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| 2.5 REFERENCE NO - 18/501300/REM | | | |
| APPLICATION PROPOSAL Reserved matters of appearance, landscaping, layout and scale pursuant to outline permission 15/506945/OUT for residential development of 8 new dwellings with access and parking. | | | |
| ADDRESS Land East Of Morris Court School Lane Bapchild Kent ME9 9JN | | | |
| RECOMMENDATION – Approve SUBJECT TO receipt of further amended landscaping proposals | | | |
| REASON FOR REFERRAL TO COMMITTEE Contrary Representations from Parish Council; Local objections | | | |
| WARD West Downs | PARISH/TOWN COUNCIL Bapchild | APPLICANT Fernfield Homes Ltd AGENT Kent Design Studio Ltd | |
| DECISION DUE DATE 08/05/18 | PUBLICITY EXPIRY DATE 04/05/18 | | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 15/506945/OUT | Outline application for up to eight houses | Approved | 26/08/2018 |

1.0 DESCRIPTION OF SITE

- 1.01 The site is at present an open field, situated within the corner of School Lane and opposite the junction with St Laurence Close. It is located just outside the established built-up area boundary, and is adjacent to the edge of the village of Bapchild.
- 1.02 The principle of development and the access arrangements for the site have already been approved under outline planning permission 15/506945/OUT. This is a Reserved Matters application, to deal with the matters of appearance, landscaping, layout and scale.
- 1.03 The site is located at a prominent location at the junction of School Lane, Church Street, and Panteny Lane. The site lies directly opposite a village green. To the north of the site is an established residential development of the village of Bapchild. To the east, south and beyond the converted buildings at Morris Court Farm the site is surrounded by the countryside and land that is in agricultural use. Morris Court Farmhouse is a Grade II listed building. Bapchild and Tonge Church of England Primary School is located approximately 500m away.
- 1.04 The application site is gently sloping, and rises southwards from School Lane into the site. A belt of tall mature trees lines the frontage of the site with School Lane. These trees are protected by a Tree Preservation order (Group Tree Preservation Order of 23 Poplar Trees Group 1 of TPO no. 2 of 1998) and they provide an effective landscape barrier to the site. The site area is approximately 0.69 hectares (or 1.7 acres).

2.0 PROPOSAL

- 2.01 The proposal is for the details of eight houses on this site. The submitted drawings show a terrace of three 3 bedroom houses; one detached 4 bedroom house; two 4 bedroom semi-detached houses; and two 5 bedroom detached houses.
- 2.02 Each house would be provided with car parking spaces or car barns, and the submitted drawings also show three visitor parking spaces. Each house would also have its own private amenity space.
- 2.03 The houses are all of differing styles, with different sizes, architectural features, finishes, etc The layout attempts to adhere to conditions on the outline permission that require buffer zones between the western site boundary with Morris Court Farm, and from the trees on the site frontage.
- 2.04 The site will be accessed from the entrance point agreed under the outline planning permission, and will sweep past the three terraced houses before turning south into the centre of the site.
- 2.05 The application is submitted with proposed street scene drawings; hard and soft landscape plans; drainage and engineering plans; drawings showing a new footway/pavement on the corner of St Laurence Close (required under section 278); drainage details; a construction statement; a tree survey; and a Secured by Design Statement. These cover a number of conditions attached to the Outline planning application.
- 2.06 The application has latterly been amended to address concern over garden sizes and parking provision for the site. Revised native landscaping details are also anticipated.

3.0 SUMMARY INFORMATION

| | Existing | Proposed | Change (+/-) |
|--------------------------|----------|----------|--------------|
| Site Area (ha) | 0.69h | 0.69h | - |
| No. of Residential Units | Nil | 8 | +8 |

4.0 PLANNING CONSTRAINTS

- 4.01 The entire site lies just outside the defined built up area boundary of Bapchild, within the countryside.
 - The application site is within land designated as an Important Local Countryside Gap in the adopted Swale Local Plan 2008, and the emerging Local Plan ‘Bearing Fruits’ 2031.
 - Site is within the Rodmersham Mixed Farmlands
 - Trees with a Group Tree Preservation Order
 - There is potential for important Archaeological remains to be on site.
 - The site is within Groundwater Outer Protection Zone II
 - The site is located within 2km of the Swale Special Protection Area (SPA), Ramsar site and the Swale Site of Special Scientific Interest (SSSI).

