

MC/24/0266

Date Received: 6 February 2024

Location: Dillywood Garden Centre, Dillywood Lane, Wainscott, Rochester
Proposal: Construction of 12 detached dwellings with associated parking, access and landscaping - demolition of existing garden centre and associated buildings.

Applicant Provectus Developments
Stephen Naish

Agent Planning Insight
Penny Gratwicke
12-18 Theobalds Road
London
WC1X 8SL

Ward: Strood Rural

Case Officer: Nick Roberts

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 9th April 2025.

Recommendation: Approval subject to:

A. The applicant entering into a Section 106 agreement to secure the following:

a) Financial contributions as follows;

i) £97,944.11 toward mitigating the impact of the additional pupils generated by the development comprising;

Nursery - £21,163.68

Primary - £35,620.91

Secondary - £41,159.52

ii) £9,705.00 to support the creation of additional capacity in Primary Care premises required as a result of the increase in patient registrations.

iii) £3,939.24 towards Designated Habitats Mitigation.

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

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22_82_01 - Site Location Plan
22_82_02 Rev C - Proposed Site Plan/ Roof Plan
22_82_03 Rev B - Site Plan - Ground Floor Sheet 1 of 2
22_82_04 Rev B - Site Plan - Ground Floor Sheet 2 of 2
22_82_05 Rev A - Boundary Treatment Plan
22_82_08 Rev A - Refuse Strategy Plan
22_82_10 - Floor Plans and Elevations House Type A
22_82_11 Rev A - Floor Plans and Elevations House Type B
22_82_12 - Floor Plans and Elevations House Type C
22_82_20 Rev A - Floor Plans and Elevations Car Ports
22_82_21 - Plans and Elevations Cycle Store
22_82_25 - Proposed Street Elevations
22_82_26 - Proposed Street Elevations
22_82_27 - Proposed Street Elevations
22_82_101 Rev A - Proposed Area Plan
11912L.HSLP.001 Rev A - Hard and Soft Landscape Plan Sheet 1 of 2
11912L.HSLP.002 Rev A - Hard and Soft Landscape Plan Sheet 2 of 2
23148 001 - Site Access Visibility Splays
23148 TR001 - Swept Path Refuse Vehicle

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) has been 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 CEMP shall also incorporate measures as set out within the Preliminary Ecological Appraisal (ref; 2020/10/02b, dated 12 December 2023) to minimise the impacts on biodiversity.

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: To ensure the development does not prejudice neighbouring amenity and to safeguard biodiversity in accordance with Policies BNE2 and BNE39 of the Medway Local Plan 2003.

- 4 No development shall take place 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 (LLFA). The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction.

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

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

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

Reason: Required prior to commencement to manage surface water during construction and for the lifetime of the development as outlined at Paragraph 181 and 182 of National Planning Policy Framework 2024.

- 5 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: Required before commencement of the development to manage surface water post construction and for the lifetime of the development as outlined at Paragraph 181 and 182 of National Planning Policy Framework 2024.

- 6 An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, including risks to groundwater, whether or not it originates on the site. The scheme shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report shall be submitted to and approved by

the Local Planning Authority prior to the commencement of development. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archaeological sites and ancient monuments,
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management document (LCRM)'.

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.

- 7 A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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.

- 8 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of any development (other than development required to enable the remediation process to be implemented) unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given not less than two weeks written notification prior to the commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and submitted to and approved in

writing by the Local Planning Authority prior to the first occupation of any part of the development.

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.

- 9 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 6, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 7, which is subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in the approved remediation scheme a verification report providing details of the data that will be collected in order to demonstrate that the works set out in condition 8 are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 8.

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.

- 10 No development shall take place, until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include the following:
- i. A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities;
 - ii. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection;
 - iii. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
 - iv. The specification of the routing and means of installation of drainage or any underground services in the vicinity of retained trees;
 - v. The details and method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
 - vi. The details of the materials and method of construction of any development within the RPA, which is to be of a 'no dig' construction

method in accordance with the principles of Arboricultural Practice Note 12 "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway required in relation to its usage.

Thereafter the development shall be carried out in accordance with the approved details with the approved measures being kept in place during the entire course of construction activity.

Reason: To ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy BNE43 of the Medway Local Plan 2003.

- 11 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with paragraph 207 of the National Planning Policy Framework 2024.

- 12 No development shall take place until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains in accordance with paragraph 212 of the National Planning Policy Framework 2024.

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

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

Reason: In the interests of sustainability in accordance with paragraph 117e of National Planning Policy Framework 2024.

- 15 No part of the development shall be occupied until the cycle storage facilities have been provided in accordance with drawings 22_82_02 Rev C and 22_82_21 received 6 February 2025. The cycle storage facilities shall be retained in accordance with the approved details prior to first occupation and thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown for cycle and refuse storage facilities.

Reason: All new residential development requires provision of adequate accommodation for cycle storage to accord with Policies BNE1 and T4 of the Medway Local Plan.

- 16 Notwithstanding drawing number 22_82_05 Rev A no part of the development shall be occupied until a material schedule showing the different types of proposed boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed in accordance with the approved details before the building to which they relate are first occupied and shall thereafter be retained.

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

- 17 Prior to the first occupation of any dwelling herein approved (or within an agreed implementation schedule) a signed verification report carried out by a qualified drainage engineer (or equivalent) must be submitted to and approved 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: To ensure that a suitable surface water drainage scheme is designed and fully implemented so as to not increase flood risk onsite or elsewhere in accordance with paragraph 181 and 182 of the National Planning Policy Framework 2024.

- 18 No part of the development shall be occupied until the site access visibility splays have been provided in accordance with drawing number 23148 001 - Site Access Visibility Splays. Once provided, the splays shall thereafter be retained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level.

Reason: In the interests of highway safety and in compliance with Policy T2 of Medway Local Plan 2003.

- 19 No part of the development shall be occupied until the area shown on the submitted layout as vehicle parking spaces/garaging has been provided, surfaced and drained. Thereafter they 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 and visitor spaces.

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.

- 20 Prior to the first occupation of any dwelling herein approved an Ecological Enhancement Management Plan (EEMP) must be submitted to and approved in writing by the Local Planning Authority. The EEMP shall be based on the recommendations provided within the Preliminary Ecological Appraisal (ref; 2020/10/02b, dated 12 December 2023) and Biodiversity Management Prescriptions (produced by KB Ecology) and shall provide details of how these enhancements will be integrated into the site, together with a timetable for implementation. These enhancements shall be implemented in accordance with the approved details and retained thereafter.

