

2.10 REFERENCE NO - 16/507298/FULL			
APPLICATION PROPOSAL Phase 1 of the redevelopment of Land off Rushenden Road, comprising 101 dwellings and associated access, parking and landscaping.			
ADDRESS Land At Rushenden Road Queenborough Kent ME11 5HP			
RECOMMENDATION Approve subject to completion of a S106 agreement to secure financial contributions towards SAMMS, wheelie bins, open space provision / maintenance, education, libraries, social services, Public Right of Way improvements, and the provision of 31 starter home units within the development; receipt of comments from Kent Highways & Transportation, the Council's Green Spaces Manager; receipt of further comments from the EA; resolution of the LMIDB's objection, and any minor amendments required as a result of the above comments.			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal represents the first phase of the Queenborough & Rushenden Regeneration project and would provide 101 dwellings on an allocated site within a sustainable urban location, without given rise to any serious amenity concerns.			
REASON FOR REFERRAL TO COMMITTEE Require delegation to enter into S106 agreement to secure financial contributions and provision of starter homes.			
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT Keepmoat Homes AGENT IBI Group	
DECISION DUE DATE 17/01/17	PUBLICITY EXPIRY DATE 28/11/16		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/504873/ENVSCR	EIA Screening Opinion for erection of 109 dwellings.	ES not required	21.07.16
SW/11/0601	Engineering operations comprising land raising and creation of a development on southern part of site, 300mm excavation on northern part of site, the demolition and clearance of all buildings, structures and hardstanding areas and installation of flood gates at north west corner of site.	Approved	09.07.12

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site comprises a parcel of made-up ground immediately to the north of First Avenue, Rushenden. It is roughly rectangular, measuring roughly 97m wide by a maximum of 295m deep, and extends to approximately 2.4ha. The site is bordered by Rushenden Road to the east, First Avenue to the south, the Swale to the west, and remaining parcels of the Queenborough and Rushenden (Q&R) regeneration area allocation to the north (beyond a drainage ditch).

- 1.02 The land was formerly in industrial uses (mainly as part of the Twyford works) but was cleared several years ago as part of an initial phase of works on the Q&R regeneration. Following clearance the land level was raised by between 1.5 and 3m through the deposit of clean soil, and the site now stands taller than the surrounding land. Land levels are highest at the eastern (Rushenden Road) end of the site, and taper downwards towards the west, and the ground is generally level and clear across the site.
- 1.03 First Avenue is a residential street with terraced houses running the full length on the southern side of the application site. There are two blocks of 4 terraced houses and a small light industrial building (a remnant of the former works) on the northern side of First Avenue, roughly halfway along the length, and the application site wraps around these buildings on three sides.
- 1.04 At the western end of First Avenue the road becomes unmade and provides access to a campsite and private moorings. A public footpath runs through the site from this point and turns eastwards to link up with Rushenden Road – the footpath is currently subject to a temporary closure order while hoardings have been erected around the development site. A drainage ditch runs along the northern boundary. The shops at Neatscourt are approximately 1km to the east, and Queenborough train station is roughly 700m to the north.

2.0 PROPOSAL

- 2.01 The application seeks full permission for the erection of 101 dwellings and associated access, parking and landscaping.
- 2.02 The existing site access on Rushenden Road will be moved slightly to the north to be more central on the site, and a central estate road will run from there through to the far western end – it will rise up from Rushenden Road to meet the current site level. Three short internal estate roads will spur off from this: two at the front of the site and one at the far rear (the layout will ultimately resemble a trident pointing eastwards). Two-storey dwellings will be arranged on either side of these roads, and a three-storey block of flats will be positioned in the north-eastern corner of the site.
- 2.03 The two-storey dwellings (which will be a maximum of 8.2m tall) will be of a simple, plain design, with pitched roofs and some with projecting front porches, and will feature a mix of facing brick, timber cladding, render, and tiled roofs. Each dwelling will have 2 parking spaces to either the front or the side. Those dwellings fronting First Avenue will have frontage parking at the same level as and accessed from First Avenue, with communal bin stores interspersed between some of the spaces. A new pedestrian footpath will be created along the majority of the First Avenue frontage (in front of plots 44 to 59), with steps and DDA-compliant paths providing pedestrian access up to the development.
- 2.04 Each dwelling will have a generous rear garden. Some gardens will be less than 10m deep but with compensatory width. An informal play area with natural play features (logs, boulders, etc.) sits roughly central on the site and will form a gap in the built form to provide access to the drainage ditch to the north (although access to this area will not be encouraged in the interests of protecting wildlife and biodiversity). Planting and soft landscaping will take place throughout the site and the boundaries, and the sloping ground at the site boundaries will be grassed and planted.
- 2.05 A three-storey block of six, two-bed flats is positioned in the north-eastern corner of the site by the junction of Rushenden Road and Thomsett Way. This will also be of a

