



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 9 October 2014

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Membership:

Councillors Barnicott (Chairman), Sylvia Bennett, Andy Booth, Mick Constable, Derek Conway, Adrian Crowther, Mark Ellen, June Garrad, Sue Gent, Mike Henderson, Lesley Ingham, Peter Marchington, Bryan Mulhern (Vice-Chairman), Prescott, Ben Stokes, Ghlin Whelan and Tony Winckless.

Quorum = 6

	Pages
1. Apologies for Absence and Confirmation of Substitutes	
2. Minutes	
To approve the Minutes of the Meeting held on 18 September 2014 (Minute Nos. 239 - 242) as a correct record.	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	
(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.	
(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.	
Advice to Members: If any Councillor has any doubt about the	

existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B reports for the Planning Committee to decide

4. Planning Working Group

To approve the Minutes of the Meeting held on 30 September 2014 (Minute Nos. to follow).

SW/14/0486 (2.1) – Parsonage Farm, School Lane, Newington, Sittingbourne, ME9 7LB

5. Deferred Items

1 - 28

To consider the following application:

SW/14/0367 – The Old Goods Yard, Station Approach Road, Neames Forstal, Selling

Members of the public are advised to confirm with Planning Services prior to the meeting that the application will be considered at this meeting.

Requests to speak on this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 8 October 2014.

6. Report of the Head of Planning

29 - 128

To consider the attached report (Sections 2 and 3).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 8 October 2014.

Part B Report for the Planning Committee to decide

7. Exclusion of the Press and Public

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraphs 1, 2, 3 and 6 of Part 1 of Schedule 12A of the Act:

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person

(including the authority holding that information.

6. Information which reveals that the authority proposes:

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

8. Report of the Head of Planning

129 -
130

To consider the attached report (Section 6).

Issued on Wednesday, 1 October 2014

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit www.swale.gov.uk

Corporate Services Director Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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PLANNING COMMITTEE – 9th OCTOBER 2014

DEFERRED ITEM

Report of the Head of Planning

Deferred Items

Reports shown in previous Minutes as being deferred from that Meeting.

Deferred Item 1 SW/14/0367		<u>Selling</u>	
APPLICATION PROPOSAL			
Erection of 11 houses (4 x three bed and 7 x four bed) and 2 flats (2 x two bed), as amended by drawings received 24 June 2014 and 23 rd September 2014.			
ADDRESS The Old Goods Yard, Station Approach Road, Neames Forstal, Selling, Faversham, Kent			
RECOMMENDATION GRANT SUBJECT TO: Completion of Section 106 Legal Agreement, receipt of additional ecology information and the further views of KCC Ecology and views from Network Rail.			
REASON FOR REFERRAL TO COMMITTEE			
Local representations			
WARD	PARISH/TOWN COUNCIL	APPLICANT Mr S Kelf	
Boughton & Courtenay	Selling	AGENT Mr P Cook	
DECISION DUE DATE 14 th October 2014			
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
SW/96/0939	Change of use of goods yard to demolition contractors yard	Approved	15/10/1986

MAIN REPORT

1.0 BACKGROUND

- 1.01 Members will recall that this application was first reported to the planning committee on 17th July 2014. I have attached the original committee report as Appendix A. Members resolved to visit the site and the Planning Working Group site meeting took place on 28th July 2014. The application was then considered at the 7th August 2014 planning committee and subsequently deferred for revisions to the block of flats. A copy of the minutes is attached to this report at appendix B. Members asked that the application be deferred to allow for re-negotiation for the removal of the three-storey aspect of the development and clarification of intended ground levels.
- 1.02 The applicant was asked to amend the proposal in the manner suggested by Members. I can confirm that the third floor of the block of flats has been removed therefore reducing the overall height of the block by 2.85 metres. The number of units has been reduced from 13 dwellings to 12 dwellings.

2.0 CONCLUSION

- 2.01 It is my view that the development is acceptable in principle. The site is inappropriate for continued use as a commercial site and the development of dwellings here would conform to the predominant use of the area.
- 2.02 The design of the scheme would complement the surrounding area and result in an interesting site layout with some attractive focal features such as the block of flats located at the site entrance. The reduction of the height of flats addresses Members' concerns and certainly ensures that the block of flats is not overbearing to the surrounding built environment.
- 2.03 The submitted site sections clearly show this relationship, and corresponding relationships between the proposed Houses 01 / 02 and House 11 with the existing and proposed development on adjacent land. The drawing also includes a 'height study' demonstrating that the proposed dwellings would be less tall than one of the recently-built houses at Sondes Court.
- 2.04 I am still awaiting additional ecological information from the agent. I am awaiting comments from Network Rail and Kent County Council Ecology Team and will update Members at the meeting.

11.0 RECOMMENDATION – GRANT Subject to 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.

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

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

001; 002 Rev D; 003 Rev C; 004 Rev c; 005 Rev C; 006 Rev B; 007 Rev B; 008; 009; 010 Rev B; 011 Rev B; 12004/P052; 12004/P053; 12004/P054; 12004/P055; 12004/P056 dated 24th June 2014 and 23rd September 2014.

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

- (3) 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 works shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity.

- (4) 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.

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

(5) Prior to the commencement of development hereby approved, a programme for the suppression of dust during the construction of the development shall have been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

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

(6) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and localised flooding.

(7) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy), being submitted to and approved in writing by the Local Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Grounds: To ensure any land contamination is adequately dealt with and to protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(8) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It

shall also include any plan (a 'long term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Grounds: To ensure any contaminated land is adequately dealt with and to protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(9) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Grounds: To ensure any contaminated land is adequately dealt with.

10) Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

(11) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority of how this contamination shall be dealt with.

Grounds: To ensure any contaminated land is adequately dealt with.

(12) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Grounds: To protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(13) Details of the measures to be used acoustically treat ventilation to the living room and bedroom windows of the development that have a line of sight to the railway line shall be submitted to and approved in writing by the Local Planning

Authority and upon approval shall be installed in accordance with the recommendations for perpetuity.

Grounds: In the interests of residential amenity.

(14) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

(15) Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity and wildlife to include bird and bat boxes/bricks shall be submitted to and approved in writing. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Grounds: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

(16) The dwellings hereby approved shall be constructed to Level 4 of the Code for Sustainable Homes or an equivalent standard and prior to the occupation of any of the dwellings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

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

(17) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Grounds: In the interests of highway safety.

(18) The areas shown on the layout plan hereby approved drawing number 002 rev D as parking and cycle parking facilities, shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and facilities, and access thereto shall be provided prior to the occupation of the buildings hereby permitted.

Grounds: The development, without the provision of parking space, would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway amenity.

(19) 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 Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

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

(20) 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.

Grounds: In the interests of the visual amenities of the area.

(21) Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Grounds: In the interests of the visual amenities of the area

(22) All materials used for landscaping, or as infill, shall be clean, uncontaminated, naturally occurring, non-putrescible and non-leachate forming.

Grounds: To prevent pollution of the water environment, especially groundwater.

(23) Piling or other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority.

Grounds: To prevent pollution of the water environment, especially groundwater.

(24) Before the first occupation of a dwelling the following works following that dwelling and the adopted highway shall be completed as follows:

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

(b) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) highway drainage, including off-site works,

(2) junction visibility splays,

(3) street lighting, street nameplates and highway structures if any.

Grounds: In the interests of highway safety.

(25) 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 -1800 hours, Saturday 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

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

(26) 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 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(27) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(28) The hereby approved development shall be carried out in accordance with the recommended noise mitigation measures as outlined in the Railway noise and vibration assessment dated April 2012. The approved scheme shall be implemented in full prior to the first occupation of the development.

Grounds: In the interests of residential amenity.

(29) The cycle spaces shown on drawing 002 rev C shall be provided prior to occupation of Units H01-02.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

(30) And any further conditions required by KCC Ecology and Network Rail.

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

In this instance the application was considered by the Planning Committee and the agent amended the scheme following comments received from Members.

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.

2.3 SW/14/0367		(Case 10016)		Selling
APPLICATION PROPOSAL				
Erection of 11 houses (4 x three bed and 7 x four bed) and 3 flats (3 x two bed), as amended by drawings received 24 June 2014.				
ADDRESS The Old Goods Yard, Station Approach Road, Neames Forstal, Selling, Faversham, Kent				
RECOMMENDATION GRANT SUBJECT TO : Completion of Section 106 Legal Agreement and the further views of Kent Highway Services, KCC Ecology and the Council's Tree Consultant				
REASON FOR REFERRAL TO COMMITTEE				
Local representations				
WARD	PARISH/TOWN COUNCIL	APPLICANT Mr S Kelf		
Boughton & Courtenay	Selling	AGENT Mr P Cook		
DECISION DUE DATE 31 July 2014				
RELEVANT PLANNING HISTORY				
App No	Proposal	Decision	Date	
SW/96/0939	Change of use of goods yard to demolition contractors yard	Approved	15/10/86	

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site of 0.4ha is located on land known as the Former Goods Yard, Station Road, Selling. The site is located on the approach to Selling Station along Station Approach Road. The site is long and narrow in shape ending in a thin strip of land to the north-east of the site. There is limited existing landscaping and a large amount of the site is covered in hardstanding.

1.2 The site runs along the railway tracks and is currently surrounded by palisade fencing on all boundaries.

1.3 The site is level and narrows towards the rear .

1.4 Planning permission was granted for 14 units adjacent to the site on the former Cold Store site under planning reference SW/13/1441. Five 4 bed detached properties were approved in 2009 under SW/09/1108; these properties are sited adjacent to the western boundary of the site near the proposed entrance to the site.

2.0 PROPOSAL

2.01 Planning permission is sought for the provision of 11 houses and 3 flats at the former Goods yard, Station Road, Selling.

The proposed mix of housing is as follows:

- 4 x three bed houses
- 7 x four bed houses
- 3 x two bed flats

2.02 The residential flats would be located at the entrance to the site containing three 2 bed flats, each having one parking space. The flats are set over three floors with a varied ridge height and clad elevations. Two of the flats would have a balcony area which would look towards the access road to the station (north-west direction). The tall windows on the front elevation (looking towards the south-west) which provide light into the living/kitchen/dining area of the flats turn the corner to create a design feature. The distance window to window from the flats to the adjacent properties is 21 metres.

2.03 Four sets of semi-detached dwellings would be located alongside the proposed road through the development (units H01- H08). Though some of these units do not have a 10 metre rear garden they do have some side garden or wide gardens to compensate for this. Two parking spaces are provided for each of these units.

2.04 Units H09 and H10 are located towards the end of the site where the new road bends adjacent to the turning head. These two units also have two parking spaces each.

2.05 High level windows at first floor are proposed on the rear elevations to Units H05, H06, H07 and H08 to avoid loss of privacy to the existing residential gardens of the properties located in The Warren located on the boundary to the site.

2.06 Unit H11 is located to the rear of the site and lies directly adjacent to the residential development approved under SW/13/1441. There is no direct overlooking on to the adjacent properties (which have not yet been built).

2.07 The general design of the site consists of a mix of two and two and a half storey units. Planting is proposed on the north east boundary to soften the development whilst allowing access for Network Rail for maintenance. Supplementary planting is proposed on the southwest boundary.

2.08 It is proposed to construct speed bumps along the access road to slow traffic and to create a pedestrian path clearly defined by different surface treatments. Some on-street parking has been accommodated in the development as well as one visitor space.

2.09 All units would have photovoltaic panels to supply renewable energy. A new pedestrian link would be created through the proposed site and into the development approved under SW/13/1441. The pedestrian link would be located adjacent to Unit H10.

2.10 The Planning Application pack contains the following documents:

- Design and Access statement
- Railway noise and vibration assessment
- Code for Sustainable Homes Pre-assessment report
- Parking cover note

2.11 The Design and Access statement makes the following summarised comments:

- Pre-application discussions took place and the initial scheme was reported to the Design Panel in October 2014
- Design Panel confirmed that a block should be provided at the site entrance to create more of a gateway to this entrance
- Houses are set at angles to the access road to avoid overlooking
- An interesting and varied street frontage has been created
- Designed a kink in the road and set a detached unit to the rear that acknowledges that a neighbouring site is also proposed for development
- The re-design of the rear allows a more possible pedestrian route through from the western area of Neames Forstal which would obviate using the road where there is no pavement to the northern side. This significantly enhances pedestrian safety and creates a physical connection between the site and the village that would otherwise be a little lacking
- Because the scheme is set to the north of adjoining development there is no over shadowing
- We have also been at pains to design to achieve oblique views and limited views to the sides and rear of our scheme, by way of careful design and positioning such that there is no overlooking issues
- Amenity areas for the units are of reasonable standard and by way of contrast with other units may be considered generous. Setting units at an angle has aided in creating garden depth
- The flats will have balconies such that each has an external amenity area attached to the main living accommodation

2.12 In response to a number of objections received the agent has made the following comments:

- Sondes Court is circa 9.6m tall whereas H01 and H02 are just 8.1m tall - they are lower than Sondes Court even when topographical differences are taken into account
- No habitable windows of H02 look towards Sondes Court such as to impact on it - H01 has a high level window with an 1800mm cill height facing Sondes Court
- There is no overlooking, no significant and direct impact
- There is already 2m high close-boarded fencing between the 2 development sites, as erect by the developers of Sondes Court
- There are a significant number of evergreen trees and bushes to 2 boundaries of No 2 The Warren and H01 and these 2 rows of trees lie between H02 and Sondes Court

- Most objections are based on the development being 3 storey and the fact that there is no 3 storey development in Neames Forstal. I would respond by pointing out that most if not all of the proposed units are 2.5 storey and the rest are 2 storey.
- There are already a significant number of 2.5 storey units in Neames Forstal of a height to match the development and therefore the proposed units are not an abnormality but follow an existing development form

2.13 The parking cover note confirms the following:

“The scheme has a requirement for 25 spaces and the actual provision would be for 27 spaces. However, even though we exceed standards we would point out that this is a quiet cul-de-sac and there is sufficient space created by the road formation to have off-street parking for visitors. We also make the point that the area in front of Selling Station (which is currently used as a parking area and a drop-off and collection area) has spare capacity for parking, particularly at weekends and in the evenings. Therefore given the capacity on the existing highway and the proposed road the parking spaces provided which are in excess of policy minimum standards, we believe there to be sufficient parking.”

2.14 The Railway Noise and Vibration Assessment suggests the following mitigation measures:

- Glazing - standard double glazing will be acceptable and that all glazing is well sealed when close to prevent air caps. For all living room and bedroom windows with a line of sight to the railway line i.e those on the north-east, north and south facing elevations of the dwellings standard trickle vents must not be used
- Ventilation - Acoustically treated ventilation will be required to meet the adopted internal noise limits without the need to open the windows for ventilation. Rooms with windows which are full screened from the railway i.e. those on the south-western facing elevations, may have standard thermal double glazing of 4/12/4 construction with standard window frame trickle vents. We recommend the following options instead of window frame slot vents:
 - Wall-mounted Silavent Freshflo Permanent Type A Acoustic Airbricks; or
 - Wall-mounted Greenwood AAB Acoustic Airbricks; or
 - Wall-mounted mechanical (i.e. powered) acoustic ventilators such as Titon ‘Sonair F+’ or Silavent SM2/C units; or
 - A fully ducted ventilation system with duct termination in the shielded side of the dwellings, i.e. the south-western elevations facing away from the railway line
- Gardens - even without any timber perimeter fencing it is considered that the required acoustic limit in any proposed garden areas will be easily achieved.

2.15 The Code for Sustainable Homes pre-assessment confirms that the development can achieve Code Level 4.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Parking Spaces	0	27	+27
No. of Residential Units	0	14	+14

4.0 PLANNING CONSTRAINTS

Rights of way – Public Footpath ZR631 passes along Station Road.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The National Planning Policy Framework (NPPF)

The NPPF was released in March 2012 with immediate effect, however, para 214 states *“that for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”*

The 12 month period noted above has expired and as such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

At Paragraph 17 it states that the planning system should:

‘proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.’

Paragraph 22 states that:

‘Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.’

Paragraph 51 states that:

‘They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area,

provided that there are not strong economic reasons why such development would be inappropriate.'

Paragraph 56 states that:

'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people.'

5.02 Swale Borough Local Plan 2008:

- SP4 (Housing)
- SH1 (Settlement Hierarchy)
- E1 (General Development Criteria)
- E19 (Design Criteria)
- B1 (Supporting and Retaining existing employment land and businesses)
- H2 (Providing for new housing)
- T1 (Providing safe access for new development)
- T3 (Vehicle parking for new development)

6.0 LOCAL REPRESENTATIONS

6.01 Ten letters of objection received making the following summarised comments:

- Obscure views
- Too many little villages are now becoming so built up they are losing their charm
- Distances to boundary of the site from rear gardens of Sondres Court are in some parts just 10 metres not 18 metres at all points
- Units H01 and H02 will result in direct over looking
- Some views from the high level windows
- Direct views towards private gardens
- Ground levels are significant above those of the neighbouring properties- estimated at 1.5 and 2 metres.
- Buildings are significant in their scale
- The buildings will appear as one large mass
- Over-dominant in relation to the surrounding area
- Over-development of the site
- Loss of privacy and a perception of being overlooked
- Concerns over the right of access across Station Road Approach to the site
- Contrary to NPPF, para 66 and 196 (design/demonstrably harm from development)
- Objection against the scale, massing and design
- The separation distances from Sondres Court and the proposed development are not significant and direct and sustained views would be created
- The limited depth of the application site means the proposed units are tightly packed further increasing the sense of enclosure and loss of privacy from the proposed dwellings
- Traffic congestion
- Three storey development is not acceptable and not in keeping with the rest

- of the area
- Insufficient space for landscaping- especially along the boundary with No 3 The Warren
- Concerned that the broadband service will be affected
- No space to enable maintenance of the boundaries of the adjacent residential properties
- Concerned about foul sewage drainage- not convinced that the pipes will cope with the increased amount
- Extra run off could be caused, flooding in residential gardens

6.02 Two letters of general comments have been received making the following summarised comments:

- The houses would tower over our property (4 The Warren)
- Houses are very close together- perhaps fewer houses and a few more trees would be more in keeping with the surrounding area
- Will a fence be erected along the boundaries
- Construction work to be restricted to weekdays- no Saturday, Sunday or evening work
- Only object to the three storey flats and the three storey house
- People would be living in the upper floors of the flats
- Station Approach is not suitable for this development

7.0 CONSULTATIONS

7.01 Selling Parish Council has made the following summarised comments:

- Not happy with the current form of development
- Particular objecting to the three storey block of flats, height and overbearing intrusion on the existing properties backing onto the site
- Its existence would block the sightline for broadband connection from the Boughton mast for those in close proximity
- The design of the three storey town houses is appropriate, are unsuitable and out of keeping for a rural location
- The height of the dwellings on the land in question stands a metre and a half above of Sondes Court and The Warren thereby causing concern regarding the drainage and flooding aspect
- Too many dwellings crammed into a narrow strip of land
- All of the recent new development will in one way or another result in traffic accessing Selling Road, where in a short stretch of highway with no speed restriction, but considerable parking, there are 5 junctions
- Station Approach is a private road - this may affect the development

7.02 Kent County Council Development Contributions Team has requested the following contributions:

Primary Education Provision	£27,741.28
Secondary Education Provision	£27,727.65
Community Learning	£606.83

Youth facilities	No current requirement
Local Libraries	£1314.23
Adult Social Services-	£1537.33

Total requested contribution amount £58,927.32

7.03 Southern Water raises no objection subject to the attachment of an informative and a condition on means of foul and surface water sewage.

7.04 Natural England raises no objection and makes the following comments: *'this application may provide opportunities to incorporate features into the design which are beneficial to wildlife'*.

7.05 Kent County Council Biodiversity Officer raises no objection;

'Railway corridors provide opportunities for wildlife, including protected species and until relatively recently this site appears to have had some ecological value. Given this and the potential for suitable habitat to still be present on or adjacent to the site, we advise that further information is sought regarding the current site condition. Site photographs may assist us in reaching conclusions, but it may be necessary for a preliminary ecological appraisal to be undertaken, by a suitably experienced ecologist, to inform the assessment of ecological impacts and the determination of the application. Given that the site is in a rural location alongside the railway, we expect that the landscaping will incorporate native species appropriate to the location, providing/reinstating opportunities for wildlife along the railway corridor. If permission is granted, we would be able to advice on wording to ensure that ecological enhancements are provided in the landscaping of the site.'

7.06 Kent Highway Services (KHS) raise no objection subject to conditions. I am currently awaiting the final comments from KHS and will update members at the meeting.

7.07 Kent County Council Countryside Access make the following comments:

'Public footpath ZR631 passes along station Approach Road. Please note that no furniture may be erected on or across a Public Rights of Way without the express consent of the Highways Authority. Furthermore, there must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.'

7.08 The Environment Agency has no objection to the development subject to a condition requesting a remediation strategy.

7.09 The Council's Sustainable Officer makes the following comments:

'Development achieves Level 4 - please condition post-construction certification to make sure it achieves Level 4.'

7.10 Head of Service Delivery raises no objection to the proposal subject to conditions.

7.11 Tree Consultant - I am awaiting comments and will update Members at the meeting.

7.12 Green Space Officer

'The scheme appears to propose 14 dwellings on a very confined site. As such while we would not seek on-site provision, we would seek a financial contribution toward improving off-site open space provision in Selling as identified in Policy C2.

The contribution would be as the Developer Contributions SPD - £798.00 per dwelling (includes indexation).'

8.0 BACKGROUND PAPERS AND PLANS

Application papers and correspondence for application SW/14/0367

9.0 APPRAISAL

My main considerations in the determination of this application are the design and density of the scheme, highway considerations and the impact on the surrounding area and residential amenity considerations.

Design and density

The proposal has undergone extensive pre-application discussions and the previous scheme for this development was also assessed by the Swale Design Panel on 28 October 2013. The Panel advised that a block at the entrance to the site should be created to result in a gateway entrance at this point of the site. The houses within the site have been set at angles so that they do not directly face the road nor face directly on to the residential properties at the rear of the site. In my view this has created an interesting built form on this site which results in a varied street form and creates interesting views through the site which is particularly important due to the length and narrowness of the site.

