



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 6 February 2020

Time: 7.00pm

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

Membership:

Councillors Cameron Beart, Monique Bonney, Roger Clark, Simon Clark, Mike Dendor, Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ben J Martin, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

Quorum = 6

RECORDING NOTICE

Please note: this meeting may be recorded and may be published on the Council's website.

At the start of the meeting the Chairman will confirm if all or part of the meeting is being audio recorded. The whole of the meeting will be recorded, except where there are confidential or exempt items.

You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this recording will be retained in accordance with the Council's data retention policy.

Therefore by entering the Chamber and speaking at Committee you are consenting to being recorded and to the possible use of those sound records for training purposes.

If you have any queries regarding this please contact Democratic Services.

1. Emergency Evacuation Procedure

Pages

The Chairman will advise the meeting of the evacuation procedures to follow in the event of an emergency. This is particularly important for visitors and members of the public who will be unfamiliar with the building and procedures.

The Chairman will inform the meeting whether there is a planned evacuation drill due to take place, what the alarm sounds like (i.e. ringing bells), where the closest emergency exit route is, and where the second closest emergency exit route is, in the event that the closest exit or route is blocked.

The Chairman will inform the meeting that:

(a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chairman has informed them that it is safe to do so; and

(b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chairman is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence and Confirmation of Substitutes

3. Minutes

To approve the [Minutes](#) of the Meeting held on 9 January 2020 (Minute Nos. 425 - 431) and the Extraordinary Meeting held on 27 January 2020 (Minute Nos. to follow) as correct records.

4. 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.

(c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the room while that item is considered.

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 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

5. Deferred Items 1- 90

To consider the following applications:

Deferred Item (1) 19/501789/FULL Land east of 11 Southsea Avenue, Minster, Kent, ME12 2JX

Deferred Item (2) 19/501921/FULL Land at Belgrave Road, Halfway, Kent, ME12 3EE

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

Requests to speak on these items must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 5 February 2020.

6. Report of the Head of Planning Services 91– 163

To consider the attached report (Parts 2, 3 and 5).

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 5 February 2020.

Issued on Tuesday, 28 January 2020

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

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

6 FEBRUARY 2020

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) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 6 FEBRUARY 2020

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

DEFERRED ITEM

Def 1 19/501789/FULL MINSTER Land east of 11 Southsea Avenue
Pg 1 - 19

Def 2 19/501921/FULL HALFWAY Land at Belgrave Road, Halfway
Pg 20 - 90

PART 2

2.1 18/506328/OUT IWADE Land Lying to the South of Dunlin
Pg 91 - 113 Walk

2.2 19/506053/FULL MILSTEAD Broadoak Farm, Broadoak Road
Pg 114 - 121

2.3 19/506013/OUT OSPRINGE Brogdale Farm, Brogdale Road
Pg 122 - 132

PART 3

3.1 18/506274/FULL SITTINGBOURNE 19 Albany Road
Pg 133 - 140

3.2 19/504872/FULL EASTCHURCH Marshlands Farm, Lower Road
Pg 141 - 145

3.3 19/506127/FULL UPCHURCH Starborne, Oak Lane
Pg 146 - 153

PART 5 - INDEX

Pg 154

5.1 18/504095/FULL SHELDWICH Harrow House, Shottenden Road
Pg 155 -157 & 18/504096/LBC

5.2 19/500303/FULL LEYSDOWN Seaview Holiday Park, Warden Bay
Pg 158 - 160 Rd

5.3 19/500589/FULL BORDEN Land adj to Ambleside, Maidstone
Pg 161 - 163 Rd

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PLANNING COMMITTEE – 6 FEBRUARY 2020**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