Reason: To enhance biodiversity in accordance with the objectives of Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 21 No part of the development shall be occupied until full details of both hard and soft landscape works and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. These details shall include where applicable all public seating, footpaths, litter and dog bins, paving, underground utilities, SUDs and recreation space. Soft landscape works shall include details of a structural planting plan, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules and species of all plants, including hedgerows and trees, sizes and proposed numbers/densities where appropriate. It should also include the implementation of a strategy and timetable for the removal of existing non-native vegetation within the site boundary and its replacement with suitable replacements. The development shall be implemented in accordance with the approved details 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 including the buffer to the SSSI in accordance with Policies BNE1, BNE6 and BNE35 of the Medway Local Plan 2003.

- 22 No part of the development shall be occupied until a Landscape Management Plan (LMP), has been submitted to and approved in writing by the Local Planning Authority. The LMP shall include long term design objectives,

management responsibilities and maintenance schedules for all hard landscape areas (including footpaths) and soft 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.

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

- 23 Prior to any handover of the maintenance of the public landscape areas to a management company, there must be a site visit involving the Local Planning Authority, 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.

- 24 No part of the development shall be occupied until details of the proposed external lighting scheme including a plan showing the lighting design, underground cabling and location of the lighting has been submitted to and approved in writing by the Local Planning Authority. The plan shall include details of their location, height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels), demonstrating that areas to be lit will not disturb bats and other nocturnal animals. All external lighting shall be installed in accordance with the approved details and shall be maintained thereafter.

Reason: To ensure that the lighting design is appropriate in this location and does not impact on bats present in the area, in accordance with Policy BNE37 and BNE39 of the Medway Local Plan 2003.

- 25 The development shall be implemented in accordance with the measures to address energy efficiency and climate change as set out within the Renewable Energy and Climate Change Statement (Ref; PP2259/DW/ES/202312-NR, dated December 2023). Prior to first occupation of the development a verification report prepared by a suitably qualified professional shall be submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been undertaken and will thereafter be maintained.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 161 of the National Planning Policy Framework 2024.

- 26 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification), the dwellings herein approved shall remain in use as a single family dwellinghouse falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) (or any order amending, revoking and re-enacting that Order with or without modification) and no change of use to C4 shall be carried out unless planning permission has been granted on an application relating thereto.

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

- 27 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, AA, B, D, E, F, H and G 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 occupier amenity and Green Belt openness in accordance with Policies BNE1, BNE2 and BNE30 and 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 redevelopment of the site including the demolition of the former Garden Centre and its associated buildings and the construction of 12 detached, 4 bed dwellings with associated car parking, access and landscaping.

The application proposes three house types to provide variation in plan form with the first floor accommodation set within the roof space. The dwellings would range in height from approx. 7.1m (house type A) – 8.1m (house type B) when measured to the ridge. Parking would also be provided either in the form of attached garages (house type B) or as detached garages/car ports (house types A and C). The detached double garages/car ports would measure approx. 6m to the ridge and would range in size from approx. 7.3m x 5.9m – 5.9m x 6.8m. The car ports serving plots 3, 6, 10, 11 and 12 would have first floor office space within the roof with a dormer window. Surface parking would also be provided within each plot, with 3 on street visitor bays.

The applicant's Design and Access Statement states that the buildings have been designed to fit into their setting drawing inspiration from traditional agricultural buildings. This includes indicative materials such as multi-stock bricks, timber weatherboarding, plain tiled roofs and aluminium windows. The existing vehicular access onto Dillywood Lane would be retained to serve the development, with a new internal road network extending into the northern and south western section of the site to enable vehicular access to the houses.

The landscape strategy seeks to retain the hedgerows and trees around the boundary of the site with new planting and permeable paving within the site itself which would include new trees, shrubs and wildflower mix. An area of open space is also proposed within the north west corner of the site.

Site Area/Density

Site Area: 1.66 hectares (4.1 acres)

Site Density: 7 dph (3 dpa)

Relevant Planning History

MC/01/2027	Outline application for demolition of garden centre buildings and the conversion of two buildings into two detached houses with garages and the construction of three detached houses with garages and a terrace of four 2-bedroomed cottages with associated parking. Decision: Refused Date: 23 April 2003 Dismissed at Appeal 24 November 2003
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Representations

The application has been advertised on site, in the press and by individual neighbour notification to the owners and occupiers of neighbouring properties. Frindsbury Extra Parish Council, EDF Energy, National Grid, SGN, Southern Water Services, Royal Society for Protection of Birds, Natural England, Kent Wildlife Trust, Kent Police, Gravesham Borough Council, KCC Biodiversity and KCC Archaeology have also been consulted.

6 letters of representation have been received objecting to the application raising the following concerns;

- Negative impact on community with increased noise and disturbance.
- Overdevelopment.
- Impacts during construction.
- Highway safety and impact of development on traffic flow on Dillywood Lane.
- Location of proposed cycle storage would not encourage use of cycles for everyday trips.
- There are no services or facilities nearby which would mean people who live there will drive.
- Impact of development on existing infrastructure such as doctors and utilities.

- Impact on residents of Higham.
- Impact of development on local landscape.
- Density of development is out of character with area.
- The houses are not affordable.

Frindsbury Extra Parish Council have objected to the application based upon the site's unsustainable location being down a single track road with limited passing places and no footpaths which means to leave the development residents would have no choice but to use their vehicles or risk their safety walking in the road. They have also raised concerns in respect to the development being on Green Belt land.

Higham Parish Council have objected to the application on the basis that the development would increase vehicle movement which would cause additional traffic around the Higham end of Dillywood Lane. They also consider that the road leading to the proposed site is unsuitable for the proposed development with no streetlighting, and if approved could set a precedent to potentially turning the area into a new hamlet or village. They also raise concerns about the additional water and drainage/sewer provision.

Southern Water Services have advised that the applicant should contact the EA directly regarding the use of private wastewater treatment works. Standing advice has also been provided regarding the adoption of Sustainable Drainage Systems (SuDS) and sewerage systems.

The **Dickens Country Protection Society** have objected to the application on the basis that the site is in the Green Belt and the proposed use does not conform with Green Belt policies. They have also raised concerns in respect to the access to the site and its poor sight lines, and the fact that the proposal is out of character with the surrounding area which consists mainly of ribbon development.

Kent Police have welcomed further discussions with the applicant/agent about site specific designing out crime approaches and have provided additional advice with respect to lighting, boundary treatments, natural surveillance and other approaches that could be implemented within the development.

Natural England raise no objection subject to securing appropriate mitigation for recreational pressure impacts on habitat sites via an appropriate assessment. The appropriate assessment concludes that subject to securing the SAMMS mitigation contribution there will be no adverse effect on the integrity of the European Site(s) (habitats site(s)) in relation to recreational disturbance.

