether the principle of this proposal is acceptable, it will be important to assess the matter of sustainability within the planning balance.

#### Affordable Housing, Housing Mix and play provision.

Supported by paragraphs 63 and 65 of the NPPF, Policy H10 of the Local Plan supports a range and mix of house types and sizes where the site is over 0.5ha or 1ha (depending on if rural or urban setting) and the principle of development is acceptable. Policy H3 of the Local Plan also requires a proportion (minimum 25%) of residential developments to be affordable housing where there is an identified need and where the development is of sustainable scale.

The proposed 44 houses include a mixture of one to three bed homes and therefore is considered to be a suitable mix for this site. With regard to affordable housing, confirmation has been provided that an affordable provider has been contracted to take 11 properties for affordable rent. However, this could only be secured through the use of grant funding and accordingly S106 or conditions cannot be used to secure provision. The applicant has provided confirmation of an agreed deal with an affordable housing provider subject to grant funding and a letter from the provider confirming they have grant funding available to use for this scheme. In the unlikely event that this agreement between developer and registered provider breaks down, the applicant has confirmed that they will come back to the LPA to discuss alternative ways of securing affordable housing.

A development of this size would require an onsite Locally Equipped Area of Play (LEAP) to the standards of the Fields in Trust guidance including buffers to nearest housing frontages. The landscape details show an indication of play equipment which seems aimed at toddlers and a LEAP should have a wider variety of play provision including for elder children. Consequently, an appropriate condition is recommended to secure the LEAP and suitable play provision for all ages is provided in this area. Due to the location of the LEAP near a suds pond and busy road it is likely this area will need some form boundary treatment to protect users.

#### *Design and impacts on countryside, landscape, heritage and trees.*

Policy BNE1 of the Local Plan states that the design of development should be appropriate in relation to the character, appearance and functioning of the built and natural environment and satisfactory in terms of scale, mass, proportion, details, and materials. 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. As previously mentioned, Policy BNE25 of the Local plan set out what development is acceptable within the countryside, while BNE43 seeks to protect protected trees on development sites. The NPPF also sets out at paragraph 180 that planning decisions should protect and enhance valued landscapes and sites of biodiversity and contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystems.

### Landscape and Visual Impact

As indicated above development in the countryside would not be in accordance with Policy BNE25 of the Local Plan. The local landscape is generally open and largely rural however the area immediately around the site is also affected by the residential and employment areas to the northwest, northeast and east of the site, and the A228 to the south. As such, the site itself has an edge of settlement character, and is visually and functionally separated from the wider, more open landscape to its south and northwest.

The site itself also does not benefit from any specific high landscape sensitivity protection.

By virtue of the site layout with open space fronting to Fenn Street this allows open, connecting views across the site from the countryside and public footpath systems from the south across the site and retain a landmark view of the (former church). By virtue of the proposed landscaping and two storey nature of the development, over time the harm would be reduced as landscape mitigation matures. Appropriate landscape conditions, including maintenance are recommended to ensure the views across the site are maintained and provide mitigation.

### Layout

The proposal consists of a mixture of two storey dwellings which is reflective of the properties in the area. The development attempts to recreate a mixture of rural materials including wooden cladding and brick and use of car barns to reflect agricultural buildings. There are two terraces that front face toward the Radcliffe Highways which seek to imitate barn conversion buildings. The layout and design is therefore considered appropriate for this rural location.

### Heritage impact

There is the grade II listed Fenn Street Farmhouse to the southwest. However due to its location separated by the Ratcliffe Highway and the roundabout there will not be any significant harm.

## Trees

The application is supported by an Arboricultural Impact Assessment, Method Statement and Tree Protection Plan, which is considered acceptable. There would be the loss of 5 group 7 trees which were Hawthorne and Cherry trees. The landscaping masterplan shows more replacement trees in the buffer planting area and street trees to replace the lost trees. Appropriate conditions are recommended.

The site is located in a greenfield site within the countryside and therefore the application is not in accordance with the Policy BNE25 of the Local Plan. As per the guidance in the NPPF the harm to the countryside and landscape will need to be balanced against the Councils housing need and the Councils 5-year land supply will be required in the balancing section of the report below.

## *Amenity*

There are two main amenity considerations, the impact on neighbouring occupiers in terms of sunlight, daylight, outlook and privacy, and the standard of amenity which would be experienced by future residents of the site itself. Policy BNE2 of the Local Plan and paragraph 135 of the NPPF relates to the protection of these amenities.

## Neighbouring Amenity

By virtue, the siting, size, scale and location of windows within the development, orientation of the site and path of the sun and in relation and distance to neighbouring properties and their habitable room windows there would be no unacceptable impact on neighbouring properties amenities with regard to privacy, outlook, sunlight or daylight as proposed.

