

MC/25/1034

Date Received: 20 May 2025

Location: Land to rear of The Old Vicarage, High Street, Isle of Grain
Rochester

Proposal: Hybrid planning application seeking outline permission for construction of two self-build dwellings and full permission for construction of a single self-build dwelling with associated access.

Applicant Agent Mr M Latif
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Ward: All Saints

Case Officer: Amy Shardlow

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 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 Plots 1 and 2 for the layout, scale and appearance of the buildings, and the landscaping (hereinafter called "the reserved matters") on each plot other covered by the outline consent 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 full details for Plot 3 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).

- 5 The development for Plot 3 hereby permitted shall be carried out in accordance with the following approved plans:

Received 20 May 2025:

1262 B/LOC/01.3	Proposed Block Plan
1262 B/LOC/01.1	Site Location Plan
1262 B/PL/06.4	Site and Access Plan
1262 B/PL/06.3	Proposed Floor Plans
1262 B/PL/06.2	Proposed Elevations
1262 B/PL/06	Proposed Site Plan

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

- 6 The development for Plots 1 and 2 hereby permitted shall be carried out in accordance with the following approved plans:

Received 20 May 2025:

1262 B/LOC/01.3	Proposed Block Plan
1262 B/LOC/01.1	Site Location Plan
1262 B/PL/06.4	Site and Access Plan

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

- 7 Applications for the approval of reserved matters for the outline element 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.

- 8 All materials for Plot 3 shall match those set out in the Application form received 20 May 2025.

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.

- 9 For the duration of construction (including site/vegetation clearance), the methods for the protection of retained habitats and precautionary mitigation measures for protected and priority species shall be implemented as detailed within in Section 4 of the Preliminary Ecological Appraisal report (by KB Ecology, dated 7th March 2024, Ref: 2024/01/02).

Reason: To ensure the protection of protected species, in accordance with Policy BNE39 of the Medway Local Plan 2003 and paragraph 187 of the National Planning Policy Framework 2024.

- 10 For each individual plot prior to completion, details of how the development shall enhance biodiversity shall be submitted to, and approved in writing by, the local planning authority. The details shall include scaled plans to show native species planting schedules, integrated and/or wall mounted durable bird and bat boxes for red or amber listed species (as per the latest British Trust for Ornithology Birds of Conservation Concern list), and hedgehog highways. The approved measures shall be implemented and retained thereafter.

Reason: To ensure the protection of protected species and the delivery of biodiversity enhancements in accordance with Policy BNE39 of the Medway Local Plan 2003 and paragraph 187 of the National Planning Policy Framework 2024.

- 11 No development shall take place above ground floor slab level for each individual plot until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. This should include details relating to the wildflower meadow, existing and retained trees and any external lighting (including reference to the effect on wildlife and habitats). The development shall thereafter be

implemented in accordance with the approved details, retained thereafter and managed in accordance with the approved details.

Reason: To ensure the protected of protected species and the delivery of biodiversity enhancements in accordance with Policy BNE39 of the Medway Local Plan 2003 and paragraph 187 of the National Planning Policy Framework 2024.

- 12 For each individual plot, no development shall take place until a Construction Environmental Management Plan (CEMP) that describes measures to control, amongst other matters, hours of working, parking of operatives vehicles, wheel cleaning/chassis cleaning facilities, deliveries to the site, noise, dust, surface water run off, pollution incident control, site contact details in case of complaints and lighting (including reference to the effect on wildlife and habitats) arising from the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. 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: This is required before commencement of development in order to minimise the impact of the construction period on the amenities of local residents, the countryside and wildlife and habitat and with regard to Policies BNE2, BNE36 and BNE39 of the Medway Local Plan 2003.

- 13 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 plots 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.

- 14 Prior to the first occupation of each dwellinghouse herein approved, shall submit a plan indicating the positions, design, materials and type of boundary treatment to be erected to serve the relevant dwelling shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed in accordance with the approved details before the relevant 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 amenity in the locality, in accordance with Policy BNE1 of the Medway Local Plan 2003.