UK Power Networks have provided details of electrical lines and plant in the area. They have also provided standing advice with regards to working near their equipment. The applicant is also advised to contact UK Power Networks should excavation affect extra high voltage equipment (6.6KV, 22 KV, 33 KV or 132 KV).

National Grid have advised that the area has been found to not affect any of its National Gas and Electricity transmission apparatus.

SGN originally objected to the application on the basis that there are high pressure pipelines in the vicinity of the proposed development. The high pressure pipelines are located outside the site boundary in the adjacent land parcel to the north. Although there are medium pressure lines that run through the proposed area of open space to the north and along the western boundary an appropriate easement has been accounted for. An informative will be added to advise the applicant to engage with SGN before works start on site.

KCC Biodiversity have advised that sufficient ecological information has been provided. If planning permission is granted, they have requested that a condition is imposed securing the implementation of sensitive working measures as part of the CEMP. They have also requested a condition requiring the submission of an ecological enhancement management plan.

Gravesham Borough Council have raised no objection to the application. However, they have requested that the Council consider the highways impacts of the development.

KCC Archaeology originally requested additional information in respect to Palaeolithic archaeology. Following the submission of a Geoarchaeological Evaluation KCC have confirmed that the report (along with the existing desk-based assessment) provides sufficient information to understand the potential significance of the deposits at the site and how the proposed development might impact any archaeology. As such they raise no objections subject to conditions.

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 2024 (the NPPF) and are generally considered to conform. Where non-conformity exists, this will be highlighted and addressed in the appraisal section below. The Medway Landscape Character Assessment, 2011 (the MLCA) is also applicable.

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 site is located outside the built confines of Strood as defined in the proposal maps to the Local Plan, within the Metropolitan Green Belt and in the Dillywood Lane Area of Local Landscape Importance (ALLI). 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 sites using a sequential approach to location.

Policy BNE25 of the Local Plan is also applicable and sets out the approach for development in the open countryside. This policy states that development in the countryside will only be permitted if it maintains or enhances the character, amenity and functioning of the countryside, offers a realistic chance of access by a range of transport modes and meets one of the listed exceptions; mainly it is on a site allocated for that use; the development essentially demands a rural location, or it would involve the re-use or adaptation of an existing built-up area.

Policy BNE30 of the Local Plan relates to the Green Belt and stipulates a general presumption against inappropriate development. The policy seeks to ensure the open character of the Green Belt is retained, and that development accords with its purpose of including land in the Green Belt. It also states that new buildings will only be permitted for agriculture or forestry, essential small scale facilities, limited extensions or limited infilling within the village boundary of Upper Halling.

Policy BNE34 is also relevant and states that development will only be permitted if it does not materially harm the landscape character and function of the area, or the social and economic benefits, are so important that they outweigh the local priority to conserve the areas landscape. The proposed development would also be served by a rural lane to which Policy BNE47 of the Local Plan is applicable. This policy seeks to maintain the value of the rural lanes in terms of their landscape, amenity, nature conservation, historic or archaeological importance. In the case of this application, it would be utilising the existing access serving the former Garden Centre.

However, it is acknowledged that the Local Plan is of some age, being adopted in 2003, the Council does not currently have a five-year housing land supply and as of 31 March 2023 Medway's 5 year housing land supply stands at 3.3 years. In terms of delivery and in the latest Housing Delivery Test, the Council had only delivered 72% of its target number of dwellings compared with the defined housing requirement. This is despite a significant increase in the number of homes delivered and indeed the highest levels of delivery Medway has had since its inception in 1998. This means that the Council must prepare a new Action Plan to demonstrate how it is working with the development industry to increase delivery, with a 20% buffer added and the presumption in favour of sustainable development applies.

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).

In terms of national policy, paragraph 61 of the NPPF seeks to significantly boost the supply of homes by ensuring that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. Paragraph 73 of the NPPF also recognises the contribution that small and medium sized sites can make to meeting the housing requirement and are often built-out relatively quickly.

Paragraph 124 of the NPPF asserts that planning policies and decisions should promote the effective use of land in meeting the need for homes and other uses, and

strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield' land. Furthermore, paragraph 125(c) of the NPPF gives substantial weight to the value of using suitable brownfield land within settlements for homes and promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing. Proposals for which should be approved unless substantial harm would be caused.

Section 13 (Protecting Green Belt Land) of the NPPF attaches great importance to Green Belts. Paragraph 142 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 153 of the NPPF asserts that when considering proposals affecting the Green Belt, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

However, paragraph 154 of the NPPF includes a list of exceptions where development in the Green Belt is not considered to be inappropriate. Paragraph 154(g) is of relevance in this regard which allows for the limited infilling or the partial or complete redevelopment of previously developed land (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt. This exemption has been changed in the 2024 version of the NPPF in that previously (2023 version) the exemption required the development to not have a greater impact on the openness of the Green Belt than the existing development. The test on openness of the Green Belt is now essentially more relaxed moving from "no greater impact" to "not cause substantial harm".

Previously developed land is defined within Annex 2 of the NPPF as:

"Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

As a former Garden Centre, comprising various buildings, structures and large areas of hardstanding the application site would meet the definition of previously developed land and would therefore partially meet the exception under paragraph of 154(g) of the NPPF through the reuse of previously developed land. Therefore, the remaining area

to examine is whether the scheme would cause substantial harm to the openness of the Green Belt.

Green Belt Openness

The proposal would involve demolition of all structures and buildings from the site such as the main Garden Centre Building, a number of glasshouses and polytunnels and various outbuildings. A total of 12 dwellings would be built across the site in the place of the demolished structures and existing hardstanding, with associated car parking, access and landscaping.

In terms of overall footprint the existing buildings, structures and hardstanding cover an area of approx. 6,550sqm whilst the proposed buildings and hardstanding (including the access road) cover a total area of approx. 5,590sqm. This equates to an approx. 960sqm reduction in overall building footprint and hardstanding. In volumetric terms the existing volume of building and structures would be approx. 4,584.43 cubic metres whilst the proposed volume would be approx. 10,658.96 cubic metres.

There is no doubt therefore that the proposal would give rise to some degree of change through the increase in mass, permanence and solidity of built structures on site. The introduction of such would run counter to the concept of openness being the freedom from built development. Therefore, there would be an acknowledged degree of harm to openness. In a spatial sense, the proposals would intensify the number and spread of buildings within the red line site area to an extent that would obviously differ from the current arrangement and appear more urban in character than the surrounding residential developments. In addition to the new buildings the proposals would also see the introduction of residential paraphernalia across the site including parking areas, garages and other items which generally emerge as a result of a residential use.

