

**MC/25/0484**

**Date Received:** 10 March 2025

**Location:** Land adjacent of "Kingsnorth", Sharnal Street, High Halstow, Rochester

**Proposal:** Outline application with some matters reserved (appearance, landscaping, layout) for the construction of two, 2 storey dwellings with off road parking.

**Applicant Agent** Mr George Gadd  
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**Ward:** Hoo St Werburgh & High Halstow

**Case Officer:** Amy Shardlow

**Contact Number:** 01634 331700

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**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 Subject to:**

- A. The applicant entering into agreement under Section 106 of the Town and Country Planning Act to secure:
- i The dwellings to be delivered and occupied as a self build development.
- B. The following conditions:
- 1 Approval of the details of the layout, appearance of the buildings (including details and samples of all materials to be used externally) , and the landscaping (hereinafter called "the reserved matters") on each plot shall be obtained from the Local Planning Authority in writing before any development on that plot is commenced.  
  
Reason: To accord with the terms of the submitted application and to ensure that these details are satisfactory.
  - 2 Plans and particulars of the reserved matters referred to in Condition 1 above shall be submitted in writing to the Local Planning Authority for approval. Such application for approval shall be made to the Authority before the

expiration of three years from the date of this permission and the reserved matters shall be carried out in accordance with the approved details.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun no later than the expiration of 2 years from the final approval of the reserved matters or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

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

Received 7 March 2025:

DC/1054 Proposed Block Plan  
DC/1061 Indicative Elevations  
DC/1062 Indicative Elevations  
DC/1063 Site Plan and Existing Block Plan

N.B floor plans are indicative and therefore not included.

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

- 5 The details to be submitted in pursuance of condition 1 shall show adequate land reserved for the parking of vehicles for each dwelling hereby approved and upon approval of the details, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015, (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

Reason: To ensure that the development permitted does not prejudice conditions of highway safety or efficiency in accordance with Policies T1 and T13 of the Medway Local Plan 2003.

- 6 No development shall take place above slab level in relation to each plot 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 of each plot shall not be occupied until the chargers have been implemented in accordance with the approved details and shall thereafter be maintained.

Reason: In the interests of sustainability in accordance with paragraph 117E of the NPPF.

- 7 The landscape details to be submitted in pursuance of condition 1 shall show full details (position, design, materials and type) of boundary treatments as well as areas of both hard and soft landscaping. The approved boundary treatment shall be completed before the dwelling is 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 and residential amenity in the locality in accordance with Policies BNE1 and BNE2 of the Medway Local Plan 2003.

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

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

- 9 No development above slab level at each individual plot shall take place until an energy efficiency and climate change statement has been submitted to and approved in writing by the Local Planning Authority. The development herein approved shall incorporate the approved measures to address energy efficiency and climate change.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 the National Planning Policy Framework 2024.

- 10 The development herein approved shall incorporate the measures to address energy efficiency and climate change as required and approved under condition 9 of this planning permission. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 163 the National Planning Policy Framework 2024.

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a method statement, and obtained written approval from the Local Planning Authority. The Method Statement must detail how this unsuspected contamination shall be dealt with.

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.

- 12 No development to each individual plot shall take place until details of measures to enhance biodiversity at the site have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details and shall thereafter be retained.

Reason: Required prior to commencement of development to ensure satisfactory arrangements are made to safeguard habitats in the interests of ecology in accordance with Policies BNE37 and BNE39 of the Medway Local Plan 2003.

- 13 Applications for the approval of reserved matters in relation to landscaping shall include full details of both hard and soft landscape works and a timetable for implementation. These details shall include existing and proposed finished ground levels; car parking layouts; other vehicle and pedestrian access and circulation areas; all paving, roadways and external hard surfacing; minor artefacts and structures (refuse receptacles, planters, tree grilles) Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. 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 in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003.

- 14 The development herein approved shall incorporate the measures to address energy efficiency and climate change as required and approved under condition 9 of this planning permission. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: In the interests of sustainability and to positively address concerns regarding climate change in accordance with paragraph 159 the National Planning Policy Framework 2023.

- 15 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, C and E of that Order unless planning permission has been granted on an application relating thereto.