simple design with a steep pitched roof and dark timber cladding reminiscent of traditional seaside buildings, and with a ridge height of 12m. Parking for these flats will be provided in a courtyard to the rear, with amenity space and bike / bin stores also to the rear. The flats were originally positioned in the south-east corner, and as a result of their relocation a dwelling has been lost from the wider scheme, reducing the numbers from 102 to 101.

- 2.06 The application has been reviewed by the Design South East design review panel, who suggested a number of amendments. This is discussed in greater detail below.

3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	2.4
No. dwellings	101
Dwellings per ha (dph)	42.5
Parking Spaces	203 (inc. 22 visitor)
No. of Affordable Units	30 (30%) starter homes

4.0 PLANNING CONSTRAINTS

- 4.01 The site lies within an area of Potential Archaeological Importance and Environment Agency Flood Zone 3 (but it should be noted that the land raising works take the site up out of flood risk).

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The NPPF was adopted on 27th March 2012 and is a material consideration in determining planning applications. It offers general advice in respect to proposed development, rather than the more detailed and often site-specific guidance of the Local Plan. Local Plan policies must be assessed against the advice of the NPPF, and those with a “limited degree” of conflict can be considered to comply and thus remain a material consideration in the determination of planning applications.
- 5.02 Paragraph 47 of the NPPF requires Local Planning Authorities (LPA) to have an up-to-date five year housing supply otherwise policies that restrict the supply of housing can be considered out of date. However, in this instance the Council is confident that it has addressed housing recent supply issues, and in any case this site lies on an allocated site within the built up area and therefore benefits from a presumption in favour of development in any instance.
- 5.03 National Planning Practice Guidance (NPPG) also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, and ecology, amongst others.
- 5.04 Policies AAP6 (Q&R), SP1 (sustainable development), SP4 (Housing), E1 (general development criteria), E9 (Landscape), E14 (listed buildings), E19 (design), H2 (new housing), H5 (housing allocations), T1 (safe access to new development), T3 (vehicle parking), T4 (cyclists and pedestrians) and U4 (placing services underground) of the adopted Swale Borough Local Plan 2008 are all relevant in the consideration of the application.

- 5.05 Policy AAP6, in particular, establishes the principle of development here and sets the Council's aims and visions for the wider allocation site:

“Within this area planning policies and proposals will aim to ensure a co-ordinated and phased development that maximises benefits to the existing and new communities; the removal of unsightly industry and traffic; and the creation of healthy living environment that improves quality of life whilst maintaining and enhancing the quality of the natural habitat.”

- 5.06 AAP6 continues on to state that planning permission will be granted for new housing, as well as employment and community uses (to come in following phases and on adjacent parcels). It also notes the need for the Rushenden Link Road to facilitate such development, which is now complete.

- 5.07 The emerging Local Plan, Bearing Fruits 2031, is at main modifications stage (with the Examination in Public reopening on 31st January) and can thus be afforded significant weight. Policies ST1 (sustainable development), ST2 (development targets), Cp3 (choice of homes), Regen 2 (Q&R), DM7 (parking), DM8 (affordable housing), DM14 (general), DM17 (open space and recreation), DM19 (sustainable design and construction), and DM21 (water, flooding and drainage) are relevant.