Visually, the site is largely vegetated and enclosed around all of its boundaries. The application has been submitted with a Landscape and Visual Impact Assessment (LVIA) (Ref; DPLC/312/LVIA, dated 5 February 2024). The assessment represents the most susceptible and sensitive visual receptors located within the zone of theoretical visibility and as per a methodology agreed by the Council's Senior Landscape officer at the time. This included a total of 14 receptor viewpoint locations including Dillywood Lane, Hermitage Road which sits at an elevated position to the North and the various public rights of way (PRoW) located around the site (NS134, NS137/1 and RS1340). The public views of the buildings would be largely restricted with the potential glimpses of parts of dwellings in a limited number of receptor views from Dillywood Lane immediately adjacent to the site entrance (View 1) and further along Dillywood Lane to the east (View 2). There would also be private views capable of being obtained from the neighbouring dwellings to the east and south. Although there could also be public views from Hermitage Road and PRoW NS137/1 given their elevated position to the north the overall effects would be negligible. Taking these factors together, there would be a modestly erosive effect on the openness of the Green Belt given the increased total volume and heights of buildings.

The site is located within Land Parcel 1 as identified within Medway Council's Green Belt Review (GBR), December 2018. The GBR states that this parcel should be viewed integrally with Parcel 2 and concludes that Parcel 1 has a moderate/high contribution to the purpose and aims of the Green Belt. Whilst this document was produced as part of the evidence base to inform the production of new Green Belt policies to be captured in the emerging Local Plan, it dates back to 2018 and prior to the publication of the NPPF and its revised policy on Green Belt development. Therefore, the contribution of this particular site to said Green Belt purposes needs to be considered in respect to paragraph 154(g) of the NPPF.

Taking account of both the spatial and visual dimensions of Openness as established by case law (Turner v Secretary of State for Communities and Local Government 2015), and considered overall, there would be some harm to the openness of the Green Belt. That degree of harm would be modest. However, this would not amount to a substantial degree of harm to the openness of the Green Belt. Given the findings above, the proposal would not constitute inappropriate development within the Green Belt under the terms of paragraph 154(g) of the NPPF. In light of this there is not a requirement to justify Very Special Circumstances.

Isolated Homes

The NPPF at paragraph 84 states that planning policies and decisions should avoid the development of isolated homes subject to a number of criteria none of which would apply to this development. There are existing residential properties bordering the sites eastern and southern boundaries as well as several dwellings located along Dillywood Lane further to the east (Stone House Fram/1-2 Dillywood Lane) and west (1-4 Dillywood Cottages). In this context, the site cannot be reasonably described as 'isolated' within the terms of paragraph 84 of the NPPF.

Landscape and Visual Impact

The site is located within the Dillywood Lane ALLI which extends from the north west edge of Strood and Wainscott to the borough boundary. The Local Plan states that its function creates an attractive, rural setting to the Medway Towns Northern Relief Road, and connects to the Higham Upshire ALLI in Gravesham. Therefore, it constitutes an established rural landscape in close proximity to a large urban area.

Policy BNE25 of the Local Plan states that development in the countryside will only be permitted if it maintains, and where possible enhances the character, amenity and functioning of the countryside. Policy BNE34 is less restrictive, and states that development will only be permitted if it does not materially harm the landscape character and function of the area, or the social and economic benefits, are so important that they outweigh the local priority to conserve the areas landscape. The NPPF also sets out at paragraph 187(a) that planning decisions should protect and enhance valued landscapes and sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the development plan.

The site also falls within Landscape Character Area 13 Cliffe Woods Farmland of the Medway Landscape Character Assessment (MLCA). The MLCA describes the

characteristics of the Cliffe Woods Farmland as an undulating and complex mix of arable farmland and orchards and identifies poplar shelter belts as a dominant feature along lanes, roads and fields providing a strong sense of enclosure. The application site is largely vegetated and enclosed around all its boundaries by a mix of Poplar, Alder, Leyland and Pine trees such that the site is physically contained and well screened when viewed in context with the wider landscape.

The guidelines within the MCLA seeks to strengthen biodiversity value, resist development that would threaten the loss of rural and locally distinctive character, discourage the introduction of visually intrusive elements, maintain separation and openness between rural settlements and promote the use of native species. The overall condition is identified as being 'moderate' with a 'moderate' sensitivity.

As a former Garden Centre, with its associated buildings/structures and large areas of hardstanding the existing site would not contribute to the wider characteristics of the Cliffe Woods Farmland character area. As discussed earlier in this report the application has also been accompanied with a Landscape and Visual Impact Assessment. As demonstrated by the LVIA views of the development will be largely restricted to a limited number of views from Dillywood Lane and from Hermitage Road and PRow NS137/1 to the north. Overall, the visual effects of the development would be negligible and any resultant harm would be more localised in nature. In addition, and although there would be private views from the neighbouring dwellings, they would have existing views of the Garden Centre, and its associated buildings, structures, hardstanding areas and storage.

New landscaping is also proposed as part of the development which seeks to use planting suitable to reinforce local character and avoid introducing boundary treatments that would lead to suburbanisation. This includes the use of native species. A strategy will also be implemented to replace existing vegetation within the site boundary which is uncharacteristic of the wider landscape character setting. This will be secured by condition and will ensure that the landscaping proposed will be more suitable whilst still providing the necessary landscape mitigation over time.

Overall, and when taking into account the existing site conditions and its previously developed nature, it is considered that the development would not result in any unacceptable harm to the ALLI, nor the wider countryside. Furthermore, any visual impact is likely to be further mitigated overtime through appropriate landscaping which can be secured via condition.

Design, Scale and Layout

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 also emphasises the importance of good design. In particular, proposals should be visually attractive as a result of good architecture.

The character of the site is defined by its former uses, comprising the main Garden Centre Building, a number of glasshouses and polytunnels and various outbuildings set around hardstanding. Overall, the site itself is considered of little townscape value.

Beyond the site boundary to the east and south of the site are residential properties, with an agricultural building and yard opposite the site with additional residential properties located approx. 300m to the west (1-4 Dillywood Cottages). As previously discussed, the screening afforded to the site by boundary planting and surrounding development, limits visibility from surrounding views. These are limited principally to immediate, glimpsed views from the adjoining roads, with some glimpsed views from the surrounding countryside.

As a residential scheme, the proposed development will undoubtedly change the character of the site. In this regard a traditional design is proposed with a material palette representative of the local building typology and sympathetic to architectural styles found within the locality. This also includes the introduction of some contemporary features such as bifold doors, natural vertical boarding and glazing extending up to the gables. These modern features help to give the proposals its own distinctive character. The scale and layout of the buildings are also considered to be appropriate and sympathetic to those within the locality and incorporates larger plot sizes and lower floor area ratios. There is also some variation in the individual design and architectural features of the houses, for example through the inclusion of small gable features and hipped roofs. The palette of materials is also proposed to vary across the development including brick tones, timber cladding and oak framed structures. The material palette, while not fully confirmed, is well described and considered acceptable. Further details of which will be secured by condition.