REFERENCE NO - 19/501789/FULL		
APPLICATION PROPOSAL Erection of a pair of semi detached houses with associated driveways and parking.		
ADDRESS Land East Of 11 Southsea Avenue Minster-on-sea Kent ME12 2JX		
RECOMMENDATION Grant subject to conditions and receipt of SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION The development is acceptable in principle and would not give rise to harm to residential amenity, visual amenity or highway safety.		
REASON FOR REFERRAL TO COMMITTEE Deferred from the Committee meeting on 18 th July 2019		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Batten AGENT Prime Folio
DECISION DUE DATE 03/07/19		PUBLICITY EXPIRY DATE 16/10/19

Planning History

None

1. BACKGROUND

- 1.1 Members may recall that this application was reported to the Planning Committee on 18th July 2019. The original report and the minutes of the Meeting are attached as an appendices to this report. The application was deferred subject to the submission of an Ecological Appraisal. This was submitted in September 2019, and since then my officers have sought clarification and additional information, together with comments from the KCC Ecologist.
- 1.2 The original report considers the pertinent planning issues, save for ecology. This report will consider issues relating to ecology and additional representations received.

2. ADDITIONAL INFORMATION

- 2.1 As set out above, the ecological appraisal was submitted in September last year. It was appraised by the KCC Ecologist, who sought further information from the applicant, regarding the vegetation cover at the site, and raised concern that the site appeared to have been cleared.

2.2 The applicant confirmed that the site was clear, and the KCC Ecologist confirmed that no further ecological information was required,. She did though raise concern that the clearance of the site may have harmed protected species and/or nesting birds. This would be an offence. Members should note though that such an offence would be a criminal matter and not a material planning consideration.

3. LOCAL REPRESENTATIONS

3.1 Since the application was deferred, two representations, both raising objection, have been received. They are summarised as follows:

- The site was cleared without supervision or an ecologically survey complete on the 20th April 2019 during nesting season and was then left to regrow (not maintained) until 25th October 2019
- I work in construction myself so I understand that it is an offence under The Wildlife and Countryside Act 1981 to damage or destroy a breeding or resting place. No survey was carried out before the clearance took place back in April and no survey was taken place before clearance in October.
- Highways – Impact upon existing highways, site access to the development Ref: 18/506417/FULL
- Visual amenity – Out of keeping detrimental to the appearance of the streetscene

4. CONSULTATIONS

4.1 The KCC Ecologist now raises no objection to the proposals, subject to conditions requiring the submission of a method statement relating to protection of the adjacent site, a scheme of bat sensitive lighting and ecological enhancements. These are included below.

5. APPRAISAL

5.1 As set out above, a full appraisal of the scheme, save for ecology, is contained in the original committee report. This includes the issues raised above relating to highways and visual impact.

5.2 Whilst it is extremely unfortunate that the site has been cleared (and re-cleared) since the beginning of last year, the key issue here is that the site does not amount to habitat for protected species, and the KCC Ecologist raises no objection. In view of this, the development of the site is considered acceptable, subject to conditions and to a SAMMS payment, as set out in the previous report..

6. CONCLUSION

6.1 I recommend that the application should be approved, as set out below.

7. RECOMMENDATION

GRANT Subject to the following conditions and to the required SAMMS payment:

CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following approved plans: Block Layout Existing and Proposed 19-10-02-A, Plans as Proposed 19-10-03- C, Elevations as proposed 19-10-04-B

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

3. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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 a programme agreed in writing with the Local Planning Authority

Reason: In the interest of the visual amenities of the area.

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

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

6. No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of the amenities of occupiers of neighbouring properties.

7. Before the development hereby permitted is first occupied, the first floor window openings on the southeast facing elevation connected to the bathroom and stairwell (as shown on drawing no. 19-10-04-B elevations as proposed) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

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

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

9. Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: In the interests of pedestrian and highway safety.

10. No development beyond the construction of foundations 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 in accordance with the approved details prior to the first use of any dwelling.

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

11. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

12. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for the protection of adjacent habitats has been submitted to and approved in writing by the local planning authority, including provision for a method for vegetation cutting/clearance and protection from incursion by construction vehicles/staff. The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity

13. Prior to first occupation, a sensitive lighting scheme to avoid illumination of adjacent habitats has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interests of biodiversity

14. Prior to the completion of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority, this will include the provision of bat/bird boxes and native species planting. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.