The creation of a possible pedestrian route through the site is welcomed and ensures a continuity route through the adjacent recently approved development. The attached unit to the rear of the site creates a visual link to the adjacent development site.

The Panel were keen to see a mix of housing which this proposal now clearly achieves. The varied heights create interesting features within the development and makes best use of the space within this slightly awkward site. Careful landscaping and parking provision has been achieved to a good standard and creates interesting spaces within the site. In general terms the scheme has been drastically amended following assessment by the Panel and the revised scheme goes some way to improving the design of the scheme.

In my opinion this revised scheme addresses the concerns in relation to the interface between the new properties and the existing residential properties surrounded the

site. Though some of the properties are effectively 2.5 storey I remain of the opinion that this is a suitable design approach. The Sondes Arms and the properties in Sondes Court are of a similar height. Taking into consideration that the third floor of the flats is partially located within the roof of the block I am of the view that the block of flats does not appear overly dominant within the site nor in context of the surrounding area.

The site levels (provided by the agent) clearly show that the ridge heights are comparable to the Sondes Arms and the properties located in Sondes Court.

Despite some reservations expressed by some people in relation to the design and the impact on the surrounding properties I remain of the opinion that the design now incorporates the majority of the opinions expressed by the Design Panel. The revised layout, changes to the design and elevational changes all result in a much better quality of development. The varied elevational treatment creates an attractive design features throughout the site.

Highway considerations

In terms of highway implications I am of the view that the proposal will have a limited impact on the local network in terms of safety and traffic generation. The parking provision is considered acceptable in this location and ensures that two spaces are available for each dwelling. There is sufficient visitor parking provision within the local area as well as the one dedicated space within the development site.

Kent Highway Services originally raised a concern in relation to the provision of parking spaces within garages which is not considered to count towards available parking provision. Furthermore, the re-siting of Plot 11 overcomes the concerns in relation to the pedestrian link and safety.

The scheme has been designed to meet the current adopted Kent Vehicle Parking Standards which requires a minimum of two spaces per dwelling in this village location.

Residential amenity and surrounding impact

The application site is currently vacant and becoming overgrown. In my opinion the re-development of this site is a very good way to create a successful housing scheme within an accessible setting.

I note the comments received in relation to the potential loss of privacy and resulting overlooking. The development will not create direct overlooking onto any existing residential properties in the area and as such I consider the impact in terms of overlooking and loss of privacy to be limited. Furthermore the minimum distance window to window of 21 metres is achieved on all parts of this development site. I am of the view that the block of flats will not have a significant impact on the amenity areas of the properties located in Sondes Court. The existing vegetation already provides a very efficient screen between the site and the surrounding residential properties. Please note that a landscaping condition has been added to ensure that the limited impact is further addressed effectively.

The development is unlikely to harm the amenity of the residents of any other nearby dwellings, in my opinion, due to the positioning of the dwellings within the site the amenity impacts are greatly reduced. High level windows are proposed on parts of the development where there may be some overlooking and I am of the view that this is a suitable solution.

The garden spaces ensure that minimum distances between properties are maintained. Furthermore, I believe that the proposed dwellings will provide a good standard of amenity for future residents. The properties have good size rear gardens and sensible internal layouts.

Ecological considerations

I am awaiting further information from the agent and will seek the views of the KCC Ecology team once these have been received.

Developer contributions

Kent County Council have requested a contribution of £58,927.32 and a further £11,172 is required by the Council's Greenspace Officer towards off-site open space provision in Selling. In addition, a contribution of £75 per dwelling for wheelie bins will be required and a 5% monitoring charge will be levied on the combined developer contributions.

10.0 CONCLUSION

10.01 I consider that the proposal should be supported.

11.0 RECOMMENDATION – GRANT Subject to 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.

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

(2) The development hereby approved shall be carried out in accordance with the following approved drawings:

001; 002 Rev C; 003 Rev B; 004 Rev B; 005 Rev B; 006 Rev B; 007 Rev B; 008; 009; 010 Rev B; 011 Rev B; 12004/P052; 12004/P053; 12004/P054; 12004/P055; 12004/P056 dated 24th June 2014.

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

(3) 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 works shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity.

(4) 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.

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

(5) Prior to the commencement of development hereby approved, a programme for the suppression of dust during the construction of the development shall have been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

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

(6) No development shall take place until full details of the method of disposal of foul and surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and localised flooding.

(7) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy), being submitted to and approved in writing by the Local Planning Authority, comprising:

a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Grounds: To ensure any land contamination is adequately dealt with and to protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(8) No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Grounds: To ensure any contaminated land is adequately dealt with and to protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(9) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

Grounds: To ensure any contaminated land is adequately dealt with.

10) Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

(11) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority of how this contamination shall be dealt with.

Grounds: To ensure any contaminated land is adequately dealt with.

(12) No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Grounds: To protect groundwater because the site is located on a Principal Aquifer and within a source protection zone.

(13) Details of the measures to be used acoustically treat ventilation to the living room and bedroom windows of the development that have a line of sight to the railway line shall be submitted to and approved in writing by the Local Planning Authority and upon approval shall be installed in accordance with the recommendations for perpetuity.

Grounds: In the interests of residential amenity.

(14) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

(15) Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity and wildlife to include bird and bat boxes/bricks shall be submitted to and approved in writing. Development shall be carried out in accordance with those approved details and shall thereafter be retained.

Grounds: In the interests of promoting wildlife and biodiversity and wildlife in urban areas.

(16) The dwellings hereby approved shall be constructed to Level 4 of the Code for Sustainable Homes or an equivalent standard and prior to the occupation of any of the dwellings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved unless otherwise agreed in writing by the Local Planning Authority.

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

(17) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Grounds: In the interests of highway safety.

(18) The areas shown on the layout plan hereby approved drawing number 002 rev C as parking and cycle parking facilities, shall be used for or be available for

such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and facilities, and access thereto shall be provided prior to the occupation of the buildings hereby permitted.

Grounds: The development, without the provision of parking space, would be detrimental to amenity and likely to lead to inconvenience and danger to road users by virtue of vehicles parked on the public highway amenity.

(19) 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 Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 no distribution pole or overhead line shall be erected other than with the express consent of the Local Planning Authority.

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

(20) 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.

Grounds: In the interests of the visual amenities of the area.

(21) Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Grounds: In the interests of the visual amenities of the area

(22) All materials used for landscaping, or as infill, shall be clean, uncontaminated, naturally occurring, non-putrescible and non-leachate forming.

Grounds: To prevent pollution of the water environment, especially groundwater.

(23) Piling or other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority.

Grounds: To prevent pollution of the water environment, especially groundwater.

(24) Before the first occupation of a dwelling the following works following that dwelling and the adopted highway shall be completed as follows:

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

(b) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

- (1) highway drainage, including off-site works,
- (2) junction visibility splays,
- (3) street lighting, street nameplates and highway structures if any.

Grounds: In the interests of highway safety.

(25) 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 -1800 hours, Saturday 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

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

(26) 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 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(27) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

(28) The hereby approved development shall be carried out in accordance with the recommended noise mitigation measures as outlined in the Railway noise and vibration assessment dated April 2012. The approved scheme shall be implemented in full prior to the first occupation of the development.

Grounds: In the interests of residential amenity.

(29) The cycle spaces shown on drawing 002 rev C shall be provided prior to occupation of Units H01-03.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

(30) And any further conditions required by KCC Ecology, Kent Highway Services and the Council's Tree Consultant.

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

In this instance the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

Agenda and draft minutes

Planning Committee

Thursday, 7th August, 2014 7.00 pm


- [Attendance details](#)
- [Agenda frontsheet](#) PDF 176 KB
- [Printed draft minutes](#) PDF 41 KB

Venue: Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT. [View directions](#)

Contact: Democratic Services, 01795 417330

Items	
No.	Item
178.	<p>Minutes Minutes: The Minutes of the Meeting held on 17 July 2014 (Minute Nos. 149 - 152) were taken as read, approved and signed by the Chairman as a correct record.</p>
179.	<p>Declarations of Interest Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships. The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings: (a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking. (b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter. Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the</p>

	<p>Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.</p> <p>Minutes: No interests were declared.</p>
180.	<p>Planning Working Group</p> <p>Minutes: The Minutes of the Meeting held on 28 July 2014 (Minute Nos. 164 - 165) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Councillor Andy Booth's apologies.</p> <p>SW/14/0367 (2.3) – THE GOODS YARD, STATION APPROACH ROAD, SELLING</p> <p>The Area Planning Officer advised that a Section 106 Agreement was required and he was waiting for ecological information from the Agent and then further advice from the Kent County Council (KCC) Ecology Team. Comments were still awaited from Network Rail.</p> <p>The Area Planning Officer reported that one further resident had written in, following the site meeting. Issues that had been raised included: the density of the development was too high, appropriate only for an urban area; single storey dwellings, not three-storey should be built here; the proposal should change so it did not destroy the quality of the village; light pollution; there would be additional traffic on Crouch Lane; the residents of SondesCourt should have been made aware of the application earlier; and a plan integrating the two developments should have been produced, rather than them being treated separately.</p> <p>The Area Planning Officer advised that at the time of occupancy of Sondes Court, the proposed development at the Goods Yard had not been submitted. He sought delegation to approve, subject to the signing of a suitably worded Section 106 Agreement, receipt of further ecological information and advice, with the possibility of further conditions, and comments from Network Rail.</p> <p>The Chairman advised that the two public speakers were permitted to speak on this deferred application as they had not received notification in time to allow them to speak previously.</p> <p>Councillor Martin Webb, representing Selling Parish Council, spoke against the proposal.</p> <p>Mr Cook, the Agent, spoke in favour of the proposal.</p> <p>A Ward Member spoke against the proposal. He was pleased to see development on the site, but was opposed to the three-storey aspect and stated they were not in- keeping with the rural setting and he suggested the plans be amended. He was also disappointed with there being no objections to the proposal from KCC Highways.</p>

	<p>Members made comments which included: the three-storey dwellings were intrusive; too dense for this thin strip of land; query regarding how much soil would be taken away to lower the ground surface; three-storey was out-of-keeping, problem of over-looking; and re-do the plans without the three-storey aspect.</p> <p>In response to a question, the Area Planning Officer confirmed that the site was not within a flood risk area.</p> <p>Councillor Bowles moved a motion to defer the application for re-negotiations for the removal of the three-storey aspect of the development. This was seconded by Councillor Bryan Mulhern who also asked for details of the levels.</p> <p>The Area Planning Officer indicated on cross section plans the site levels of the proposed development in comparison to SondesCourt and other properties in the village. He considered the three-storey dwelling was not particularly high in comparison. He further ... view the full minutes text for item 180.</p>
<p>181.</p>	<p>Deferred Items</p> <p>Minutes:</p> <p>SW/14/0396 – 11/13 ADMIRALS WALK, HALFWAY, SHEERNESS</p> <p>The Area Planning Officer reported that discussions with the Environment Agency had advised that it was very unlikely that there was a freshwater spring on the site and that Southern Water had advised that there had been no leaks from the reservoir. The Area Planning Officer advised that planning permission should not be refused on this basis, and this would be likely to be dealt with under building regulations. He sought delegation to add an additional condition requiring details of foul and surface water drainage to be submitted and approved, prior to commencement of development.</p> <p>Members welcomed the site being developed and the proposed measures that would be taken to address water run-off.</p> <p><i>Resolved:</i></p> <p><i>(1) That application SW/14/0396 be delegated to Officers to approve subject to conditions (1) to (13) in the report and to an additional condition requiring details of foul and surface water drainage to be submitted and approved, prior to commencement of development.</i></p>
<p>182.</p>	<p>Report of the Head of Planning  PDF 47 KB</p> <p>Minutes: Resolved:</p> <p><i>(1) That the planning applications be determined in accordance with Appendix A to these Minutes.</i></p>

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

09 OCTOBER 2014

Standard Index to Contents

DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

PART 1 Reports to be considered in public session not included elsewhere on this Agenda

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

PART 4 Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) Order 1995

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2008

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 09 OCTOBER 2014

- Minutes of last Planning Committee Meeting
- Deferred Items
- Minutes of any Working Party Meetings

Deferred Items

Deferred Item 1 Pgs 1-28	<u>SELLING</u>	SW/14/0367	The Old Goods Yard, Station Approach Road, Neames Forstal
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Part 2

2.1 Pgs 29-35	<u>FAVERSHAM</u>	SW/14/0329	82 London Road
2.2 Pgs 36-42	<u>FAVERSHAM</u>	14/501632	25-27 Wells Way
2.3 Pgs 43-47	<u>FAVERSHAM</u>	14/500647	13 Athelstan Road
2.4 Pgs 48-56	<u>MINSTER</u>	14/501423	Land adjacent 159 Minster Road
2.5 Pgs 57-61	<u>MINSTER</u>	14/501044	Unit 4, Wallend Farm
2.6 Pgs 62-73	<u>NEWINGTON</u>	SW/14/0502	Woodland Farm, High Oak Hill
2.7 Pgs 74-94	<u>IWADE</u>	14/502072	Land West of Orchard Farm, School Lane

Part 3

3.1 Pgs 95-117	<u>BOBBING</u>	SW/14/0525	Land off Cold Harbour Lane
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PLANNING COMMITTEE – 9th OCTOBER 2014

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended.

2.1 SW/14/0329		Faversham
APPLICATION PROPOSAL Change of use of vulnerable victims suite back to residential dwelling and the erection of a single dwelling along with amended access on land at 82 London Road, Faversham, Kent, as amended by drawing no DHA/9117/04 Rev C received July 2014		
ADDRESS 82 London Road, Faversham, Kent, ME13 8TA		
RECOMMENDATION – PLANNING PERMISSION GRANTED subject to conditions		
REASON FOR REFERRAL TO COMMITTEE: contrary local representations		
SUMMARY OF REASONS FOR RECOMMENDATION: Proposal is on accordance with policy		
WARD Watling	PARISH/TOWN COUNCIL Faversham	APPLICANT Kent Police AGENT Mr John Collins
DECISION DUE DATE 09/05/14	PUBLICITY EXPIRY DATE 26/08/14	OFFICER SITE VISIT DATE 22/04/14
RELEVANT PLANNING HISTORY (including relevant history on adjoining site): SW/01/0884 APPROVED the change of use from residential dwelling to use as facilities in connection with Kent Police Authority. SW/80/1205 APPROVED Provision of new driveway and turning space		

MAIN REPORT

1.0 DESCRIPTION OF SITE

The site is located at 82 London Road, Faversham on one of the main routes into the town and is also located within the Faversham conservation area.

The application site comprises of a semi-detached, two storey building with a single storey side extension set in a large plot. It is set back some distance from the road with a large area to the west of the building and has a level frontage with the other properties on London Road.

Apart from the internal alterations to the property the only external change will be the demolition of a single storey small side extension at the property.

2.0 PROPOSAL

The application is for the change of use of Kent Police vulnerable victims unit back to a residential dwelling and the erection of a detached single dwelling at 82 London Road Faversham.

The proposed new dwelling would be located to the west of the pair of semis ,Nos 82 and 80, on land currently used for parking for no 82.

Following discussions with officers amended drawings were received in July 2014 which showed a much more sophisticated design of property with inspiration taken from other properties along London Road, it remains two storey but with an added chimney, bay windows on both the ground and first floor and a small gable ended section on the front elevation.

The proposed new dwelling would be located on the existing parking area to the west side of the site and within a large visual gap between the neighbouring property. This gap is mirrored with the other semi ,no 80 and its neighbour, no 78. No garaging is proposed for either property and all parking would be to the front of the properties. The amended plans now show a hedge to screen the proposed parking area.

No details of materials of the new dwelling are provided although a condition has been added to ensure this is agreed in advance.

3.0 PLANNING CONSTRAINTS

Archaeological Sites YES

Conservation Areas Faversham

Swale Borough Local Plan 2008 E15 - Dev. Affecting a Conservation Area

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Development Plan: Swale Borough Local Plan 2008 policies E1, E15, E19, H2, T3

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Parish/Town Council	Offered Support
Residential Objections	3 objectors to initial submission 0 objections to revised details
Number received:	

6.0 CONSULTATION RESPONSES

The Town Council offered no objection to the original scheme but support the amended scheme.

Following the submission of the original plans three letters of objection were received from local residents, they commented:

Not in keeping with dwellings of the surrounding neighbours
Creates severe over development of the plot
Development will cause severe overlooking of my property to the rear
The removal of an existing tree to the rear of no 82 and no 83 will result in overlooking from both properties to the rear properties.
The new dwellings first floor windows would look directly into the full length bedroom windows of the property to the rear
Not in keeping with other properties in the area with very little space between the existing and proposed property
Vehicles will park in Ospringe Place as there will be very little dedicated off road parking. This application should not be approved until the issue of possible parking in Ospringe Place and its restriction is addressed.

However following the submission of the revised drawing and re consultation with local residents no additional comments have been received.

Kent Highway Services notes that parking provision would be provided in accordance with current parking standards, and that a combined access to serve both dwellings would be appropriate. They offer no objection to the proposals but do recommend conditions to provide cycle facilities, to prevent mud on to the public highway, to create and retain the parking spaces, with the appropriate access surface materials and arrangements to be completed.

The Environmental Health Manager recommends conditions be imposed for hours of construction and for any asbestos removal.

7.0 APPRAISAL

The property is located within the defined built up area boundary of Faversham and as such the principle of a dwelling here is acceptable as is the proposed change of use of the vulnerable victims unit to a dwelling. Therefore the main issues to be assessed are whether the proposal "preserves or enhances the conservation area" and the impact on the amenity of local residents and the occupiers of the proposed new dwelling.

I am mindful of Policy E15 which states that development within conservation areas "*will preserve or enhance all features that contribute positively to the area's special character or appearance*" and para 64 of the NPPF which states that "*permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions*"

I was concerned about the quality of the initial design submission. However, the final amended drawing submitted in July 2014 provides a greater architectural and visual link to the semi detached properties to the east and thus is more in line with the character of the area. The new design acknowledges and respects the simple neutral

architectural character within the area and as such I consider it to be acceptable and thus the property would make a positive contribution to the conservation area.

Whilst no new comments were received from local residents regarding the new design I have considered some of the original comments from local residents regarding their concerns. In terms of overlooking, both the proposed property and the converted property are over 40m away from the properties to the rear and as such I consider the distance to be sufficient to mitigate any views. Furthermore the loss of a view from a dwelling is not a material planning consideration and as such should not be given weight.

I note that the parking provision for each dwelling is in accordance with the current parking standards, given the size of the units and their location. Furthermore that the proposals include the relocation of the existing access to a central position, and this is considered to be an appropriate form of access to serve both dwellings.

8.0 CONCLUSION

I am of the opinion that most of the factors to consider in judging this case would not lead to any negative impact. Although residents who have objected to the proposal have concerns regarding potential overlooking , for the reasons given above I do not consider that there is sufficient justification to justify refusal on this ground and therefore consider that planning permission should be granted for the proposed development.

9.0 RECOMMENDATION – GRANT subject to the following conditions:

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.

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

2. The development hereby approved shall be carried out in accordance with the following approved drawings: DHA/9117/03 and DHA/9117/04 Rev C

Grounds: For the avoidance of doubt and in the interests of proper planning

3. Prior to the commencement of any development on site details of properly consolidated and surfaced access and turning space areas shall be submitted to and approved by the Local Planning Authority and upon approval these areas shall be provided, surfaced and drained prior to the first occupation of the dwellings hereby approved.

Grounds: In the interests of highway safety and convenience.

4. Prior to the commencement of development hereby approved, full details of both hard and soft landscape works shall be 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area

5. Prior to the commencement of development hereby approved, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and works shall be implemented in accordance with the approved details.

Grounds: In the interest of visual amenity

6. Prior to the commencement of development hereby approved, details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In the interest of promoting energy efficiency and sustainable development, and in pursuance of policies E1 and U3 of the Swale Borough Local Plan 2008.

7. As an initial operation on site adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

8. The area shown as vehicle parking and turning space area shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Grounds: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

9. 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.

Grounds: In the interests of the visual amenities of the area

10. Neither dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely stored and sheltered.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycling.

11. Before the dwellings hereby approved are first occupied, the existing vehicular crossing shall be removed and the footway and verge reinstated in accordance with a design and specification to be submitted to and approved in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

12. 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.

Grounds: In the interests of the visual amenities of the area

13. 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 District Planning Authority.

Grounds: In the interests of residential amenity and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

14. Any asbestos found during the demolition of the extension shall be removed in accordance with an agreed programme of works with the Council's Environmental Health Officer unless otherwise agreed in writing with the Local Planning Authority.

Grounds: In the interests of appropriate contamination control and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

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 the changes required to the application and these were made and agreed.

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2.2 14/501632/FULL		Faversham	
APPLICATION PROPOSAL Erection of new bungalow on land between 25 and 27 Wells Way, Faversham.			
ADDRESS Land Between 25 And 27 Wells Way Faversham Kent ME13 7QP			
RECOMMENDATION: Grant, Subject to Conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Proposal is in accordance with policy			
REASON FOR REFERRAL TO COMMITTEE 1) Request of Ward Member. 2) Contrary Representations from Town Council. 3) Contrary local representations.			
WARD Davington Priory	PARISH/TOWN COUNCIL Faversham	APPLICANT Mr Billy McQuoid AGENT Miss Nicola Harvey	
DECISION DUE DATE 30/07/14	PUBLICITY EXPIRY DATE 30/07/14	OFFICER SITE VISIT DATE 02/09/2014	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0414	Erection of new bungalow	Withdrawn	30/05/2014

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 This site is located in Wells Way, part of a housing estate on the edge of west Faversham, constructed in the late 1960s which is attractive and well laid out.
- 1.02 The site itself occupies a triangle of flat open greenspace, between numbers 25 & 27 Wells Way. A number of such small parcels of land were sold at auction earlier this year. Two semi-mature trees are situated on the site, one of which would be retained, if the proposal were to be approved. Two new trees are shown on the submitted drawings.
- 1.03 The site is situated within the built-up area boundary, and is not subject to any specific planning restraints.