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

- 16 No development to either plot 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 including delivery/collection times from the site; measures to prevent vehicles from idling when not in use/waiting; measures to control noise affecting nearby residents; parking plan for any associated vehicles; wheel cleaning/chassis cleaning facilities; dust control measures; pollution incident control and site contact details in case of complaints. The construction works shall thereafter be carried out at all times in accordance with the approved Construction Environmental Management Plan.

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

- 17 Prior to occupation of either of the 2 plots, a Landscape Management Plan for the separate parcel of land (Southern area) of the site shall be submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include; detailed landscaping plan showing all trees to be retained and secured on site during and post construction, native and wildlife-friendly planting, management responsibilities and maintenance schedules for a minimum period of five years and arrangements for implementation. The development shall thereafter be managed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies BNE1 and BNE6 of the Medway Local Plan 2003; and to protect and enhance the natural environment in accordance with paragraph 187 of the National Planning Policy Framework 2024.

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

## **Proposal**

The proposal seeks outline planning consent with some matters reserved (appearance, landscaping, layout) for the construction of two, 2 storey dwellings with off road parking. The matters to be considered as part of this application therefore are the access for the development and its scale.

The application site is a plot of land located on the eastern side of Sharnal Street which, in this location runs parallel and, is to the east of Ratcliffe Highway. The site is located outside of any urban area or rural settlement. To the south of the site sits two existing dwellings known as Kingsnorth and Fenn Ridge and beyond this is Sharnal Street Farm. To the north are two dwellings known as Mays Farm and The Bungalow beyond which is a row of five detached dwellings before the road joins the remainder of Sharnal Street close to the roundabout with Ratcliffe Highway.

The indicative proposed block plan shows two detached dwellings located within their individual plots to the side of Kingsnorth. The site is approximately 0.175ha in size.

The indicative footprint of the proposed dwellings is approximately 208m<sup>2</sup> and both dwellings would benefit from reasonably sized gardens to provide a good level of private garden for the family dwellings and to reflect the size of the dwellings and rural character of the area.

The application proposes 2 self-build dwellings that are 2 storeys in height at approximately. The ridge of the dwellings is indicatively shown to be 9.2m in height at its highest point, reflective of many rural style dwellings.

## **Relevant Planning History**

MC/05/0921      Outline application for two detached houses.  
Refused 20 June 2005  
Appeal Decision: Appeal Dismissed  
Appeal Date: 31 Jan 2006

## **Representations**

The application has been advertised on site and by individual neighbour notification to the owners and occupiers of neighbouring properties.

**4 households** have written in to raise the following objections:

- The land is designated as countryside and is outside the urban boundary.
- The area is rural and development would detract from the character of the area.
- Impact of the development will be at detriment to the roads and pedestrian safety.

- There are no mains drains located at the site and properties have cesspits.
- The site is prone to bogging due to an underground pond.
- There was a previous refusal and dismissed appeal for development in this location in 2006 and refusal reasons still stand.
- Concerns regarding capacity for new development with an overworked electricity network.
- Land level differences may result in flooding from the proposed development.
- Concerns regarding the level of consultation.

**Southern Water** has advised that they require a formal application to connect to public foul and surface water sewerage system. They advise that a sewer deemed to be public could be crossing the development site and that should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. *An informative will be added to the decision notice.*

**Dickens Country Protection Society** has commented on the application, raising an objection based on the fact the site falls outside of the urban boundary and sits in the rural confinement where new residential housing should be avoided.

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

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.

## **Planning Appraisal**

### *History*

As outlined within the history section of this report, the land previously had an outline planning application for two dwellings refused under planning reference MC/05/0921. The application was refused in June 2005 on the following ground:

*“The proposed development constitutes sporadic development within the open countryside and the submitted application fails to demonstrate any recognised rural special needs justification. The proposal is therefore contrary to Policies BNE25 of Medway Local Plan 2003 and Policies E1 and HP6 of the Kent and Medway*

*Structure Plan (Deposit Plan) 2003 and the guidance contained within PPS7  
“Sustainable Development In Rural Areas”.*

This decision was taken to appeal and determined on 31 January 2006 to which the Council's decision was upheld. The Inspector concluded that the development would detract from the rural character and appearance of the area. Furthermore, the Inspector explained that the site is located outside the urban boundary and the application at the time did not meet the requirements of the additional policies set out in the refusal.