The existing vehicular access into the site will be retained with a new internal road network with shared surfaces. Although the proposed layout would be more diverse in terms of building placement and would be at odds with the more linear development to the west, it is considered that overall, the proposed scheme has adopted a sensitive approach to delivering a small residential development on this brownfield site. A scheme of landscaping is also proposed which seeks to replace and enhance the hedgerows and trees around the boundary of the site with new planting to reinforce local Character. This includes the planting of native hedgerows, shrub mix and new tree planting to enhance its biodiversity value. The scheme would increasingly over time, assist in softening the impact of buildings and integrate the development into the street scene.

The NPPF promotes access to open spaces (paragraph 98) and recognises their importance in providing important physical and mental health benefits. Policy L4 of the Local Plan also encourages proposals which include new leisure and recreation facilities where they are adequate to meet the needs generated by new proposals. An area of open space has been provided within the northwestern corner of the site. This would be in addition to the large gardens that would serve each plot. Overall, the design, scale and layout of the development is considered acceptable and subject to conditions requiring further details with respect to external materials and landscaping no objections are raised with regard to Policy BNE1 of the Local Plan and paragraphs 131 and 135 of the NPPF.

Affordable Housing

Policy H3 of the Local Plan sets a target of 25% for developments of 15 or more dwellings in rural locations. The development proposed is for 12 dwellings and as such the provision of affordable housing is not required based on the quantum of units proposed.

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 Amenity

The site is bounded by agricultural fields to the north and west, a residential property to the east sitting within a substantial plot, and a residential property to the south immediately adjacent to the access to the Garden Centre. Given the arrangement of the proposed dwellings within the site and their distance from these adjacent residential properties, the impact on neighbouring amenity is considered to be acceptable having due regard to daylight, outlook, privacy and overshadowing.

Similarly, and when taking into account the former use of the site as a Garden Centre and based on the applicants Transport Assessment, there would be an overall decrease in comings and goings when compared to the former use. Therefore, the development is unlikely to have a detrimental impact in respect to the noise and disturbance that may be experienced in connection with a residential use.

However, it would be appropriate to impose a condition requiring the submission of a Construction Environment Management Plan due to the scale of the proposal and the impact that the construction period could have on the amenities of local residents.

Future Occupiers Amenity

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.

All dwellings would exceed the nationally described space standards, and all habitable rooms would be provided with suitable outlook. Private amenity space is also provided, in the form of large private gardens.

The proposal is therefore considered to comply with Policy BNE2 of the Local Plan and paragraph 135 of the NPPF.

Noise

A revised Acoustic Assessment (ref; 2032-AF-00001-03, dated 22 April 2024) has been submitted with the application. The main source of noise will be the A278 Hasted

Road, with a smaller contribution from local traffic on Dillywood Lane. There are also some farm buildings located opposite the site to the southeast, but this is unlikely to be a significant source of noise. A Gas Pumping/Booster Station is also located immediately to the northeast of the site, but the acoustic assessment confirms that there is no audible noise from this equipment. Therefore, noise will not be a constraint to the development, and standard mitigation i.e. thermal double glazing and trickle vents will be satisfactory for mitigating road traffic noise levels. In light of this no specific noise mitigation conditions will be required.

In view of the above the proposal is in accordance with Policy BNE2 of the Local Plan and paragraphs 135, 187 and 198 of the NPPF.

Contamination

A Phase 1 Desk Study contaminated land assessment has been submitted as part of the application (ref; 3780-201015-TA). The contaminated land assessment does identify the potential for contamination on the site resulting from the previous land use and recommends a phase 2 intrusive investigation is undertaken to refine the risk assessment and validate the conceptual site model. Subject to conditions requiring further intrusive site investigations and remediation if applicable, no objection is raised in regard to Policy BNE23 of the Local Plan and paragraphs 196 and 197 of the NPPF.

Flooding and Drainage

A Drainage Strategy Report (dated 4 December 2023) has been submitted with the application. 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. Mapping also shows that the site is subject to very low risk of surface water flooding.

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.

It is proposed that surface water from the impermeable areas will discharge to soakaways and the surface water drainage system will take the form of a network of pipes transferring surface water from the buildings. Roof and access road drainage will also discharge to suitably sized soakaway chambers. Foul drainage will discharge to a suitably sized treatment plant with a dowsing unit before effluent is discharged to a drainage field or soakaway. It is proposed that Sustainable Urban Drainage Systems (SUDS) will be the primary consideration for surface water management which will include conventional soakaways and permeable paving.

Subject to conditions, requiring the submission of further details with respect to a sustainable drainage scheme, a method for the temporary management of surface water throughout the construction phase and a signed verification report confirming the agreed surface water system has been implemented, no objections would be raised to the proposed drainage strategy. Consequently, the development would be in

accordance with Policy CF13 of the Local Plan and paragraphs 170 and 181 of the NPPF.

Archaeology

An Archaeological Desk Based Assessment (Ref; PN4260, dated June 2024) has been submitted with the application. The assessment provides a good account of the archaeological potential of the site and for the Palaeolithic period the desk-based assessment concludes that the site has a “high potential for Palaeolithic archaeology of up to international significance”. Given the high potential for important (high significance) archaeology a Geoarchaeological Evaluation (Ref; 2024307, dated February 2025) has been undertaken in accordance with a Written Scheme of Investigation (Ref; 2024307, dated October 2024) as agreed by KCC Archaeology.

Fluvial Pleistocene deposits have been recorded on the site at varying depths below the present ground surface. They are highly likely to relate to the Higham River, which has previous association with several nearby internationally significant Palaeolithic sites. The location was previously identified in the Medway Valley Palaeolithic Project (2007) as having high Palaeolithic potential on the as yet unproven basis that such deposits were present. Although no artefacts or ecofacts were encountered during the evaluation, their presence on site should not be discounted due to the small sample size of these initial works. The site therefore has a high potential to contain significant Palaeolithic archaeology and deposits worthy of sampling for palaeoenvironmental proxies and scientific dating. Overall, it is considered that the Geoarchaeological Evaluation report (along with the existing desk-based assessment) provides sufficient information to understand the potential significance of the deposits at the site and how the proposed development might impact any archaeology in accordance with the requirements of paragraph 207 of the NPPF.