- 15 Prior to the first occupation of Plot 3 the area shown on the approved plans for access and parking as shown on drawing number 1262 B/PL/06.1, 1262 B/LOC/01.3 and B/PL/06.4 shall be surfaced and drained in accordance with condition 17. Thereafter no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, 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, access and turning areas.

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

- 16 The front parking area shall not be brought into use until it has been formed from permeable surfacing materials or has provided with drainage arrangements within the site which shall thereafter be retained.

Reason: To manage surface water in accordance with Paragraph 181 of the NPPF.

- 17 No development shall take place above ground floor slab level for each plot until details of the provision of an electric vehicle charging point per plot have been submitted to and approved in writing by the Local Planning Authority. Details shall include the location, charging type (power output and charging speed), associated infrastructure and timetable for installation. Neither plot shall be occupied until the approved charging point has been provided to serve the relevant plot and the charging points shall thereafter be maintained.

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

- 18 Prior to the first occupation of each dwelling herein approved details of the refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. Each dwelling shall not be occupied until the approved refuse storage arrangements for that dwelling are in place and shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy BNE2 of the Medway Local Plan 2003.

- 19 The development for Plot 3 herein approved shall incorporate the measures to address energy efficiency and climate change as set out in the Climate Change and Energy Efficiency Statement as prepared by PJArchitecture received 20 May 2025. 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 of the National Planning Policy Framework 2024.

- 20 Applications for the approval of reserved matters in relation to appearance, shall include details and samples of all materials to be used externally, to be 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.

- 21 The details to be submitted in pursuance of condition 1 for Plots 1 and 2 shall show adequate land reserved for the parking of vehicles 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.

- 22 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):

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

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

Reason: To manage surface water during and post construction and for the lifetime of the development as outlined at Paragraph 182 of NPPF.

- 23 No development shall take place including site clearance of any of the plots until a Great Crested Newt survey has been submitted to and approved in writing by the Local Planning Authority. If translocation is required this will need to be evidenced and methodology prepared within this survey. The translocation shall be carried out in accordance with the approved details thereafter.

Reason: Required prior to commencement of development to ensure no irreversible detrimental harm to protected species in accordance with Policy BNE39 of the Medway Local Plan 2003.

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

Proposal

The proposal seeks a hybrid planning consent seeking outline permission for construction of two self-build dwellings and full permission for construction of a single self-build dwelling with associated access.

The full details are for one self-build unit listed as Plot 3 and the outline is all matters reserved other than access. Access will be provided from the High Street and would be shared with The Old Vicarage and Norview, with the retention of five parking spaces to serve The Old Vicarage.

Relevant Planning History

MC/25/0233	Construction of 4No detached self-build dwellings with associated parking and landscaping. Decision: Refused Decision: 3 April 2025
MC/24/1213	Construction of two detached dwellings with associated parking and landscaping. Decision: 25 October 2024 Decision: Approval with conditions
MC/18/2092	Outline planning application with some matters reserved (appearance, layout, scale and landscaping) for demolition of existing outbuilding and construction of two detached dwellings with associated garages, parking, access driveway and landscaping. Decision Date: 6 September 2018 Decision: Approval with conditions
MC/08/0216	Conversion of existing dwelling into two self contained flats with associated parking. Decision Date: 11 May 2009 Decision: Refused

MC/06/1664	Construction of a three bedroomed detached dwelling with associated parking (resubmission of MC2006/0841). Decision Date: 5 October 2006 Decision: Refused
MC/06/0841	Construction of detached 3 bedroomed house. Decision Date: 26 June 2006 Decision: Refused Appeal dismissed 14 June 2007

Representations

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

5 households have written in to raise the following objections:

- The land is landlocked and in order to access the site you must cross privately owned land.
- The level of traffic especially at school times with the school site opposite this road and increased cars at the site will lead to additional pressures and dangers.
- The wildflower meadow is no longer within the redline plan.

St James Isle of Grain Parish Council – Have objected for the following reasons:

- Inappropriate development in the small village.
- Access to these dwellings in dangerous onto the narrow High Street.
- Additional traffic to the access road to St James Church of England Primary Academy.
- No development should be approved until improvements are made to the B2001 and the A228.
- The road for access is very narrow and has no passing points.