APPENDIX 1*Planning Committee**18 July 2019*

A Member asked what would happen if the care home changed to different care facilities, whether more parking would be required at a later stage, and why the BREAAAM was 'Good', and not higher. The Major Projects Officer explained that the application was not tied to this Applicant in the Reserved Matters stage of the application. He explained that the BREAAAM rating was a legacy of the 2017 application, under a previous Local Plan, requiring good, rather than very good.

A Member asked whether reinforced grass/tarmac areas could be utilised to aid additional parking opportunities. The Major Projects Officer explained that there were trees on the site preventing this unless Members were prepared to reduce the level of landscape planting. Parking need was in competition with the need for visual appearance and improving bio-diversity.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

Members debated the application and raised points which included:

- The care home was too big for the site;
- needed to get design and parking sorted out now;
- BREAAAM 'Good' standard was not enough;
- the massing of the building was wrong;
- the parking was adequate;
- residents in this type of care home wanted tranquillity, with gardens, not a car park to look at; and
- 25 spaces was not enough.

The Major Projects Officer re-iterated that the 60-bed outline planning permission had already been agreed.

Resolved: That application 19/501160/REM be approved subject to conditions as set out in the tabled paper.

2.11 REFERENCE NO - 19/501789/FULL		
APPLICATION PROPOSAL		
Erection of a pair of semi detached houses with associated driveways and parking.		
ADDRESS Land East Of 11 Southsea Avenue Minster-on-sea Kent ME12 2JX		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Batten AGENT Prime Folio

The Area Planning Officer reported that the recommendation on page 107 of the report should also include the receipt of SAMMS payments. He explained that the adjoining site was the subject of an application for in excess of 70 dwellings and this had included a habitat appraisal. The Area Planning Officer sought delegation to approve the application subject to the submission of an ecological appraisal of the site, to any further information as requested by KCC Ecology and to no objection being raised by them to the application.

APPENDIX 1*Planning Committee**18 July 2019*

Mr Prasanna Willatgamuwa, an objector, spoke against the application.

The Chairman invited Members to ask questions.

In response to a question, the Area Planning Officer explained that the application could be deferred until receipt of the ecological survey.

Councillor Cameron Beart moved a motion for a site visit. This was seconded by Councillor Tony Winckless.

There was some discussion on the usefulness of a site visit, and that they were often poorly attended by Members.

Councillor Beart withdrew his proposal for a site visit.

Councillor Tim Valentine moved the following motion: That the application be deferred until an ecological survey had been carried out. This was seconded by Councillor Cameron Beart.

On being put to the vote the motion to defer the application was agreed.

Resolved: That application 19/501789/FULL be deferred until an ecological survey had been carried out.

PART 3

Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/501570/FULL		
APPLICATION PROPOSAL Erection of rear extension (Retrospective) (Resubmission of 18/500629/FULL)		
ADDRESS 156 Scarborough Drive Private Street Minster-on-sea Sheerness Kent ME12 2LS		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr K Davies AGENT Ks Architectural Services

Jeanette Reay, an objector, spoke against the application.

Mr Davis, the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions.

In response to a question, the Area Planning Officer advised that there was a permission to convert the garage to the property.

A Member asked if a temporary permission could be issued. The Area Planning Officer advised that this was rare for a permanent development. However, he

APPENDIX 2

2.11 REFERENCE NO - 19/501789/FULL			
APPLICATION PROPOSAL Erection of a pair of semi detached houses with associated driveways and parking.			
ADDRESS Land East Of 11 Southsea Avenue Minster-on-sea Kent ME12 2JX			
RECOMMENDATION Grant, subject to conditions and SAMMS payment			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development is acceptable in principle and would not give rise to harm to residential amenity, visual amenity or highway safety.			
REASON FOR REFERRAL TO COMMITTEE Minster Parish Council Objection			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr Batten AGENT Prime Folio
DECISION DUE DATE 03/07/19		PUBLICITY EXPIRY DATE 19/06/19	