It should be noted that due to the passage of time since this decision (over 20 years), the changes in Development Plan policies and the emergence (and subsequent revisions) of the National Planning Policy Framework (NPPF) the majority of these Policies are no longer relevant to the application other than Policy BNE25 which is outlined in the principle section and with further guidance provided by the NPPF included below the matter of the proposed development being policy compliant requires reassessment.

Additional changes in the assessment of self build applications (and appeals) and recent development within the vicinity of the site also form material considerations in the determination of this application. These include application reference MC/20/1025 for the construction of three self-build dwellings, which following refusal, was allowed at appeal, at 309 Lower Rainham Road, Rainham and the construction of 35 dwellings at the Hollies and Southview, Sharnal Street, High Halstow permitted under application reference MC/21/2612. The key aspects of relevance to this application are outlined in the paragraphs below.

The three dwellings proposed at Lower Rainham Road under ref. MC/20/1025 were refused and allowed at appeal and the key similarities between that development and this application relate to the location and character of the area and the weight given to provision of housing and in particular housing of a self build nature. That site was located outside of any urban area or rural settlement and in an Area of Local Landscape Importance (ALLI). It was also not in a location that had easy access to necessary day to day facilities or alternative modes of transport. The Inspector outlined that the section of Lower Rainham Road, where the site was located contained a mixture of open land with small pockets of development. This is not dissimilar to the character surrounding this application site. The Inspector concluded in terms of the impact on the character and appearance of the surrounding area that:

*“It is difficult to reconcile this site with the term “countryside”. For the reasons given the proposal would not have an adverse impact on wider landscape character and therefore would accord with Policy BNE34. However, by building on the land some of its openness would be lost contrary to Policy BNE25 and to that extent there would be some detriment to the locality. There would therefore be harm caused to the character and appearance of the surrounding area, but the level of that harm would be limited and localised.”*



In terms of that site being in an accessible location the Inspector concluded:

*“The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Nevertheless, opportunities to promote walking, cycling and public transport should be pursued, and patterns of growth managed accordingly. Three new dwellings would not be a major development. However, the reality is that future occupiers are likely to be car dependent for most journeys as the services within easy reach are sparse. So, whilst some choice exists the proposal would not encourage use of sustainable transport modes and would not be in accessible location. It would therefore be at odds with the relevant part of Policy BNE25.”*

The Inspector weighed heavily in favour of the scheme for providing three self-build dwellings for which there is a demand and would address the needs of a group with specific requirements and although three dwellings would not greatly improve the total supply, in the current circumstances in Medway any additional provision would be valuable. At that time the self build register recorded 79 individuals.

With regard to what was paragraph 9 now Paragraph 8 of the Framework the Inspector advised:

*“The starting point is that permission should be granted. The overall adverse impacts would be significant although qualified to some extent by the small scale of the proposal. The objections identified nevertheless need to surmount a high hurdle to prevail in this balance. Indeed, they do not significantly and demonstrably outweigh the benefits of three additional homes for self-build when assessed against the policies in the Framework taken as a whole. As a result, the presumption in favour of sustainable development should be applied.”*

The Inspector concluded:

*“The proposed development would be contrary to the development plan but material considerations, especially the presumption in the Framework, outweigh this conflict.”*

The development now known as The Hollies was granted planning permission under ref. MC/21/2612 for the construction of 35 dwellings. This site is in close proximity to this application site, which was considered to be acceptable and offered certain aspects to make the development more sustainable which included a S106 contribution to fund an additional bus service for a period of three years, development delivered at a faster rate with development commencing within one year of planning permission being granted, achieving a carbon reduction of at least 50%, gardens provided with necessary services to facilitate future outbuildings/work pods.

## *Principle*

In terms of this application and when considering the above appeal decision and recent approval, the application site is located outside of any defined urban area. Policy BNE25 of the Local Plan states that development in the countryside will only be permitted in specified circumstances, none of which apply to the current case. Furthermore, as a site located within the countryside, the principle of the proposed development would fall outside of the development strategy as set out in the Local Plan, which directs development to brownfield sites. Additionally, Policies S1 and S2 of the Local Plan seek to prioritise development within the existing urban fabric.