Dickens Country Protection Society have provided the following comments:

The land proposed extends outside of the ownership of the applicant and on two sides of the land are Sites of Special Interest and would recommend imposing conditions requiring the land to remain undeveloped and buffer zones set up between the proposed development site and the SSSI's with cat proof fencing.

Southern Water - has advised that they require addition information prior to the construction of the development and that it shall not commence until details of the proposed means of foul drainage disposal have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water. A condition will be applied to the decision notice.

KCC Biodiversity has reviewed the Preliminary Ecological Appraisal and conditions are recommended for the development to be undertaken in accordance with this

PEA. Comments have been made regarding bio-diversity self build status which is covered within the report.

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

Background

There have been six previous applications for new dwellings on part of this site. The earliest application being MC/06/0841, which was for a single house on the southeast part of the current site. This was refused for two reasons:

- inadequate justification for such development which would be contrary to policies of rural restraint and
- due to the inappropriate backland nature resulting in overlooking of neighbours.

At appeal the Inspector commented that the development would result in a progressive urbanisation of the countryside which policy said would be protected for its own sake and dismissed the appeal. He, however, did not find the impact on neighbours to be unacceptable

MC/06/1664 was for a similar development to MC/06/0841 and was refused for similar reasons although no appeal against this refusal was lodged.

MC/08/0216 related to an application to convert the Old Vicarage into 2 flats and was refused for two reasons, firstly that the use as flats would be out of character and secondly that the increased level of activity would be detrimental to the amenities of neighbours.

However, following the significant changes in policy, including the emergence of the NPPF and the need to deliver new housing, especially in areas without a demonstrable five year supply, in 2018 an application was approved under MC/18/2092 for an outline planning application for demolition of existing outbuilding

and construction of two detached dwellings. Furthermore, since then, in 2024 at a planning committee meeting MC/24/1213 was approved for construction of two detached dwellings. More recently, an application was submitted for four self build dwellings under reference MC/25/0233 however this was refused on in April 2025 for the reasons set out below that primarily related to the conclusion that four dwellings represented an overdevelopment of the site:

“The development of the site for four dwellings along with associated parking, turning and domestic paraphernalia would result in a cramped development that would fail to respect the edge of settlement location, be at odds with the pattern of the adjacent development and would result in harm to the character and appearance of the area contrary to policies BNE1 and BNE25 of the Medway Local Plan 2003 and paragraphs 131, 135, 187 of the National Planning Policy Framework (2024).”

And “In the absence of a suitably worded legal agreement to secure the dwellings as self build it has not been demonstrated that the development would qualify for an exemption from mandatory Biodiversity Net Gain and therefore would fail to meet the statutory provisions of Schedule 7A of the Town and Country Planning Act (as inserted by Schedule 14 of the Environment Act 2021) requiring development to deliver a BNG of 10% and paragraph 187(d) of the National Planning Policy Framework (2024).”

And finally, “The application fails to address the impact of the proposal on the Special Protection Areas of the Thames Estuary and Marshes and the Medway Estuary and Marshes through either the submission of details to allow the undertaking of an Appropriate Assessment or via a contribution towards strategic mitigation measures. In the absence of such information or contribution the proposal fails to comply with the requirement of the Conservation of Habitat and Species Regulations 2010 and is contrary to Policies S6 and BNE35 of the Local Medway Local Plan and paragraphs 193 and 194 of the National Planning Policy Framework (2024).”

As such a key consideration of this application is the balance of the now proposed 3 dwellings between the 2 dwellings already approved and 4 that were refused and considered overdevelopment.

Principle

The principle of development of this site for residential purposes has been established by the approvals of the 2024 and 2018 applications for two dwellings and as the policy situation has not fundamentally changed in that the Development Plan Policies with the 2003 Local Plan remain the same and while the NPPF has been updated a number of times since 2018 there have been no substantive changes that would mean that the principle of development for dwellings on this site should be re-considered. The 2024 permission is an extant planning permission and therefore has significant weight in the assessment of the principle of residential development on this site.

It has already been established by the previous planning history that it is considered to be overdevelopment of the site for four dwellings as evidenced by planning

decision MC/25/0233, although there was not a reason regarding the acceptability in principle for residential development on the site. Therefore whilst, it can be considered that whilst outside the urban boundary, it is immediately adjacent to an established residential area and has already been established as being sustainable by means of the previous decision. The proposed application will need to be assessed on matters such as design, access and highways as covered within this report.