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The NPPF relates in terms of achieving sustainable development, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.
- 5.02 Paragraph 14 the NPPF makes it clear that there is a presumption in favour of sustainable development, which has three dimensions: economic, social and environmental.
- 5.03 Paragraph 56 attached great importance to quality of design, and Paragraph 64 states that poor design should be refused, particularly if it does not contribute positively to the area and does not improve the character and setting of the area.
- 5.04 With regard to Bearing Fruits 2031 – The Swale Borough Local Plan 2017, Policy CP3 requires a wide choice of high quality homes, whilst Policy CP4 requires good design which will contribute to making places better for people.

6.0 LOCAL REPRESENTATIONS

- 6.01 Three letters and emails of objection have been received from local residents. The contents therein may be summarised as follows:

- Site is on a dangerous bend
- Traffic speed is a danger
- Gridlock in Church Lane outside the school at the beginning and the end of the school day
- The land shifts after heavy rain, with mudslides
- Possible harm to setting of adjacent listed building
- *'I wanted to say that there are lots of foxes, badgers, owls, squirrels, nesting birds and bats in that area along with a row of protected trees which have been there for years and should not be pulled down although the potential developer has picked out a few that he thinks are "less protected" - what?. What will he do? Cut through the roots and kill the trees to get them out his way to line his own pocket'*
- *'You'll probably take no notice of my concerns but I wanted to try and say something. We don't need any more houses built in Sittingbourne, the roads are solid traffic now as it is, with basic facilities under strain already. Don't kill all those trees and animals, please....'*

7.0 CONSULTATIONS

- 7.01 Bapchild Parish Council objects to the application. Their comments, in full, are as follows:

'We would like the following points noted and as an appendix to this letter we wish to place on the record within the online planning portal;

- *Symonds Open Space School Lane Bapchild Report 1995*
- *Swale Information Leaflet Contaminated Land*

Environmental Concerns – Referencing Symonds Report 1995

We have previously notified the original project sponsor Crabtree & Crabtree (Bapchild Ltd) before the site was sold the possibility redundant mine workings adjacent to this location with some recorded anecdotal evidence that might suggest these tunnels could extend under the land where the new homes are to be built?

The site was originally owned by the Gascoyne family and after the adjacent Denehole/Chalk/Mine Workings ceased the site was then filled by Sittingbourne & Milton Urban District Council with landfill rubbish closing around 1960.

The 1995 Report suggests KCC or Swale Council the successor to the original waste depositor do not hold any records of what was dumped in this area.

Page 10 Point 6.1 – Engineers propose a monitoring borehole is provided to check on gas levels was never installed.

Therefore, the question we wish to raise is the possibility of old mine workings being located under the proposed development. It is confirmed the old chalk pit was filled with household waste. However, if the underground tunnels as reported exist it is highly probable these would not have been filled or sealed, so in turn could prove a pathway for any gasses being produced by the deposited waste material degrading.

*The **legal definition** of ‘contaminated land’, as provided by Part IIA of the Environmental Protection Act 1990, is: Land which appears to the local authority in whose area it is situated to be in such a condition, by reason of substances in, on or under the land that significant harm is being caused or there is a significant possibility of such harm being caused or by pollution of controlled water is being, or is likely to be caused.*

The attached Swale Information Leaflet on Contaminated Land suggests the Council may hold records for this site and we would be pleased to view any details you may retain about this area. It could also be of interest to existing residents and prospective purchasers of the new houses.

***Traffic Management Plan** - We would like the original condition for full on-site parking during construction retained and not allow for parking in St Laurence Close at busy times as being requested by the new developer of this Scheme.*

***Design Statement** - Opposite the development, a new footway is shown on the village amenity area. This area has been the subject of discussion as to the ownership of the land and we feel a definitive answer to the precise rights of title needs to be established.*

The proposed new footway assumes residents will walk towards St Laurence Close to access the existing village footways, however most residents will want to walk in the opposite direction towards the A2, the school, village hall, church, bus stop and other village amenities. So, the approved design appears to promote the possibility of people more likely due to human nature to just walk down School Lane without the safety of a footway. We have raised these concerns with Andrew Bowles our County Councillor.

However, if the ownership of all the land required for the new footway cannot be established or provided, then the following planning condition cannot be complied with.