- 5.08 Policy Regen 2, in particular, states:

“A regeneration area for Queenborough and Rushenden is designated as shown on the [Proposals Map](#). Within this area, proposals will support the objective of regenerating the area for residential, employment and community uses to achieve the integration of communities. Development proposals will, as appropriate:

- 1. Accord with the adopted Masterplan Supplementary Planning Document and its addendum;*
- 2. Contribute towards the creation of a distinctive sense of place for the planned new settlement that also reflects the area's waterside location and historic environment;*
- 3. Demonstrate sensitive and innovative design, which responds to the challenge of creating new townscape and be subject to scrutiny by the Swale Design Panel;*
- 4. Achieve high standards in terms of sustainable design and construction, including the design and specification of the buildings and sustainable urban drainage;*
- 5. Accord with an integrated landscape strategy through the creation of a new landscape structure for the area, supporting the creation of a network of areas for play, walking and informal recreation, as well as achieving a net gain in biodiversity overall;*
- 6. Assess biodiversity interests, including a Habitats Regulations Assessment. Proposals will ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 7. Improve the quality of the environment and housing choice to restore the local housing market area;*
- 8. Achieve a mix of housing in accordance with Policy CP3, including provision for affordable housing, in accordance with Policies Policy DM8;*

9. *Provide, at Neatscourt, commercial floorspace unless this would adversely impact upon the vitality of Sheerness town centre or compromise the achievement of meeting industrial floorspace needs as required for the Local Plan period;*
10. *Secure those improved services and facilities necessary for a sustainable community;*
11. *Where appropriate, assist with alternative accommodation for the displacement of existing businesses;*
12. *Through physical, environmental and economic measures, integrate the existing and new communities;*
13. *Assess the need for, and provide such transport initiatives and improvements as are necessary;*
14. *Assess and respond to any risk from flooding; and*
15. *Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to transport, education and health.”*

5.09 The Queenborough & Rushenden Masterplan (2010) shows the site as a proposed residential area, sitting adjacent to community uses to the north, and open space to the west. Page 49 of the plan states that *“the residential component of the scheme is intended to provide a variety of housing types and... these will be set within an exemplary public realm of traffic calmed streets and squares well connected to greenspace and community facilities.”* The plan sets out that 200 new homes should be provided within the wider allocation area, with a range of tenures, and allows for high density development. In relation to the application site in particular the plan sets out that buildings should be 2/3 stories and key views should be retained through the centre of the site out to the Swale.

5.10 Further to the Masterplan, the Masterplan Addendum (2015) has revised the indicative land use plan to account for market circumstances and the need to make delivery viable. In this regard it revises the housing requirement down to 1,180 units, and identifies the current application site as being within phase one of development which will include up to 250 dwellings, and a health centre. The Addendum also introduces a number of key changes:

- *The Marina proposals have been removed, and replaced by a new Primary School. This places the school in the heart of the new community;*
- *In light of the removal of the marina, the densities applied to development have been revised, and are arguably more in keeping with the local context. Potential exists, however, for greater densities adjacent to the creek and this is also reflective to the generally more “tight” urban grain of Queenborough;*
- *The safeguarding of the creekside area for future development of a “Waterside Hub” to the South of Queenborough Creek – this could take the form of a visitor centre and/or leisure facilities; and*
- *Former Istil and Thompsett Way site now included for potential residential development.*

6.0 LOCAL REPRESENTATIONS

6.01 One letter of broad support has been received, but raising the following concerns:

- Bin stores situated away from houses are unlikely to be used, and the layout should be changed to accommodate wheelie bins on driveways;

- First Avenue should be widened to cater for additional traffic and existing parking; and
- The houses on the western end should be set further into the site to allow for road access and vehicle parking to the front.

6.02 The Swale Footpaths Group notes the presence of footpath ZB49, and suggests the developer be reminded of its presence in case a diversion is required.

6.03 No other letters have been received, but I have had a meeting with one resident who had several questions in regards design and layout of houses, and raised a number of concerns that were not planning considerations.

7.0 CONSULTATIONS

7.01 Highways England, following an initial request for additional information, have no objection to the development.

7.02 The Environment Agency have objected on the grounds that the Flood Risk Assessment was not sufficient, and noted that the site was not defended by existing coastal defence works. The agent has prepared additional information to address this objection (also noting that they had pre-application discussions with the EA from which the Agency raised no concerns) and I await further comment from the EA but expect the issue to be resolved.

7.03 The County Flood Officer has no objection subject to conditions.

7.04 The LMIDB has objected as the development would be within 8m of the drainage ditch to the north of the site, which is the maintenance margin protected by LMIDB byelaw. They comment, however, that the applicant needs to apply for formal drainage consent for the works from the LMIDB Board, and it may be the case that their Board takes the view that access from the north only would be acceptable, but this is not known until such an application is made. I am liaising with the agent on this point and will update Members at the meeting.