In relation to the proposed zoo overflow car park and noise and litter, MC/22/1736 concluded "In terms of hours of usage, this car park is only for use during hours of the zoo being open to the public. This is for the most part in the daytime and ceases at 6pm latest. It is not considered that the hours of use for this overflow car parking is excessive and therefore any issues relating to noise of car doors or engines does not apply in the evenings." Therefore, the continued use is not considered to be detrimental.

There is potential disturbance from noise and dust as a result of construction activity and consequently a condition requiring a Construction Environmental Management Plan (CEMP) is recommended.

## Occupier Amenity

The proposed dwellings have been considered against the Technical Housing Standards - nationally described space standard dated March 2015 (the national standard). The dwellings would be in accordance with these requirements.

As guidance, the Medway Housing Standards (interim) November 2011 (MHDS) states that private rear gardens for the width of the property should be 10m in depth or 7m when constraints exist. The proposed gardens of the houses exceed the minimum requirements. The maisonette properties at plots 12 and 13 have smaller provision, but much larger than would be provided for flats and is therefore considered acceptable.

The application is supported by a noise assessment which considers the impact on the future occupiers from noise from nearby roads and industrial units. The conclusions and recommendations of the assessment are considered acceptable subject to a condition to secure the scheme of protection.

Subject to the suggested conditions, no objection is raised in terms of the amenities of both the future occupiers and neighbour amenities under Policy BNE2 of the Local Plan and paragraphs 135 and 180 of the NPPF.

### *Highways*

The development is proposed to be served by a new access in approximately the same location as the existing access for the existing overflow car park. Tracking has been provided demonstrating it can provide two way working traffic and the proposed road structure is suitable for refuse and emergency service vehicles. The TRICS assessment demonstrates that the development would not have a significant impact on the nearby major road junctions.

With regard to pedestrian movement there is a 2m wide footpath to the east side of the access road does not extend far into the site and hedges are proposed on the boundary of the road, the development would then become a shared surface. This is considered acceptable. Additional footpaths are proposed to link to the existing footpath network on the A228 roundabout which is acceptable and aid connectivity. The applicant has provided a scheme of traffic calming measures and bus stop improvements which have undergone a road safety audit and are considered acceptable. An appropriate condition is recommended to ensure this is provided before the full occupation of the site.

There is no objection to the retention of the Fenn Bell overflow car park which is needed to prevent possible highway safety concerns. Part of the recommended CEMP condition will include how this will be managed during construction.

The development is considered to provide suitable car parking provision and layout. Conditions are recommended to prevent the enclosure and therefore usability of the proposed car ports. No details of cycle storage have been provided and therefore a condition to secure this is also recommended.

Therefore, with suitably worded conditions mentioned above, the proposal conforms to Policies BNE2, T1, T2, T3, T4 and T13 of the Local Plan and paragraph 115 of the NPPF.

## *Ecology and BNG*

It should be noted that this planning application was submitted before the mandatory BNG requirement legislation.

The application is supported by a Preliminary Ecological Appraisal (PEA) and a reptile survey which are considered to be acceptable.

With regard to reptiles, a reptile survey has been completed which indicates a low population of common lizards were recorded onsite. They could be impacted by the development's habitat clearance. A mitigation strategy has been proposed where a reptile receptor site will be created within the general area that the reptiles were recorded within the east corner of the site and enhancements. The mitigation, due to low population is considered acceptable, however a Construction Environment Management Plan (CEMP) is required to ensure this area is protected during construction with a verification letter to confirm that the reptile mitigation is in place prior to commencement.

There are hedgerows on site which have the potential for protected species such as dormice and nesting birds. Protection measures should be included within the CEMP.

With regard to biodiversity no metric has been provided. It is unlikely that this development will achieve a 10% measurable net gain. However, the proposed habitat creation/enhancement with suitable post development management could provide some biodiversity benefits. The measures that are seen to provide these are in the enhancement of open space areas for grassland habitats, increase in tree numbers and potential improvements to hedgerows present on the site. There are also other potential enhancements such as bat bricks and bird boxes. Consequently, a Landscape Management Plan condition is recommended to secure enhancement.

Subject to the suggested conditions and suitably securing details no objection is raised regarding Policy BNE37 of the Local Plan and paragraphs 180 and 186 of the NPPF.

## *Flooding/SUDS*

The application is supported by a Flood Risk Assessment, the site is located within flood zone 1 of the Environment Agency flood map but there are records of surface water flooding.

The proposed drainage strategy includes attenuation storage, a pond and permeable paving to connect to the ditch. This is considered to be acceptable in principle from both the Local Lead Flood Authority and the Lower Medway Internal Drainage Board subject to a more detailed scheme to be controlled under condition.