2.0 PROPOSAL

- 2.01 The proposal is for a single-storey two bedroomed bungalow. The bungalow would be of conventional brick and tile construction and would have a floor area of 65.7 square metres. The dwelling would provide two bedrooms, a wc and wet room, and a combined living/dining/kitchen area. The dwelling would have a private garden area and off-road parking for two cars.
- 2.02 Earlier this year, an application for a much larger L-shaped bungalow was withdrawn by the agent (SW/14/0414). That proposal also included a 1.8 metres high boundary wall close to the public footpath, which is omitted from this scheme.
- 2.03 It should be noted that, due to an administrative error, the application was registered twice, under the present reference and under reference 14/501547. That reference has now been deleted, and any comments received with regard to that reference have been transferred to this application.
- 2.04 The application is accompanied by a Planning Statement, a Design & Access Statement and an Arboricultural Impact Assessment. In these the applicant explains that the density of development is acceptable, that the site is large enough to accommodate small bungalow without directly impacting on either of the neighbouring bungalows, and that adequate parking is provided. He notes that residents may see a precedent being set if this application is approved, but points out that of the 9 green spaces on the estate (excluding a roundabout site), 6 are in front of other houses or bungalows and the others (apart from the application site) are too small to satisfactorily accommodate a new bungalow. Therefore the issue of precedent should not be an issue in determining this application.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.04	0.04	
Approximate Ridge Height (m)		5.2	
Approximate Eaves Height (m)		2.3	
Approximate Depth (m)		7.3	
Approximate Width (m)		9.0	
No. of Storeys		1	
Net Floor Area		65.7	
Parking Spaces		2	
No. of Residential Units		1	
No. of Affordable Units		0	

4.0 PLANNING CONSTRAINTS

None.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Paragraphs 49 and 60.

Development Plan: Swale Borough Local Plan – Policies E1, E19, H2, T3 and T4

6.0 LOCAL REPRESENTATIONS

Twelve letters and emails of objection have been received from or on behalf of local residents. Their contents may be summarised as follows:

- Loss of green space which was part of the original design of this estate
- Would change the character and landscape of the area
- Proposed bungalow too close to adjacent properties
- Lead to pressure on on-road parking
- Will create a dangerous precedent for other nearby parcels of land
- Removing green spaces will force children to play in the road
- Not in keeping with surrounding properties most of which are semi-detached
- Open frontage to habitable rooms
- Hipped roof not in keeping
- Property would overshadow no. 25
- Tandem parking should be discouraged
- Does not enrich the qualities of the existing environment and does not strengthen the sense of place
- It is vital that the trees on site should be protected
- This and other plots sold at auction. Auctioneer advised that ‘The sites afford possible potential for development, subject to obtaining all necessary consents.’
- Loss of vital amenity area
- The land is classified as highway land, even if they are not owned by KCC
- Low lying area – problems of drainage
- Modern properties generally include a garage – further future development?
- If this application is approved, a condition should be imposed stating that none of the other grassed areas on the estate can be developed
- Problems during construction – where are site offices, plant, etc., to be situated?
- Too close to boundaries
- ‘Shoe-horned’ into the plot
- Scale and design is inappropriate
- The site is not allocated as a housing site

7.0 CONSULTATIONS

7.01 Faversham Town Council recommends refusal, citing their reasons as being the loss of green space, a harmful effect on the appearance of the estate, and setting a harmful precedent.

7.02 Kent Highway Services raises no objection, subject to the conditions noted

below.

7.03 The Council's Tree Consultant raises no objection.

8.0 BACKGROUND PAPERS AND PLANS

9.0 APPRAISAL

Principle of Development

9.01 As the site is situated within the built-up area boundary, it is acceptable in principle.

Visual Impact

9.02 Whilst the loss of green space is regrettable, this is a fairly small area of greenspace, and the bungalow and its garden leave an open feel to the roadside part of the site, the estate will continue to have an open feel if the proposal is approved.

Residential Amenity

9.03 I am not of the opinion that issues of residential amenity are raised by the proposal. The loss of public access to this land is regrettable, but it is my understanding that the land has never been within public ownership. Other areas of open space would still be available, should the proposal be approved. Similarly, the proposal would create no issues of overlooking or overshadowing, due to the modest scale and height proposed

Highways

9.04 Kent Highway Services have raised no objection, subject to the inclusion of the highways conditions below, and I have no reason to disagree with their expert opinion.

Landscaping

9.05 Whilst the loss of the tree is perhaps regrettable, that tree is semi-mature and not of a quality which would justify its formal protection. I am comforted by the fact that two new trees are proposed as part of the application.

Other Matters

9.06 Residents and the Town Council are concerned with regard to the precedent that may be set in granting permission for this dwelling. As has been noted, the site is one of a number which were sold at auction. However, I am aware of the fact that this plot appears to be the largest and best located of those sold, and would certainly be the easiest to justify in terms of use for a new dwelling. Other plots, due to their positions, form and size would be less likely to be suitable for a new dwelling, and any new cases would be judged upon their own merits.

I am of the opinion that, should this proposal be refused for this reason only, then it may prove difficult to justify that refusal on those grounds alone at appeal.

CONCLUSION

10.01 I am generally of the opinion that most of the factors to consider in judging this case would not lead to any negative impact. Although residents who have objected to this proposal have concerns with regard to precedent, I do not believe that this reason alone is sufficient to justify refusal. I therefore consider that planning permission should be granted for the development subject to conditions.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(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.

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

(2) The development hereby approved shall be carried out in complete accordance with drawings 14/10/04 Rev A and 14/10/05 Rev A.

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

(3) No development shall take place until samples of all external facing materials to be used in the development have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with these approved details.

Grounds: In the interests of visual 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 have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In order to ensure sustainable development.

(5) 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 the planting of native species, planting schedules of plants, noting species, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interest of visual amenity.

(6) 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.

Grounds: In the interests of residential amenity.

(7) 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.

Grounds: In the interest of visual amenity.

(8) Upon completion of the approved landscaping scheme, any trees or shrubs 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.

Grounds: In the interest of visual amenity.

(9) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

(10) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 2 cycles to be securely parked and sheltered.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

(11) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided prior to the commencement of any other development in this application and shall be subsequently maintained.

Grounds: In the interests of highway safety.

(12) Before the dwelling hereby approved is first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Grounds : In the interests of highway safety and convenience.

(13) The areas marked on approved drawing 14/10/04 REV A as parking spaces shall be reserved for vehicle parking at all times that the dwelling is in use, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any Order revoking and re-enacting that Order), shall be carried out on that area of land or in such a position as to preclude vehicular access to these areas.

Grounds: In the interest of highway safety and amenity.

(14) Upon completion, no further enlargement of the new dwelling whether permitted by Classes A or B of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) Order 1995 or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

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

COUNCIL'S APPROACH

The Council recognises the advice in paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) and seeks to work with applicants in a positive and proactive manner by offering a pre-application advice service; and seeking to find solutions to any obstacles to approval of applications having due regard to the responses to consultation, where it can reasonably be expected that amendments to an application will result in an approval without resulting in a significant change to the nature of the application and the application can then be amended and determined in accordance with statutory timescales.

In this case the application was decided by the Council's Planning Committee.

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.

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2.3 14/500647		<u>Faversham</u>
APPLICATION PROPOSAL		
Outline with some reserved matters - Access, Appearance and Landscaping - Proposed new dwelling as amended by new site plan received on 15 th September 2014.		
ADDRESS Land Adjacent To 13 Athelstan Road Faversham Kent ME13 8QL		
RECOMMENDATION – OUTLINE PLANNING PERMISSION GRANTED SUBJECT TO : Conditions and further representations (closing date 6 October 2014)		
REASON FOR REFERRAL TO COMMITTEE: Town Council objection		
WARD Watling	PARISH/TOWN Faversham	COUNCIL APPLICANT Mr Andy Seal AGENT
DECISION DUE DATE - 18/08/14		

MAIN REPORT

1.0 DESCRIPTION OF SITE

This 6m wide by 41m deep site is located adjacent to 13 Athelstan Road Faversham and the area to be developed is currently part of one large plot comprising 13 Athelstan Road, a two storey end of terrace property and its associated curtilage. This includes a large rear garden, a detached garage building and an area of hardstanding to the side of the house and garage.

There is established vegetation to the rear of the site and to the east side fencing and a sporadic but established tree line separates it from a pair of relatively modern semi detached dwellings. The site lies on higher land to that of the properties to the east.

The area is residential in character predominantly with rows of two storey terraced properties within Athelstan Road and in the surrounding streets, except to the east towards Forbes Road where a single pair of semi detached houses and a bungalow lie.

2.0 PROPOSAL

This is an outline application which also seeks approval for the layout and scale of the proposed new dwelling to be constructed on this site.

The layout of the proposed house is that it would be located on the eastern boundary of the plot. The dwelling has been brought forward from its original position 12m back from the pavement and would now be sited back 6m from the pavement, to enable the provision of a parking space within the site. This change means that the

new dwelling would follow the building line of the newly built properties to the east, nos. 9 and 11 Athelstan Road

The scale of the new dwelling itself is to be 16m in length and 5m in width, and to a maximum height, to the roof ridge, of 5m. In other words the dwelling would be of a single storey form. The appearance, access and landscaping of the property are reserved for future determination

The proposal involves the division of the existing plot to separate 13 Athelstan Road and a parking area from the new dwelling.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) Development Plan: Swale Borough Local Plan 2008: policies SH1, E1, H2 and T3 are of most significance.

4.0 LOCAL REPRESENTATIONS

One response from the immediate neighbours to the east comments they were unable to work out from the plans what the final height of the proposed dwelling would be, though they understood it would be longer and wider than the existing garage building and could potentially overshadow their property. Their perception is that due to sloping ground levels a two storey property would lead to a lack of privacy and they would be overlooked through their side facing windows, and they are unclear as to whether the boundary fence, to their property to the east, would remain.

I am re-consulting the immediate neighbours regarding the re-positioning of the dwelling and will report further at the meeting

5.0 CONSULTATIONS

Faversham Town Council recommended refusal of the application stating *“Because of the design of the adjacent property it is not possible for any new development to follow the existing building line in the street. Setting the proposed new building back on the site will have an adverse effect on the street scene.”*

This objection was made before the location of the house was amended, and I consider that this overcomes the Town Council’s original objection.

Kent Highway Services acknowledge the nature of the application and that access is a reserved matter, which will be assessed at a later date. However, they have commented that given the location of the development, close to the town centre and its amenities (including the railway station), and the existence of on-street parking controls, a provision of 1 space per property would be considered acceptable under current parking standards.

6.0 APPRAISAL

This is an outline application with matters of appearance, access and landscaping reserved. Here, just the layout and the scale of the proposed new dwelling are to be assessed.

Principle of Development

The site is located within the built up area boundary for Faversham and as such in line with National and Local Policy the principle of a new dwelling on this site is acceptable in terms of policy H2 of the Local Plan.

Layout

The layout is to be assessed and following the comments from Faversham Town Council and Kent Highway Services the building has been brought forward to match the building line of no 11 and 9 Athelstan Road to the east. This not only relates better to the streetscene but this also enables the provision of 1 off road parking space and will still provide for a large garden to the rear.

Scale

The scale of the dwelling is shown to be 16m in length, 5m in width and to a maximum eaves height of 2.5m with a ridge height of 5m. I note the comments from the neighbour to the east and whilst the proposed dwelling would be larger in size than the existing garage building it will not be two storey and as such even despite the change in land levels I do not consider the proposed modest height of the dwelling would unacceptably adversely impact upon them.

Other Matters

I note the concerns of the neighbour, however, the drawings available to view with this application make it clear the layout and scale of the proposed dwelling, their concern that the proposal is to be a two storey property and thus create overshadowing and invasion of privacy is unfounded.

Furthermore the final appearance and landscaping of the proposed development would be addressed at the reserved matters stage and during this the impact on the visual and residential amenity of these neighbours in regard to these issues would be considered.

7.0 CONCLUSION

I consider that the principle of a new dwelling here is acceptable and that the scale proposed is also acceptable. The revised plan showing the dwelling located further back within the site not only provides a parking space off the road for the new dwelling but also addresses the concerns of the Town Council by continuing the building line from no's 9 and 11 to the east. To which this new dwelling would relate more to than those continuing up Athelstan Road to the west.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS/GROUNDS

1. Details relating to the appearance of the proposed building, the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two 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.

Grounds: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Prior to the commencement of development hereby approved, details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Grounds: In the interest of promoting energy efficiency and sustainable development, and in pursuance of policies E1 and U3 of the Swale Borough Local Plan 2008.

5. The details submitted pursuant to condition (1) shall show the provision of parking spaces for the existing dwelling at 13 Athelstan Road and for the new dwelling.

Grounds: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

6. 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 District Planning Authority.

Grounds: In the interests of residential amenity and in pursuance of policy E1 of the Swale Borough Local Plan 2008.

7. The dwelling hereby approved shall not exceed 5m in overall height.

Grounds: In accordance with the terms of the application.

8. The front wall of the dwelling hereby permitted shall be set 6m back from the rear edge of the pavement.

Grounds: In accordance with the amended terms of the application.

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 the changes required to the application and these were made and agreed.

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.

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2.4 14/501423		Minster	
APPLICATION PROPOSAL – Demolition of redundant garage, formation of driveway and erection of three two bedroom bungalows.			
ADDRESS - Land adjacent to 159 Minster Road, Minster, ME12 3LJ.			
RECOMMENDATION - Grant			
SUMMARY OF REASONS FOR RECOMMENDATION – The proposal is acceptable in all regards.			
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council objects.			
WARD Sheppey Central Ward	PARISH/TOWN COUNCIL Minster	APPLICANT Ferndale Ltd AGENT Michael Gittings Associates	
DECISION DUE DATE 27/8/14	PUBLICITY EXPIRY DATE 21/8/14	OFFICER SITE VISIT DATE 19/8/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500823	Erection of detached three bedroom bungalow with integral garage	Current	
SW/14/0213	Formation of new access and car parking	Approved	19/2/14
SW/05/0298	Renewal Of Outline Planning Permission SW/02/0645 For Detached House And New Vehicular Access To Existing House.	Approved	4/3/05
SW/02/0645	Renewal Of Outline Planning Permission Sw/99/534 For Detached House And New Vehicular Access To Existing House	Approved	15/5/02
SW/99/0534	Renewal Of Planning Permission Sw/96/0464 For Detached House (outline) And New Vehicular Access To Existing House.	Approved	3/6/99
SW/96/0464	Detached House (outline) And New Vehicular Access To Existing House	Approved	30/5/96
SW/96/1038	Erection Of Detached Bungalow	Refused	18/11/96
SW/94/0372	Outline Application For Residential Home	Refused	28/4/94

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site forms the wider garden area to no.159 Minster Road, Minster. It wraps around the dwelling, to the west, and sits on the southern side of Minster Road. The site lies within the built up area of Minster. The site is also located within flood zones 2 and 3 as defined by the Environment Agency's flood maps. The area is

characterised largely by residential dwellings of mixed designs. However – no.165 Minster Road, to the east of the site, is a residential home.

2.0 PROPOSAL

- 2.01 This application proposes the construction of a pair of semi-detached and a detached bungalow, on land to the rear of no.159 Minster Road.
- 2.02 Access would be taken to the west of no.159 Minster Road, with an access road with landscaped buffers either side leading to a turning area to the front of the proposed dwellings.
- 2.03 The single unit (plot 1) would measure 5.1 metres to ridge height, 11 metres deep and 6.8 metres wide. The semi-detached units (plots 2 & 3) would measure 5.9 metres, 11 metres deep and a total of 13.6 metres wide.
- 2.04 Each unit is shown having one parking space each, although it appears that more are capable of being accommodated. Plot 1 would have a garden depth of 9 metres whereas those of plots 2 and 3 would be 10 metres.
- 2.05 The dwellings would be located well in excess of 21 metres from the dwellings to the rear in Darlington Drive, and 21 metres from the first floor rear facing windows of no.159 Minster Road.

3.0 SUMMARY INFORMATION

	Proposed
Approximate Ridge Height (m)	5.1m and 5.9m
Approximate Eaves Height (m)	2.3m
Approximate Depth (m)	11m
Approximate Width (m)	6.8m & 13.6m
No. of Storeys	1
Parking Spaces	3+
No. of Residential Units	3
No. of Affordable Units	0

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 National Planning Policy Framework and National Planning Practice Guidance in terms of the presumption on favour of sustainable development, providing housing, design and flooding.
- 4.02 The following policies of the Swale Borough Local Plan 2008 are relevant:

E1 General Development Criteria
 E19 Achieving High Quality Design and Distinctiveness
 H2 Providing for New Housing
 T3 Vehicle Parking for New Development

5.0 LOCAL REPRESENTATIONS

- 5.01 Four letters of objection have been received, three of which are from the same address, which are summarised as follows;
- Conifers may be removed or damaged by construction, reducing privacy and causing subsidence to my property. The erection of a large fence would remedy this.
 - Extra noise from householders and cars.
 - Construction noise would disturb sleep of shift workers in area.
 - Extra traffic on main road.
- 5.02 One letter raising neutral points has been received which outlines that the water and drainage services to the rear properties on Darlington Drive run through the rear of 159 Minster Road. A neighbouring outbuilding isn't shown on the drawings. If a new boundary wall is to be constructed who takes ownership of the boundary trees?
- 5.03 Three letters of support have been received which are summarised as follows;
- This is a nice, quiet, private and select development with a spacious approach. The access is larger than others in the area.
 - Bungalows result in no overlooking to neighbours.
 - Within built up area of Minster so it makes more efficient use of land instead of developing countryside.
 - Proposal complies with planning policy.
 - Bungalows are appropriate for older people and disabled to buy a new and purpose built house.
 - The layout is the best of recent developments in the area including the vehicle access which distances cars from neighbours.
 - Well located for disabled people as there is a bus stop nearby.
- 5.04 Two letters from the applicant addressing some of the neighbour comments have been received which are summarised as follows;
- The access is very wide which makes it more than adequate, including visibility splays.
 - Noise from cars is addressed by making the access wide and planting to either side.
 - Parking for 159 has been approved and a block paved driveway installed.
 - Conifers to be kept and trimmed to keep privacy and prevent shading.

6.0 CONSULTATIONS

- 6.01 Sothern Water do not raise objection and recommend informatives be attached with regards connection to the public foul sewer.
- 6.02 The Environmental Health Manager does not raise objection subject to conditions relating to contamination and hours of construction. It has been agreed that to require a full contaminated land assessment is excessive given that only a domestic garage existed on site previously therefore a less stringent contaminated land condition is recommended.
- 6.03 Minster Parish Council raises objection, commenting as follows:

Objection on the grounds that the proposal presents as detrimental to the residential amenities residents of the neighbouring properties might reasonably be expected to enjoy. Access is considered inadequate and will create noise and disturbance due to the increased vehicular movements and visibility splays do not appear long enough. There is also a requirement for

159 Minster Road to provide adequate off street parking in order to avoid exacerbating the problem.

- 6.04 The Environment Agency raises no objection and provides additional information and informatives regarding foul drainage, surface water drainage and waste on site. It confirms a flood risk assessment is not required.
- 6.05 Kent Highway Services raises no objection, noting that there is actually more parking available than is required. The parking approved under SW/14/0213 for the host property must be provided before the current proposal is commenced. The proposed access is wide enough for 2 cars to pass one another along its length and the visibility splays are appropriate. A number of conditions are recommended.

7.0 APPRAISAL

The key issues here are the principle of the development, the impact on visual amenity, the impact on residential amenity, and the impact on highway safety and convenience.

Principle of Development

- 7.01 The site is located within the built up area of Minster, and as such, residential development is acceptable as a matter of principle. Whilst the site lies to the rear of the existing development fronting Minster Road, it lies close to no.165 Minster Road, a large residential home which projects markedly to the rear, which gives rise to activity rearwards of the building line fronting the highway.
- 7.02 The proposal is in a similar position to that refused permission on the site under application SW/94/372 noted above. However, the current proposal is significantly smaller than this refused scheme and the approval of the dwellings at 144 and 146 Minster Road (see below) mean that backland development has been accepted in this area in the intervening period. I consider that the reasons for refusal of SW/94/372 do not hold here.
- 7.03 In my view, the development of this site is unlikely to give rise to significant harm to the character of the area. The provision of three dwellings rearwards of the building line here would not in my view give rise to harm to the grain of development in the area. Similar developments, rear of nos,.144 and 146 (to the north east of the site) have been approved and built in the past 10 years or so, and this proposed development would not in my view appear out of character with that of the area. The development is, in my opinion, acceptable as a matter of principle.

Visual Impact

- 7.04 Subject to conditions relating to the landscaping of the access, and the provision of planting there, I do not consider that this scheme would appear prominent in views from the street. In addition, the design of the bungalows would in my view appear appropriate, and would not cause demonstrable harm to the character and appearance of the area.

Residential Amenity

- 7.05 I note the objections made by the Parish Council and the occupiers of the dwellings to the rear of the site with regards overlooking and the loss of trees. However – Members will note that the proposed dwellings are single storey only, and that the

dwellings to the rear are well in excess of 21 metres from those proposed. As such, I do not consider that harm to the amenities of the occupiers of the dwellings to the rear would occur, regardless of whether the conifers along the rear boundary are removed.

- 7.06 The proposed dwellings would be located 21 metres from no.159 Minster Road, and I do not envisage mutual overlooking in this respect.
- 7.07 The private amenity space provided for the proposed dwellings would in my view be sufficient to provide an adequate level of amenity for their occupiers. Unit 1 would have a garden of approximately 9 metres in depth, the remaining two units would have slightly larger gardens. This is in my view acceptable.
- 7.08 The access road would be separated from the boundaries with the adjacent dwellings by significant landscaped strips. I do not consider, bearing in mind the number of dwellings, that the use of this access would give rise to a harmful level of noise and disturbance such that planning permission should be refused.
- 7.09 The level of activity associated with the proposed dwellings would not be such that general noise and disturbance will occur. I note that the Environmental Health Manager does not object in this respect. I do not consider the erection of a large fence between the proposal and existing properties necessary to grant permission here. Hours of construction will be restricted by the standard condition recommended in the interests of the majority of local residents but unfortunately not shift workers who are in the minority here so a certain level of disturbance may be possible.

Highways

- 7.10 I note the comments of the Parish Council with regards parking for no.159 Minster Road. Access and parking for this dwelling is in the process of being provided and it is envisaged that works will be complete prior to this application being considered by Members. I will provide an update in this respect at the Meeting.
- 7.11 Kent Highway Services raises no objection on highway safety and convenience grounds noting that there is an overprovision of parking on the site and that the access is acceptable in all regards including width and visibility splays. I do not envisage the amount of additional traffic being a problem. The impact on highway safety and convenience is acceptable in my view.