Subject to conditions to secure the implementation of a programme of archaeological work prior to commencement, as well as further details of the foundations designs, no objection is raised under Policy BNE21 of the Local Plan and paragraph 207 of the NPPF.

Ecology

A Preliminary Ecological Appraisal (ref; 2020/10/02b, dated 12 December 2023), Biodiversity Net Gain Assessment (ref; 2020/10/02b, dated 25 January 2024), Biodiversity Management Prescription and Biodiversity Net Gain Metric and Condition Assessment has been submitted with the application.

No further survey works are required in relation to protected species, and the Preliminary Ecological Appraisal (PEA) has reasonably ruled out the potential for impacts to reptiles and bats, as long as precautionary measures are adopted. It is therefore recommended that the precautionary approach to avoiding harm to reptiles as detailed in section 4.4 of the PEA is adopted and incorporated into a Construction Environmental Management Plan (CEMP). This can be secured as a condition.

Although the presence of bat roosts has not been discounted, all the buildings proposed for demolition were determined to have negligible suitability for roosting bats

within the PEA. Three poplar trees on site were determined to have high suitability for roosting bats, but no disturbance to these trees is anticipated as they are not directly affected by the proposed development. However, on the basis that the site provides suitable habitat for roosting, foraging and commuting bats, a sensitive lighting strategy is recommended. This lighting strategy should seek to minimise light spill into habitats used by bats and should incorporate timers/motion sensors where health and safety allows. Further details of which could be secured by condition.

Ecological Enhancements and Biodiversity Net Gain

Under the Environment Act 2021, planning applications submitted in England (with some exemptions) for major development from 12 February 2024 and for small sites from 2 April 2024 are required to deliver at least a 10% biodiversity net gain (BNG). Where required, the Defra Statutory Metric will need to be used to demonstrate a minimum 10% biodiversity net gain.

Paragraph 187 of the NPPF states that planning decisions should minimise impacts on and provide net gains for biodiversity and paragraph 193 states that when determining applications opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity.

As the application was made before the 12 February 2024 there is no statutory requirement for mandatory 10% BNG. However, and notwithstanding this, a Biodiversity Net Gain (BNG) report and metric have been submitted as part of this planning application. Overall on-site habitat gains (achieved through a mixture of creation and enhancement) are 90.95% and hedgerow gains are 25.49%, which satisfies the NPPF's requirements for measurable net gain and would far exceed the mandatory provision if it applied.

As part of the PEA, enhancement measures have also been proposed, this includes the provision of hedgehog nesting boxes, bird boxes, integrated swift bricks and bat boxes. Although there would be no requirement for a separate BNG plan, a condition would be imposed requiring an ecological enhancement management plan to be submitted demonstrating how the site and buildings will be enhanced to benefit biodiversity.

Subject to the aforementioned conditions no objection is raised with regards to Policies BNE37, BNE38 and BNE39 of the Local Plan and paragraphs 187 and 193 of the NPPF.

Trees

The application has been submitted with an Arboricultural Report (ref: GRS/TS/TCP/AIP/TPP/AIA/42/22, dated 24 January 2024). The report states all retained hedgerows and trees shall be protected during construction in line with standard arboriculturist best practice (BS5837:2012) or as otherwise directed by a suitably competent arboriculturist. This will involve the use of protective fencing and temporary ground protection as well as other methods appropriate to safeguard the root protection areas of retained trees/ hedgerows.

However, the report states at paragraph 6.5 that the location of the underground services has not been provided, and as such a condition would be required to secure a more detailed arboricultural impact and method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation during the construction phase.

Subject to the aforementioned condition no objection is raised with regards to Policy BNE43 of the Local Plan.

Highways

Policies T1, T2 and T13 of the Local Plan states 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 110 of the NPPF advises that significant development should be focused on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. Paragraph 115 of the NPPF also states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised.

Paragraph 116 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 following mitigation would be severe, considering all reasonable future scenarios.

The application has been submitted with a Transport Assessment (TA) (ref; 23148, dated January 2024). According to the TA The former Garden Centre was open between the 09:00 – 17:00, 7 days a week.

Appropriateness of Location

Dillywood Lane is a single track road with limited passing opportunities. Although the lane is subject to the national speed limit (60 mph), the carriageway width and its meandering alignment encourages much lower vehicle speeds. This is reflected in the applicants Transport Assessment which based on the survey data recorded maximum vehicle speeds not exceeding 27.4 mph (at the 85th percentile).

With the exception of a brief section of footway that passes the bridge crossing over the A289 approximately 150m west of the site, there are no footpaths or designated cycle facilities along Dillywood Lane and no street lighting. The nearest amenity is the Stone Horse Public House located approx. 500m to the east with the urban edge of Strood approx. 1km to the south.

Approx 300m west of the site access, a Public Right of Way (PRoW) connects Dillywood Lane with Brompton Farm Road. This would provide a connection to the built up residential area of Strood. Though it may be viable for some future occupiers of the development to use the Public Right of Way (PRoW) network to access the services and facilities that are either within or outside of the closest settlements to the site, the route has no formal service treatment and is unlit. Therefore, it would not be

an attractive route for most users, particularly at night or during incremental weather. Due to the surface treatment, it would not be suitable for all users particularly those with pushchairs or for wheelchair users.

The nearest bus stops (northbound and southbound) are located on the B2000 Lower Rochester Road which is located approx. 650m east of the site access along Dillywood Lane. Both bus stops are unsheltered flagpole stops, and the southbound stop is located along the grass verge, which is not directly connected to the footpath. There are no controlled crossing areas from Dillywood Lane to the opposite side of the B2000 and vice versa. Whilst the frequency of the combined bus services would operate fairly frequently from 7:45am – 7pm, users would have to proceed for some distance along Dillywood Lane, which as mentioned above is unlit and has no pavement and embankments to the majority of the verges, to reach these stops.

At the western extent of Dillywood Lane, additional bus stops are provided on the A226 Gravesend Road, but this would involve walking a greater distance. Furthermore, and with the exception of a brief section of footway provided as part of the bridge crossing over the A289, this route would also have no pavements or street lighting.

Although cycle storage facilities would be provided on site, and provision would also be made for electric cycle charging, for the reasons discussed above, it cannot be concluded that the site is well connected with particular regard to the accessibility of nearby services and public transport. Occupiers would therefore be largely reliant on the private motor vehicle for the majority of day to day journeys. Consequently, the development would conflict with Policy BNE25 in that the development would not offer access by a range of transport modes. It would also conflict with the parts of the NPPF that seek to promote sustainable travel. This is revisited in the Planning Balance section of this report below.