7.05 Southern Water state that the existing sewerage network cannot accommodate the outflow from the proposed development, and that additional infrastructure may be required. They therefore suggest that the condition and informative below should be attached to any grant of permission.

7.06 Natural England have no objection subject to conditions as set out below, and the securing of financial contributions towards the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group.

7.07 The KCC Ecologist has no objection subject to the conditions below, and the securing of financial contributions towards the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group.

7.08 UK Power Networks have no objections.

7.09 Southern Gas Networks note that there are gas pipelines near the site and recommend that their position is properly identified before construction, and care exercised during development. I have attached an informative to this end.

- 7.10 The County Public Rights of Way officer notes that footpath Z49 runs along the western site boundary, and requests a contribution totalling £11,500 to secure improvements to and maintenance of the footpath to compensate for increased usage as a result of both this development and future phases (from which contributions will be sought at the time).
- 7.11 The Council's Strategic Housing and Health Manager comments that *"we are concerned that all of the affordable units on this site will all be starter homes as this will not meet local housing need, but may well meet the need of households from out of area, therefore it would be preferable to have a mix of intermediate and affordable rented homes."* I have clarified this position with the Housing Manager, who has further commented that she does not formally object to the application, but felt it necessary to *"reiterate that starter homes won't meet affordable housing need of the area and that the new affordable housing policy does not support need particularly on the Island."* This is addressed in more detail below.
- 7.12 The KCC Development Contributions officer requests a number of financial contributions towards local services, as detailed at 9.24 below. He also requests a wheelchair accessible home be secured as part of the affordable housing provision, which is discussed at 9.15—9.17 below.
- 7.13 The Council's Environmental Health Manager has reviewed the case in regards to air quality, noise, and land contamination. He is generally complimentary about the level of information submitted, and raises no objection subject to the conditions set out below.
- 7.14 I await comments from Kent Highways & Transportation and the Council's Green Spaces Manager and will update Members at the meeting.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Members may care to note that the application has been through pre-application discussions with officers, a public consultation exercise at Castle Connections, Queenborough over summer, and has been reviewed by the Design: South East design review panel.

9.0 APPRAISAL

Principle

- 9.01 The application site is a sustainable urban location situated within the built up area boundary, and forms part of the wider allocation (under both the adopted and emerging Local Plans) for residential development as part of the Q&R regeneration works. Furthermore the proposal will contribute 101 dwellings towards the Council's housing supply. In these regards I consider the scheme to be acceptable in principle.

Layout

- 9.02 The layout of the site is, in my opinion, generally acceptable. It provides for a pleasant frontage that addresses Rushenden Road and longer views from the top of the rise on Thomsett Way. The dwellings and flats fronting First Avenue will create a landmark arrival point within a well-spaced street scene in my opinion, and within the interior of the site the layout provides sufficient space for adequate gardens, vehicle parking spaces, public amenity space, and tree planting / landscaping.

- 9.03 The design review panel suggested some minor amendments to the layout that I have discussed with the applicant. In particular I have requested that:
- the internal road network be less formal and provide greater opportunities for tree planting and landscaping;
 - a footpath be included to link the frontage area to First Avenue;
 - the use and long-term management of the land between units 18 to 28 and the existing dwellings at Sunset Terrace needs to be considered;
 - units 14 to 17 should face outwards;
 - position the play area closer to First Avenue;
 - Using external materials to reference each unit's location within the site, i.e. close to the sea, internal, or closer to the industrial part of Rushenden; and
 - It was also requested that the developer examine the possibility of relocating the flats to the north-eastern corner of the site to create an entrance feature / end-stop at the Thomsett Way junction, which has been done and the amended drawings now show this.
- 9.04 Amended drawings have been received showing the land rear of units 18-28 being incorporated into those gardens; a linking footpath, rough "character areas" within the site, and the inclusion of more street trees along the main spine road which serve to narrow the highway intermittently. I consider these to be acceptable and in accordance with the design panel's suggestions. I have, however, requested that the street trees be continued further eastwards to the edge of the internal crossroads, and await the developer's response.
- 9.05 As noted above the applicant has submitted amended drawings showing the flat block repositioned into the NE corner of the site, at officer's request. The flats now form an end-stop to Thomsett Way and serve as a landmark block at the entrance to Rushenden. This will, in my opinion, really help to create a strong frontage to the site and a sense of place within the wider allocation parcel. The parking area to the rear of the flats abuts the garden for plot 90 – if that were an existing dwelling I would have some concern about this but any purchasers would be aware of the layout. Furthermore the Council has had appeal decisions concluding that such relationships between parking and gardens are acceptable.
- 9.06 The applicant has also explored my request to turn units 14 to 17 to face First Avenue, but this has not been possible due to level changes which would require a substantial amount of space to be lost to retaining walls and an access footpath. It would be preferable to have these units facing outwards, but their location "behind" the houses fronting on to Rushenden Road means that they are not particularly prominent, and a good landscaping scheme (secured by condition below) on the boundary here would soften the visual impact of the rear wall at this point.
- 9.07 I note, as set out at paragraph 7.04 above, that the LMIDB have objected to the scheme on the basis that the proposed layout will infringe upon their 8m byelaw maintenance margin for the drainage channel to the north of the site. I am discussing this with the applicant and will update Members accordingly at the meeting.