Planning History

None

1. DESCRIPTION OF SITE

- 1.1 The site is located southwest of Southsea Avenue approximately 125m from the junction with The Broadway, northwest of the site. Southsea Avenue is a residential street comprising predominantly of detached and semi-detached residential housing of similar scale and massing. The site forms a break in the otherwise linear residential development which gives rise to a large area of scrubland that forms part of the Minster Cliffs.
- 1.2 The site is identified within policy ST3 of the Bearing Fruits Local Plan 2017, as being located within the built-up area of Minster. The plot is rectangular in shape and has been subdivided into two areas to allow for a rear section to be retained by the applicant. As a result, the remaining plot size for this application is 0.0396h.
- 1.3 In term of neighbouring development, the plot is bounded on both sides (east and west) and directly to the rear (south) by vacant scrub land. However, this vacant land is currently the subject of a much larger application for the construction of 72 x 3/4 bedroom dwellings with associated garages, parking and infrastructure (18/506417/FULL). This application is currently pending and awaiting a decision by the Council.

2. PROPOSAL

- 2.1 The proposal involves the erection of two x 4 bedroom, semi-detached dwelling houses comprising of two storeys with additional habitable space provided within the roofspace. The scheme includes vehicular access direct from Southsea Road and associated

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

vehicle hardstanding (2 spaces per unit), front and rear amenity space, landscaping and refuse storage area.

- 2.2 The semi detached properties are relatively traditional in design, comprising of two storeys with a pitched roof and front and rear gardens. However, the fenestration detail in terms of materials, window size and alignments are modern in their approach. The pair of dwellings would have a combined width of 10m and a depth of 10.4m (or 11m when taken from the shallow front projecting bay). They would have an eaves height of 5m reaching to 10m at the roofs apex.
- 2.3 Pedestrian and vehicle access to the properties would be obtained directly from Southsea Avenue which would require a dropped kerb for vehicle access.

3. POLICY AND CONSIDERATIONS**3.1 National Planning Policy Framework (NPPF)**

Achieving sustainable development
 Delivering a sufficient supply of homes
 Promoting sustainable development
 Conserving and enhancing the natural environment

3.2 National Planning Practice Guidance (NPPG): Design**3.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017**

ST1 Delivering sustainable development in Swale
 ST2 Development targets for jobs and homes 2014-2031
 ST3 The Swale settlement strategy
 ST4 Meeting the Local Plan development targets
 ST3 The Swale Settlement Strategy
 CP2 Promoting sustainable transport
 CP3 Delivering a wide choice of high quality homes
 CP4 Requiring good design
 DM7 Vehicle parking
 DM14 General development criteria
 DM19 Sustainable design and construction
 DM21 Water, flooding and drainage

3.4 Other considerations

National Space Standards – Technical Guide

4. Local Representations

- 4.1 Two representations have been received from local residents raising objection to the proposal on the following grounds as summarised:
- Site density would give rise to over crowding
 - Overlooking and loss of privacy
 - Design – height
 - Detrimental to the appearance of the streetscene/ visual amenity of the area.
 - Parking constraints
 - Loss of habitat/vegetation

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

- Purpose of the site area outlined in blue
- In addition, the applicant has stated that the development is in keeping with the large residential development scheme on the adjacent site which is currently pending (Planning Reference 18/506417/FULL). Therefore, a concern has been raised that this is an indication that the Council is minded to approve that application.

5. CONSULTATIONS

5.1 **KCC Highways and Transport:** No objection to the proposal subject to the following requirements secured by condition/planning obligation.

- Provision of measures to prevent the discharge of surface water onto the highway
- Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing
- Use of a bound surface for the first five meters of the access from the edge of the highway
- Provision and permanent retention of cycle parking facilities in accordance with details to submitted to and approved by the Local Planning Authority prior to the use of the site commencing
- Completion of the footway/vehicle crossover shown on the submitted plans prior to the use of the site commencing
- Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

5.2 **Environmental Health Officer:** No objection to the proposal subject to a standard condition to restrict the hours of construction

5.3 **Natural England:** Raise no objection subject to SPA mitigation (SAMMS) payments being made.