Subject to suitably worded conditions regarding the submission of a suitable SUDs scheme (including details of maintenance), a Construction Surface Water Management

Plan (CSWMP) and a verification report the proposed development is in accordance with paragraphs 168 and 175 of the NPPF.

### *Air Quality*

Policy BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF require new development to take account of the impact on air quality.

The application has been supported by an air quality assessment of which its methodology is considered to be acceptable and in line with guidance. The assessment predicts that it is unlikely that the development would have a significant impact on existing residential receptors including those within the Four Elms AQMA. On the basis of this assessment, only standard air quality mitigation would therefore need to be secured under this planning application. This includes low NOx gas fired boilers and EV Charging Points. The submission however confirms that no gas fired boilers will be installed but instead air source heat pumps will be provided. While EV charging points are to be provided for each dwelling and a communal dual unit. Appropriate conditions will secure these measures.

Subject to the securing of the standard mitigation via conditions no objection is raised to the proposal under Policies BNE2 and BNE24 of the Local Plan and paragraphs 180 and 192 of the NPPF.

### *Archaeology*

Policy BNE21 of the Local Plan relates to archaeological sites and directs that development should not be permitted unless an archaeological field evaluation has been carried out by an approved archaeological body in advance of development.

The application is supported by a desk-based assessment which provides an acceptable account of the site's archaeological potential. An appropriate condition is recommended.

Subject to the abovementioned condition the proposal is in accordance with Policy BNE21 of the Local Plan and paragraph 200 of the NPPF.

### *Contamination*

Policy BNE23 of the Medway Local Plan 2003 requires that land known to be or likely to be contaminated should be accompanied by detailed site examination and appropriate remedial measures to reduce or eliminate risk to human health and the wider environment be agreed.

While the site has not previously been developed, by virtue of the sensitivity of the future residential use of the site a watching brief condition is recommended.

Subject to suitably worded condition no objection is raised to the proposal under Policy BNE23 of the Local Plan and paragraphs 180 of the NPPF.

### *Climate change and energy efficiency*

The applicant has provided a list of energy efficiency mitigation measures within the Sustainable Design of the design and access statement. The applicant intends to achieve a 40% reduction of CO<sub>2</sub> emissions by utilising local materials to create energy efficient buildings with low embodied energy, reducing water consumption and the use of air source heat pumps. These measures are considered appropriate. An appropriate condition also requiring verification is recommended. The site would therefore be considered appropriate with regards to paragraph 159 of the NPPF.

### *S106 Matters*

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

### Community Facilities

A contribution of £10,778.24 towards community facilities within the vicinity of the site based on a contribution of £244.96 per dwelling.

### Libraries

A contribution of £9,293.68 towards equipment and facilities at library improvements of facilities and equipment at Grain and or Strood and or Community Mobile Library. Based on a contribution of £211.22 per dwelling.

### Sports provision.

A contribution of £14,321.56 towards improvements at Hoo Sports Centre based on a contribution of £325.49 per dwelling.

### Greenspace Services

A contribution of £42,686.71 to be split so that £40,552.37 would go towards improvements within the vicinity of the development and £2,134.34 (5%) would go towards the Great Lines Heritage Park.



## Schools

A contribution of £399,946.26 broken down to £74,072.88 for nursery provision within 2 miles of development site or SEND education within Medway, £181,815.06 for primary provision within 2 miles of development site or SEND education within Medway. £144,058.32 for secondary provision within Medway.

## Health

A contribution of £37,196.28 towards contribution towards extension/refurbishment or upgrading of existing proactive premises within the vicinity or contribution to a new facility if required based on a contribution of £845.37 per dwelling.

## Public Rights of Way

A contribution of £3,300 towards public rights of way improvements. This would be secured by a contribution of £75 per dwelling.

## Bus Services improvements

£50,000 contribution towards improvements to bus services in the area.

## 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 £328.27 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). Giving a total contribution of £14,443.88.

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/>.

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.

The applicants have accepted the requested contributions and are in the process of drafting a s106 agreement. The s106 package agreed would look to offset the impact of the proposed development on existing infrastructure and services. Consequently, no objection is therefore raised under paragraphs 55, 57, 58, 186 and 187 of the NPPF and Policies BNE2, S6 and BNE35 of the Local Plan.

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

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

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

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

- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>7</sup>, granting permission unless:
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 8 of the NPPF states that 11(d) also includes for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74).

In assessing the proposed development against the policies in the NPPF as a whole, as well as relevant Local Plan policies, the NPPF indicates that there are three dimensions to sustainable development: economic, social and environmental. It is, therefore, appropriate to balance the assessment of the development as set out above, against the Local Plan policies and policies in the NPPF in these terms and unless there are any

adverse impacts that would significantly and demonstrably outweigh the benefits, of doing so, planning permission should be granted.