Access and Highway Safety

The Transport Statement states that pedestrian access will be shared with the vehicular access taken from Dillywood Lane and will utilise the existing access point to the former Garden Centre. As the access road then enters into the site it will split with a new internal road network extending into the northern and southwestern section of the site to enable vehicular access to the houses. At the terminus of each of these routes, a turning head is provided.

Although Dillywood Lane is subject to the national speed limit (60 mph), an Automatic Traffic Count (ATC) survey was undertaken. The results found that the 85th percentile speed is 25.9mph to the northeast and 27.4mph to the southwest. This would equate to required visibility splays of 2.4m x 35m to the northeast and 2.4m x 38m to the southwest at the site access as per Manual for Streets guidance.

The visibility splays at the site access are illustrated in Drawing No. 23148-001 appended to the Transport Statement. These show that maximum visibility splays of 2.4m x 17.4m to the northeast and 2.4m x 33.1 to the southwest are achievable due to land ownership constraints. Although the proposed visibility splays would fall below Manual for Streets guidance of relevant consideration is the former use of the site. As detailed above, access into the development will utilise the existing access serving the

former Garden Centre. In addition, and as outlined in more detail in the Highway Capacity section of this report below, the TRICS data indicates a significant decrease in the number of vehicles using the access across a 12-hour daily period when compared to the former use. The proposed development would not therefore result in an intensification in the use of the access. Furthermore, accident data analysis has also been reviewed of the network in the vicinity of the site covering the most recent five-year period and preceding 10 year period as far back as 2009. The data reveals that there has only been one collision along Dillywood Lane in 2016 and this was not within the vicinity of or attributed to the site access.

Therefore, there is no clear evidence to indicate that the existing arrangement, despite its deficiencies, including a shortfall in visibility, is operating to the detriment of highway safety. Furthermore, the proposed development would result in a reduced number of vehicle trips. Consequently, no objection is raised with regards to Policy T2 of the Local Plan and paragraph 116 and 117 of the NPPF.

Servicing

As a residential proposal it would be expected that the development will typically be serviced by refuse vehicles and home food and non-food delivery vehicles, as well as maintenance vehicles for the areas of open space etc. To assess the maneuverability of servicing vehicles on-site, a swept path analysis has been completed. Drawing number 23148 TR001 appended to the Transport Statement demonstrates that a refuse vehicle can safely and efficiently manoeuvre within the proposed site.

Parking

The adopted vehicle parking standards require the provision of 2 spaces per three-bedroom + dwelling with the provision of 0.25 spaces per dwelling for visitors. This would yield a total requirement for 27 spaces including visitors. Under the proposed scheme, a total of 36 parking spaces (including 3 visitor spaces) would be provided which would exceed these adopted standards.

The development will also provide a total of 48 cycle parking spaces (4 per dwelling) within a secure, covered cycle parking store which would be located within the curtilage of each dwelling. A condition would be imposed to secure the provision and retention of the parking spaces and cycle storage on site prior to occupation.

It is noted that within paragraph 117 of the NPPF there is a requirement for new developments to be fitted with electric vehicle charging points and therefore a condition would be attached with any subsequent approval to fulfil this objective.

In above of the above no objection is raised with regards to Policy T4 and T13 of the Local Plan and paragraph 117 of the NPPF.

Highway Capacity

In order to assess the movements associated with the proposed land use, the Transport Assessment has used TRICS. This generation assessment shows that the proposed development will result in a negligible increase during the AM peak hour (+2

two-way person trips), a reduction in the PM peak hour (-6 two-way person trips), and a significant reduction across a daily period (-292 two-way person trips). In terms of total vehicle trips, there would be an increase of 2 trips and a reduction of 4 trips in the AM and PM peak hours, respectively, and a reduction of 211 trips across a 12-hour period. These trip generation figures forecast a significant reduction in the number of vehicle movements using the site access from the development proposals.

It is also likely that the former use as a Garden Centre would have produced more vehicle trips involving larger vehicles (LGVs or HGVs), aligning with typical delivery needs for a retail establishment offering larger goods. In contrast, the proposed residential use is expected to generate a reduced demand for LGV or HGV trips.

Having reviewed the TRICS output, it is noted that a robust methodology was adopted, and trip rates are considered acceptable. Consequently no objections are raised with regards to Policy T1 of the Local Plan and paragraph 116 of the NPPF.

Climate Change and Energy Efficiency

The applicant has submitted a Renewable Energy and Climate Change Statement (Ref; PP2259/DW/ES/202312-NR, dated December 2023) which can be summarised as follows:

- High levels of thermal insulation to achieve U-Values lower than the Part L 2021 notional building specification.
- 75% carbon reduction against the baseline target for Part L 2021 of the Building Regulations.
- LED Lighting with a luminous efficacy of 85lm/W.
- Air Permeability target of 3.0 m³/(hm²) @50Pa.
- Individual Air Source Heat Pumps (ASHP) provided to each dwelling to provide heating and hot water.
- Passive design measures such as cross ventilation, maximising thermal mass, high performance double glazing, thermal bridging, minimising air infiltration.
- PV Panels will be installed to each property (directly connected)
- Water conservation to ensure a maximum internal water consumption rate of 110 litres/per person/per day.

Further details of these measures will be requested as a condition in accordance with paragraph 159 of the NPPF.

Medway Estuary and Marshes Special Protection Area (SPA) - 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. The tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation), in anticipation of:

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 (SAMS) 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 agreed to this tariff and would be secured as part of a section 106 Obligation. The proposal is therefore in accordance with Policies S6 and BNE35 of the Local Plan and paragraphs 194 and 195 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.

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.

Paragraph 59 of the NPPF states that it is for the applicant to demonstrate whether circumstances justify the need for a viability assessment at the application stage. In this case a financial viability appraisal was submitted by the applicant (dated 8 January 2024) which addresses the viability of development across the application site. The viability assessment has been assessed by the Council's independent viability consultant (Pathfinder).

In summary Pathfinder's assessment concludes the scheme as proposed, based on current known costs and values generates a residual land value of £732,201 assuming the provision of £76,500 of commuted sum payments in total. This is a level, which can be considered to deliver a minimum return to the landowner, in comparison with the established convention of consideration of current benchmark values. It is therefore Pathfinder's reasonable judgment that a viable scheme is one which contains the provision of £76,500 of commuted sum payments in total.

The following S106 contributions have been requested as part of this application;

- i) £3,736.38 for development of a gender neutral changing area and dedicated Yoga Studio at Hoo Sports Centre.
- ii) £9,705.00 to support the creation of additional capacity in Primary Care premises required as a result of the increase in patient registrations.
- iii) £2,655.84 for the provision, improvement and promotion of waste and recycling services to cover the impact of the development.
- iv) £97,944.11 toward mitigating the impact of the additional pupils generated by the development comprising;
 - Nursery - £21,163.68
 - Primary - £35,620.91
 - Secondary - £41,159.52
- v) £2,534.64 to improve equipment and facilities at Strood Library.
- vi) £2,940.00 to assist with development of improved civic space and gateways to Strood town centre.
- vii) £39,158.88 to enhance open space facilities within the vicinity of the development, including Broomhill Park.
- viii) £3,939.24 towards Designated Habitats Mitigation.