Design and Landscaping

- 9.08 The architectural treatment of the proposed dwellings, including the flats, was praised by the design review panel. The buildings are of a simple form and each pair of semis is generally of a square footprint with a pitched roof. The use of recessed (sometimes vertically proportioned) windows and simple projecting porches / porch canopies with flat roofs, as well as the use of simple but high-quality external materials, will result in a

clean, crisp streetscape appropriate to this seaside setting and of a benefit to Rushenden as a whole in my opinion. It is this resultant streetscape that I consider to be the lasting benefit of this development. If constructed as per the approved drawings and landscaped appropriately – which the conditions below seek to ensure – the appearance of the estate in terms of individual unit design and external materials could be used to set the benchmark for development on future parcels of the Q&R allocation.

- 9.09 The proposed flat block is also acceptable in my view and Members may care to note that its siting was generally suggested by the design review panel. The position and height of the building will create a prominent corner feature at the entrance to Rushenden, and would punctuate the point of arrival at the end of Thomsett Way. The building also features a simple plan with vertical windows, dark external cladding, and a steeply pitched roof that, together, will give it a similar appearance to traditional seaside / coastal buildings from elsewhere in the Borough and Kent.
- 9.10 The submitted landscaping scheme is, in my opinion, appropriate and acceptable. Intermittent tree planting along the Rushenden Road frontage will soften the impact of the development in long distance views from the higher level of Thomsett Way, and native coastal and wildflower planting beneath these will help to create an attractive development and encourage local biodiversity. I consider however that there is some room for improvement in the landscaping scheme such as appropriate defensive hedgerow planting (holly, roses, hawthorn, etc.) along the northern boundary to add security to the rear boundary walls and to discourage graffiti. The conditions below will enable officers to secure such planting through discussion and submission of details.
- 9.11 The use of a green wall along the First Avenue elevation (in front of the proposed parking spaces at plots 44 to 59 inclusive) is appropriate in my opinion, and subject to maintenance (secured by condition below) it could form an attractive feature similar to that along the Mill Way frontage of the Sittingbourne Morrison's store.
- 9.12 A 2.5m bund is to be erected (as part of, and within, the wider landscaping scheme) to the front of unit 94 and the flat block to help reduce noise and disturbance from nearby industrial units. Due to the location of the bund and the sloping nature of the site / existing level changes, I have no serious visual concerns with these particular aspects of the proposed development .
- 9.13 Taking both landscaping and design into account, I consider that this development would sit comfortably within the landscape and would not cause serious harm to the character or visual amenity of the wider area.
- 9.14 I await comments from the Council's Green Spaces Manager to determine the amount of contributions to be provided under a S106 agreement for long-term maintenance of the open spaces and landscaping.

Affordable Housing

- 9.15 I note the Strategic Housing Manager's comments, but would draw Member's attention to policy DM8 of the emerging Local Plan, which states that no affordable housing provision will be sought on the Island. This is in direct response to market conditions making the provision of affordable housing unviable and thus discouraging developers from investing on the Island when it is a requirement for larger sites. In this regard Members may care to note that officers have recently had requests on other developments (former HBC site on Power Station Road, for example) to reconfigure

affordable housing tenure in response to market testing / conditions. On this basis, and while I recognise that this may be an emotive issue, I do not consider that it would be appropriate or justified to request intermediate or affordable rent units to be provided here.