Prior to the first occupation of a dwelling / premises the following works between that dwelling or premises and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

Site Maintenance and Management Plan - *It is unclear who will be responsible for the upkeep of the green spaces and landscaping after the specified 5 years. We have experienced countless problems with existing village green spaces and would urge implementation of a robust ongoing management/maintenance plan.*

Highway Issues - *We have requested a site meeting to clarify several issues but, in the event, that this is not possible – we request the traffic calming in School Lane be extended up to the development together with street lighting, as speeding traffic close to a blind corner is a regular problem in this area?*

Protection of the Countryside Gap - *We request a restriction be placed on the boundary of the site between plots 5 and 8 to ensure there is no future housing precedent set by way of an established access point from this development. This strip of land could be handed over to the Parish?*

Infrastructure - *Superfast broadband to each dwelling was originally required as a planning condition, but we find no mention of this. The original approval required;*

KCC wishes to make the applicant aware that Superfast Fibre Optic Broadband 'fibre to the premises' should be provided to each dwelling of adequate capacity (internal minimum speed of 100mb) for current and future use of the buildings.

Site Working Hours – *Due to the proximity of the development to Morris Court Farmhouse and the occupier who, due to his disabilities must spend much of his time at home and we note he has asked for a home visit to give his objections orally, which we trust will be afforded to him.*

We therefore request in the interests of residential amenity the site working hours are amended thus;

*No demolition or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, **No Weekend Working** unless in association with an emergency or with the prior written approval of the Local Planning Authority.'*

- 7.02 The Council's Tree Consultant comments as follows: *'The landscaping as proposed on the detailed planting plan by PJC Consulting (DWG No PJC-0706-002, dated 06/09/2017) is acceptable and provides a good mix of native and non-native planting that is in-keeping with the landscape character of the area. Therefore, from an arboricultural perspective I have no objections to the planting proposals.'* However, knowing Members' desire to have native species within landscaping, I have requested a new drawing from the applicant showing same. I expect to receive this before the meeting, and will report to Members at that meeting.
- 7.03 The Parish Council also submitted a report from 1995, detailing the site's geology and hydrogeology. This notes that the site was once used for landfill, and that some form of quarrying/mineworking has taken place near the site in the past, and that certain

tunnels may have been constructed near the site. I note that the Council's Environmental Health Manager raised no objection to the proposal at outline stage. I acknowledge the possible existence of short tunnels near the site, but no specific information as to where these tunnels might be, or even whether or not their existence can be confirmed, accompanies the statement. This is a matter that was not brought up at outline stage and cannot be material to this application.

- 7.04 I have also received eighteen emails from the Vice Chairman of the Parish Council, commenting on highways issues, access issues, the need for street lighting, land ownership issues and traffic calming. These emails also include concerns with regard to highways and footpaths arrangements. Kent Highways and Transportation have responded as follows:

'I have spoken to my colleagues in the Agreements Team who will oversee the construction of the off-site highway works and the access, and they have confirmed that they are currently assessing the technical details that have been submitted to them in order that the developer may carry out the proposed works. The works will be carried out under a Section 278 Agreement, which is the appropriate mechanism that is used to allow a third party to undertake works on the adopted public highway.

The S278 submission and approval process is separate to the planning procedure, and it is this submission and its associated details that will ensure that the proposals are in accordance with highway design standards and is fit for purpose. Drainage details will form part of that submission, and the measures proposed will need to demonstrate that they are suitable. Once we are satisfied that the details are acceptable, and technical approval for the S278 has been given, we will notify the Planning Authority that the relevant planning condition can be discharged.

Please note though, that the developer will not be required to address any existing drainage issues that are not directly related to their development, such as disposing of the run-off from Panteny Lane and Church Street that you have referenced. They are only required to mitigate their own impact.

The informative that was requested to be included on the decision notice regarding highway boundaries is used to make developers aware that they are not able to construct development or carry out works on the public highway without gaining the Highway Authority's approval to do so first. This is in order to eliminate the risk of development proposals encroaching onto the highway, and the Highway Authority subsequently having to take enforcement action against them to have it removed. In this case, it appears to be land outside of the adopted public highway that is being questioned, so the same concerns regarding enforcement action do not apply.

Ultimately, to build the access and footway on the southern side of School Lane, the developer will have to enter into a S278 Agreement with KCC, and satisfy any technical and legal matters associated with the delivery of this. If there is any unregistered land that is outside of the public highway and the developer's ownership that is required to accommodate the proposed S278 works, there are measures included within the S278 to cover this. It is a common feature of S278 agreements, and involves the use of an indemnity policy to compensate a landowner of unregistered land, should one make themselves known at some point in the future with paper documentation to prove their ownership.