However, the total sum of the contributions requested equates to £162,614.09 which would exceed the sum of s106 contributions available based on Pathfinders appraisal which concluded that a viable scheme could deliver £76,500 of commuted sum payments. Nevertheless, and appreciating that the proposal would be delivering large family homes, and therefore additional demand on services such as education and health, in addition to the SAMMS contribution, the applicant has also committed to meeting the education and health contributions in full. This equates to an uplift of £35,088.35 when compared to the agreed viability position and would secure a total of £111,588.35 in s106 contributions.

It is therefore proposed that the S106 contributions would be attributed as follows;

- iv) £97,944.11 toward mitigating the impact of the additional pupils generated by the development comprising;
 - Nursery - £21,163.68
 - Primary - £35,620.91
 - Secondary - £41,159.52
- v) Care premises required as a result of the increase in patient registrations.
- vi) £3,939.24 towards Designated Habitats Mitigation.

*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 78 of the NPPF. In addition, the latest Housing Delivery Test details delivery of 72% against target. The presumption in favour of sustainable development is therefore applied. 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.

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: social, economic 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.

Planning Balance

Though the proposals would result in development within the Green Belt, it would not change the physical or policy extent of the Green Belt. In addition, the proposals would not be inappropriate development within the Green Belt under the terms of the NPPF and therefore, it is not necessary to consider whether very special circumstances exist to justify the development.

The scheme would make a modest but valuable contribution towards the housing stock in an area where there is an acknowledged undersupply of housing land, with a 3.3 year supply capable of being demonstrated against the five year requirement set out by the NPPF and housing delivery below 75% as referenced in the latest Housing Delivery test results. This would amount to a social benefit of **significant** weight in the context of NPPF paragraph 61 and the need to boost the supply of homes. Furthermore, paragraph 73 of the NPPF indicates that small and medium sites can make an important contribution towards meeting the housing requirement of an area. Although there would be no affordable housing provided, the scheme would not be required to provide such provision.

The scheme would also bring short term benefits to the economy during construction. As a proposal being delivered by an SME this is also likely to result in the use of local

contractors and local suppliers. Furthermore, the NPPF at paragraph 73 recognises that SME's can build-out sites relatively quickly. These benefits carry **positive** weight in the balance. Alongside this benefit it is also important to highlight that the Garden Centre has now closed, and it is not a protected employment site within the Local Plan. Future residents are also likely to provide additional support and custom for local nearby services and facilities in Strood, and to benefit from access to the local countryside via the PRow network which accords with paragraph 103 of the NPPF. However, given the scale of the scheme, the benefits in respect of each of these matters would be **moderate**. Whilst the development would also 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.

The proposals would make use of previously developed land in an efficient way which would accord with paragraph 124 of the NPPF which provides support for the development of underutilised land and buildings. This would be achieved in a manner that would cause moderate harm to the openness of the Greenbelt and would not result in unacceptable harm to the character of the area. The re-development of a brownfield site would also improve the overall condition of a site which is largely covered in hardstanding and buildings, that whilst functional, have limited architectural merit. Furthermore, the site no longer operates commercially as a Garden Centre. There would also be decreased vehicle movements to and from the site (including HGV movements) when compared to the sites former use as a Garden Centre. These benefits carry **positive** weight and weigh in favour of the development.

There would also be environmental benefits from the Biodiversity Net Gain (BNG) enhancements offered by the applicant for which the mandatory requirements are not strictly capable of taking effect. The BNG enhancements would be delivered within the site and would include on-site habitat gains of 90.95% and hedgerow gains of 25.49%.

This would amount to an environmental benefit of **significant** weight. Through a fabric first approach and as set out in the applicants Renewable Energy and Climate Change Statement they would also be seeking to deliver a 75% carbon reduction against the baseline target for Part L 2021 of the Building Regulations. This also carries **positive** weight in the balance.

However, future occupiers of the development would be largely reliant on cars for access to services, facilities, and public transport. This would be contrary to the parts of the NPPF that require development to be focussed on locations that either are or can be made, sustainable, by limiting the need to travel and offering a genuine choice of transport modes. In terms of the adverse impacts, the reliance on the private motor car would result in negative social and environmental effects that would weigh against granting permission. However, the site's former use as a Garden Centre would have been largely car dependant and generated an increase in vehicular movements over and above those proposed, this would have included the use of HGV's and larger delivery vehicles. In comparison and given the limited scale of the development the level of car trips generated by 12 dwellings would be greatly reduced and it is more common in a rural area such as this as for people travel in car from one village to another to use their facilities and amenities.

The NPPF also tells us that opportunities to maximise sustainable transport solutions will vary from urban to rural areas. Furthermore, and as a site in the Green Belt, designated as such in terms of being open, it is a reasonable expectation that given their designation and purpose, these previously developed sites in the Green Belt are likely to be more remote and less well connected in terms of existing pedestrian, cycle and public transport infrastructure. It has also been concluded that the proposal would not amount to inappropriate development in the Green Belt.

Local residents have raised concerns that the development would give rise to adverse impacts in respect of the highway network. However, it has been demonstrated that overall, the proposal would result in a reduction in traffic generated when compared to its previous use as a Garden Centre. Furthermore, it has also been demonstrated that the development would not result in any unacceptable harm to the countryside nor substantial harm to the openness of the Green Belt.

On the wider tilted planning balance, whilst the proposal would be largely reliant on the private motor vehicle, the benefits associated with the delivery of much needed housing, the redevelopment of previously developed land and the proposed environmental enhancements associated with BNG would significantly and demonstrably outweigh the harm, when assessed against the development plan when taken as a whole.

Local Finance Considerations

None relevant.

Conclusions and reasons for Approval

The proposal would not amount to substantial harm to the openness of the Greenbelt or unacceptable harm to the countryside. It is considered that the scale, layout and design of the proposed residential development is acceptable and there would be no detrimental impact on the amenities of future occupiers, neighbouring residential amenities or highway capacity. Whilst the development would be reliant on cars for access to services, facilities, and public transport the benefits associated with proposal would outweigh the harm. It is therefore recommended that planning permission is granted subject to conditions and the completion of a Section 106 agreement.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of objections received contrary to this recommendation.

Background Papers

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

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess1.medway.gov.uk/online-applications/>