Other issues

- 7.12 I note the local residents' comments about services to their property originating from the application site. However, these are not shown on the map of underground pipes shown provided by Southern Water. Notwithstanding the above, this issue is not dealt with under planning legislation.
- 7.13 The Environment Agency raise no objection to the proposal despite the site being partially in flood zones 2 and 3.
- 7.14 Contaminated land is dealt with by condition below are recommended by the Environmental Health Manager.

8.0 CONCLUSION

8.01 The proposed development is acceptable as a matter of principle, would not harm visual or residential amenity, and would not harm highway safety or convenience. I therefore recommend that planning permission is granted, subject to the conditions below.

9.0 RECOMMENDATION – GRANT Subject to 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.

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

- 2) The external finishing materials to the development hereby approved shall be as described in the application form namely Wienerberger heritage blend bricks and marley mendip anthracite roof tiles.

Grounds: To secure an appropriate external finish.

- 3) 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, plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Grounds: In the interests of the visual amenities of the area.

- 4) 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.

Grounds: In the interests of the visual amenities of the area.

- 5) 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.

Grounds: In the interests of the visual amenities of the area.

- 6) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

- 7) 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 – 1800 hours, Saturdays 0830 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: To prevent harm to the amenities of the area.

- 8) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the LPA, details of how this unsuspected contamination shall be dealt with.

Grounds: To ensure that the development complies with the approved details in the interests of protection of human health.

- 9) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

- 10) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- 11) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- 12) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained before the any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Grounds: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 13) Before the dwellings hereby approved are first occupied, a properly consolidated and surfaced access (not loose stone or gravel) shall be constructed, details of which shall have been submitted to and approved by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

- 14) No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for 2 cycles to be securely parked and sheltered per dwelling.

Grounds: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of highway safety.

- 15) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Grounds: In the interests of highway safety.

- 16) Pedestrian visibility splays 2m x 2m with no obstruction over 0.6 m above the access level shall be provided at each individual private vehicular access prior to accesses being brought into use, and shall be subsequently maintained.

Grounds: In the interests of highway safety.

- 17) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

- 18) Any entrance gates erected shall be hung to open away from the highway only and shall be set back a minimum distance of 5.5m from the carriageway edge.

Grounds: In the interests of highway safety and convenience.

- 19) Either this planning permission or that proposed under planning application 14/500823/FULL (subject to it being approved) shall be implemented.

Grounds: To prevent the partial implementation of both planning permissions and the resulting unacceptable form of development this would create.

- 20) The development shall proceed in accordance with the following approved drawing numbers: 2295/1/A and 2295/2.

Grounds: In the interests of clarity.

10.0 Informatives

- 10.01 The applicants attention is drawn to the additional information and informatives within the Environment Agency letter dated 3/9/14.

- 10.02 Kent Highway Services wishes to make the applicant aware of the following. It is the responsibility of the applicant to ensure, before the development hereby approved is

commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- 10.03 Planning permission does not convey any approval for construction of the required vehicular crossing, relocation of the lamp column, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 10.04 Southern Water wishes to make the applicant aware of the following. A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk .

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.

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2.5 14/501044		Minster	
APPLICATION PROPOSAL			
Variation of condition 3 of application SW/09/1038 to allow the inclusion of servicing vehicles and an MOT station.			
ADDRESS Unit 4 Wallend Farm Lower Road Minster-on-sea Kent ME12 3RR			
RECOMMENDATION Approval			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
The proposal would not add significantly to the traffic levels in the area and would not introduce any significant noise or activity. The proposal would be appropriate for this commercial site.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council Objection			
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster	APPLICANT Mrs Linda Pearse AGENT	
DECISION DUE DATE 19/08/14	PUBLICITY EXPIRY DATE 19/08/14	OFFICER SITE VISIT DATE 07/08/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/0426	LDC for MOT testing centre – refused as condition 3 restricts the use of car/van bodyshop and spraying only.	Refused	10/06/14
SW/09/1038	Change of use from agricultural barn to B2 – car/van bodyshop and spraying	Approved	21/12/09

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site lies outside of the built-up area boundary. Access is from Lower Road via a long access track. Unit 4 is one of a number of commercial units that have been established within former agricultural buildings. The building is constructed from breeze blocks and metal sheeting. It has a roller shutter door to the front elevation which faces onto an informal parking area. Unit 4 has been sub-divided into two separate units.

1.02 Wallend Farmhouse lies approx. 75 metres to the southwest of the application site and Wall End Cottages approx 270m from the unit.

2.0 PROPOSAL

2.01 This application seeks to establish an MOT testing centre, servicing and repairs within an existing commercial unit located on this farm. The property was granted planning permission for the change of use from agricultural barn to B2 – car/van bodyshop and spraying under SW/09/1038. This permission was subject to various conditions including condition 3 which limits the use to car/van bodyshop and spraying and for no other purpose.

3.0 SUMMARY INFORMATION

	Existing <i>[Delete if not a replacement]</i>	Proposed	Change (+/-) <i>[Delete if not a replacement]</i>
Site Area	250 sq. m	250 sq.m	
Car parking spaces (inc. disabled)	3 informal	3 informal	0

4.0 PLANNING CONSTRAINTS

MOD Thurnham MOD Safeguarding Directive Thurnham

MOD Thurnham MOD Safeguarding Directive Thurnham

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Exclusion Zone Thurnham, Kent

Thurnham Wind Station THURNHAM WIND SAFEGUARDING

SSSI consultation zone

Close to SPA and Ramsar site

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Swale Borough Council – Policies E1, E6, B1, RC1 & T3

6.0 LOCAL REPRESENTATIONS

6.01 None received

7.0 CONSULTATIONS

7.01 Minster-on-Sea object to the proposal on the grounds that the introduction of an MOT testing station would add to the number of vehicles accessing the site and that the access from Lower Road, being constructed of loose gravel, presents a risk to road users. They ask that consideration is given to improve this surface.

7.02 Kent Highway Services – No effect on the highway network – no objection

7.03 Natural England note that the site is close to the SSSI, SPA and Ramsar sites. They have no objection as long as any discharges/storage of chemicals, fuel and oil from the proposed MOT/servicing area are sufficiently contained such that they will not enter the nearby designated sites through surface water run-off or groundwater contamination.

8.0 BACKGROUND PAPERS AND PLANS

8.01 Site location plan and application form.

9.0 APPRAISAL

9.01 I consider the key issues to be the impact of the proposal on highway safety/amenity, the impact on the character and appearance of the countryside and the impact on residential amenities.

9.02 Kent Highways have no objection to the proposal. The size of this unit and the existing commercial activity at this site will limit the intensity of the use to a certain extent and would result in only a very small percentage increase in traffic using the access onto Lower Road. I do not consider therefore that there would be any harm to highway safety as a consequence of increased use of the access. I also consider it unreasonable for this application to be responsible for the resurfacing of the access when it would generate a very small proportion of the overall traffic accessing the commercial units at this site. I therefore consider that there would be no harm to highway safety/amenity and do not consider it reasonable to impose the condition suggested by the Parish Council. I have though asked the applicant to raise this issue with the owner of the site, who is ultimately responsible for the access.

9.03 The MOT testing centre would result in additional activity in and around the site but I do not consider that this would be to the extent that this would cause harm to the character or appearance of the countryside. I am mindful that this proposal would support an existing business within the rural area. In this respect the proposal would comply with policies B1 and RC1 of the adopted local plan.

9.04 In terms of noise impact, the 2009 application required the submission of a noise assessment. The developer submitted this assessment under condition 1 of the 2009 permission and it is of note that the assessment concluded that the use of unit D as a car/van body repair and spray services resulted in no noise impact over and above the background noise of the road and other noise sources. It was concluded that no mitigation was required, even with the doors open. I am of the view that the provision of an MOT testing station/servicing within the unit will generate similar or less noise than the body repair activity. As such, I do not consider it necessary to request a further noise assessment.

9.05 The proposal lies within the SSSI consultation zone and is close to the SPA and Ramsar site. Owing to the nature and scale of the proposal, I do not consider that

there would be any harm to the special features of these designated areas. The control of fuels and chemicals etc. will be regulated by Health and Safety legislation.

10.0 CONCLUSION

10.01 Having considered the comments from consultees and the relevant planning policies, I am of the view that the proposal would be acceptable having regard to the small scale of this development and the likelihood that an insignificant additional amount of traffic, noise and activity would be generated as a consequence.

11.0 RECOMMENDATION – GRANT Subject to the following conditions

CONDITIONS to include

1. The premises indicated on the submitted site location plan, shall be used for the purpose of car/van bodyshop, spraying, vehicles repairs, servicing and an MOT testing centre and for no other purpose, including any other purpose in Class B2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or for purposes within Class B1 of the Schedule.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

2. The premises indicated as Unit E on the approved drawing number 09.68.05 submitted under planning application ref: SW/09/1038, shall be used for the purpose of storage and for no other purpose, including another purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or for purposes within Class B1 of the Schedule.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

3. The use of the premises hereby permitted shall be restricted to the hours of 7am to 6pm on weekdays, 7am to 2 pm on Saturdays and shall not take place at any time on Sundays and Bank Holidays.

Grounds: In the interests of residential amenities and the character and appearance of the countryside.

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:

In this instance:

The application was acceptable as submitted and no further assistance was required.

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.

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2.6 SW/14/0502		<u>Newington</u>	
APPLICATION PROPOSAL			
Erection of poultry shed and grainstore, with associated access tracks, hardstandings, turning areas, land profiling and feed silos.			
ADDRESS Woodland Farm, High Oak Hill, Newington, Sittingbourne, Kent, ME9 7HY			
RECOMMENDATION GRANT Subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The impact on the surrounding area is acceptable.			
REASON FOR REFERRAL TO COMMITTEE			
Newington Parish Council objects.			
WARD Hartlip, Newington & Upchurch	PARISH COUNCIL Newington	APPLICANT Mr Jy Stedman AGENT Mr Christopher Hildyard	
DECISION DUE DATE 19/09/14.	PUBLICITY EXPIRY DATE 04/09/14.	OFFICER SITE VISIT DATE 20/05/14.	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/10/0631	Erection of poultry house and temporary stationing of mobile home with associated improvement of existing access and provision of parking and turning areas.	Approved	3/9/10.
SW/12/1221	Relaxation of condition (2) appended to planning permission SW/10/0631 to enable mobile home to be retained on site until the 25 th January 2015.	Approved	13/11/12.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the north east of Newington. It extends to 24.28ha of land of which 9.5ha is grassland and the remainder woodland. The south eastern section of the site is grassland that slopes steeply down towards High Oak Hill. The north western section of the site is woodland (chestnut coppice with oak standards). The site is elevated and has wide ranging views over the Newington valley.

- 1.02 The existing farm buildings comprise a 12,000 hen poultry shed, a barn and storage building. The vehicle and pedestrian access to the site is via High Oak Hill adjacent to The Bungalow. The site currently has a temporary mobile home on it.
- 1.03 The applicant actively manages the woodland and has an established 15 year coppice rotation in operation. The first 2 years of a 6 year coppice plan in cooperation with the Forestry Commission is already underway.

2.0 PROPOSAL

- 2.01 The poultry shed position has been amended. It would now be located south west of the existing poultry shed, closer to the woodland as opposed to in the middle of the exposed slope, in order to screen it as far as possible within the landscape. Further landscaping is proposed to the front of the building to lessen the visual impact. The building would be partially dug into the ground and partially raised. This arrangement is shown on the Proposals Site Section drawing. It would measure 18.8m wide, 111m long, 3.5m to eaves and 5.5m to ridge. It would contain the poultry housing for 16,000 hens, egg store, packing room and office. Ventilation equipment would be installed. The building would be clad with juniper green cladding. Two 7.3m tall feed silos would be positioned to the north east corner of the building. A new access track would lead to the building. No external lighting is proposed.
- 2.02 The proposed grain store building would be located directly to the south east of the existing poultry shed, between it and an existing mobile home. It would measure 15.4m wide, 30m long, 7m to eaves and 9m to ridge height. It would store wheat, soya oil, limestone and supplementary additives. Producing feed on site would substantially reduce costs for the business.
- 2.03 The proposal would increase the number of chickens by 16,000 from 12,000 to 28,000. A detailed confidential business plan has been submitted. It details that the application would enable the applicant to cease work as an engineer and focus entirely on running this free range egg business. The applicant has a customer lined up for the additional egg production. The existing range will be divided into two, allowing the existing hens access to 6.4ha of grassland and woodland, and the proposed hens access to 11ha of grassland and woodland.
- 2.04 The proposal will not result in more employment, but part time and casual employees may be required to work an increased number of hours per week. Confidential details of loan arrangements and business accounts have been submitted. Manure is collected annually and this practice will continue. Eggs will continue to be collected twice a week.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	24.28	24.28	0
Approximate Ridge Height (m)		5.5 and 9	
Approximate Eaves Height (m)		3.5 and 7	
Approximate Depth (m)		111 and 30	
Approximate Width (m)		18.8 and 15.4	
No. of Storeys		1	
Net Floor Area	1602	2532	2532
Parking Spaces	4	4	0

4.0 PLANNING CONSTRAINTS

4.01 The application site is immediately adjacent to woodland known as Hawes Wood and Wardwell Wood which is classified as ancient and semi-natural woodland and a local wildlife site. The site is located within the countryside, strategic gap, an area of high Landscape Value, has archaeological potential and is located on the north west side of High Oak Hill, which is a rural lane as defined in the Swale Borough Local Plan 2008. The south west part of the application site is within the Newington Church conservation area which contains the grade I listed Newington Church. Snakesbury Cottage at the southern boundary of the site is considered to be a non-designated heritage asset. A high pressure gas pipeline runs along the northern boundary of the application site. There is sporadic residential development along High Oak Hill including The Bungalow adjacent to the site's vehicular entrance.

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 Policies E1, E6, E7, E9, E10, E11, E12, E14, E15, E16, E19 and RC7 of the Swale Borough Local Plan 2008 are all relevant in the consideration of this application.

5.02 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) in relation to sustainable development, building a strong and competitive economy, supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural and historic environment.

5.03 The landscape character and biodiversity appraisal 2011 notes that the woods are one of the few wooded areas. They are perched on a hill and dominate this part of the area. To the south the woodland looks over a valley, framing and providing a setting for the village of Newington with its Parish Church in the foreground providing a landmark in the rural landscape. The condition of the landscape is considered poor and the sensitivity moderate. The guidelines advise the restoration and creation of the remaining landscape structure of woodland, hedgerows etc. conserve the distinctive landscape character of the

valley and hills covered by woodland, trees, pasture/grassland which form the eastern and northern landscape setting of the village of Newington. Use local and vernacular materials such as corrugated iron sheets on rural outbuilding roofs. For mixed woodland planting use oak, hornbeam, ash, hazel, field maple and birch.

6.0 LOCAL REPRESENTATIONS

- 6.01 Neighbour consultation, a site notice and newspaper advert have been carried out.
- 6.02 One general neighbour letter has been received which raises no objection to the proposal but seeks assurances that no engineering or other industry beside the chicken farming and grain store will be taking place on the site.

7.0 CONSULTATIONS

- 7.01 Newington Parish Council objects on the following grounds “In 2012 the applicant had to ask for a relaxation on condition 2 on permission for the mobile home on Woodland Farm because he had insufficient time to produce accounts showing that the business using the existing poultry shed was profitable. As far as we are aware no proof of profitability have been submitted to SBC. Until the business can prove profitability on the existing shed we object to another building on this site of outstanding natural beauty.” This objection was given following the second round of consultation. The initial objection was more extensive but is now less so and less relevant due to the changes made to the application ,in particular the repositioning of the proposed poultry shed to follow the contours of the land.
- 7.02 The Council’s Agricultural Consultant considers the submitted business plan appears soundly based in financial terms. The proposed new poultry building would be purpose designed for the number of hens as with the existing poultry building. The grain store would be designed to hold up to 4 or 5 months’ worth of raw feed materials which would be stored in the new barn and home-mixed prior to blowing into the silos that feed into the poultry sheds. The height of the store allows for large delivery lorries to tip up directly inside it, and the floor area allows for some general farm storage space for equipment, fertilizer etc otherwise the farm only has two fairly small storage sheds at present. Overall, it is anticipated that the expanded farm unit will be requiring some 115/120 tonnes of feed a month and that home mixing feed could save about £25,000 per 28,000 hen flock cycle. In agricultural business terms the proposals appear well considered, and appropriately designed for facilitating the proposed expansion of this new farming venture.
- 7.03 The Environmental Services Manager raises no objection on noise, odour, hours of operation, and waste management grounds, noting that noise levels have been provided in the business plan and the existing waste management plan will be expanded to incorporate the new development.

- 7.04 The Council's Tree Consultant commented "From the proposed site plan by GWF the new poultry shed will be sited approximately 13m (at its closest point) from the canopy edge of the woodland that lies to the north west of the site. When measured on site I would consider this distance from the edge of the trees to be sufficient not to have a significant impact on the woodland as a whole although the change in levels needed to site the new shed will require excavation of the ground levels approximately 2m from the edge of the trees canopy (at the closest point). Again, having inspected the trees toward the woodland edge closest to the new shed, I am satisfied that the distance of the excavation works from the trees will not compromise their long-term health provided protective fencing is erected outside the crown spread of the trees in accordance with BS5837:2012. In order to achieve this, I would recommend the condition listed below should be imposed to any consent that you are mindful to approve. With regards to the proposed planting of additional trees as submitted, I have no objections to the scheme although the planting of Ash as specified in the proposed tree types will need to be changed as the sale and transportation of Ash trees has been banned since the outbreak of Ash Dieback disease. The scheme does not mention the instillation of planting guards which are essential around the new trees if they are to be protected against grazing animals. Again, this could be achieved by way of a condition which I have drafted below.
- 7.05 Kent Highway Services raises no objection on highway safety and convenience grounds because there would be minimal impact on the local highway network subject to conditions relating to personnel parking, delivery space and prevention of dirt on the highway.
- 7.06 The Environment Agency considers the application as having a low environmental risk and makes no comment.
- 7.07 English Heritage does not wish to offer any comment and recommend that the proposal be determined in accordance with relevant policy and guidance.
- 7.08 I have consulted the standing advice of Natural England regarding Ancient Woodland and for protected species. The former has a flow chart that sets out if no ancient woodland would be lost or harmed then planning permission can be granted subject to other considerations. Given the supportive comments of the Council's tree consultant with regard to tree and root protection issues it is considered there would be an acceptable impact on the ancient woodland. The latter sets out that if woodland is on or within 1km of the application site, bat, breeding bird, badger, dormouse, invertebrate and plant surveys may be required. However, given that the site of the poultry shed is grazing land it has little ecological value. The gap between the woodland and the shed along with the lack of lighting will also prevent ecological harm. The chickens grazing inside the woodland also reduce its ecological value. No ecological appraisal is required on this basis because there is not a reasonable likelihood of protected species being present or effected.
- 7.09 Southern Water raises no objection.

- 7.10 The Lower Medway Internal Drainage Board encourages the applicant and LPA to ensure surface water run-off from the site will cope, whilst on site attenuation is recommended and to limit the discharge to the equivalent green field run-off rate.
- 7.11 Kent County Council Archaeology note the site lies within an area of archaeological potential with multi period activity on the higher ground. Setting the poultry building into the side of the hill may remove archaeological remains therefore a condition requiring a programme of archaeological works is required.
- 7.12 Kent Wildlife Trust objects because the applicant has not recognised the status of the site and therefore potential impacts on the ancient woodland/Local Wildlife Site have not been considered. Particular concern is raised about the impact the chickens will have on the woodland flora which form the basis of ancient woodland identification. The Trust state that this issue was raised under SW/10/0631 but were not dealt with. "There is now an opportunity to compare the area of woodland within SW/10/0631 with that within the current application to determine the potential impact and any mitigation that may be necessary."
- 7.13 The Health and Safety Executives PADHI consultation system was consulted because of the presence of a high pressure gas pipeline on the northern boundary of the site. The HSE does not advise, on safety grounds, against the grant of planning permission.
- 7.14 Bobbing and Lower Halstow Parish Councils were consulted as neighbouring parishes but did not reply to consultation.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 A full range of existing and proposed floor plans and elevations have been submitted. Visual illustrations of the likely visual impact are provided along with a detailed design and access statement, and business plan. An EIA screening opinion was issued upon receipt of the application stating this is not EIA development.

9.0 APPRAISAL

- 9.01 I note the local residents' comments. The use of the building for engineering would require planning permission and does not form part of this proposal and so does not fall to be considered here. I note the Parish Council's objection but I would comment that the reason the extended 3 year temporary permission for the mobile home was permitted was because the existing poultry shed took 16 months to complete and the business only started trading in January 2012. The Council normally allows a minimum 3 year period of establishment to enable the applicant to demonstrate business profitability before an application for a permanent dwelling would be considered. Hence why the extension to the temporary permission was

granted. A confidential business plan has been submitted and is considered sound by the Council's agricultural consultant and me.

Principle of Development

- 9.02 The business plan demonstrates that the business is well planned on a sound financial basis. Therefore, it has been demonstrated to be necessary for agriculture as permitted by rural restraint policy E6. This would also help to secure a prosperous rural economy as outlined in the NPPF. Agricultural development is precluded from the strategic gap restrictions set out in policy E7. In my opinion, the principle of development is acceptable.

Design

- 9.03 The design of the buildings is directly related to their function and as such are acceptable in my view. The grain store allows vehicles to tip their load inside the building hence the fairly large height. The choice of external materials is typical of farm buildings in the Borough. The silos are functionally designed. The design of the proposal is acceptable in my opinion.