Realistically, it is unlikely that constructing on the thin sliver of land will flush out another landowner, and it is entirely possible that the discrepancy between the boundaries shown on the Land Registry title and the highway definition records could

just be down to the accuracy of the plotting. Due to the rural position of the site, the original OS mapping that both sets of data would have been plotted onto at the time would have been at a scale of 1:2500. The thickness of a pen line on those paper maps could be a couple of meters wide, so the accuracy of the boundaries once scaled up and shown on the digitised records may explain the apparent gap.'

8.0 APPRAISAL

8.01 It is important that Members understand that the main concerns raised now by the three objectors and the Parish Council have been or should have been flagged up at the outline stage. The highways and access issues, and the principle of development, have already been accepted and approved under planning reference 15/506945/OUT. It should be remembered that this is a Reserved Matters application, with only issues of appearance, landscaping, layout and scale being the issues for decision at this stage.

8.02 As such this report only considers issues relating to appearance/design, layout, landscaping and scale.

8.03 In terms of density, this is very low on this site, working out to be 11 dwellings per hectare (eight dwellings on 0.69 hectares). Developments in Sittingbourne have recently been between 25 and 40 dwellings per hectare, so the density here is low, as would be expected on this edge of village location.

8.04 With regard to appearance and design, I am of the opinion that the designs are acceptable. The use of fenestration is good, with a number of 'feature' windows. I have included a condition regarding the implementation of the external material samples submitted, to ensure that these further complement the appearance of the new dwellings.

8.05 I have requested and received the following minor amendments to the original submitted drawings:

- I was concerned by the small amount of amenity space allocated to Plot 5, particularly considering that this is a five-bedroom house. However, by moving plot 5 forward and plot 8 back, this has been easily rectified.
- Similarly, I felt that the northern end wall of the proposed car barn to serve plots 1, 2 and 3 should be left open. Again, this has now been rectified.
- An extra parking space has been shown for Plot 8
- All planting should be of native species only. I await a new drawing showing this, and hope to report this to Members at the meeting.
- Samples and specifications of final facing materials have also been submitted, and I have suggested a condition to see these used.

With regard to layout, as noted above, the site has a very low density. As such the layout is fairly spacious, and gives an impression of development along a roadway and around a courtyard, which I believe sits well within this site, situated as it is right on the edge of an established village. As noted above, the Council's Tree Consultant is satisfied that the proposed landscaping is acceptable. My overall view is that the proposals now represent an acceptable way of developing the site. Therefore, I am satisfied that the proposed scale, layout, appearance and landscaping are all acceptable.

8.06 I also acknowledge the Parish Council's concerns with regard to the protection of the countryside gap, but I do not agree that the small area of land suggested by the Parish

Council should be passed to the Parish. I do not believe there will be a further erosion of the countryside gap here; when the outline application was granted, the Council did not have a 5 year supply of housing land. With the publication of bearing Fruits 2031: the Swale Borough Local Plan 2017, that supply of housing land has been achieved; as such, further encroachment into the countryside is less likely to be successful, and the previous approval does not create a precedent; all proposals have to be assessed on their own merits.

9.0 CONCLUSION

9.01 I am of the opinion that all of the reserved matters now proposed, with the exception of native landscaping, have been addressed satisfactorily, and I recommend that the proposal be approved, subject to the receipt of satisfactory landscaping details,

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

- (1) The development hereby permitted shall be carried out incorporating the sustainable construction techniques submitted to and approved by the Local Planning Authority.

Reason: In the interest of promoting energy efficiency and sustainable development.

- (2) The development hereby permitted shall be carried out using the following approved external facing materials: natural slate; Premium Black Featheredge timber weatherboarding; Phalempin Vintage clay roof tiles; lightly stippled white render; and Forterra Hampton Rural Blend bricks.

Reason: In the interest of visual amenity.

- (3) The development hereby approved shall be carried out in accordance with the following approved drawings;

1505-04B; 1505-10A; 1505-11A; 1505-12A; 1505-13A; 1505-14A; 1505-15B; 1505-16B; 1505-17B; 1505-18B **and revised landscaping drawings to be confirmed.**

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

- (4) Notwithstanding the provisions of Part 2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) the 10m wide landscaping strip on the site's western boundary and adjacent to pots 1, 4 and 5 shall not be subdivided by fences, wall or other means of enclosure.

Reason: In the interests of the amenities of the area.

- (5) The car barn intended to serve plots 1, 2 and 3 shall not be enclosed by either walls or doors on its northern (end) or western (front) at any time.

Reason; To ensure that the car barn remains available for car parking and is not used for domestic storage or other uses.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

