

MC/25/0740

Date Received: 7 April 2025

Location: Land adjacent to Fenn Street and Ratcliffe Highway, St Mary Hoo, Rochester Medway

Proposal: Construction of a temporary access road to facilitate access to the development approved under planning approval MC/24/0291.

Applicant Esquire Developments Ltd

Agent Mr James Daughtry
Esquire Developments Ltd

Mr James Daughtry

The Old Laundry

Longfield

Dartford

Kent

DA2 8EB

Ward: All Saints

Case Officer: Tom Stubbs

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 24 September 2025.

Recommendation - Approval with Conditions

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

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

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

Received 18 August 2025:

34045 - H097 Rev P6 - Proposed Access Arrangement and Visibility Splays

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

- 3 The access hereby permitted shall be removed and verge, drainage ditch and hedgerow shall be restored to its previous condition on or before two years from the commencement of the development. The temporary road, car park and other temporary construction areas shall also be removed and landscaped in accordance with approved landscaping details of condition 12 of MC/24/0291.

Reason: To ensure that the permitted development does not prejudice proposals of biodiversity net gain and appearance of the Countryside in accordance with Policies BNE25 and BNE37 of the Medway Local Plan 2003.

- 4 Prior to first use the visibility splays shall be provided in accordance with Drawing number 34045- H-07 Rev P6 and maintained and retained until the junction ceases to be in use in accordance with condition 3. The signage proposed to be temporarily removed in the plan should be reinstated when the temporary road is removed and land reinstated in accordance with condition 3.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T2 of the Medway Local Plan 2003.

Proposal

This application seeks planning permission for a temporary access road to facilitate access to the development site for construction traffic and use to facilitate the development of the site in accordance with planning approval MC/24/0291.

The applicant indicates that the land would be restored to its former state within two years, which is the anticipated construction period.

Relevant Planning History

MC/25/0147	Details pursuant to condition 3 (CEMP) and 4 (Ecology CEMP) on planning permission MC/24/0291 - full planning application for 44 new homes (use class C3) with the provision of associated parking, open spaces, SUDs and earthworks. Provision of overflow parking for Fenn Bell Conservation project and enhancement to existing access from Fenn Street on land adjacent to the Fenn Street and Ratcliffe Highway. Decision: Conditions discharged Decided: 9 July 2025
MC/24/0291	Full planning application for 44 new homes (use class C3) with the provision of associated parking, open spaces, SUDs and earthworks. Provision of overflow parking for Fenn Bell Conservation project and enhancement to existing access from Fenn Street on land adjacent to the Fenn Street and Ratcliffe Highway. Decision: Approved with conditions Decided: 9 December 2024

Representations

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties. Lower Medway Internal Drainage Board, KCC Biodiversity and St Mary Hoo Parish Council have also been consulted.

Thirteen letters of objection have been received **five** objectors raising the following concerns:

- Highway safety concerns with regards to the proximity to the roundabout of the A228 and obstruction of views from street furniture.
- Site lines woefully inadequate for vehicles entering from the roundabout and exiting the site.
- Large vehicles leaving the site could take up both lanes of the carriageway.
- Proposal hasn't taken into account of the additional traffic in summer holidays from Haven Holiday Park and Fenn Bell Zoo.
- The temporary access will spread the impact during construction on more neighbours.
- Concerns over accuracy of the speed survey.
- Are the developers aware of power cables and telecoms cables buried in the grass bank.
- Concerns over the road safety audit more for planning purposes than honest appraisal of the proposed junction. Additional removal of hedgerow and trees for sightlines

St Marys Hoo Parish Council have written to object to the temporary access with concerns about the sightlines and topographical features and road furniture. Originally proposed figures for speeds are not reflective of the real world. Road safety audit from St Mary Hoo PC has been disregarded. Neil Yates Recovery have concerns about the junction design and are HGV hauliers. They suggest that a temporary access would be best off the A228. Concerned about clearance of vegetation planted that screen the A228 roundabout noise.

The North Kent Marshes Internal Drainage Board have written to indicate the proposal is outside the drainage district and the comments of Local Lead Flood Authority should be used.

KCC Biodiversity have written to indicate there was not sufficient information to assess the quality of the hedgerow and culvert to be deminis. However, the temporary access is unlikely to have an impact on protocetid species such as dormice. There could be an impact on water voles and otters and precautionary measures should be included in an updated Construction and Environmental Management Plan (CEMP). A Bio-diversity Net Gain (BNG) Briefing Note was subsequently provided and agreed with that hedge is of a lower quality and can be considered deminius.