Visual Impact

- 9.04 The initial proposal was unacceptable because of the harm the poultry shed would have caused to visual amenity and the area of high landscape value due to the exposed hill side position proposed. This has been amended so that the building now sits within the 'S' bend in the tree line. These substantial trees will help to screen the poultry shed from view. Due to the sloping nature of the site some parts of the building would be dug into the ground and others would be raised above existing ground levels. An existing area of landscaping to the south east of the poultry shed would be enhanced with additional broad leaf planting and an additional area of grazing land would also be landscaped with the intention of helping to soften the appearance of the building and in the long term obscure it from view. The selected types of tree are acceptable in my opinion (excluding Ash which is dealt with in the condition). The positioning and landscaping proposed would in my view result in a development that is in the least harmful position available on the site and is acceptable in visual impact terms. This conforms to policy E9 requirements because it would ensure the protection and enhancement of the integrity, character and local distinctiveness whilst considering the needs of the local community.
- 9.05 The type of landscaping proposed conforms with the landscape character assessment and the building materials are similar to the vernacular corrugated iron sheets found on roofs. Whilst the proposal would clearly have some visual impact in my view the proposal takes every reasonable step to conserve the distinctive landscape character of the valley in accordance with the landscape character appraisal.

Residential Amenity

- 9.06 The proposals are relatively remote from residential dwellings, the closest being The Bungalow at 140m away from the proposed grain store. As noted by the Council's Environmental Health Manager, such a gap would ensure minimal harm from noise from the ventilation equipment and odour from the poultry shed, or the annual collection of waste. The buildings are so far removed from neighbouring properties that the impact from overbearing, overshadowing etc would be very minimal. The impact on residential amenity is therefore acceptable in my opinion.

Highways

- 9.07 The existing vehicle access would remain unaltered and is suitable for the existing operation. Eggs are currently collected twice a week and this would not change as a result of the proposal. The proposal would result in minimal harm to highway safety and convenience in my opinion.

Other Matters

- 9.08 Whilst none of the buildings proposed are within the conservation area, the poultry shed is located adjacent to its boundary, which is marked by the tree line. As such it is a statutory requirement to have regard to the impact of the proposal on the setting of the conservation area. In my opinion, whilst the proposal would have some negative impact upon the setting of the conservation area, I note that the realignment of the proposed building along the contours of the land, the lesser amount of cut and fill and the mitigating effect of the landscaping now proposed would considerably lessen the impact of this development on the setting of the conservation area. The development would still have some negative impact upon the setting of the conservation area and on the surrounding landscape, particularly until the tree planting becomes established. However I am now content that the proposal would be considerably improved by the amendments and that all reasonable steps have been taken to reduce the visual impacts. Therefore, the impact on the setting of the conservation area is acceptable in my opinion. Similarly, the impact on Snakesbury Cottage (a non-designated heritage asset) is acceptable for the same reasons. The impact on the setting of the listed Church is acceptable because the development is not visible from it.
- 9.09 The separation distance between the poultry shed and the ancient woodland is sufficient to ensure that there would be an acceptable impact on the trees, their crowns and their root protection areas subject to the recommended conditions. The impact on the ancient woodland is acceptable in my view. The proposal accords with the standing advice of Natural England.
- 9.10 Natural England's standing advice on ecology sets out that if woodland is on or within 1km of the application site, bat, breeding bird, badger, dormouse, invertebrate and plant surveys may be required. However, given that the site of the poultry shed is grazing land it has little ecological value. The gap

between the woodland and the shed along with the lack of lighting will also prevent ecological harm, including to bats. The chickens grazing inside the woodland also reduce its ecological value. No ecological appraisal is required on this basis because there would not be a reasonable likelihood of protected species being present or effected. The ecological impacts, including the local wildlife site at the woods, are considered acceptable in my view. I recommend attaching the standard ecological improvements condition to secure benefits for ecology on the site. It is noteworthy that the proposed landscaping would extend the woodland which has ecological benefits.

- 9.11 KCC Archaeology note the potential for archaeology in the area therefore it is reasonable to recommend the condition requiring a programme of archaeological works be attached.
- 9.12 The proposal would have minimal impact on the character of the rural lane because the development is set a substantial distance from the road and is relatively well screened by vegetation along the roadside.
- 9.13 The PADHI consultation demonstrates the grant of planning permission would be in accordance with the HSE's advice.
- 9.12 I note the objection of Kent Wildlife Trust. However, the use of the land for agriculture does not require planning permission therefore it is only the impact of the buildings that is being considered here.
- 9.13 The application forms state that drainage would be to soakaways. The design and access statement says new drainage is to be installed which would connect to the existing system. No further updated details of this have been provided therefore I have secured them by condition in order to address the LMIDB concerns and to prevent localised flooding.

10.0 CONCLUSION

- 10.01 The proposal as now amended is acceptable in all regards in my opinion therefore I recommend that planning permission be granted subject to the following conditions.

11.0 RECOMMENDATION – GRANT Subject to 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.

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

- (2) The colour of the external cladding of the poultry shed and grainstore shall be Juniper Green (BS12B29).

Grounds: In the interests of visual amenity.

- (3) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly examined and recorded.

- (4) All trees within the adjoining woodland must be protected by barriers and ground protection at the recommended distances as specified in BS5837: 2012 'Trees in relation to design, demolition and Construction - Recommendations' before any equipment, machinery or materials are brought on to the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Grounds: To safeguard the existing trees to be retained and to ensure a satisfactory setting and external appearance to the development.

- (5) All newly planted trees must be effectively protected against damage by grazing stock and rabbits immediately upon planting and such protection must be maintained as long as is necessary to prevent such damage;

Grounds: To safeguard the new trees against damage to maximise their amenity value and contribution to the character and appearance of the local area.

- (6) The scheme of tree planting and landscaping shown on the submitted plans received 15/8/14 shall be carried out within 12 months of the completion of the development. The three proposed Ash trees shall be substituted for any of the other tree types listed in the landscaping details because the sale and transportation of Ash trees is banned since the outbreak of Ash dieback disease. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 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.

Grounds: In the interests of the visual amenities of the area.

- (7) 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 to 1900 hours, Saturday 0730 to 1300 hours unless in

association with an emergency or with the prior written approval of the Local Planning Authority.

Grounds: In the interests of residential amenity.

- (8) No loading/unloading, deliveries or collections shall take place outside of the hours of 08.30 to 17.00 Monday to Friday and not at all on weekends.

Grounds: In the interests of residential amenity.

- (9) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Grounds: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- (10) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Grounds: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (11) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway.

Grounds: In the interests of amenity and road safety.

- (12) The poultry shed and grainstore buildings hereby approved shall be removed from the site and the land restored to its current condition within 3 years of its last use for agriculture, if it permanently ceases to be used for agriculture within 10 years of the date of its substantial completion and if no alternative use has been granted planning permission by the Local Planning Authority.

Grounds: In the interests of visual amenities and the character and appearance of the Area of High Landscape Value.

- (13) Full details of the measures to be incorporated in the development to support and encourage biodiversity at the site shall be submitted to and approved in writing by the Local Planning Authority before the development is commenced. The agreed measures shall then be implemented in full before any of the development hereby approved is first used, unless otherwise agreed with the Local Planning Authority.

Grounds: In order to promote biodiversity on the site.

- (14) The development shall proceed in accordance with the following approved plan numbers;
100 Rev A, 101 Rev A, 102 Rev A, 001 Rev A, 002 Rev A, 003 Rev A, landscaping plan and proposed planting list received 15/8/14, range plan scale 1:2500, S1475.1/1, S1475.1/1 Rev A, S1475.1/2 Rev C, S1475.1/3 Rev B, S1475.1/4, the County Silo brochure, the design and access statement and business plan.

Grounds: In the interests of clarity.

- (15) No development shall not take place until full details of the method of disposal of surface waters have been submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: To prevent localised flooding.

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 agent was asked to change the location of the poultry shed to make it acceptable and provide further landscaping and contour plans to allow appropriate assessment of the proposal.

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.

2.7 14/502072		<u>Iwade</u>	
APPLICATION PROPOSAL			
Development of an up to 18MWp ground mounted solar farm on land at Orchard Farm, Iwade, Kent, ME9 8QE to include solar arrays, transformer enclosures; substation and control room, access tracks; perimeter fence and small-scale CCTV cameras			
ADDRESS Land West Of Orchard Farm School Lane Iwade Kent ME9 8QG			
RECOMMENDATION GRANT SUBJECT TO: comments from Bobbing and Newington Parish Councils, Kent Police, Natural England, Kent Highway Services ,KCC Archaeological Officer, KCC Biodiversity Officer and the Council's Environmental Services Manager and appropriate conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal would be acceptable being on land with low agricultural production value, despite being classed, in part, as Grade 3a. Evidence submitted suggests that the land should be downgraded. The benefits of this scheme in terms of its renewable energy value are of key consideration. The impact on visual amenities/character and appearance of the landscape would be harmful but appropriate mitigation measures would be put in place to reduce this impact. The impact on ecology has been carefully considered and appropriate mitigation put in place where necessary. The scheme would provide biodiversity enhancements which counts in its favour. The impact on highway safety/amenity would be insignificant. The cumulative impact of this proposal with two other solar farms in the area would be mostly insignificant in terms of visual amenities/landscape character and highway safety/amenity.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD Iwade & Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Alejandro Alvarez AGENT Mr Mark Westcott	
DECISION DUE DATE 14/10/14	PUBLICITY EXPIRY DATE 14/10/14	OFFICER SITE VISIT DATE 11/09/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/14/242	Lawful Development Certificate for a model aircraft flying field. (on adjacent land but access shared with proposed solar farm)	Approved	25/07/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site totals 23ha (56.8 acres) and is located approximately 1.5 km to the southwest of Iwade village. The site is currently in agricultural use as arable fields. The ground is mostly flat and level with the surrounding roads – High Oak Hill and Stickfast Lane. The fields are largely visible from these roads with little screening by way of trees and hedgerows. There is however a strong tree line along the eastern boundary of the site. Orchards lie to the north of the site.

1.02 Orchard Farm Cottages lies immediately to the north of the site. Tiptree Cottage also lies to the north, on the opposite side of the road. Tiptree Bungalow lies opposite the site approximately halfway along the western boundary of the application site, and there is also a gypsy site opposite the western boundary.

1.03 There is an existing access track from High Oak Hill that currently serves the farm and also leads to a model aircraft flying field that would be surrounded to the north, west and south by the proposed solar farm.

1.04 The land to the west of this site slopes upwards to a ridge before descending towards the Medway Estuary. The surrounding area is characterised by arable fields interspersed with trees and hedgerows.

1.05 The site lies on land identified under the Agricultural Land Classification (1988) data as partly Grade 3a (north section and part of southern section) and partly Grade 3b southern section.

2.0 PROPOSAL

2.01 The proposal is for the development of ground mounted solar panels that would generate up to 18 Megawatts of electricity sufficient to power approx. 5,400 homes. The fixed panels would be south-facing and would cover the majority of the 23ha site. The panels would be a height of 1.8 metres above ground level and would be 0.4- 0.7m above the ground. The solar farm would be decommissioned after 25 years. The site is divided into a smaller northern parcel and a larger southern parcel.

2.02 The proposal would require the erection of 12 transformer housing units that would be positioned along the internal access tracks. These would be constructed of green metal sheeting. The transformer housing units would be a total height of 3.1m.

2.03 A substation and control centre would also be provided within the site (216 m away from High Oak Hill) and this would be a total height of 3.7m. The finishing materials of this building are yet to be finalised. In addition, a control room would be located close to the substation and would be 2.8 metres in height. This would be constructed of metal sheeting and would be painted green.

2.04 Access to the site would be from the existing access as described above. The proposal would result in the access being widened slightly to the east. Internal access tracks would be created.

2.05 The site would be secured by deer fencing at a height of 2 metres with timber posts. Gates would be installed at the end of the main access track to allow access to the northern and southern parts of the site. CCTV cameras/poles are proposed to be erected around the perimeter of the site. These would be a height of 3 m. There is no requirement for other security measures or floodlighting.

2.06 The scheme has been amended to reduce the number and height of CCTV cameras/poles from 3.5m to 3m and also to reduce the number of transformer housing units from 14 to 12.

2.07 The proposal also includes mitigation measures in the form of tree and hedgerow planting along the boundaries of the site, retention and improvement of existing hedgerows, a native species-rich grass and wildflower seed mix will be sown under the panels and in the areas around the boundaries of the site to develop a wildflower meadow. Other ecological enhancements include the provision of bat boxes, hibernacula and copse. The applicant is providing mitigation measures to address the presence of Great Crested Newts and Badgers. See Pages 6 to 11 of the Landscape Management Plan (July 2014) for details.

2.08 The construction phase of the development is likely to take 3 months. Construction traffic is expected to travel from the A249, through Bobbing and along Stickfast Lane.

2.09 The applicant submitted a request to the Council for a screening opinion as to whether this development required an Environmental Impact Assessment (EIA) (EIA/14/0006). It was concluded that this development did not have a significant impact on the environment and as such, an EIA was not required. However, the applicant was advised to submit various reports to support their proposal, which have subsequently been submitted.

3.0 PLANNING CONSTRAINTS

3.01 Potential Archaeological Importance

3.02 The land immediately to the west of the application site is designated as an Area of High Landscape Value.

4.0 POLICY AND OTHER CONSIDERATIONS

International, European and National Considerations

4.01 In 1997 the Kyoto Protocol set internationally-agreed and binding targets for the reduction in emissions of greenhouse gases up to 2012. The UK had a legally binding target to reduce the emissions of greenhouse gases by 12.5% below 1990 levels. The UK government then set a domestic goal to reduce emissions to 20% below the 1990 levels by 2020. The 2009 Copenhagen Accord, United Nations Climate Change Conference, Durban 2011 and the 2012 UN Climate Change

Conference have also had an influence on the UK's approach to tackling climate change.

4.02 On a European level, Directive 2009/28/EC – the promotion of the use of energy from renewable sources is significant. Each Member State has a target for the use of renewable energy as a percentage of its overall energy consumption until 2020. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020. In 2009 only 3% of the total UK energy consumption was met from renewable sources. Directive no. 406/2009/EC of the European Parliament set targets for the reduction in greenhouse gases.

4.03 At the national level, The 2008 UK Climate Change Bill sets an 80% target for reduction in greenhouse gas emissions by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources. The UK Low Carbon Transition Plan (2009) white paper is also significant as is the National Renewables Energy Action Plan for the UK. This emphasises the need to drive major changes in the way energy is used and supplied.

4.04 Since the Coalition Government came to power (in 2010), various statements have been issued in respect of renewable energy. Climate change is recognised as an urgent threat and the need to respond to this is stressed. In 2011, the National Policy Statement EN1: Overarching National Policy Statement for Energy was approved by Parliament and this is to be a material consideration in the determination of planning applications for renewable energy. This guidance reiterates the targets set at a European and National level. Importantly, this states:

'Large scale development of renewables will help the UK to tackle climate change, ...It will also deliver up to half a million jobs by 2010 in the renewables sector.' (Paragraph 3.4.2).

4.05 The UK Renewable Energy Roadmap was also produced in 2011 by the Department of Energy and Climate Change and identifies eight technologies that have the greatest potential to help the UK meet the 2020 target. Solar farms are not included within these identified technologies but the Roadmap does highlight solar technology as having the potential to contribute towards this target. Dept of Energy and Climate Change: Gregory Barker Letter, dated 1st November 2013, titled "Solar Energy" Where he highlights, among other things, his focus of growth "to be firmly on domestic and commercial roof space and previously used land"

4.06 Despite this National target for the provision of renewable energy, at a County or Borough wide level no such targets exist.

National Planning Policy Framework 2012 (NPPF)

4.07 The NPPF was released with immediate effect; however, **Paragraph 214** states that “for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.”

4.08 The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

4.09 The NPPF at **paragraph 14** sets out the presumption in favour of sustainable development. It outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to,

support the transition to a low carbon future in a changing climate and encourage the use of renewable resources but to also:

- Take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- Contribute to conserving and enhancing the natural environment and reducing pollution.
- Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; and
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

4.10 Meeting the challenge of climate change, flooding and coastal change states that,

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions... and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

4.11 **Para 28** supports a strong rural economy and **Para 97** continues that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

“have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts; consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and

identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”

4.12 **Para 98** advises that, when determining planning applications, local planning authorities should:

“not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

4.13 Conserving and enhancing the natural environment states the planning system should contribute to and enhance the natural and local environment by:

“protecting and enhancing valued landscapes; and

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contribution to the Government’s commitment to halt the overall decline in biodiversity.”

4.14 **Para 112** reads as follows:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land (namely Grades 1, 2, and 3a). Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

4.15 **Para 118** advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles relevant to this development:

“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

4.16 DCLG’s “Planning Practice Guidance for Renewable and Low Carbon Energy” (July 2013)

4.17 **Para 013** relates to large scale ground mounted solar photovoltaic farms in particular advises Local Planning authorities to consider, amongst other things:

- encouraging the effective use of previously developed land, and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing
- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

South East Plan

4.18 The South East Plan (SEP) has now been revoked and, as such, carries no weight. However Members may find it useful to note that the SEP set regional and sub-regional targets for production of renewable energy. The regional target for 2016 was 895 MW of installed capacity (or 8% of total regional electricity generation capacity) and 1130 MW (or 10%) in 2020. The sub-regional target for Kent was 111 MW in 2010 and 154 MW in 2016.

4.19 Kent County Council's 'Renewable Energy for Kent' report (2012) should also be noted.

Swale Borough Local Plan 2008

4.20 The following policies are relevant to this case: SP1 (sustainable development), SP2 (environment), SP3 (economy), SP5 (rural communities); SP6 (transport and utilities); E1 (general development criteria), E6 (rural restraint), E9 (landscape which includes a degree of protection for Areas of High Landscape Value), E10 (trees and hedges), E11 (biodiversity), E16 (archaeological sites), E19 (design), RC1 (rural economy); (RC7 (rural lanes), and U3 (renewable energy).

4.21 Supplementary Planning Document 'Swale Landscape Character and Biodiversity Appraisal' (2011)

This document identifies the application site as being within the Iwade Arable Farmlands. The document identifies gentle undulating rural landscape. The medium and large scale arable fields provide uninhibited views across the open landscape in places. There are many fragmented woodlands and mature broken hedgerows. Narrow country lanes connect small villages and isolated cottages. Many intrusive pylons and power lines cross the landscape and are prominent on the

skyline. Condition is poor and sensitivity to change of moderate. The SPD recommends restoring and creating.

4.22 Consultation Draft Swale Borough Local Plan 2013 – Known as Bearing Fruits 2031:

Policy DM30 states that:

“Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

1. The site is allocated for development by the Local Plan;
2. There is no alternative site on land of a lower grade than 3a; or
3. Use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
4. The development will not result in the remainder of the agricultural holding becoming not viable.”

Other guidance of material consideration

4.23 The Government has also produced a number of documents that are of relevance: UK Solar PV Strategy Part One: Roadmap to a Brighter Future (2013); UK Solar PV Strategy Part Two: Roadmap to a Brighter Future (2014); National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems and; National Solar Centre National Planning Guidance – Biodiversity.

4.24 The first of these documents states: “...The key issue is ensuring that proposals to deploy solar PV take account of the circumstances of each project...Likewise, even plots of the highest grade agricultural land could include areas which are in themselves lower grade and could legitimately be used for solar PV deployment. There is increasing evidence that, if well planned and managed, there can be biodiversity benefits arising from the deployment of solar PV at large scale....”

4.25 The document entitled - National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems identifies steps for developers to work through with regard to siting development on agricultural land. A flow chart is provided to aid the Local Planning Authority in understanding why a development is proposed on Best and Most Versatile land. If located on Grade 3a land developers should:

- “1. Provide an explanation of why the development needs to be located on the site and not on land of lesser agricultural classification within the area;
2. Provide information on the impact of the proposed development on the local area’s supply of farming within the same classification;

3. If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ;

4. Consider the cumulative impact of the proposed development and other permitted large-scale solar PV development on the supply of agricultural land within the same classification across the local area.”

4.26 Swale Borough Council has approved its own guidance entitled: Renewable Energy Planning: Guidance Note 2: The Development of Large Scale (>50kW) Solar Arrays. This reiterates much of the guidance and policy above and provides the developer with details on all aspects of the solar farm developments.

4.27 Also of note is a speech by Greg Barker (MP) to the solar PV Industry on 25th April 2013 where he states:

“...for larger deployments, brownfield land should always be preferred.
...Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...”

And a letter to Local Authorities on 22nd April 2014 in which he states:

“...the main message from the Strategy is that we are keen to **focus growth of solar PV in the UK on domestic and commercial roof space** and on previously-used land.”

4.28 Also of relevance is the Natural England Technical Note TIN049 (2012) and Natural Environment White Paper the Natural Choice: Securing the Value of Nature (2011).

5.0 LOCAL REPRESENTATIONS

5.01 One objection has been received from the Trustees of the Harris Belmont Charity (Faversham). They consider that the development would visually affect the amenity of the surrounding farmland and nearby residential properties. The development would remove 23ha of productive arable land from food production which is located conveniently to London.

5.02 Six letters of support have been received. They make the following comments:

- This is a good site for a solar farm;
- We need more renewable energy;
- Negligible visual impact;
- Remote site;
- The land is not good for agricultural production and the land floods;
- Environmental benefits;
- Farm diversification to benefit the rural economy.

6.0 CONSULTATIONS

6.01 Iwade Parish Council object to the proposal on the grounds of visual amenity – the site is next to an Area of High Landscape Value, the loss of agricultural farmland, construction and decommissioning problems, loss of outlook to neighbouring residential properties, out of character with the landscape, KCC Highways should look carefully at the impact of the construction phase on the Sustrans cycle routes that runs along Stickfast Lane and, there should be a condition that no traffic should go through Iwade Village.

6.02 The Environment Agency has no objection but do not agree with the conclusions of the submitted Flood Risk Assessment. They note that the solar panels will be likely to increase the surface water run-off and they require further consideration of the use of Sustainable Drainage Systems. They recommend a condition to require the use of sustainable drainage including the submission of supporting calculations to demonstrate that the surface waters can be adequately controlled.

6.03 The KCC Biodiversity Officer has reviewed the ecological information submitted and have asked for further information on the precautionary mitigation to minimise the potential of Great Crested Newts being killed or injured by the proposed development. They accept the findings in respect of reptiles. With regards to badgers, they note that there are two sets within the boundary of the site. They should both be given a 30m buffer and an updated badger survey should be carried out prior to commencement of works. The suggested recommendations for mitigations should be carried out. The biodiversity enhancements as proposed are acceptable and a condition is recommended to ensure their implementation. They also advise that a condition is attached to require the submission of an ecological impact assessment and mitigation strategy prior to the decommissioning of the solar array. They ask for additional information in respect of the impact of wild birds, particularly those that nest in the field and advise that with regards to bats, as the hedgerows, trees and ponds are to be retained, no further action is required.