5.4 **Minster Parish Council** object and comment as follows:

“This is out of keeping with the existing street scene in terms of design and height. As such, the proposal presents as detrimental to the visual amenity of the area.”

6. BACKGROUND PAPERS AND PLANS

6.1 Revisions have been made to the initial submission. The revisions include changes to the design of the fenestration and a revised sectional plan to include the front projection.

6.2 The submission is supported by the following plans:

- Site Location Plan 19-10-01-A
- Block Layout Existing and Proposed 19-10-02-A
- Plans as Proposed 19-10-03- C
- Elevations as proposed 19-10-04-B

7. APPRAISAL

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

- 7.1 The site lies within the built up area boundary of Minster where the principle of residential development is acceptable. The main issues for consideration are the density of development, the impact upon the character and appearance of the area together with the impact on residential amenity, parking/highway safety, landscaping and matters relating to ecology.

Density of Development

- 7.2 The principal objective of policy CP3 of the adopted local plan is to deliver a wide choice of high quality homes within the borough. The policy requires that residential densities are determined by the context and the defining characteristics of an area. The proposed scheme comprising of a pair of semi-detached, four bedroom dwellings is broadly reflective of the density, scale and massing of the existing residential development within the immediate area.

Visual Impact

- 7.3 Southsea Avenue comprises of a mix of architectural styles which in terms of each other are comparable in scale, bulk and massing comprising mostly of two storey properties with a few bungalows. To the southeast of the site, the properties are predominantly two storey semi detached dwellings, with hipped roof profiles and of red brick construction. Northwest of the site, with the exception of two bungalows, the properties comprise of two storey properties, mostly semi detached, six of which are characterised by mansard roofs with additional habitable space within the roofspace.
- 7.4 The proposal seeks to incorporate the surrounding site characteristics into the scheme by introducing a single forward projecting bay with a shallow pitch on the principle elevation consistent with the built form of development southeast of the site, and a dropped eaves with high roofridge on the main dwelling resulting in a large expanse of roofslope to complement the appearance of the mansard roof extensions northwest of the site.
- 7.5 Notwithstanding the existing development, consideration must be also be given to the impact that the proposal would have upon the proposed housing located either side of the site, currently subject to planning application Ref: 18/506417/FULL and awaiting a formal outcome. In terms of height, the subject development would align with the height of those properties either side of the site, as would certain design principles such as the forward projecting bay, window sizes and choice of materials. Given this, I consider that the proposal would not appear overly dominate or appear obtrusive within the streetscene and would not detract from the established character or appearance of the wider streetscene.
- 7.6 I consider the development to be of a reasonably high architectural quality which respects the local character in terms of materials. The proposal includes red facing brick 'capital brown multi stock ibstock' and roof tiles inkeeping with its surroundings and which would allow for the development to assimilate to its setting. Overall, in terms of visual impact I am of the opinion that the proposed scheme would create a reasonably attractive residential development that would contribute to enhancing the visual appearance of the streetscape along Southsea Avenue.