9.16 The proposal does, nevertheless, propose 30% of the dwellings on site to be starter homes in accordance with recent Government advice. The submitted Design and Access Statement provides a breakdown of the units put forward as starter homes:

- 6 no. 2 bedroom apartments
 - 4 no. 2 bedroom houses
 - 17 no. 3 bedroom houses
 - 4 no. 4 bedroom houses
- Total: 31 dwellings

9.17 Whilst this may not be beneficial to the community of Rushenden who are, I understand, in need of affordable housing, starter homes are generally in need throughout the Borough and this development would cater to first time buyers from within Swale as well as possibly further afield. I consider this to be acceptable in accordance with the agreed emerging Local Plan.

9.18 With this in mind it would also, regrettably, not be possible to secure a wheelchair accessible unit as requested by KCC. However, I consider the other benefits of this scheme (funding towards local schools, for example) to outweigh this matter, in the balance.

Highways

9.19 I have not yet had a response from the KCC Highways officers but do not expect them to object significantly to the current layout. Parking provision is generally in accordance with adopted standards (2 spaces per dwelling minimum, and 22 visitor spaces across the site) and the road layout appears to be safe and sensible. I will update Members of their views at the meeting.

9.20 Highways England have, as above, no objection to the scheme.

Ecology

9.21 The site lies adjacent to the Swale SSSI / Ramsar site, where the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) aims to accrue financial contributions towards mitigation of increased access and recreational use of the SSSI from new householders. As noted above, both NE and the County Ecologist have no objection to this application subject to receipt of such a contribution, which would amount to £22,805.16 and is included within the draft S106 agreement currently being progressed.

9.22 The site itself is fairly barren and offers little in the way of habitat in my opinion. Nevertheless the conditions below will ensure that any birds or reptiles within the site are adequately protected before and during construction. Appropriate planting in public areas and an appropriate landscaping scheme, which are secured by condition, will enhance biodiversity across the site and encourage a greater abundance of wildlife to the area (particularly in contrast to the site's previous industrial uses) upon completion of development.

9.23 A Habitat Regulations Assessment is set out at the end of this report.

S106 Contributions

9.24 Various contributions have been requested, or are required, in association with this proposal. The Council's solicitors are in the process of drafting a S106 agreement to secure the following:

- £22,805.16 SAMMS contribution @ £223.58 per dwelling;
- £390,000.00 Primary Education (towards the cost of a new Q&R primary school);
- £197,556.65 Primary school land (towards the cost of a new 2FE Rushenden primary);
- £6163.54 Community learning (expansion of Adult Education Centre at Oasis Academy);
- £3,833.46 Youth Service (Ladybird Children's Centre);
- £4,897.61 Library books;
- £6,220.98 Social care (facilities and Sheppey Healthy Living Centre);
- £11,500.00 towards Public Right of Way improvements; and
- £9,737 for wheelie bin provision (£92 per house, 2 x £435 + £35 (food bin) for the flats);
- **Total: £719,106.43**

Plus:

- Contribution for open space / play area provision (awaiting SBC Green Spaces Manager's comment); and
- Administrative / monitoring fee (negotiating amount at time of writing).

9.25 With regard to the above points I consider these amounts to be reasonable in kind and necessary to make the development acceptable in planning terms. The developer has, however, raised concern in regards to the requested amounts, particularly those requested by KCC towards the provision of new schools. The developer considers these to seriously impinge upon the viability of the development, and to this end KCC will be meeting with the HCA to discuss the matter. I will update Members on this point at the meeting.

10.0 CONCLUSION

10.01 The application proposes the erection of 101 dwellings with associated parking, amenity space, and landscaping, as phase 1 of the Queenborough & Rushenden generation. The scheme is of a good standard and would not give rise to any serious amenity concerns in my opinion.