### Economic

New residents within this area will generate more demand for local services and facilities and this would contribute to boosting the local economy. The application would provide employment opportunities in construction jobs and supporting local building trades, albeit that this would be for a temporary period whilst also supporting for a Small or Medium Enterprise (SME). Moderate weight would be given to these factors.

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

Lastly the funding secured by landowner from the housing development would also assist in the provision at the Fenn Bell Conservation Project to aid the support of an existing business. The works are subject to another planning application which is presently not in a position to be determined and have not been able to be agreed to form part of the section s106 and therefore cannot be secured by this permission and therefore this would carry negligible weight.

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

### Social

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

The development would deliver up to 44 dwellings towards housing land supply, of which 11 will be provided for affordable housing provider contributing to the identified need in the Medway area. It should also be noted that the development would be delivered by an SME developer who have agreed conditions to shorten timeframes for implementation on site which will see the required houses needed, built earlier than standard conditions allowed adding to this significant weight.

The proposed highway mitigation seeks to provide improvements to traffic speed management and improvements to the bus stops along Fenn Street and is also seen as social benefit for not just the future residents but other residents in the area. This would carry moderate weight.

Similarly, the application will secure play facilities onsite which would benefit the wider community as well as the future occupiers which would carry a moderate weight.

Lastly the funding secured by landowner from the housing development would also assist in the provision of projects at the Fenn Bell Conservation Project to aid its continued provision. This includes community engagement and community educational facilities. The works have not been able to be agreed by s106 and therefore this would carry negligible weight.

The proposed development by virtue of its location and distance from substantive services and infrastructure, would be car dominated. The development would result in some mitigation by including improvements to pedestrian links in this area, bus stop improvements and also a section 106 contribution towards bus service improvements. This harm should have a moderate weighting.

### Environmental

In terms of the residential development the applicants are confident that they can achieve a 40% reduction in CO<sub>2</sub>. Conditions are in place to ensure that electric vehicle charging points are incorporated into the reserved matters design. The Carbon reduction measures are considered to carry moderate weight given that some proposals are to meet the requirements of the NPPF but recognising that some go beyond the minimum for the newly proposed Part L of Building Regulations.

Landscaping is to be secured by condition and will ensure the provision of ecological enhancements.

The site would be development in a green field site in the Countryside contrary to the development plan and a landscape harm is identified as indicated earlier in the report. However, as the site has no landscape designation, and the adverse effects would be limited and contained within a relatively small area that is severed from the surrounding countryside and the impact declining over time as the proposed landscape planting begins to mature this weighting of this harm would be a moderate harm.

Conditions regarding contamination, SUDs, Air Quality and noise would offset the impact of the development and therefore considered neutral.

Within the planning balance there is the environmental harms to consider and the social harm about the site not being traditional sustainable.

It is considered that the social and economic benefits of this application for the provision of up to 44 new dwellings with 11 affordable housing which contribute towards the Councils five-year housing land supply is considered to demonstrably outweigh the impact of the countryside in this location.

With regard to the harm with the site being car dominant. The scheme does go some way to minimise this by providing pedestrian links through the site from the bus stop to the

existing footpath network. Finally, s106 contribution secured would try to aid the improvements to the bus service which could have wider benefits to other residents in the area. It is recognised that appeal inspectors have balanced this social harm against other developments in the area, however these have been minor schemes (1-4 dwellings) which are not providing the number of units proposed or any affordable provision as per this application under consideration and without the additional mitigation proposed listed above. Consequently, the benefits, most notably the provision of up to 44 new dwellings with 11 affordable housing towards the Councils five-year housing land supply is considered to demonstrably outweigh the harm of a car dominant location.

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 conditions and securing the required s106 matters.

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

Overall, it is considered that this proposal is acceptable due to the quick provision of housing and affordable housing required within the Medway area. These benefits have been considered in the planning balance against the negative impacts regarding the impact on the countryside and the car dependency. The scheme has been well designed in a way that is appropriate for this rural location and will be well landscaped. With the S106 mitigation and conditions proposed, the scheme is considered acceptable and is recommended for approval.

In light of the planning balance, the proposals are considered to comply with Policies S6, BNE2, BNE21, BNE24, BNE25, BNE37 T1, T2, T3, T4 and T13 of the Local Plan and paragraphs 11, 55, 57, 58, 115, 135, 159, 168, 175, 180, 186, 187, 192 and 200 of the NPPF.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received expressing a view contrary to officer's recommendation including those of the Parish Councils.

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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 on Medway Council's Website <https://publicaccess1.medway.gov.uk/online-applications/>