6.04 The Lower Medway Internal Drainage Board note that although the site is not within their district, the proposal has the potential to increase downstream flood risk. The rates of surface water run-off are likely to increase from the panels and tracks. Although not opposed to the principle of the development, it is requested that details of drainage are submitted to the council so that run-off is no more than that of a greenfield site.

6.05 KCC Archaeological Officer – comments awaited

6.06 Kent Highway Services – comments awaited

6.07 Kent Police – comments awaited

6.08 Bobbing and Newington Parish Council – comments awaited.

6.09 Environmental Services Manager – comments awaited.

6.10 Natural England has no objection.

6.11 The Council's Rural Planning Consultant states the following:

“R. Bryan, the applicant's retained arable consultant for the last 30 years, provides evidence that in practice, due to problems with a weakly textured topsoil with a high silt content, the Upper Field (which comprises the majority of the 3a land) also has problems with poor drainage and difficult crop establishment, and has actually proved less productive than the Lower Field (which contains the Grade 3b land). The consultant also explains that another potential alternative field outside the current site, to the north (Tiptree Field) is actually more productive than either the Lower Field or the Upper Field, despite Tiptree Field being ALC grade 3b (albeit the relevant ALC study determining that grading has not been provided, to my knowledge).

There was a complete crop failure in much of the Lower Field in 2013, and a crop failure in the Upper Field in 2012.

On this basis, whilst at face value the ALC grading would suggest the potential choice for any solar farm development here would be the Lower Field and Tiptree Field, it does not appear unreasonable to accept the owner/farmer's “on the ground” experience, and favour the current proposal for the use of the Upper Field, as poorer quality land, rather than Tiptree Field.

To summarise, if a solar farm on greenfield land here is considered necessary, it appears that the requirements of the NPPG would be met, at least in terms of using poorer quality land in preference to higher quality land.”

7.0 BACKGROUND PAPERS AND PLANS

Planning Statement, Design and Access Statement, Landscape and Visual Impact Assessment, Agricultural Land Classification Report, Supplementary Land Report, Historic Environmental; Desk-based Assessment, Geophysical Survey; Extended Phase 1 Habitat Report (and Great Crested Newts and Badger Reports), Glint and Glare Study, Transport Report, Flood Risk Assessment and Statement of Community Engagement.

8.0 APPRAISAL

The key issues here are:

- principle of development/agricultural land classification
- ecological impacts
- landscape / visual implications
- highway safety and convenience
- residential amenity
- cumulative impact

Principle of Development

8.01 As Members will have read above, there is an International and National drive towards the reduction in greenhouse gas emissions and the increase in the use of renewable energy as a way of achieving this in order to tackle climate change. This must be given significant weight when considering the current proposal against local and national policies of rural restraint. It should also be highlighted that the proposal is for a temporary period of 25 years. Whilst I acknowledge that this is a fairly long temporary period, in relative terms, it will not be a permanent development that will have lasting impacts in perpetuity.

8.02 The proposal is for a major development in the open countryside on agricultural land confirmed as Grade 3a and 3b. The NPPF states as mentioned above (para. 112) "*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*". This is supported by Policy DM30 of the consultation draft Swale Borough Local Plan 2013. Furthermore para 112 of the NPPF continues that as the Planning Authority we should thus "*seek to use areas of poorer quality land in preference to that of higher quality*".

8.03 The first test to be applied to solar farm developments such as this is to consider whether there is the opportunity for the development to be located on brownfield/previously development land. We must be satisfied that the use of greenfield land is *necessary*. The applicant puts forward a number of reasons why they have ruled out the development on brownfield land including the size of the land required, cost of acquiring it and various constraints. Members should be made aware that the applicant has not put forward a brownfield site search on this occasion. However, I am mindful of the evidence submitted for other solar farm proposals in the borough, in particular the site at Cold Harbour Lane (also on this agenda) which *has* submitted more in-depth information and has, in my view, demonstrated that there is little likelihood that brownfield sites within Swale could be developed as a solar farm. It is my view that the applicant has demonstrated that the use of greenfield land is necessary.

8.04 The next stage in considering acceptable sites for solar farms is to consider whether it can be developed on poorer quality agricultural land. For clarity, best and most versatile land is Grade 1, 2 and 3a. As such, on the face of it, part of the proposed development would appear to be on best and most versatile land and we would look to resist such development in line with the policy set out above. However, the application is accompanied by a report that argues that part of the Grade 3a land (9.4ha) should be downgraded to Grade 3b due to its unstable nature brought about by persistent drainage problems, the site having been previously excavated for brick earth. This has resulted in the land in question being challenging to farm. With regards to the other part of the Grade 3a land (12.6ha), the report submitted by the applicant notes that the land has a low production value comparable to the neighbouring land which is Grade 3b. This is again due to poor drainage that can cause weakly textured topsoil. As a consequence, crop

establishment and yields can significantly reduce. An extract from the submitted Agricultural Land Classification (ALC) report is as follows:

“6.2 Although these descriptions refer in general terms to the consistency and level of yield, the ALC System confirms that a national system of economic classification has not been developed because of problems associated with acquisition of objective, up to date, accurate and consistent farm output data appropriate to a national ALC System. Similarly site specific crop yield data are not regarded as a reliable indication of land quality, because it is not possible to make allowances for variables such as management skill, different levels of input and short-term weather factors. For these reasons grade cut-offs are not specified on the basis of crop yields.

6.3 However, on a single farm unit, which is subject to the same level of management, it is not considered unreasonable to make an assessment of the relative quality of land on the basis of yield data and management experience over a number of years”.

The Council’s Rural Consultant accepts this argument.

8.05 In addition to this, the proposal includes the planting of grassland and wildflower mix which will benefit the soil quality, structure and its drainage capacity. Over the 25 year period that the solar farm would be present, the land will become more productive. The applicant also intends to graze sheep on the land as a way of maintaining the meadow between the beneath the solar panels. The land will therefore retain some, albeit limited, agricultural value.

8.06 All of the above factors weigh in favour of the proposal in my opinion. The Council’s Rural Consultant is also supportive of the proposal in respect of the use of this particular agricultural land and accepts the conclusions of the submitted reports in respect of the down-grading of the Grade 3a land and it’s the production value.

Visual Impact/landscape character

8.07 The solar panels, CCTV, transformer housing, control room, substation and tracks would significantly alter the appearance of the land and I consider that there would be some harm to the visual amenities of the area and the character and appearance of the countryside. The submitted Landscape and Visual Impact Assessment notes that although the landscape is open and exposed in places, the undulating topography and belts of mature trees and hedgerows, in addition to buildings, screen or filter many views of the application site. There are however, views from some nearby houses and commercial buildings, roads and public rights of way (the closest of which, namely ZR104, is 0.4km) from the application site. As noted above, there is an existing strong tree line along the eastern boundary of the site which would restrict views. The most prominent views of the site however will be when travelling along High Oak Hill and Stickfast Lane. In addition, there would be a significant impact on the residents of Basser Hill Farm, Tiptree Bungalow, Orchard Farm and, Tiptree Cottage, particularly in the short term while the screen planting establishes. All of these properties are within 0.1km of the application site

boundary. The planting of hedgerows and trees to screen the solar farm as much as possible is therefore of utmost importance.

8.08 The proposal has incorporated this and has been amended slightly to increase the heights of the hedgerow mix when first planted to ensure that the screening is more quickly established. The applicant has confirmed that the new hedgerow would reach the height of 2 metres within three years and 3 metres in five years and would be maintained at a height of 3 metres. The trees would be planted at a height of 2.5 to 4 metres and would be planted at strategic locations to screen views from the closest residential properties. I anticipate that within 3-5 years, the solar farm would be largely screened from the gardens and ground floor of a number of the adjacent residential properties and screened from the adjacent roads. The addition of trees and hedgerows to this landscape would be entirely in-keeping with the character of this landscape in my view.

8.09 The location of the transformer housing within the centre of the site will limit their visual impact in my view and the CCTV cameras/poles at a height of 3 m would be largely screened by the trees and hedgerow surrounding the solar farm after five or so years.

8.10 The harm that I have identified would in my view, be addressed to a certain extent by the landscaping proposed. However, I am of the view that there would still be some harm to this rural landscape because the solar farm would still be visible from upper floor windows within residential properties close by and vantage points further afield. I am also mindful that the hedgerow would provide less screening over the winter months. However, I have not identified significant harm here and I must take into account the fact that this site is not within an Area of High Landscape Value, AONB or Special Landscape Area. I must also consider the benefits that this development will bring in the form of renewable energy powering approximately 5,600 homes, benefits to the production value of the land after 25 years and, the biodiversity enhancements detailed above. I also give weight to the fact that the land will be restored after 25 years and so in this respect, the visual impact would not be permanent. Therefore on balance, I am of the view that the visual and landscape harm would be outweighed by the benefits as noted.

Residential Amenity

8.11 I acknowledge that there may be some disturbance to local residents during construction. Working hours proposed are Monday to Saturday 07:00 to 18:00 and on Sunday between 09:00 and 13:00. However, this would be for a limited period only and I consider that this impact would not be significant.

8.12 During operation, there would be very little noise associated with the proposal use. This would be in the form of noise from the transformers and fans located within the sub stations during the day. However, there would be no noise at night due to the loss of the sunlight from which the solar panels would be powered. In any case, the noise would only be audible in close proximity to the transformer housing. These are to be located a minimum distance of 170m from the closest residential property. The Council's Environmental Services Manager will comment on this aspect of the proposal and their comments will be reported at the meeting.

Subject to the views of the Environmental Services Manager, I consider that there would be no undue impact on the residential amenities of the surrounding residential properties.

Highways

8.13 Kent Highway Services are yet to comment on the proposal. However, the submitted Transport Statement estimates that during the construction period of nine weeks, there would be 4 HGVs, 20 light goods vehicles and 25 staff vehicles visiting the site per day. This would equate to an increase in traffic during the construction period of 12%. I do not consider that this would be a significant increase in traffic and it must be noted that this is only for a short period of time. Also of note is the fact that most of the vehicles travelling to and from the site would be at the beginning and the end of the working day and outside of the normal school drop-off and pick-up times. This is of relevance in respect of the likely route of traffic through Bobbing and past the primary school. During the operational phase i.e. once construction is complete, there would only be one vehicle trip to the site per day Monday to Friday. The designated route to and from the site for large vehicles would be via Stickfast Lane, Sheppey Way and A249. It is my view that this route would have the least impact on local residents.

8.14 The application is accompanied by a Glint and Glare study. This has found that the reflection from the solar panels may be experienced by users of the roads immediately adjacent to the solar farm between March and October. However, the screening around the perimeter of the field will significantly reduce any impact and in any case, the report concludes that the reflections from solar panels will not be as bright as many of the usual glare effects one encounters when driving at this time of year. This is because the solar panels are designed to absorb, not reflect, the sun. I therefore find no harm as a consequence of glint and glare.

Ecological Impacts

8.15 The submitted ecological assessment identifies the potential for Great Crested Newts (GCN) at the site. However, due to the nature of the site in arable use, the application site offers a poor GCN habitat. The impact on GCNs was considered to be unlikely if construction is undertaken during hibernation season (mid-October to mid-February). Furthermore the proposal includes a 20m set back from the closest pond. Discussions between the applicant and the KCC Biodiversity Officer are ongoing with regards to the exact risk to GCNs and the mitigation measures employed. Members will be updated on the progress of these discussions at the meeting.

8.16 Two badger setts have been found at the site, one used and one disused. 30m buffer zones have been provided around the setts to ensure that there is no disturbance. The KCC Biodiversity Officer is yet to provide her final comments on the adequacy of this arrangement.

8.17 Bats and reptiles have been found to use the field margins, hedgerows and trees at this site but these would not be disturbed by the proposal and therefore, no

additional surveys are required. Additional information is expected to be submitted in respect of the impact on breeding birds.

8.18 The biodiversity enhancements put forward by the applicant and as set out above, would be sufficient in my view.

8.19 Owing to the distance of this site from the SSSI and SPA (1km), I do not consider that there would be any detriment to the special features of these designated areas.

Cumulative impacts

8.20 This proposal has been submitted at the same time as the solar farm proposal at Cold Harbour Lane (also on this agenda SW/14/0525 and 1 km to the south) and so the cumulative impacts of both scheme in terms of the visual/landscape impact and also the traffic impact are important to consider. I also asked the applicant to consider the cumulative impacts of these two solar farms with a potential solar farm at Stickfast Lane (approx. 500m to the south east), although no formal planning application has been submitted for this proposal to date.

8.21 The submitted Landscape and Visual Assessment identifies some areas where all three solar farms would be visible. The assessment concludes that with the hedgerow and trees screening proposed, for all three solar farms, the impact on the landscape would be reduced. The Iwade Arable Farmlands character area covers all three solar farm sites. This has a moderate sensitivity to change and the assessment concludes that the cumulative magnitude of impact would be medium resulting in minor adverse effects. In terms of visual impact from all three solar farms, the residents of Belnor Avenue, Bobbing will, according to the assessment experience a significant cumulative impact as a result of being able to see all three solar farms. There are four properties along this road and whilst there may well be a significant impact initially, once the landscaping has matured, I consider that the harm will be sufficiently reduced and on balance, I consider that the benefits of this scheme would outweigh the harm to these four properties.

8.22 In terms of the transport impact, the only concern would be if two or all three solar farms were to be constructed at the same time. When considering this matter, one must appreciate that the Cold Harbour Lane solar farm would be likely to use a different route to that of the Stickfast Lane and Orchard Farm sites. Cumulatively, the number of vehicles generated by the three solar farms being constructed at the same time would equate to 216 additional vehicle movements per day which in the views of the applicant's transport consultant is low. Kent Highway Services will comment on this further and their comments will be reported at the meeting. However, in my opinion, the likelihood of all three solar farms being constructed at the same time is low given the fact that the Stickfast Lane proposal has not yet been submitted. As such, I do not consider that cumulative harm would arise as a consequence of the traffic generated by these three solar farms.

8.23 Members may be interested to know that in the applicant's opinion, there is a significant lack of grid capacity in Swale and indeed in Kent. They note that without significant upgrades to the electricity distribution network, which would include miles

of new overhead lines and larger substations, that this would make the development of solar parks economically unviable. In theory, this would prevent any further solar parks across the county. It can therefore be concluded that the capacity for further solar parks in the borough is significantly limited. The Orchard Farm proposal benefits from being one of the last remaining viable grid connections within Kent.

Other matters

8.24 The site has archaeological potential, and the application is accompanied by a Historic Environmental Desk-Based Assessment. This concludes that the setting of designated heritage assets is not affected by the proposal due to the distances between them. A programme of geophysical surveys to identify any archaeological remains was carried out and the results have been submitted. I am awaiting the comments of the KCC Archaeological Officer and will report his finding at the meeting.

8.25 The site does not fall within flood risk zones 2 or 3 and as such flood risk is not considered to be an issue. However, as notes above, the EA and the Lower Medway Internal Drainage Board have asked that surface water drainage is given further consideration. I have recommended an appropriate condition.

9.0 CONCLUSION

9.01 Having considered the comments from local residents and consultees and the relevant planning policies, I am of the view that the development is acceptable in principle, despite being partially on best and most versatile land. The applicant has demonstrated that the value of the land in terms of agricultural production is low and that the proposed development would actually improve the production value after 25 years. I consider that the applicant has provided sufficient information to demonstrate that despite the official grading of the land, its actual value is that of poorer quality.

9.02 The visual impact of the proposal and the impact on landscape character would in my view, be harmful. However, with the mitigation proposed I consider that this harm would not be significant and I give weight to the benefits of the development in terms of its renewable energy production, the ability to restore the land and the ecological enhancements.

9.03 The impacts on residential amenity would be confined to the construction phase of the development and would therefore be limited in my view. The impact on highway safety/amenity would also be largely limited to the construction phase and would generate an insignificant amount of traffic on the highway in my view. Ecology would be appropriately mitigated in my view and archaeology and drainage matters can be adequately dealt with by condition. The cumulative impact of this solar farm with the other two solar farms in the area has been carefully considered and I have identified no significant harm that could not be addressed by way of mitigation and/or would be outweighed by the benefits of this development.

10.0 RECOMMENDATION – GRANT Subject to comments from Bobbing and Newington Parish Councils, Kent Police, Natural England, Kent Highway Services, KCC Archaeological Officer, KCC Biodiversity Officer, Environmental Services Manager and subject to the following conditions:

CONDITIONS to include

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.

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

2. The development hereby approved shall be carried out in accordance the following approved drawings: Solar Farm Lay-out rev. 11, Landscape Masterplan and Site Layout, CCTV post detail rev. 1, Typical frame and anchor detail, Typical security fence detail, typical control room detail, typical transformer housing detail – preferred, typical solar panel detail, 47069948-TRA-002.

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

3. The planning permission is for a period not exceeding 25 years from the date that the development is first connected to the electricity grid. The date of first connection shall be notified to the planning authority within 28 days of that event occurring. All solar arrays, their supports and foundations; inverters; transformer stations; site substation; access tracks; fencing; and security cameras and their supports; must be removed from site and the site be reinstated to its former arable condition within 12 months of the solar park ceasing to be operational.

Grounds: To reflect the temporary nature of the development and ensure appropriate reinstatement of the site.

4. The development hereby approved shall be completed in accordance with the

Landscape Management Plan July 2014 and Addendum to LMP and LVIA

September 2014 unless otherwise first agreed in writing by the Local Planning

Authority. 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.

Grounds: In in interests of visual amenity, landscape character and ecology and biodiversity.

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

Mondays to Fridays or 09:00 to 17:00 hours, unless in association with an emergency or with the prior written approval of the District Planning Authority.

Grounds: In the interests of residential amenity.

6. No construction work in connection with the development shall take place on any Sunday or

Bank Holidays, nor on any other day except between the following times:-

Mondays to Saturdays or 07:00 to 18:00 hours, Sundays 09:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the District Planning Authority.

Grounds: In the interests of residential amenity.

7. No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:

- A statement of why lighting is required, the proposed frequency of the use and the hours of illumination.
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
- Details of the number, location and height of the lighting columns or other fixtures.
- The type, number, mounting height and alignment of the luminaries.
- The beam angles and upwards waste light ratio for each light.
- An isolux diagram showing the predicted illuminance levels at critical locations on the boundary of the site and where the site abuts residential properties.

Grounds: In the interests of visual amenity, the residential amenities of occupiers of nearby dwellings and the protection of bats.

8. Prior to the works commencing on site, details of the area for parking for site personnel/operatives and their construction vehicles/visitors, loading, off-loading and turning on the site shall be submitted to the Local Planning Authority for approval in writing and shall be provided in accordance with the approved details shall be retained throughout the construction of the development.

Grounds: In the interests of highway safety and convenience.

9. During construction on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Grounds: In the interests of highway safety and convenience.

10. The development shall be implemented in accordance with the submitted Transport Report July 2014.

Grounds: In the interests of highway safety and amenity.

11. Prior to the removal of the Solar Farm hereby approved, a Decommissioning Management Plan shall be submitted to and approved in writing by the Local Planning Authority and the decommissioning shall not proceed other than in accordance with the approved programme.

Grounds: In the interests of highway safety and the proper programming of the development.

12. Prior to the erection of the substation, details in the form of scaled drawings, of its size and finishing shall be submitted to the Local Planning Authority for approval in writing and shall be implemented in accordance with the approved details.

Grounds: In the interests of visual amenity.

13. The transformer housing hereby approved shall be finished in dark green.

Grounds: In the interests of visual amenity.

14. Prior to the commencement of development hereby approved, full details of the method of disposal of surface waters – which shall be based upon sustainable principles shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Grounds: In order to prevent pollution of water supplies and localised flooding.

15. Prior to the commencement of development hereby approved, the applicant, or their agents or successors in title, shall secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Grounds: To ensure that features of archaeological interest are properly examined and recorded.

16. Prior to the commencement of works on site, an updated badger survey should be submitted to the Local Planning Authority for approval in writing and any revised

mitigation recommended shall be implemented in accordance with the approved details.

Grounds: In the interests of ecology and biodiversity.

17. An ecological impact assessment and mitigation strategy shall be submitted to the Local Planning Authority for approval in writing prior to the decommissioning of the solar array.

Grounds: In the interests of ecology and biodiversity.

18. The mitigation measures and recommendations set out in the Great Crested Newt Advice Document rev A, the recommendations set out in the letters from Landscape Partnership dated 27th August 2014 and 12th September 2014 shall be implemented.

Grounds: In the interests of ecology and biodiversity

19. Any additional conditions recommended by consultees.

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.

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Report of the Head of Development Services

PART 3

Applications for which **REFUSAL** is recommended

3.1 SW/14/0525		Bobbing
APPLICATION PROPOSAL		
Construction of a Solar Farm, to include the installation of solar panels to generate electricity with transformer housings, DNO substation, security fencing and cameras, temporary access track, landscaping and other associated works.		
ADDRESS Land Off Cold Harbour Lane, Bobbing, Nr Sittingbourne, Kent, ME9 8NN		
RECOMMENDATION: REFUSE - SUBJECT TO: The views of the Council's Environmental Services Manager and KCC Archaeological Officer		
SUMMARY OF REASONS FOR REFUSAL		
The proposed solar farm would be sited on land that is graded as the best and most versatile agricultural land and its use as a solar farm would significantly limit its agricultural productive capacity value and versatility, contrary to the guidance in the National Planning Policy Framework.		
REASON FOR REFERRAL TO COMMITTEE		
Member interest in the application/Significant application		
WARD Hartlip, Newington & Upchurch	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr Nicholas Richardson AGENT Mrs Isobel Hollands
DECISION DUE DATE 29/07/14	PUBLICITY EXPIRY DATE 01/10/14	OFFICER SITE VISIT DATE 19/06/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site area totals 24.46 ha (60 acres) and is currently in arable agricultural use. The site can be divided into three sections – north, east and west and these sections are divided by track/footpath and hedgerows. The ground gently undulates, sloping from a ridge which cuts across the southern half of the site running north west to south east. The railway line to the south of the site is level with the site where a footpath crosses (ZR105) but quickly dips down below the application site as it travels north and then north west. The site is crossed by three public footpaths – ZR56, ZR54 and ZR105. The first crosses straight though the centre of the application site running northwest to southeast. ZR54 runs from the

northwest boundary to the western boundary and beyond. ZR105 currently cuts across the site from the railway line to the south to the north-west boundary.