10.02 Taking the above into account, and subject to the items listed below, I recommend that the application should be approved and that Members grant officers delegation to complete a S106 agreement to secure financial contributions towards SAMMS, wheelie bins, open space provision / maintenance, education, libraries, social services, and Public Right of Way improvements and the provision of 30 starter home units within the development; and

- Receipt of comments from Kent Highways & Transportation and the Council's Open Spaces Manager;
- Receipt of further comments from the EA;
- Further amendments to resolve the LMIDB's objection; and
- Any minor amendments required as a result of the above comments.

11.0 RECOMMENDATION – GRANT Subject to receipt of comments from Kent Highways & Transportation and the Council's Green Spaces Manager; receipt of further

comments from the EA; and any minor amendments required as a result of the above comments; and the following conditions:

- (1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which the permission is granted.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) No development shall be carried out other than in complete accordance with the following drawings:

50623_3D(90)001 rev 9, 50623_3D(90)002 rev 9, 50623_3D(90)003 rev 8,
 50623_DT(90)001 rev 1, 50623_DT(90)002 rev 03, 50623_DT(90)003 rev 1,
 50623_DT(90)05 rev 01, 50623_DT(90)06 rev 2, 50623_DT(90)07 rev 2,
 50623_DT(90)08 rev 1, 50623_EL(20)01 rev 2, 50623_EL(20)02 rev 3,
 50623_EL(20)03 rev 2, 50623_EL(20)04 rev 3, 50623_EL(20)05 rev 2,
 50623_EL(20)06 rev 2, 50623_EL(20)07 rev 2, 50623_PL(20)01 rev 2,
 50623_PL(20)02 rev 2, 50623_PL(20)03 rev 2, 50623_PL(20)04 rev 2,
 50623_PL(20)05 rev 2, 50623_PL(20)06 rev 2, 50623_PL(20)07 rev 2,
 50623_PL(20)11 rev 02, 50623_SE(90)001 rev 10, 50623_SE(90)002 rev 8,
 50623_SE(90)003 rev 8, 50623_SE(90)101 rev 1, 50623_SP(90)001 rev 25,
 50623_SP(90)002, 50623_SP(90)01 rev 18, 50623_SP(90)101 rev 6,
 50623_SP(90)102 rev 4.

Reason: For the avoidance of doubt.

- (3) No development shall take place other than in accordance with the recommendations of the submitted air quality and noise reports, including measures for dust suppression during construction and the erection of a bund to minimise noise reaching the flat block and plot 95, details of which shall be submitted as part of the landscaping conditions set out below.

Reason: In the interest of local and residential amenity.

- (4) No development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

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

- (5) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- d) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: To minimise the contamination and consequent risk to health.

- (6) Prior to the commencement of development, details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- (7) Details in the form of cross-sectional drawings through the site, of the existing and proposed site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site.

- (8) No development shall commence until a drainage strategy detailing the proposed means of foul disposal and an implementation timetable have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the agreed scheme and timetable.

Reason: As the existing sewerage network is unable to accommodate the proposed development.

- (9) No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the site is adequately drained / serviced.

- (10) (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations of the FRA prepared WSP|Parsons Brinkerhoff (October 2016) and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be restricted to that outlined within the approved FRA (i.e. close to greenfield run-off rate), with the final rate of runoff for any rainfall event agreed in advance with the Lower Medway IDB, Natural England, and Swale Borough Council

(for all storms up to, and including, the climate change adjusted 100yr critical storm); and (ii) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, and to ensure excess water does not need to be pumped into the SPA / Ramsar as this would increase scour of intertidal habitats.

- (11) No development shall take place (including ground works, vegetation clearance) until a construction environmental management plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The plan shall focus on preventing any detrimental effects on the nearby designated sites and shall be based around the recommendations outlined in the submitted Ecological Assessment (Section 5.2.26, Ecological Solutions, September 2016). The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise disturbance of / harm to protected species.

- (12) No development shall take place, including site clearance, until the reptiles within the application site have been captured and relocated to the identified receptor site in accordance with the details provided in the submitted Ecological Assessment (Section 5.3.11, Ecological Solutions, September 2016) and in accordance with best practise guidelines. Details of management regimes, enhancements and monitoring must be provided and approved in writing by the Local Planning Authority.

Reason: To minimise harm to protected species.

- (13) No development shall take place until a Construction Environment Management Plan, which sets out measures to minimise noise and visual disturbance to birds as set out in

paragraph 5.3.25 of the submitted Ecological Assessment, has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with those agreed details.