Design

Paragraphs 131 and 135 of the NPPF emphasise the importance of good design and Policy BNE1 of the Local Plan states that development should be satisfactory in terms of scale and mass and should respect the visual amenity of the surrounding area.

The site is outside the confines of the village as identified on the proposals map to the Local Plan and adjoins, but is not within, a site of nature conservation interest (SNCI). Policy BNE25 is relevant therefore and states that development should maintain and where possible enhance the character of the Countryside. Policy BNE36 seeks to protect sites of nature conservation interest.

The Medway Landscape Character Assessment adopted 2024 (MLCA) shows the site within the Allhallows to Stoke Marshes Character Area which is described as marshland fringe in moderate condition and of high sensitivity. However, the site itself appears distinct from this wider area and the lower lying land within the SNCI to the north and west, there being a fall in land levels on the edge of the site down to the SNCI. This sloping area of the site was previously identified and included within the red line plan as a wildflower meadow however as part of this application, this area is not included within the red line area.

Outline – Self Build

In this instance, two of the self-build dwellings are part of the 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. However, the outline application nature of the proposal and the indicative drawings do not give sufficient information to conclude positively on this aspect at this stage.

Each of the dwellings, as shown on the indicative block plan would have a sufficient size of plot to accommodate the dwellings incorporating parking and garden requirements whilst maintaining the spacious characteristics of this edge of village location.

An appropriate condition is proposed to restrict extensions to the properties, including upward extension are recommended, in order to protect this rural character. Further conditions are proposed regarding external materials, boundary

treatments and landscaping to be used in the construction of the properties to ensure the appearance is appropriate for this rural area.

As the external appearance will be considered under the reserved matters application, details of materiality will also be dealt with under the reserved matters.

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.

Full Application – Self Build

The submitted plans for the full application aspect for one dwelling have also been considered against BNE1 and BNE25 of Medway Local Plan 2003 and Paragraphs 131 and 135.

Plot 3 is located at the northern end of the site and is a modern interpretation of a barn style dwelling with a relatively steeply sloping roof and incorporates an attached, open cart shed type structure to be used as a car port. This design approach is appropriate in the rural location and is successful in this regard.

The size of the plot is sufficient that the dwelling sits comfortably within it whilst accommodating the necessary parking provision and providing a good sized garden for the dwelling.

Due to the sensitive nature of the site with regards to the landscape and surrounding area a condition is recommended to enhance and provide suitable landscaping at the site. Subject to securing the conditions, the character and appearance of the wider rural landscape nor harm the adjacent site of nature conservation interest.

In design terms it is considered that the design of the dwelling is in keeping with the rural nature of the area and that the scale whilst large is what can be expected from a barn type style. The development would not harm the character of the area and therefore overall, it is considered that the proposed design is in accordance with Policy BNE1, BNE25 and BNE36 of Medway Local Plan 2003 and Paragraphs 131 and 135 of the NPPF 2024.

As demonstrated above, the plots individually provide sufficient space to site within the rural character of the area. Taken together as three plots on the site the space surrounding the development would offer an open frontage style development with gaps between properties being in excess of 5m (albeit indicatively at this stage). This would represent an appropriate amount and layout of development and would overcome the concerns of overdevelopment that were the focus of the refusal of the previous application for four dwellings on the site.

Amenity

There are two main amenity considerations, firstly the impact of the proposed dwelling on neighbours, and secondly the living conditions which would be created

for the future occupiers of the development. Policy BNE2 of the Local Plan and paragraph 135f of the NPPF relates to the protection of these amenities.

Neighbouring Amenity

The site is large, and the proposed dwellings have been sited so as to not result in a significant impact on the amenities of neighbouring properties through any loss of outlook, overshadowing or loss of privacy. The dwelling at plot 3 subject to the full element of the application is closest to the existing neighbouring property and the single storage car port element is closest to the boundary (2m at the nearest point) with the two storey element of the dwelling being over 8.4m from the boundary. In addition, there are no windows proposed in the flank elevation of the dwelling in order to maintain the privacy of the neighbouring occupiers.