As such there is non-conformity between the restrictive countryside Policy BNE25, S1 and S2 within the Local Plan however footnote 8 of the NPPF relates to paragraph 11(d) and together set out a presumption in favour of sustainable development where applications involving the provision of housing, and where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 78), or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As members will be aware from the HDT Action Plan reported to them in August 2025, the most recent HDT results show that Medway has achieved 72% in the preceding 3 years. There is therefore a significant need for new housing in the Medway Area.

Paragraph 11 of the NPPF states that decisions should apply a presumption in favour of sustainable development and that where the development plan policies are out-of-date, including in respect of applications for the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless given circumstances apply

In these circumstances, consideration has been given to whether or not a development in this location would be sustainable and with regard to the advice on rural housing in paragraphs 82-84 of the NPPF.

Paragraphs 82-84 of the NPPF outline that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs and to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. In this instance, this is a small development that can be considered to reflect housing needs due to the requirement of housing as listed above with regards to the 5-year housing supply and due to the existing housing patterns within this streetscene the addition of two properties in this location will maintain the rural community and pattern of development.

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

With regard to sustainability, consideration needs to be given to economic, social and environmental objectives. In respect of the proposal, socially, there are benefits from the scheme through the provision of housing to help meet the 5-year supply.

Economically, the site would boost the local economy during construction process providing jobs in the short-term, it will help provide the increased workforce that enables continued economic growth in the longer term. The future occupiers would provide additional custom for nearby shops and businesses. This can be given a little weight in favour of the application.

In terms of the social aspects of the development, the proposal would contribute three dwellings towards the housing need of Medway. This would be a very small contribution, however, it is a contribution nonetheless. The nature of the proposed scheme as a self-build project must also be considered. Self-build is defined as when someone gets involved in, or manages the construction of their new home (definition from NACCSBA).

Footnote 28 of the NPPF states:

“Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of that Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.”

As a result, Local Planning Authorities are expected to have policies that support the development of small 'windfall' sites that are not allocated in policy plans, and they will be expected to identify opportunities for villages to thrive, especially where this would support local services and meet the need for local homes for local people.

Paragraph 73b of the NPPF states that local planning authorities should:

“seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom build housing;”

In terms of Medway's Self Build Register, the level of demand is monitored via annual base years.

Base Period	Year	Number of individual entrants	Number of association entrants	Total
1	1 April 2016 to 30 October 2016	15	0	15
2	31 October 2016 to 30 October 2017	39	0	39
3	31 October 2017 to 30 October 2018	14	1	15
4	31 October 2018 to 30 October 2019	14	1	15
5	31 October 2019 to 30 October 2020	17	0	17
6	31 October 2020 to 30 October 2021	12	0	12
7	31 October 2021 to 30 October 2022	12	0	12
8	31 October 2022 to 30 October 2023	9	0	9
9	31 October 2023 to 30 October 2024	7	0	7
Total		139	2	141

These figures indicate there is a clear demand for self-build plots in Medway, which has increased considerably since the appeal decision on Lower Rainham Road, and together with the impetus from the Government for the type of self-build development that is proposed under this application, this is a development that should be encouraged. The applicant is committed to ensuring the self-build nature of the scheme and has incorporated this commitment furthermore by agreeing to enter into a Unilateral Undertaking prior to a decision being issued.

It can, therefore, be concluded that the social aspects of the development, in particular the delivery of housing for a particular group (self build) weigh significantly in favour of the application.

*Environmentally the application is for an outline with landscaping matters reserved as part to be submitted as part of any forthcoming reserved matters application. From the proposed block plans it is considered that the scheme can achieve sufficient levels of landscaping and whilst the proposed development would result in some further suburbanisation into the countryside, it is considered that in principle, residential development here would not cause significant harm to the wider character and functioning of the countryside due to the natural confines of the site although the erosion of the open field has a minor negative weight. Landscaping can be secured by condition and would also ensure the provision of ecological enhancements to offset the impact of the development and therefore are considered neutral.*

The site is within walking distance of the Fenn Bell Public House being approximately a 23min walk and Bradfield's Garage approximately a 14min walk, which is primarily a vehicle repair establishment (to which people would drive anyway), although it also serves as a 'top up' for everyday goods. It is acknowledged that local shops would be outside of the accepted 800m recommended walking distance, however, local shops are within a short trip by car. The Fenn Bell is the closest bus stop to the site.