Reason: To minimise harm to / disturbance of birds.

(14) No development shall take place until a “lighting design strategy for biodiversity” for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for breeding birds and bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
- b) Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: To minimise disturbance to bats, and other species within the adjacent SPA / SSSI.

(15) No development shall take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reason: In the interests of residential amenity.

(16) Notwithstanding the submitted details no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Such details shall also include the provision of a native species hedgerow along the northern boundary of the site, adjacent to the wall referred to in condition 28 below.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity and to ensure that such matters are agreed prior to the commencement of development.

(17) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (18) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (19) No 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 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (20) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:

Monday to Friday 0900-1700hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (21) During construction of the development adequate space shall be provided on site, in a position previously agreed by the Local Planning Authority to enable all employees and contractors vehicles to park, load and off load and turn within the site.

Reason: In the interests of highway safety and convenience.

- (22) Adequate precautions shall be taken during the period of demolition and construction to prevent the deposit of mud and/or other debris on the public highway.

Reason: In the interests of highway safety and convenience.

- (23) No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: To minimise disturbance to nesting or breeding birds.

- (24) Prior to the occupation of the first dwelling, details of a scheme for the enhancement of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the perimeter of the site, together with details of the timing/phasing of the respective elements forming the scheme and proposed management arrangements, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented prior to the occupation of the first dwelling and thereafter maintained.

Reason: To enhance biodiversity and to encourage wildlife.

- (25) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

Reason: In the interests of residential amenity

- (26) The informal play area shown on the approved layout shall be reserved for the general amenity of the area, and shall be surfaced and equipped with play equipment in accordance with a schedule to be agreed in writing by the Local Planning Authority before development is commenced, and shall be provided before the last dwelling is occupied; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the area so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the amenities of the area.

- (27) The car parking spaces shown on the submitted plans shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (28) Notwithstanding the submitted details the garden boundary walls to the rear of plots 14 to 17 (inclusive), 69 to 77 (inclusive), 89, 90, 94 to 97 (inclusive); the southern garden wall to plots 81, 82, 91 and 101; the western side boundary walls of plots 43 and 59; the eastern and northern boundary walls to plot 60; the southern (side/rear) boundary walls to plot 61 and 62; and the northern side boundary walls of plots 1, 5, 78, 88, and the flat block, shall be constructed of brick, samples of which shall have been agreed in writing by the Local Planning Authority prior to commencement of development in accordance with condition 4, above.

Reason: In the interest of visual amenity.

- (29) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway.

Reason: In the interests of visual amenity.

- (30) In respect of the bin stores shown on drawing 50623(SP)90 001 revision 25, details of external materials shall be submitted to and approved in writing by, the Local Planning Authority. The development shall subsequently be implemented in accordance with the agreed details.

Reason: In the interest of visual amenity.

INFORMATIVES

1. The applicant / owner is advised that there may be gas pipelines near to the development site, and safe digging practices in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus before any mechanical plant is used. It is therefore recommended that the applicant / owner contact the Southern Gas Networks Plant Location Team (0800 9121722) prior to commencement of development.
2. The applicant / developer is reminded that planning permission does not confer a right to disturb or divert any public right of way at any time without the express permission of Kent County Council's Public Rights of Way and Access Service (03000 418193).
3. The applicant / owner should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development, and a formal application for connection to the water supply is required in order to service this development. It is advised that they contact Southern Water (0330 3030119 or www.southernwater.co.uk) in order to progress the required infrastructure.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed. The application was also considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Habitat Regulations Assessment.

This HRA has been undertaken without information provided by the applicant.

The application site sits a minimum of 42m to the east of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory

species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment.

It is the advice of NE that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects: financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG) and; the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is scope to provide mitigation in the form of public open space, planting / soft landscaping, and ecological enhancements.
- Based on the correspondence with Natural England, I conclude that off-site mitigation is required in the form of a standard, per dwelling tariff (£232.58 per dwelling) in accordance with the agreed Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy.
- Natural England has confirmed that, subject to securing the above SAMMS payment by way of a S106 legal agreement, the development can be screened out of the need for an Appropriate Assessment.

For these reasons I acknowledge that the mitigation will be secured at an appropriate level, and in perpetuity, and I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment.

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.