Residential amenity

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

- 7.7 In terms of habitable provision, the units would provide 116sqm of habitable space. The National Housing Space Standards states that a four bedroom unit with a seven persons occupancy requires a minimum floor area of 121sqm and as such the development falls below the national spaces standards. Notwithstanding, the calculation is based on a minimum floor to ceiling height of 1.5m within the loft space, and therefore it is recognised that a surplus is provided. Furthermore, I consider the dwellings to provide a favourable layout with good levels daylight, sunlight and privacy provision. Given this, I consider a good level of accommodation has been achieved.
- 7.8 The Council requires a good standard of outdoor amenity provision for future occupiers. The rear gardens would stretch the full width of the house and have a depth of 10m. The space is readily accessible from the main house and provides a good usable space suitable for the size of residential accommodation proposed.
- 7.9 I acknowledge that concern is raised regarding direct overlooking and privacy issues directly opposite the site at 30-36 Southsea Avenue, however these properties are located at a distance of over 28m and I consider this sufficient to mitigate against direct levels of overlooking which would be detrimental to privacy. Similarly, the distance to neighbouring development east, south and north west of the site is a sufficient distance as to preserve current levels of amenity.
- 7.10 In terms of the vacant adjacent plots either side of the site, whilst I acknowledge that these await any formal decision by the Council, for the purposes of assessment the potential impact upon future residents these properties must be taken into consideration. To the southeast, a two storey detached house is proposed (no.27). The dwelling generally follows the same position and scale and would be located at a distance of 9m from the subject site and therefore no adverse impacts have been identified in terms of loss of light or overshadowing. One kitchen window is proposed at ground floor level on the northwest side elevation and this would be located directly opposite the side entrance of the subject site, however any views would be immediately obstructed by the proposed boundary treatment. In addition, two windows are proposed on the first floor side (southeast) elevation of the subject site, however these service none habitable rooms and therefore I propose the use of a safeguarding condition for the use of obscure glazing only.
- 7.11 To the northwest (No 25/26), proposes a pair of semi detached houses located 4m from the subject site. Given the site position, height, layout and placement of windows no adverse impact have been identified in terms of daylight, sunlight and privacy provision.

Highways

- 7.12 A total of four vehicle parking bays are proposed to the front forecourt with an allocation of 2 parking bays per property. The Kent Design Guide Review: Residential Parking states that a dwelling with 4 or more dwellings has a requirement of 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. As such, whilst I note that parking would be constricted on the site, the minimal standards have been achieved and therefore sufficient in this regard.
- 7.13 In terms of access and highway safety, sufficient space has been provided for the free flow of pedestrian and vehicular access to and from the site without causing obstruction.

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

Furthermore, KCC Highways and Transport have been consulted and subject to the implementation of safeguarding conditions, have raised no objection

Landscaping

- 7.14 Only limited details of landscaping have been provided. Therefore in the event of planning permission being granted it is recommended that landscaping and planting details should be secured by condition.

SPA Payment

- 7.15 Since this application would result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £239.61 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee.

8.0 CONCLUSION

- 8.01 The proposal entails development within the built up area which is acceptable in principle and there are no adverse impacts to the character, appearance or layout of the vicinity of the site in general. The proposal does not result in any material harm to the outlook or amenity of neighbouring occupiers or any significant highways safety concerns. It accords with all the relevant policies of the development plan and government guidance in the revised NPPF. Subject to securing of SAMMS contributions, I recommend approval.

9.0 RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place other than in accordance with the following approved plans: Block Layout Existing and Proposed 19-10-02-A, Plans as Proposed 19-10-03- C, Elevations as proposed 19-10-04-B

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

3. No development beyond the construction of foundations 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

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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 a programme agreed in writing with the Local Planning Authority

Reason: In the interest of the visual amenities of the area.

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

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

6. No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interest of the amenities of occupiers of neighbouring properties.

7. Before the development hereby permitted is first occupied, the first floor window openings on the southeast facing elevation connected to the bathroom and stairwell (as shown on drawing no. 19-10-04-B elevations as proposed) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such in perpetuity.

Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

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

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

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

9. Provision and maintenance of 1m x 1m pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: In the interests of pedestrian and highway safety.

10. No development beyond the construction of foundations 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 in accordance with the approved details prior to the first use of any dwelling.