Therefore, the principle of new housing as set out above is generally acceptable and is in accordance with Paragraphs 8, 11, 73 and 82-84 of the NPPF, subject to the consideration of the detailed matters set out below. However, it is still necessary to consider the impact on the character, amenity and functioning of the countryside with Policies BNE25 of the Local Plan in mind and this will be addressed in the sections below.

### *Design*

The NPPF attaches great importance to the design of the built environment. Paragraphs 131 and 135 of the NPPF emphasises the importance of good design and Policy BNE1 of the Local Plan is a general, criteria-based policy for all development. It seeks appropriate design in relation to the character, appearance and functioning of the built and natural environment.

This is an outline application with some matters reserved including appearance, However, consideration has been given in terms of the impact that the proposal would have on the character of the area. As the appearance is a reserved matter, and as this is a self-build application, the development provides a potential opportunity for exceptional, innovative and high-quality design to be submitted to the council and achieved at the site. However, the outline application nature of the proposal and the indicative drawings do not give sufficient information to conclude positively on this aspect.

The dwellinghouses would be visible from both the streetscape and the gardens of neighbouring properties. The streetscape consists of a mixture of architectural designs with varying scales and plots. It is considered that the addition of a 2 new dwellings on the site could have a positive impact on the character and appearance of the street scene, the dwellings would be located on an already residential street adjacent to a residential property and it is noted that the indicative proposed dwellings scale are of a similar scale in regard to the footprint to the dwellings within the immediate vicinity. The scale of the dwellings is shown within the elevations Drawing No: DC/1062 and DC/1061 and Block Plan DC/1054. As such it is considered that the dwellings sit in generous plots and comfortably within the existing rural street scene and would not create a sense of overdevelopment, they are positioned to broadly follow the established building line whilst they sit further forward than Kingsnorth the properties further up the road are further forward than Kingsnorth and the rural nature of the surroundings means that there is not a regimented and clear building line, nor would one be appropriate.

As the external appearance will be considered under the reserved matters application, details of materiality will be dealt with at that stage. It is noted that full design is shown on the plans however this is indicative, and it is considered that the proposed layout of the dwellings has been informed by an approach that respects the site constraints and the pattern of settlement and surrounding landscape whilst minimising the impact on the streetscene. As such the proposed scale is sensitive and proportionate addition to Sharnal Street still respecting the rural character of the area. The design considerations will be assessed in accordance with Policy BNE1 of the Local Plan as well as paragraphs 131 and 135 of the NPPF at the time of the reserved matters submission.

### *Amenity*

#### *Neighbour Amenity*

Paragraph 135f of the NPPF states that achieving well-designed places should include creating a high standard of amenity for existing and future users. Policy BNE2 of the Local Plan expects all development to secure the amenities of its future occupants and protect those amenities enjoyed by neighbouring properties. The design of the development should have regard to privacy, daylight and sunlight, noise, vibration, light, heat, smell and airborne emissions and activity levels and traffic generation.

Due to the proximity of neighbouring properties, the construction of the development itself could lead to noise and nuisance dust emissions to nearby residential properties and therefore, a condition is recommended requiring the submission of a construction environmental management plan.

Given the arrangement of the proposed dwellings within the site and their relationship with the existing dwellings adjacent to the site and each other, the application is an outline application and does not involve the appearance or layout indicative plans have been submitted and it is not considered that the proposals would negatively impact on the amenity of neighbouring properties with regard to loss of daylight, outlook, privacy or overshadowing.

Due to the location of the plots and their siting especially in relation to the neighbouring property at Kingsnorth, it is necessary to ensure that should the development be considered acceptable, it continues to maintain the character and appearance of the area as well as ensuring no detrimental impact on neighbouring residential amenity should further development occur within the site. It is therefore recommended that permitted development rights be removed for further alterations or enlargement of the dwellings hereby approved in particular to development under Classes AA, A, B, C and E of the Town & Country Planning (General Permitted Development) Order (GPDO).