Development Plan

The Emerging Local Plan has been agreed by Full Council for Reg 19 publication, consultation and, following any changes required as a result of the consultation exercise, submission to the Inspectorate for examination. The policies within this version of the emerging plan have weight in the determination of planning (and associated) applications. However, due to the nature of this proposal, the stage of the emerging Local Plan, the existence of relevant adopted Policies in the Medway Local Plan (2003) and guidance in the NPPF it is considered that the proposal falls to be considered with regard to the adopted policies and guidance in the NPPF.

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

Planning Appraisal

Background

The applicant has permission to build 44 dwellings on the wider site. They have submitted a Construction and Environment Management Plan (CEMP) demonstrating that the temporary access would provide the construction access to temporary parking and site offices etc. The temporary parking area would, once construction is complete, then form the landscape/SUDS area of the application site. The temporary use of this area as a construction site compound is permitted development, however as Fenn Street is a classified road the temporary access requires planning permission.

Principle and design

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

The access is only required for a period of 2 years or until the construction is complete if that is sooner and then the land will be reinstated in accordance with the landscape details approved as part of the Planning application for the 44 houses. Appropriately worded conditions are recommended to secure this reinstatement.

Consequently, due to the temporary nature and subject to suitably worded conditions the temporary development would be considered in accordance with Policies BNE1, BNE25 and BNE48 of the Medway Local Plan 2003, paragraphs 131, 135 and 136 of the NPPF and Policy T1 of the Draft Reg 19 Local Plan 2025.

Amenity

Any development will have an impact during construction and the original development permission included a condition requiring the submission of a CEMP to minimise that impact. The consideration with the application for the temporary access is whether the temporary access results in unacceptable impacts on amenity during construction. Again, it has to be accepted that there will be an impact, however, the access will be temporary and with the control of the CEMP and the safe operation of the access, including the provision of the necessary visibility splays, it is considered that the impact will be acceptable. The development can then be constructed in accordance with the approved plans and then the land landscaped in accordance with approved conditions once construction is complete and that will be to the benefit of existing residents.

Subject to the above mentioned conditions the proposal is considered to be acceptable in amenity terms and no objection is raised under the provisions of Policy BNE2 of the Medway Local Plan 2003, paragraph 135 of the NPPF and Policy T1 of the Draft Reg 19 Local Plan 2025.

Highways

There have been highway safety concerns about the location of the proposed temporary access and siting in proximity to the Roundabout of the A228 and corner of Fenn Street with poor visibility splays. There were also concerns about the access design and the need for large vehicles to take up both lanes.

The temporary access is being proposed to prevent issues with construction traffic and the overflow car park for the Fenn Bell. During the life of the application the applicants have amended the design of the access, undertaken a speed survey and road safety audit to address the concerns raised.

On the basis of the supporting information and complying with the recommendations of the road safety audit the temporary access would be considered acceptable in highways safety terms during the construction period. Conditions are recommended to ensure it is temporary so it would not impact on the approved use within the development and that sightlines are maintained. An informative will be included to remind the applicant that the road should not be installed prior to completing s278 works and any other stage 2 road safety audit if required.

No objection is raised in terms of highways and to Policies T1 and T2 the Medway Local Plan 2003, paragraphs 116 and 117 of the NPPF and Policies DM19 and DM20 of the Draft Reg 19 Local Plan 2025.

Ecology and biodiversity

The application is supported by a BNG Briefing Note, indicating the hedgerow is in a poor condition made of one species of blackthorn. The applicants are confident that the hedgerow could be returned in its current state within 2 years with a light standard blackthorns replanted at approx. 1.5m in height. Consequently, subject to the conditions recommended the application is acceptable.

With regard to protected species the temporary access is unlikely to have a significant impact and an updated CEMP would be required with additional mitigation measures. The applicants have submitted an updated version of the environmental CEMP to cover the mitigation measures and will be dealt with within that application.

Consequently, subject to a suitably worded condition on the temporary nature restoration of the land within two years or completion of development if sooner, the proposal is considered to be in accordance with Policy BNE37 of the Medway Local Plan 2003, paragraph 187 of the NPPF and Policies S2 and S3 of the Draft Reg 19 Local Plan 2025.

Local Finance Considerations

There are no local finance considerations.

Conclusions and Reasons for Approval

The proposal, on the basis that it is a temporary construction access and will be removed with the land landscaped in accordance with approved plans within 2 years or completion of development, if sooner, is considered to be acceptable in terms of principle, design,

amenity and highway aspects and with regard to all other material planning considerations. The proposal accords with the provisions of Policies BNE1, BNE2, BNE25, BNE37, T1 and T2 of the Medway Local Plan 2023, paragraphs 11, 116, 117, 134, 135, 136 and 187 of the NPPF and S2, S3, T1, DM19 and DM20 of the Reg 19 draft Medway Local Plan 2025. Accordingly, the application is recommended for approval subject to conditions.

The application would normally be determined under delegated powers but is being referred for Committee determination due to the number of representations received contrary to the officers 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/>