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

11. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has been secured prior to the determination of this application) will ensure that these impacts will not be significant

APPENDIX 2

Report to Planning Committee – 18 July 2019

Item 2.11

or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

APPENDIX 2



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REFERENCE NO - 19/501921/FULL		
APPLICATION PROPOSAL Full planning application for the erection of 153 No. dwellings, including open space together with associated access, parking, infrastructure, landscaping and earthworks.		
ADDRESS Land At Belgrave Road Halfway Kent ME12 3EE		
RECOMMENDATION Grant subject to the conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The application is allocated in the adopted Local Plan for residential use and the proposal is considered to respond well to the context of the site. The scheme would not give rise to any unacceptable impacts upon highway, visual or residential amenities and there are no objections from technical consultees.		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 17 th December 2019.		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Keepmoat Homes Ltd AGENT Miss Rosie Cavalier
DECISION DUE DATE 30/07/19		PUBLICITY EXPIRY DATE 02/12/19

1. BACKGROUND

- 1.1 This application was first reported to Planning Committee on 7th November 2019 where Members resolved *“That application 19/501921/FULL be deferred to allow the planning working group to meet on site.”*
- 1.2 The site meeting referred to above was held on 25th November 2019 and the application was reported back to the Planning Committee meeting of 17th December 2019. During the meeting, upon being put to the vote, the motion to approve the application was lost. Subsequently a reason for refusal was proposed which was worded as follows:

“The transport improvements offered to address capacity issues within the local highway network are not sufficient to mitigate the harm caused by the additional traffic arising from the development and would result in severe residual cumulative impacts on the road network, (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere), contrary to Policies A13 and DM6 of the Swale Borough Local Plan - Bearing Fruits 2031, and paragraph 109 of the National Planning Policy Framework.”

- 1.3 As a result of the above the Development Manager deferred the matter to a future meeting. For clarity, the following was resolved:

“That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.”

- 1.4 I have included the original committee report at Appendix 1, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme. Therefore I will not repeat these details here. The form that this supplementary report will take will be to provide further detail in relation to the proposed reason for refusal and to advise Members on the possible implications of refusing the application on this basis.

2. APPRAISAL

- 2.1 As per the proposed reason for refusal, Members considered that even with the highway improvements, the development would give rise to unacceptable harm to the local road network. Since the 17th December 2019 committee meeting, the applicant's transport consultant has provided further comments in the form of a Technical Note. This Technical Note seeks to respond to concerns which were raised by Members and sets out the mitigation measures proposed.

- 2.2 The agent has provided a summary of the Technical Note as follows:

“In formulating proposals for development at Belgrave Road, Keepmoat Homes have worked closely with Kent County Council to ensure the highways related impacts of the development are mitigated, such that there are no severe residual cumulative impacts on the local road network. The mitigation package offered by Keepmoat comprises:

- 1. Improving junction visibility at Belgrave Road/Queenborough Road junction through realignment of the kerbline.*
- 2. Providing a new gateway feature with dragons teeth road markings relocating the existing 40mph-30mph transition westward on Queenborough Road reducing vehicular approach speeds to Belgrave Road.*
- 3. Widening of Belgrave Road to ensure the efficient two-way use of the carriageway.*
- 4. Increasing capacity at Halfway House traffic signals mitigating against development at Belgrave Road and reducing queue lengths on Halfway Road and Queenborough Road .*
- 5. Implementation of a Travel Plan to reduce dependency on car use.*

In addition to the above, since the last Planning Committee meeting, sustainable travel will now be incentivised through reimbursing the occupiers of each dwelling with £100 for bus travel expenses or £100 towards the purchase of a bicycle/cycle equipment. This measure will supplement the Travel Plan and will be communicated to all future residents within a Welcome Pack.

Cumulatively, the mitigation proposed will benefit future users of the site whilst providing a wider benefit to existing residents of Belgrave Road and users of the local highway network.”

- 2.3 Members will note that the off site highway works detailed by points 1-4 above are as per those set out in the original committee report, provided at Appendix 1. That report also makes it clear that KCC Highways & Transportation considered the mitigation

measures to be sufficient to satisfy the highways related policies within the NPPF and the adopted Local Plan. This included the site specific policy, A 13.

- 2.4 It is also noted that the mitigation measures have now been increased to include a £100 voucher toward either bus travel or the purchase of a bicycle. I have considered it appropriate to gain the further view of KCC Highways & Transportation who have commented as follows:

“The applicant’s highway consultant has produced technical note TN012 to respond to the reasons for refusal that were being proposed at the previous committee meeting that considered the application, and I can confirm on behalf of the Highway Authority that it continues to be satisfied with the level of mitigation offered by the development.