The indicative plans show some side facing windows at first floor. These would be sought to be relocated or conditioned to be obscure glazed if the detail was to be considered as part of this application. However, in this case it is recommended that an informative be included to avoid first floor side facing windows to habitable rooms.

On this basis, the proposal is considered to be in accordance with the provisions of Policy BNE2 of the Local Plan and paragraph 135(f) of the NPPF.

### *Occupant Amenity*

Again as this is an outline application the layout of the dwellings would be assessed at the reserved matters application, however with respect to the living conditions of potential residents of the site itself the proposed dwelling would need to be assessed with regard to the minimum space standards set out in the technical housing standards – nationally described space standard (the national standard) and to the guidance given in the Medway Housing Design Standards (MHDS) (interim) 2011 with respect to gardens sizes.

Given the size of the dwellings from the indicative plans, there is potential for the properties to be converted into small HMOs in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents through increased comings and goings and parking demand. It is therefore recommended that permitted development rights be removed with regard to the change of use between use class C3 and C4.

Further consideration of the impact on residential amenity will be assessed at the time of the reserved matters submission. However, on the whole, it is considered that the design of two dwellings on this site could be developed to protect the amenities of existing and future occupiers. However, this is a matter that would be properly considered at reserved matters stage. In principle, it is considered that the impact on neighbouring amenity and future occupier amenity would be acceptable and in accordance with Policy BNE2 of the Local Plan and 135(f) of the NPPF.

### *Landscaping*

The proposal does involve the removal of some however it is considered that from the indicative block plan some planting would be provided to the front of the site to break up the hardscaping to the front of the site and it would be expected that within any forthcoming reserved matters application would mitigate the loss of the trees and shrubbery on the site with suitable proposals of landscaping to soften the streetscene.

The loss of the landscaping features of the site which in its majority is to the north which fronts Sharnal Street will be removed as part of the application however upon reviewing Sharnal street many of the properties that front Sharnal street have hedgerows and trees to the front and then gaps in which hardstanding and access to the properties is provided. When considering the proposed access specifically in regard to landscaping, this would follow this pattern and whilst only indicative the proposed landscaping to the front states to be Hedging and Trees which would follow the pattern in the streetscene however as this is an outline application and already referenced above landscaping will be part of any forthcoming reserved matters applications and will be secured via condition to ensure the character and rural nature of the area is preserved.

It is noted that the submitted block plan includes an area of landscaping to be retained to the South of the site, it is considered that as per the above requirements of mitigation of the loss of landscaping this could be provided within this area and also to ensure that there is no loss of landscaping at this part of the site a suitably worded condition is recommended securing the landscaping to be provided, trees to be retained and management responsibilities of this area subject to the above conditions no objection would be raised in regard to Policy BNE1 and BNE6 of Medway Local Plan 2003.

### *Highways*

Policy T1 of the Local Plan relates to the assessment of the highways impact of development and outlines the criteria of when development would be permitted. Paragraph 116 outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

BNE25 also references that small scale development will not warrant rejection on highway or access grounds if it gives rise to only modest additional daily vehicle movements and the impact on minor roads would not be significant. In this instance the development is considered to be small scale and would only arise to modest daily vehicle movement.

To access Sharnal Street access would be from Ratcliffe Highway near to the roundabout associated with Christmas Lane, the access for the proposed development is from the existing street of Sharnal Street which whilst it could be considered narrower than modern roads is sufficient to accommodate two vehicle movements without raising highways safety concerns. It is acknowledged that Sharnal Street is part of cycle route and is used by many cyclists as way of avoiding danger of Peninsula Way however it is considered that the addition of two dwellings when considering the level of residential occupancy along this part of Sharnal Street is not considered to detrimentally impact the safety for pedestrians, cycle use or highways safety.

The indicative site plan/block submitted shows 3 parking spaces for each dwelling. The adopted Interim Residential Parking Standards require the provision of a minimum of two car parking spaces for a 3+ bedroom property. The access to both plots is around 5m for both plots and is considered sufficient space to access the site. Further details are recommended to be secured via condition for the submission of the parking spaces, the materials to be used and for this area to be retained ensuring the development does not put pressure towards on street parking.