The development would result in additional movements to and from the site including the use of the existing vehicular access past The Old Vicarage, between the Parsonage and Norview. However, as this would still be at a fairly low level, for three dwellings only, it is not considered that this would result in harmful noise and disturbance to these or any other neighbours as the vehicles would pass in front of the dwellings on the shared access road and at the rear of the gardens of the properties that front the High Street.

There is the potential for the property to be converted into a small HMO in the future, which in turn may result in a harmful impact to the amenity of neighbouring residents. It is therefore recommended that a condition is imposed to remove permitted development rights with regard to the change of use between use classes C3 and C4.

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, 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 and therefore the proposal is considered to be in accordance with Policy BNE2 of Medway Local Plan 2003 and Paragraph 135 of the NPPF.

Residential Amenity

Outline Application for 2 dwellings

This aspect of the application is an outline and as such 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.

Notwithstanding the above, 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).

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 four 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.

Full Application for one dwelling

With regard to the one dwelling covered by the full aspect of this application, the gross internal floor area unit has been assessed against the nationally described space standards and would exceed all requirements.

In addition to this, it is considered that the plot achieves adequate, daylight, sunlight and outlook and would meet the space standards requirements and with a significant garden area and, subject to the recommended conditions, no objection is be raised under Policy BNE2 of the Local Plan and Paragraph 135(f) of the NPPF.

Notwithstanding the above, 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 GPDO.

Ecology

Paragraph 193 of the NPPF 2024 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value and Policy BNE36 provides long term protection to sites of nature conservation interest (SNCI).

The main part of the site is cleared fairly level ground although there is some vegetation on the edges where the site slopes down to the adjacent to a SNCI, Grain Pit Local Wildlife Site. There are also some trees by the site edges including some conifers to the southern boundary. The trees are considered to provide limited value

aside from screening purposes. A Landscape Ecological Management Plan is recommended to protect the adjacent SNCI and ecology within and around the site and this should include details regarding the wildflower meadow, retained and proposed trees and lighting on the site.

Kent Wildlife Trust have not commented on this application however previously they provided comments and considered that there is the potential for Great Crested Newts (GCN) to be present on the site and as GCN are a protected species, and it is an offence under the Conservation of Habitats and Species Regulations 2017 to damage or destroy their breeding sites and resting places, it is recommended that a condition is imposed for the submission of a GCN survey prior to the commencement of development.

Subject to the recommended conditions the development is considered to be in compliance with Policies BNE36, BNE37 and BNE39 of the Medway Local Plan 2003 and paragraphs 186 and 187 of the National Planning Policy Framework 2024.

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.

The proposed dwellings would share the existing access from the High Street with The Old Vicarage and Norview. It is not considered that the three dwellings would lead to an unacceptable level of traffic increase and therefore is not considered to be impact upon Highways Safety.

Biodiversity Net Gain

The applicant has stated that the development is exempt from the Biodiversity Net Gain (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 Customer 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 submitted written confirmation that one plot will be built by the applicant for their own family home and the two additional units will be sold on as a self-build unit whereby they have applied under an outline therefore the owners will be required to submit reserved matters applications including the design of the plots and therefore overall it is considered that this meets the definition of Self Build and an appropriate Unilateral Undertaking is 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 agreed to submit a SAMMS Mitigation Contribution Agreement and payment for an additional dwelling having paid for two under the most recent approval and therefore no objection is therefore raised under Policies S6 and BNE35 of the Local Plan and paragraphs 193 and 194 of the NPPF subject to this being done prior to a decision being issued.

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

The principle of residential development of this site has been established by the previous grant of permission within the same policy context and the increase in one dwelling is not considered to impede on this. The development proposed is well designed and reflective of its rural location and will not impact on the amenities of neighbouring residents. The proposal is acceptable in access and ecology terms. The application is therefore considered to accord with Policies H9, S6, BNE1, BNE2, BNE25, BNE35, BNE36, BNE37, BNE39, BNE43, T1, T4 and T13 of the Local Plan and Paragraphs 11, 61, 116, 131, 135, 135(f), 163, 193 and 194 and is recommended for approval.

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.

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/>