1.02 The site is largely enclosed by mature hedgerow with sporadic trees. It is set away from surrounding roads and only accessible via footpaths or the private track adjacent to the railway. Two ponds lie directly adjacent to the boundary of the site.

1.03 The wider surrounding area is characterised by undulating landform with the land to the northwest rising and the land immediately to the west descending. The land to the east is largely level with the application site. Small areas of woodland and tree belts characterise the landscape and surrounding farm land is mainly arable. Wardwell Wood and Hawes Wood lie approximately 100m to the west and Rook Wood lies immediately to the east of the site. Harbex, a metal processing business lies immediately adjacent to the northwest boundary of the site.

1.04 Newington Conservation Area lies 450m to the west of the site. An Area of High Landscape Value lies to the north of the site approximately 150m from the boundary of the site.

1.05 The site – with the exception of a small area close to the eastern side – is Grade 2 agricultural land.

2.0 PROPOSAL

2.01 This application seeks planning permission for the development of a solar farm that would generate up to 11.33 MW of electricity for approximately 2,500 homes. The solar panels would be fixed at an angle of 15 degrees on ground mounted metal framework driven into the soil. The panels would be a maximum of 2.3 metres in height. Eight inverter cabinets would be distributed across the site. These would be 2.59m in height and would be finished in dark green. A substation would also be provided to the south of the site. This would be 3.945m in height and would be finished with brick elevations and a plastisol coated roof.

2.02 Security fencing would be provided around the site at a height of 2m. This would be deer fencing with timber posts. CCTV cameras/poles would be distributed around the boundaries of the site at a height of 3m. It is anticipated that sheep will graze beneath the solar panels.

2.03 The construction phase of the development is expected to last 3 months. Access to the site would be from Sheppey Way via a private access adjacent to Cherry Cottages (which is close to the junction in front of the Bobbing Apple PH, which in turn is close to the A249 trunk road). The track would follow the boundaries of the agricultural fields, necessitating a section of temporary surfacing, crossing Cold Harbour Lane and along the track running parallel with the railway line. A small section of hedgerow adjacent to Cold Harbour Lane would need to be removed (see the submitted 'Site Location Plan (1:2500) for details). Traffic would avoid passing through Bobbing Village. A temporary construction compound would be provided to the south of the site and this would revert to meadow-planting and a bee keeping area once construction is completed.

2.04 A permeable access track would be provided within the application site to allow access for vehicles whilst the solar farm is in operation.

2.05 The scheme includes areas for meadow planting and bee keeping. Hedgerows would be strengthened and new native hedgerows provided along the perimeter of the site. Bat and bird boxes would be provided around the perimeter. Public Rights of Way would be retained across the site with the diversion of one footpath so that it would pass around the perimeter of the site as opposed to across it. The application to Kent Country Council to divert this footpath is currently being considered.

2.06 The applicant submitted a request to the Council for a screening opinion as to whether this development required an Environmental Impact Assessment (EIA) (EIA/13/0012). It was concluded that this development would not have a significant impact on the environment and as such, an Environmental Statement was not required in support of this planning application. However, the applicant was advised to submit various reports to support their proposal, which have subsequently been received.

3.0 PLANNING CONSTRAINTS

Planning Category District

Potential Archaeological Importance

The land immediately to the west and north of the application site is designated as an Area of High Landscape Value.

4.0 POLICY AND OTHER CONSIDERATIONS

International, European and National Considerations

4.01 In 1997 the Kyoto Protocol set internationally-agreed and binding targets for the reduction in emissions of greenhouse gases up to 2012. The UK had a legally binding target to reduce the emissions of greenhouse gases by 12.5% below 1990 levels. The UK government then set a domestic goal to reduce emissions to 20% below the 1990 levels by 2020. The 2009 Copenhagen Accord, United Nations Climate Change Conference, Durban 2011 and the 2012 UN Climate Change Conference have also had an influence on the UK's approach to tackling climate change.

4.02 On a European level, Directive 2009/28/EC – the promotion of the use of energy from renewable sources is significant. Each Member State has a target for the use of renewable energy as a percentage of its overall energy consumption until 2020. In particular, this Directive commits the UK to a target of generating 15% of its total energy from renewable sources by 2020. In 2009 only 3% of the total UK energy consumption was met from renewable sources. Directive no. 406/2009/EC of the European Parliament set targets for the reduction in greenhouse gases.

4.03 At the national level, The 2008 UK Climate Change Bill sets an 80% target for reduction in greenhouse gas emissions by 2050 (based on 1990 levels). The UK Committee on Climate Change 2008, entitled 'Building a Low Carbon Economy', provides guidance in the form of recommendations in terms of meeting the 80% target set out in the Climate Change Bill, and also sets out five-year carbon budgets for the UK. The 2009 UK Renewable Energy Strategy (RES) provides a series of measures to meet the legally-binding target set in the aforementioned Renewable Energy Directive. The RES envisages that more than 30% of UK electricity should be generated from renewable sources. The UK Low Carbon Transition Plan (2009) white paper is also significant as is the National Renewables Energy Action Plan for the UK. This emphasises the need to drive major changes in the way energy is used and supplied.

4.04 Since the Coalition Government came to power (in 2010), various statements have been issued in respect of renewable energy. Climate change is recognised as an urgent threat and the need to respond to this is stressed. In 2011, the National Policy Statement EN1: Overarching National Policy Statement for Energy was approved by Parliament and this is to be a material consideration in the determination of planning applications for renewable energy. This guidance reiterates the targets set at a European and National level. Importantly, this states:

'Large scale development of renewables will help the UK to tackle climate change, ...It will also deliver up to half a million jobs by 2010 in the renewables sector.' (Paragraph 3.4.2).

4.05 The UK Renewable Energy Roadmap was also produced in 2011 by the Department of Energy and Climate Change and identifies eight technologies that have the greatest potential to help the UK meet the 2020 target. Solar farms are not included within these identified technologies but the Roadmap does highlight solar technology as having the potential to contribute towards this target. Dept of Energy and Climate Change: Gregory Barker Letter, dated 1st November 2013, titled "Solar Energy" Where he highlights, among other things, his focus of growth "to be firmly on domestic and commercial roof space and previously used land"

4.06 Despite this National target for the provision of renewable energy, at a County or Borough wide level no such targets exist.

National Planning Policy Framework 2012 (NPPF)

4.07 The NPPF was released with immediate effect, however, **Paragraph 214** states that "for 12 months from this publication date, decision-makers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework."

4.08 The 12 month period noted above has expired. As such, it was necessary for a review of the consistency between the policies contained within the Swale Borough Local Plan 2008 and the NPPF. This has been carried out in the form of a report agreed by the Local Development Framework Panel on 12 December 2012. All policies cited below are considered to accord with the NPPF for the purposes of

determining this application and as such, these policies can still be afforded significant weight in the decision-making process.

4.09 The NPPF at **paragraph 14** sets out the presumption in favour of sustainable development. It outlines a set of core land-use planning principles (**Para 17**) which should underpin both plan-making and decision-taking including to,

support the transition to a low carbon future in a changing climate and encourage the use of renewable resources but to also:

- Take account of the different roles and character of different areas recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- Contribute to conserving and enhancing the natural environment and reducing pollution.

- Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework; and

- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

4.10 Meeting the challenge of climate change, flooding and coastal change states that,

“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions... and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.”

4.11 **Para 28** supports a strong rural economy and **Para 97** continues that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- “have a positive strategy to promote energy from renewable and low carbon sources; design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;

- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources; and

- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.”

4.12 **Para 98** advises that, when determining planning applications, local planning authorities should:

- “not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and approve the application if its impacts are (or can be made) acceptable. Once suitable areas

for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.”

4.13 Conserving and enhancing the natural environment states the planning system should contribute to and enhance the natural and local environment by:

“protecting and enhancing valued landscapes; and

minimising impacts on biodiversity and providing net gains in biodiversity where possible, contribution to the Government’s commitment to halt the overall decline in biodiversity.”

4.14 **Para 112** reads as follows:

“Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.”

4.15 **Para 118** advises that, when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles relevant to this development:

“if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

4.16 DCLG’s “Planning Practice Guidance for Renewable and Low Carbon Energy” (July 2013)

4.17 **Paras 013** relate to large scale ground mounted solar photovoltaic farms in particular advises Local Planning authorities to consider, amongst other things:

- encouraging the effective use of previously developed land, that poorer quality agricultural land is used in preference to higher quality land and if a proposal does involve greenfield land, that it allows for continued agricultural use and/or encourages biodiversity improvements around arrays
- that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use
- the effect on landscape of glint and glare and on neighbouring uses and aircraft safety
- the extent to which there may be additional impacts if solar arrays follow the daily movement of the sun
- the need for, and impact of, security measures such as lights and fencing

- great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting.
- the potential to mitigate landscape and visual impacts through, for example, screening with native hedges
- the energy generating potential, which can vary for a number of reasons including, latitude and aspect.

South East Plan

4.18 The South East Plan (SEP) has now been revoked and, as such, carries no weight. However Members may find it useful to note that the SEP set regional and sub-regional targets for production of renewable energy. The regional target for 2016 was 895 MW of installed capacity (or 8% of total regional electricity generation capacity) and 1130 MW (or 10%) in 2020. The sub-regional target for Kent was 111 MW in 2010 and 154 MW in 2016.

4.19 Kent County Council's 'Renewable Energy for Kent' report (2012) should also be noted.

Swale Borough Local Plan 2008

4.20 The following policies are relevant to this case: SP1 (sustainable development), SP2 (environment), SP3 (economy), SP5 (rural communities); SP6 (transport and utilities); E1 (general development criteria), E6 (rural restraint), E9 (landscape), E10 (trees and hedges), E11 (biodiversity), E16 (archaeological sites), E19 (design), RC1 (rural economy); (RC7 (rural lanes), and U3 (renewable energy).

4.21 Supplementary Planning Document 'Swale Landscape Character and Biodiversity Appraisal' (2011)

This document identifies the application site as being within the Swale Arable Farmlands. The document identifies gentle undulating rural landscape. The medium and large scale arable fields provide uninhibited views across the open landscape in places. There are many fragmented woodlands and mature broken hedgerows. Narrow country lanes connect small villages and isolated cottages. Many intrusive pylons and power lines cross the landscape and are prominent on the skyline. Condition is poor and sensitivity to change of moderate. The SPD recommends to restore and create.

4.22 Consultation Draft Swale Borough Local Plan 2013:

Policy DM30 states that:

"Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries. Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

1. The site is allocated for development by the Local Plan;
2. There is no alternative site on land of a lower grade than 3a; or

3. Use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and
4. The development will not result in the remainder of the agricultural holding becoming not viable.”

Other guidance of material consideration

4.23 The Government has also produced a number of documents that are of relevance: UK Solar PV Strategy Part One: Roadmap to a Brighter Future (2013); UK Solar PV Strategy Part Two: Roadmap to a Brighter Future (2014); National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems and; National Solar Centre National Planning Guidance – Biodiversity.

4.24 The first of these documents states: “...The key issue is ensuring that proposals to deploy solar PV take account of the circumstances of each project...Likewise, even plots of the highest grade agricultural land could include areas which are in themselves lower grade and could legitimately be used for solar PV deployment. There is increasing evidence that, if well planned and managed, there can be biodiversity benefits arising from the deployment of solar PV at large scale....”

4.25 The document entitled - National Solar Centre Planning Guidance for Development of Large Scale Ground Mounted Solar PV Systems identifies steps for developers to work through with regard to siting development on agricultural land. A flow chart is provided to aid the Local Planning Authority in understanding why a development is proposed on Best and Most Versatile land. If located on Grade 3a land developers should:

- “1. Provide an explanation of why the development needs to be located on the site and not on land of lesser agricultural classification within the area;
2. Provide information on the impact of the proposed development on the local area’s supply of farming within the same classification;
3. If the proposed development site makes up part of an existing farm, provide information on the viability of this farm to continue to function (as an agricultural unit) with the development in situ;
4. Consider the cumulative impact of the proposed development and other permitted large-scale solar PV development on the supply of agricultural land within the same classification across the local area.”

4.26 Swale Borough Council has approved its own guidance entitled: Renewable Energy Planning: Guidance Note 2: The Development of Large Scale (>50kW) Solar Arrays. This reiterates much of the guidance and policy above and provides the developer with details on all aspects of the solar farm developments.

4.27 Also of note is a speech by Greg Barker (MP) to the solar PV Industry on 25th April 2013 where he states:

“...for larger deployments, brownfield land should always be preferred.
...Where solar farms are not on brownfield land, you must be looking at low grade agricultural land which works with farmers to allow grazing in parallel with generation...”

And a letter to Local Authorities on 22nd April 2014 in which he states:

“...the main message from the Strategy is that we are keen to **focus growth of solar PV in the UK on domestic and commercial roof space** and on previously-used land.

4.28 Also of relevance is the Natural England Technical Note TIN049 (2012) and Natural Environment White Paper The Natural Choice: Securing the Value of Nature (2011).

5.0 LOCAL REPRESENTATIONS

5.01 Six objections have been received from local residents. A summary of their comments is as follows:

- The solar farm would be unsightly and not as represented in the images provided with the planning application;
- The proposal would destroy beautiful landscape and peace;
- Green energy is desirable but not at any cost;
- The government reduction of investment has proven that alternative projects for renewable energy are more suitable;
- British produce is high in demand while solar panels can be easily placed on commercial roofs and scrubland of which there are plenty;
- Beautiful landscape plays an important part in mental health and wellbeing. The solar farm will provide a sterile and uninviting environment, destroying the landscape;
- Glare from the panels will affect High Oak Hill Farm during strong sun;
- The footpath diversion should not be permitted;
- The solar farm would create an enclosure around the footpaths encouraging crime and deterring walkers;
- Our power storage is not sufficient to cope with the extra demands of solar farms;
- Solar farm produce noise nuisance with constant low humming which damage health;
- Fires could spread quickly and could release toxic gases;
- Research suggests a link between radiation from the solar panels and cancer. A nearby resident is more susceptible to cancer due to a mutated gene;
- Disturbance during construction from general levels of noise and lorries passing beside Great Norwood Farm, Rook Lodge and Woodside;
- Views spoiled;
- Concern about the effects on wildlife;
- The nearby ancient woodland and listed buildings will be affected by the proposal;

- Who will repair the damage caused to roads?;
- Home grown food production is vital;
- The solar will add nothing to the local economy;
- If sheep are grazed on the land, this would increase traffic and;
- Disturbance to users of the footpath during construction;
- Noise from the inverters when the solar farm is in operation;
- Negative impact on property values;
- Views of countryside destroyed.

5.02 An additional representation has been received from CPRE Protect Kent. A summary of their comments is as follows:

They object to the proposal on the grounds that the development would be sited on best and most versatile land. They note that sheep grazing at solar farms has often proven to be unsuccessful. Although the Government has a target for renewable energy production, there is no local authority target. They note that Kent and the South East contain nearly all the grade 1 agricultural land in the UK. The nations targets are better met by the use of lower quality land found outside Kent in their view. They also object on the grounds that the solar farm would be harmful to the landscape character and appearance. They point out the landscape screening will only be effective outside of the late autumn, winter and early spring months. They consider that screening is not feasible for this site. Enclosing the footpaths would not be compatible with the recreation that the local population needs.

6.0 CONSULTATIONS

6.01 Newington Parish Council object to the proposal on the following ground:

- Harm to visual amenity - the site is next to an Area of High Landscape Value and within a green corridor;
- Loss of grade 2 agricultural land;
- Loss of outlook to the detriment of residential amenity;
- Construction and decommissioning problems;
- Policies favour development on brownfield land;
- Highway issues – traffic generation, access/emergency access, parking, safety during construction along narrow lanes;
- Environmental effects on surrounding farmland;
- Capacity of physical infrastructure to cope with the development of this site;
- Footpaths cross the site;
- Noise to adjacent residential properties;
- Adjacent to flood risk areas;
- The proposal should be subject to a full Environmental Impact Assessment;
- A nearby development for a waste disposal land fill was refused due to the impact on the Area of High Landscape Value;
- There is no regulator body overseeing this type of facility;
- Out of character with the surrounding;
- An adjacent resident provides details of her mental health issues and has concerns about the noise from the solar farm.

6.02 Bobbing Parish Council, within whose parish the development would be sited, object to the proposal on the same grounds and Newington Parish Council. They add the following:

- The national cycle route Sustrans runs through the site (it does not);
- Draws attention to Greg Barkers solar power roof strategy (set out above) and Swale's Core Strategy where it sets out the assets of the countryside.

6.03 Natural England has no objection to the proposal.

6.04 The Environment Agency seek the use of sustainable drainage and give advice of the storage of fuel, chemicals and oil, and the disposal of waste.

6.05 KCC Ecology initially requested additional information in respect of the avoidance measures for Great Crested Newts and also details of the on-going management of the wildflower meadows. In response to additional information, they note that Great Crested Newts were found to be present at the site. They have reviewed the precautionary mitigation strategy submitted and are satisfied that it will minimise the potential of Great Crested Newts being injured or killed by the proposal works. They recommend a condition to ensure that Reasonable Avoidance Measures are implemented and a condition to require the submission of further assessments prior to the decommissioning stage. Lastly they recommend a condition to require a detailed management and monitoring plan.

6.06 The Lower Medway Internal Drainage Board note that the site is outside of their district and they have no objection subject to a condition to ensure that off-site surface water run-off is not increased. Any details of SuDs drainage would be gratefully received.

6.07 The Health and Safety Executive note that a solar farm is not a risk in respect of the proximity of the site to the Major Hazard Pipeline.

6.08 Southern Water notes that SuDs drainage is to be used. Long-term maintenance of the SuDs will therefore require consideration.

6.09 The Climate Change Officer supports the application.

6.10 The KCC Public Rights of Way Officer notes that the diversion of public footpath ZR105 should be agreed before works are commenced on site. No furniture should be erected along the footpaths. Any planning consent given confers no consent to disturb or divert any public right of way without the express permission of the Highway Authority.

6.11 Kent Highway Services have no objection to the proposal. They note that the development would generate only the occasional visit once in operation. The greatest impact will be during the construction and decommissioning stages. The traffic numbers anticipated during these times would not be significant in their view. The access arrangements will ensure that there is no use of narrow country lanes. A condition should require a Construction Management Plan to ensure that traffic

movements are properly controlled. Other recommended conditions are – parking for construction vehicles, precautions against the deposit of mud on the road and the submission of a decommissioning plan.

6.12 Kent Fire & Rescue Service confirm that the means of access to the site is satisfactory.

6.13 The Council's Rural Planning Consultant makes the following comments on the proposal:

A large area of the solar farm falls within Grade 2 (very good quality) and a small area within Grade 3a (good quality). The solar farm proposal would not preclude the grazing of some sheep but would clearly limit the full potential productivity and flexibility of use of very good land for various food and non-food crops, over at least 25 years. Assuming that the development on agricultural land is regarded as "necessary" the NPPF requires the developer to seek the use of poorer quality land. Quite a number of solar farms have been proposed in Kent recently on poorer quality land, including in Swale and so it is not the case that poorer quality land cannot be found. Relying on the MAFF ALC grading maps is not sufficiently accurate for identifying poorer quality land. Later data – DEFRA's "MAGIC" survey maps demonstrate that where the ALC maps show Grade 1 land, in some cases, this is actually Grade 3a or 3b. There are large areas on the Isle of Sheppey which are near the 33kv grid that are Grade 3 or 4. Even if the applicant were to demonstrate that there was no other poorer quality land, there is no local target for renewable energy production. He does not agree with the applicant's assertion that the financial margins from grazing sheep would be comparable to arable margins. Best and most versatile land must be protected against development for four reasons – the range of crops that can be grown; the level of yield; the consistency of yield and the cost of obtaining it. Even with sheep farming allowed at the site, the site would still be taken out of "full" agricultural use by the solar farm because in practice agricultural use would be significantly limited thereby. In response to a later submission by the applicant in the form of a sequential assessment of potential poorer quality agricultural land, the Rural Consultant makes it clear that in his view, there is no basis for a sequential type assessment and that there should be no limit to the study area for such an assessment.

He further goes on to state that:

"the simple question posed is whether the site itself uses poorer quality (i.e. non-BMV) land in preference to higher quality land. If the answer to that is "no", (which is the case here) then it cannot be said that compliance with this particular criteria has been demonstrated.

...The Littles (Manor) Farm Inspector recognised (para 13) that there was no absolute embargo on the use of BMV land for solar farms, but the implication is that to succeed, some kind of exceptionally favourable case would need to be demonstrated on other grounds, in spite of conflict with the NPPF/NPPG (one example, perhaps, could be field/cropping rationalisation where only relatively small areas of BMV land would be affected as part of a wider scheme that otherwise utilises poorer quality land).

The reason given for the lack of any other soil surveys in this case (para 2.36) is that it would be unreasonable to and disproportionate to undertake such surveys across all sites in the study area. That is not an argument, however, for a solar energy provider (or landowner) undertaking no soils surveys of any other sites in a study area, whether in the same farm ownership, or indeed further afield in different ownership."

The Rural Consultant identifies land in Bobbing that is wrongly categorised in the applicant's sequential assessment as Grade 3a when it is actually Grade 3b.

"10 Assessment Areas, and a total of 40 sites identified as "developable", within those areas, have been referred to in the SAS desktop study. The assessment areas only represent a fraction of the agricultural land within the whole area of the 2km wide corridors derived from the grid accessibility requirement, and the 40 "developable" areas only represent some of the agricultural land in each assessment areas. The net result is to exclude most of the agricultural land in these corridors from consideration.

The SAS assumes that land of BMV quality can be developed for solar farms provided "that there are no potential alternative sites of a poorer agricultural quality considered deliverable" (para 2.51).

The SAS further concludes (para 3.24) "there are no potential alternative sites of any poorer agricultural quality land ... within Swale and Medway Local Authority Areas which have fewer environmental constraints than the Application Site or may not be technically possible due to access issues for HGV's....."