It should be noted that the NPPF has put sustainable development as a central core and paragraph 117e outlines that development should provide electric charging facilities, therefore a condition is recommended to fulfil this objective.

The proposal provides adequate parking in accordance with Medway's interim Parking Standards, as such no objection is made to the parking provision, which accords with current policy and in terms of the impact to the highways, given that this application is for two dwellings, no objection would be raised. Subject to suitably



worded conditions no objection is raised in relation to vehicle parking or highway safety under Policies BNE25, T1 and T13 of the Local Plan and Paragraph 115 and 117e of the NPPF.

### *Flooding*

In response to the objections further advice has been provided from Southern Water regarding the drainage at the site and the applicant is reminded by informative added to any forthcoming decision that they will be required to contact southern water on this matter. The flood zone for the site has been checked and is listed as very low for flooding and groundwater, as such no objection is raised in relation to this matter.

### *Climate Change and Energy Efficiency*

A Climate change statement has not been submitted with this however as this is an outline application this would be submitted alongside each reserved matters application for the individual plots and as such the statement and subsequent verification report have been secured by condition for their submission with the reserved matters application for each individual plot.

Subject to sufficient measures being provided via condition the proposal would be in accordance with paragraph 163 of the NPPF.

### *Biodiversity Net Gain (BNG)*

The applicant has stated that the development is exempt from the BNG 10% net gain due to the development being under 0.5ha and falling within the definition of the self-build under the Self Build and Custom Housebuilding Act 2015.

To be considered a self-build Section 1(A1) of the Self-build and Custom Housebuilding Act 2015 states: "In this Act "self-build and custom housebuilding" means the building or completion by:

- (a) individuals,
- (b) associations of individuals, or
- (c) persons working with or for individuals or associations of individuals, of houses to be occupied as homes by those individuals."

Section 1(A2) states: "But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person."

In this instance, the applicant has confirmed that the dwellings will be marketed as self build units and the application has been altered to an outline requiring the submission of details relating to the design and layout ensures that the purchaser of the plot will have input into the final design and layout and therefore the development will meet the requirements of being self-build dwellings. In order to secure this an appropriate Unilateral Undertaking and condition are recommended. Therefore, the development is exempt from the statutory 10% BNG requirement.

Notwithstanding the above it is considered appropriate to secure measures to improve biodiversity within the site in order to enhance the environmental credentials of the development and an appropriate condition is recommended.

Subject to the above recommended conditions no objection is raised in relation to Paragraph 193 of the NPPF 2024.

### *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 £337.49 per dwelling (excluding legal and monitoring officer's costs, which separately total £550) should be collected to fund strategic measures across the Thames, Medway and Swale Estuaries. This tariff should be collected for new dwellings, either as new builds or conversions (which includes HMOs and student accommodation).

These strategic SAMMS mitigation measures are being delivered through Bird Wise North Kent, which is the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, and the mitigation measures have been informed by the Category A measures identified in the Thames, Medway & Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) 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 applicant has submitted a SAMMS Mitigation Contribution Agreement and payment and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 186 and 187 of the NPPF.

A decision from the Court of Justice of the European Union detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Given the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application. This is included as a separate assessment form.

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

It is considered that the proposed development is acceptable in principle, in that, whilst it is outside the urban area or a rural settlement and within the countryside, the impact of the development in landscape quality terms is limited and the scheme is supported by the NPPF in terms of its sustainable development criteria, and the need for self-build developments. Whilst matters relating to appearance, layout and landscaping are reserved for consideration at a later date, overall, it is considered that in relation to access, amenities, parking and highway safety, the scheme is acceptable and will provide a self-build housing development that will help meet a specific need in the area. As such the proposal is considered to be in accordance

with the provisions set out in Paragraphs Approval is therefore recommended including with regard to Policies BNE1, BNE2, BNE25, BNE35, T1, and T13 of the Local Plan and Paragraphs 11, 73, 82, 83, 84, 115, 117(e) 131, 135&(f), 163, 193 and 194 of the NPPF 2024.

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

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## **Background Papers**

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

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