These statements seek to redefine the NPPG criterion, rather than reflecting the actual policy advice therein.

...Assuming it were appropriate to base this application on "deliverability" of other sites, the

Council would need to judge the weight given to these factors, and their influence on any

particular site, but it is surely wrong for the SAS to automatically afford "impact on BMV land"

the least weight in every case. Again, that is not what the NPPG indicates.

I have referred previously to other sites at Bobbing/Iwade and on Sheppey where there is clear evidence of local land that has been found, by detailed survey, to be of poorer quality than the application site and where other schemes are already approved or under active consideration. The fact that those sites themselves can be seen as alternatives to the application site seems to have been ignored in the SAS.

Furthermore the studies in those areas suggest an extensive potential search area for other alternatives sites on which the applicants, or other solar power developers, might propose a scheme if so required.

Whilst it would be for the Council to assess all the relevant non-agricultural factors, it is difficult to regard SAS's pessimistic analysis of the lack of options in these areas to

be convincing, such that no alternative site could possibly be found across these large tracts of land, in addition to the sites on poorer land already approved or under active consideration.”

6.14 The comments of the Council’s Environmental Services Manager and KCC Archaeological Officer will be reported at the meeting.

7.0 BACKGROUND PAPERS AND PLANS

Planning Statement, Design and Access Statement; Ecological Appraisal; Amphibian & Reptile Precautionary Working Method Statement; Landscape and Visual Assessment; Drainage Strategy; Noise Impact Assessment; Flood Risk Assessment; Heritage Asset Assessment; Geophysical Survey; Traffic Impact Assessment; Glint and Glare Study; Statement of Community Engagement; Environmental Enhancement Plan; Agricultural Assessment; Soils Assessment and; Sequential Assessment.

8.0 APPRAISAL

The key issues here are:

- principle of development/agricultural land classification
- ecological impacts
- landscape / visual implications
- highway safety and convenience
- residential amenity
- cumulative impact

Principle of Development

8.01 As Members will have read above, there is an International and National drive towards the reduction in greenhouse gas emissions and the increase in the use of renewable energy as a way of achieving this in order to tackle climate change. This must be given significant weight when considering the current proposal against local and national policies of rural restraint. It should also be highlighted that the proposal is for a temporary period of 25 years (reduced from 35 as originally proposed). Whilst I acknowledge that this is a fairly long temporary period, in relative terms, it will not be a permanent development that will have impacts in perpetuity.

8.02 The proposal is for a major and significant development in the open countryside on agricultural land confirmed as Grade 2 (majority) and 3a (0.4ha). The NPPF states as mentioned above (para. 112) "*Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*". This is supported by Policy DM30 of the consultation draft Swale Borough Local Plan 2013. Furthermore para 112 of the

NPPF continues that as the Planning Authority we should thus “*seek to use areas of poorer quality land in preference to that of higher quality*”.

8.03 The first test to be applied to solar farm developments such as this is to consider whether there is the opportunity for the development to be located on brownfield/previously development land. We must be satisfied that the use of greenfield land is *necessary*. The applicant has submitted a Sequential Assessment looking first at suitable brownfield land. It should be noted that the location of a solar farm is influenced greatly by the electricity distribution network and capacity of that network. This will therefore limit the search area to within a reasonable distance (1km) from a suitable connection point. The applicant has referred to the Office of National Statistics (ONS) with regards to available vacant land and their assessment of the proportion of this which is considered suitable for housing development. Where sites can potentially be developed for housing, they have been ruled out of the search as it is assumed that housing is the priority. The applicant has conducted a search for previously developed land within Swale and Medway and has included the potential for the use of commercial roof-space. The study identifies 150 ha of unused previously developed land within Swale and 870 ha of unused previously developed land within Medway. The submitted assessment assumes that the majority of the identified land within Medway is unlikely to be within the ‘grid corridors’ of the assessment. The assessment identifies only two suitable areas of previously developed land within Swale – ISTILL UK PLC, Rushenden Road and Land at Staplehurst Road. However, these are ruled out for various reasons, size of the site being one. They note that although the Government strongly emphasises the deployment of solar photovoltaic development on commercial roof-space, this is rarely a suitable viable option. I am of the view that there are some weaknesses in the arguments put forward by the developer in this case, not least the fact that they assume that much of the unused land within Medway is not within the ‘grid corridor’ and that they have not provided a site analysis for Medway. However, I do accept that options for solar development on previously developed land within Swale are limited and, on balance, I am satisfied that development on agricultural land has been shown to be necessary.

8.04 In the search for poorer quality agricultural land, the applicant acknowledges that reliance solely on Defra’s Agricultural Land Classification (ALC) maps is not sufficiently accurate to allow a fully assessment of an individual site and that soil sampling is necessary to establish the true agricultural grading of a site. However, they argue that to undertake soil sampling across all potential alternative sites within the study area would be unreasonable and disproportionate in terms of the potential scale, timescale, land ownership negotiations and cost. Therefore, they have only undertaken soil sampling at the application site. The applicant has ruled sites out if they have various constraints including SSSIs, AONBs and listed buildings/conservation areas. Physical constraints such as existing overshadowing features was also considered amongst other matters.

8.05 The applicant identifies 40 potential alternative sites within Swale and Medway. Reasons for ruling sites out include: site is smaller than application site; impact on visual amenity and landscape character; proximity to SSSI, highway implications, impact on ecology. The submitted assessment concludes:

'It is therefore concluded that there are no sites within the 2km Grid Buffer which offer a better option for solar development than the application site.

It is therefore concluded that there are no potential alternative sites of any poorer agricultural quality land or previously developed land within Swale and Medway Local Authority Areas which have fewer environmental constraints than the Application Site or may not be technically possible due to access issued for HGV's or capacity of roof space.'

8.06 I have two key concerns with the conclusions reached. These are reflected in the comments from our Rural Planning Consultant (see above). Firstly, I do not consider that sites should be ruled out on the basis of a qualitative assessment that would ultimately be carried out by the Local Planning Authority. For example, ruling a site out based on the potential visual impact is pre-judging the LPA's views and it is quite possible that with suitable mitigation, the visual impact could be significantly reduced. Similarly, ruling a site out based on the impact on ecology does not consider that possibly mitigation measures that are often applied to development sites in order that harm to protected species is avoided. Indeed, this Council has approved solar farms on sites adjacent to the SSSI and I have concluded that the other solar farm application on this agenda will have some harm to visual amenities. On balance however, this other proposal is considered to be acceptable. This demonstrates a significant flaw in the submitted assessment. On this basis, I conclude that a number of the sites that the assessment identifies as being on poorer quality land could indeed be developed as a solar farm.

8.07 Secondly, I do not consider that the test applied in the concluding paragraphs of the assessment is correct. It is not correct to consider if the application site is a 'better option for a solar development'. The correct test is whether poorer quality agricultural land can be used in preference to higher quality land (para. 112 NPPF). It is my strong view that the submitted Sequential Assessment identifies poorer quality land that can be developed as a solar farm as opposed to demonstrating that there is no poorer quality land. I am also mindful of the advice provided by the Rural Planning Consultant - *"the simple question posed is whether the site itself uses poorer quality (i.e. non-BMV) land in preference to higher quality land. If the answer to that is "no", (which is the case here) then it cannot be said that compliance with this particular criteria has been demonstrated."* It can be argued therefore that the process of a Sequential Assessment is flawed from the outset.

8.08 I am not convinced that the continued use of the land for the grazing of sheep would maintain the important qualities of best and most versatile agricultural land. Such land is valued for the following reasons: the range of crops that can be grown, the level of yield, the consistency of yield, and the cost of obtaining it. By allowing the solar farm, these values would be compromised, even if sheep grazing was introduced. The applicant has submitted a report from Professor Buckwell (Agricultural Economics, Imperial College, ex Wye, London) in support of their application. He notes that the UK has no immediate threat to our food security. Shortage of agricultural land is not an obvious threat to UK (or EU) food security for the next quarter century in his view. He also considers that solar panels do not constitute a permanent removal of the land from agriculture and that a prolonged period of fallow for some of the arable area could be seen as a step to arrest this

decline and thus enhance food security. He also provides evidence of the economic assessment of solar PV developments. Our Rural Consultant is clear that he does not consider this submission to be of assistance to a planning assessment of the site. Importantly, he notes that the submission does not refer to the NPPF and that the Professor assumes that best and most versatile land is to be safeguarded for food security. The Rural Consultant notes that preservation of best and most versatile land is wider than that. Natural England's 2012 ALC guidance note refers to best and most versatile land as "the land which is most flexible, productive and efficient in response to inputs and which can best deliver future crops for food and non-food uses such as biomass, fibres and pharmaceuticals." Allowing the solar farm development would significantly limit the lands versatility and would arguably result in the land being downgraded for the lifetime of the solar farm. I have considered the economic arguments put forward by the applicant in respect of sheep grazing being as productive as arable crops. Our Rural Consultant disputes this claim but moreover, even if this were the case, the versatility of the land would still be compromised and therefore, I consider that there would be harm to sustainable socio-economic growth/stability.

8.09 The benefits to biodiversity are of consideration here as the National guidance requires enhancements in this respect. I am of the view that the applicant has achieved a good level of biodiversity enhancements and this does weigh in favour of the development. However, this does not outweigh the significant harm identified above, in my view.

8.10 On balance, I do not consider that the renewable energy benefits of the scheme would outweigh the harm to the supply of best and most versatile land.

Visual Impact/landscape character

8.10 The solar panels, inverters, CCTV, fencing and substation will all undoubtedly impact on the character and appearance of the land and would be harmful in my view. However, the applicant has sought to address this harm by way of restoring existing hedgerows, creating new hedgerows and planting tree clusters at strategic points. The visual impact would be mostly experienced by the upper floor windows within nearby residential properties and those using the public footpaths crossing the site. The closest and most affected residential properties are those on Belnor Avenue, Blackberry Farm and High Oak Hill Farm. The submitted Landscape and Visual Impact Assessment concludes that views of the solar farm from these properties would be partial due to intervening vegetation. I am of the view that with the mitigation proposed, there would be no significant harm on the surrounding residential properties.

8.11 With regards to the impact on public footpaths. There will undoubtedly be significant change to the experience of walkers travelling along these paths. However, the applicant has given careful thought to this and has left a gap of 30 metres between the fences/solar panel where footpath ZR56 crosses the site. In addition, new hedgerow would be planted in front of the fence. This will ensure that a pedestrian walking along this footpath would not feel enclosed on both sides. For footpath ZR105 (which is to be diverted), there would be a gap of 15 metres between the edge of the field and the fence/solar panels. Again, a hedgerow would be

planted in front of the fence and I therefore consider that footpath would not feel enclosed. There would be a small section of footpaths ZR105 and ZR54 that would not benefit from hedgerow screening of the solar panels. However, I do not consider that this is objectionable in itself as the impact would only be on short sections and to some people solar panels are not offensive to look at. Moreover, additional hedgerows could be added if necessary. The experience of the walker will dramatically change as a result of this scheme. However, I do not consider that countryside walks along footpaths adjacent to long stretches of hedgerow would be uncommon within this landscape. On balance, I do not consider that there would be significant harm in this case.

8.12 The Landscape and Visual Impact Assessment concludes that views from surrounding roads would be filtered and limited due to existing and proposed vegetation. Views from railway line would also be limited and I have considered the fact that the railway line drops lower than the application site for some of its length.

8.13 The harm that I have identified would in my view, be addressed to a certain extent by the landscaping proposed. However, I am of the view that there would still be some harm to this rural landscape because the solar farm would still be visible from upper floor windows within residential properties close by, footpaths crossing the site and vantage points further afield. I also give consideration to the fact that the hedgerow would offer less by way of screening in the winter months. However, I have not identified *significant* harm here and I must take into account the fact that this site does not lie within an Area of High Landscape Value, AONB or Special Landscape Area. I must also consider the benefits that this development will bring in the form of renewable energy sufficient to meet the electricity needs of approximately 2,500 homes and the biodiversity enhancements detailed above. I also give weight to the fact that the land will be restored after 25 years and so in this respect, the visual impact would not be permanent. Therefore, I am of the view that the visual and landscape harm would be outweighed by the benefits as noted.

Residential Amenity

8.14 The applicant has submitted a noise survey with the application. This considers the noise impact of the proposal on the closest neighbouring property – High Oak Hill Farm which is approximately 100m from the northwest boundary of the site. The noise produced from the 8 inverters and substation has been considered. The total operation noise levels from all plant as experienced at High Oak Hill Farm are predicted to be 18 dB(A). This is 27 dB(A) below the WHO guideline noise level value for “sleep disturbance, window open” of 45 dB. The noise assessment concludes that the operation noise from the solar park would not result in any discernible adverse effects on nearby residential dwellings. I have no reason to question this conclusion and therefore consider that there would be no harm to residential amenities at the operational phase of the development.

8.15 I acknowledge that there may be some disturbance to local residents during construction, particularly to the residents of Cherry Cottages, Sheppey Way as the construction traffic would pass directly beside their properties. These residents have been consulted but have not objected. Construction traffic would also pass beside Rook Lodge but this property is set away from the access track and is

shielded by tall trees. Whilst there would be some disturbance to these residences in particular during construction, and perhaps to a lesser extent High Oak Hill Farm (close to the northern boundary to the site but away from the route of the construction traffic), I do not consider that there would be significant harm. Working hours proposed are Monday to Saturday 08:00 to 18:00 and on Sunday between 08:00 and 13:00. There is a balance to be struck between allowing hours of working so that disturbance is limited, whilst ensuring that they are not so restrictive that the length of the construction period is prolonged. With this in mind, I consider that the hours proposed would be acceptable. I am also mindful that the construction period would be for a limited period only.

8.16 The comments of the Environmental Services Manager will be reported at the meeting.

Highways

8.17 Kent Highway Services have no objection to the proposal. The submitted Transport Statement notes that the access to the site would be almost directly from the A249, to the west of the Bobbing turn off and adjacent to Cherry Cottages, Sheppey Way. This route would ensure that traffic avoids passing through Bobbing Village and avoids the use of narrow country lanes. The temporary access would make use of existing tracks with resurfacing provided where necessary. A section of temporary roadway would be provided across the existing arable field parallel with Cold Harbour Lane. Where traffic would cross Cold Harbour Lane, a banksman would be used.

8.18 The Transport Statement estimates that the construction period would be twelve weeks. The applicant notes that there could be problems with congestion at school drop-off/pick-up times in respect of Bobbing Primary School. However, they would seek to avoid these peak times. Traffic would be controlled through a Construction Management Plan which would be the subject of a planning condition. The Transport Statement states that HGV deliveries would be approximately 7 per day with a total of 230 HGV deliveries spread over the 12 week construction period. The statement also notes that construction staff would be brought to the site using minibuses. It notes that there would be a total of 10 minibuses/vans/buses on site. During the operational phase, the solar farm would attract 10-20 vehicles per year. I am of the view that the proposal, both during construction and operational phases, would result in no significant impact on the highway. I therefore consider that there would be no harm to highway safety/amenity.

8.19 The application is accompanied by a Glint and Glare study. This notes that solar panels are dark in colour and absorb much of the sunlight. The submitted assessment found that the users of the footpaths, railway line, and the immediately dwellings would experience only negligible affect from glint and glare and the potential for this to happen would be limited. I therefore find no harm as a consequence of glint and glare.

8.20 With regards to the arrangements for footpaths to be put in place during construction, security fencing and landscape screening at the solar park will be set up at the start of the construction period. Specific management measures will be

undertaken where footpath ZR105 crosses the access track and where footpath ZR56 crosses the internal access track. These management measures will seek to provide a designated crossing location and warning signs for both pedestrians and construction vehicles.

Ecological Impacts

8.21 The submitted ecological assessment identifies the potential for Great Crested Newts (GCN) at the site, particularly in the ponds in and around the site. The ecological assessment recommends that a precautionary approach is taken to the method of working during construction. There is potential for badgers around the perimeter of the site but as this will not be affected by the proposal, no further measures are recommended. A check for the presence of mammal burrows is though recommended prior to works. The assessment identifies that the site has the potential to support bird species. The works are recommended to be undertaken outside of the bird breeding season (March-August inclusive). The assessment appends correspondence from Natural England that notes that the site is unlikely for birds to be using this site as functional land and they do not ask for wintering bird surveys. KCC Ecology has accepted the details submitted with the application. I therefore consider that there would be no harm to ecology/biodiversity at the site.

8.22 The biodiversity enhancements put forwards by the applicant and as set out above, would be sufficient in my view. In addition, the applicant intends to erect educational boards for walkers which will give details of wildlife and historical information about the site.

8.23 Owing to the distance of this site from the SSSI and SPA (1km), I do not consider that there would be any detriment to the special features of these designated areas.

Cumulative impacts

8.24 This proposal has been submitted at the same time as the solar farm proposal at Orchard Farm (also on this agenda and with reference 14/502072 and sited approximately 1 km to the north) and so the cumulative impacts of both scheme in terms of the visual/landscape impact and also the traffic impact are important to consider. I also asked the applicant to consider the cumulative impacts of these two solar farms with a potential solar farm at Stickfast Lane (approx. 1.3km to the east), although no formal planning application has been submitted for this proposal to date.

8.25 The submitted Landscape and Visual Assessment identifies some areas where all three solar farms would be visible. The assessment concludes that with the hedgerow and trees screening proposed, for all three solar farms, the impact on the landscape would be reduced. The Iwade Arable Farmlands character area covers all three solar farm sites. This has a moderate sensitivity to change and the assessment concludes that the cumulative magnitude of impact would be medium resulting in minor adverse effects. In terms of visual impact from all three solar farms, the residents of Belnor Avenue, Bobbing will be likely to experience a significant cumulative impact as a result of being able to see all three solar farms.

There are four properties along this road and whilst there may well be a significant impact initially, once the landscaping has matured, I consider that the harm will be sufficiently reduced and on balance, I consider that the benefits of this scheme would outweigh the harm to these four properties.

8.26 In terms of the transport impact, the only concern would be if two or all three solar farms were to be constructed at the same time. When considering this matter, one must appreciate that the Cold Harbour Lane solar farm would be likely to use a different route to that of the Stickfast Lane and Orchard Farm sites. Cumulatively, the number of vehicles generated by the three solar farms being constructed at the same time would equate to approximately 216 additional vehicle movements per day which I do not consider to be significant when spread throughout the day. Kent Highway Services have no objection to the proposal and I consider that the likelihood of all three solar farms being constructed at the same time is low given the fact that the Stickfast Lane proposal has not been submitted yet. As such, I do not consider that unacceptable cumulative harm would arise as a consequence of the traffic generated by the three solar farms.

8.27 I am mindful of the evidence submitted with the Orchard Farm application about lack of grid capacity for further solar farms in the area (see para. 8.23 of the committee report). Here I concluded that the capacity for further solar parks in the borough is significantly limited.

Other matters

8.28 The site has archaeological potential, and the application is accompanied by a Historic Environmental Desk-Based Assessment. This concludes that the setting of designated heritage assets is not affected by the proposal due to the distances between them. The closest listed building is 340m to the north of the site at Norwood Farm. The Conservation areas at Newington are noted but the nearest one of these – Newington Church Conservation Area is some 400m to the south west of the site and would be unaffected by the proposal. However, it is acknowledged that there would be some inter-visibility between some heritage assets and the solar farm. This would not however be harmful to their setting. Their settings would be preserved in my view. With regards to archaeological potential, the site is known as having a WW1 “stop line” across it. This comprised trenches and machine gun emplacements. Underground cabling is also thought to have been present within the boundary. A programme of geophysical surveys to identify any archaeological remains was carried out and the results have been submitted. I am awaiting the comments of the KCC Archaeological Officer and will report his findings at the meeting.

8.29 The site does not fall within flood risk zones 2 or 3 and as such flood risk is not considered to be an issue. The Environment Agency raises no objection. The submitted Flood Risk Assessment concludes that future users of the site would remain safe throughout the lifetime of the proposed development and subject to drainage arrangements or swales being implemented and maintained, the development will not increase flood risk elsewhere and will reduce flood risk overall.

10.0 CONCLUSION

10.01 Having considered the comments from consultees, local residents and the parish council and the relevant planning policies, I am of the view that the development should be refused on the grounds of the harm to sustainable socio-economic growth/stability as a consequence of development on best and most versatile land, this being the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations. Furthermore I am of the opinion that this harm would not be outweighed by the benefits of renewable energy production or the benefits to biodiversity. I have also given careful consideration to the impact on landscape character and visual amenities and am of the view that although there would be some harm, that this would not be significant and I therefore consider that the benefits of renewable energy would outweigh the harm. The impact on residential amenities would be confined to the construction phase and this would be limited to 12 weeks within the hours specified. I therefore consider that there would be no significant harm in this case. The impact on highway safety/amenity would also be mainly confined to the construction phase. The route specified for construction traffic would avoid passing through Bobbing Village and the traffic generated would not be significant in terms of its addition to current traffic levels. The impact on ecology/biodiversity, archaeology and drainage would be appropriately mitigated in my view. I do not consider that the cumulative impact would be significant.

11.0 RECOMMENDATION – REFUSE, Subject to the comments of Council's Environmental Services Manager and KCC Archaeological Officer.

REFUSE for the following reasons:

1. The proposal would constitute significant development of best and most versatile agricultural land (very largely Grade 2 and a small area of Grade 3a). The applicant has failed to demonstrate that poorer quality land has been used in preference to higher quality land, whereas, having regard to the economic and other benefits of the best and most versatile agricultural land, poorer quality land should be used for significant and necessary development of agricultural land, in preference to land of higher quality. The agricultural potential of the land in terms of productivity and flexibility of cropping, would be unacceptably reduced. The proposal therefore would have significant harm to sustaining the social, economic and environmental benefits of the best and most versatile land, being the land which is most flexible, productive and efficient in response to inputs and which can best deliver food and non-food crops for future generations. This harm would not be outweighed by the benefits of renewable energy production or the benefits to biodiversity. This would be contrary to paragraphs 112 of the NPPF and paragraph 013 NPPG: Renewable and Low Carbon Energy.

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 application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.

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By virtue of paragraph(s) 1, 2, 3, 6 of Part 1 of Schedule 12A of the Local Government Act 1972.

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