The proposed reason for refusal specified that the harm caused by additional traffic from the development would result in severe residual cumulative impacts on the road network (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere). However, the assessment for the Halfway Road junction does indicate that the proposed improvements that are to be undertaken there as part of this development would increase the capacity of the junction by much more than would be needed to absorb the traffic being generated by the development.

Similarly, the proposed widening of Belgrave Road and improvements to its junction with Queenborough Road are considered to be proportionate levels of mitigation to offset the impact of an increase in traffic resulting from the development. The widening of Belgrave Road in particular reinforces the acceptable parameters within the design guidance for serving the total amount of dwellings accessed from it, and the improvements at the junction provide better visibility where there is no previous accident history recorded of there being an issue with the current arrangement.

It is welcomed that the developer has now indicated that it will commit to providing each new dwelling with financial incentives towards using public transport or purchasing cycles. Measures like this are widely used nationwide to reduce the impact that a development may have on the highway network, and are encouraged in order to promote sustainable travel associated with the development.

I can therefore confirm that the Highway Authority would agree with the content of the technical note submitted.”

- 2.5 Further to the above, I am of the view that the appropriate mechanism for securing the requirement for the developer to provide occupants of the dwellings with a voucher is via a legal agreement. As a Section 106 Agreement is required in order to secure the contributions set out in original report I believe that it could be included in this document.

Planning Conditions

- 2.6 Members will recall that a number of the conditions originally recommended and set out in the report (at Appendix 1) have subsequently been proposed to be amended. This was clarified by way of the tabled update circulated to Members in advance of the 7th November 2019 meeting. For the avoidance of doubt, I have, in this report, included the conditions as recommended to be amended by the tabled update, although a limited

amount of these have now been amended further as discussed below. This primarily relates to altering trigger points by which information will be required.

- 2.7 At the 17th December 2019 meeting a number of the amended conditions were discussed, which predominately related to the point at which Belgrave Road improvements would be completed.
- 2.8 On the basis that the developer is intending to provide and utilise an alternative construction access to the site other than via Belgrave Road (exercising permitted development rights to do so) I have again discussed the trigger point for providing the Belgrave Road improvements with KCC Highways & Transportation (condition 8). They have commented that the widening can be brought forward as the potential impact upon Belgrave Road from HGVs during the construction phase will have been removed and therefore damage to the highway would be unlikely. Therefore, as Belgrave Road is the sole vehicular access route once the dwellings are occupied, work on widening this road should be carried out prior to additional traffic from the proposed development accessing the site. On this basis, I have recommended the condition is worded to require this work to be carried out prior to occupation of any dwelling. Due to this, I have proposed the removal of the requirement for the temporary widening of Belgrave Road, and the requirement to make good any damage to the highway by construction vehicles which was previously included in condition 11. The reason for this is that this will not be required in light of the permanent works which will be carried out.
- 2.9 I also note that at the 17th December 2019 meeting, Members discussed the inclusion of a further condition relating to energy efficiency, worded as follows:

“The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.”

- 2.10 The decision on whether or not to add this condition was voted on by Members and agreed. As a result, I have included it below.
- 2.11 In addition to the above, the previous report omitted the condition requiring water consumption to be limited. I am of the view that this condition is relevant and meets the required tests. For this reason I have also included this condition below.
- 2.12 Finally, I have amended the wording of the condition in the original report which secured 10% of the units as affordable housing. This was as verbally updated by Officer's at the 7th November 2019 committee and has been discussed with the Council's Affordable Housing Manager in order to ensure that the condition meets the Council's requirements.

3. CONCLUSION

- 3.1 As set out in the original report and above, I consider the advice from KCC Highways & Transportation to be very clear, advising that the development would not cause any unacceptable highways impacts. I also take into account that the developer has now offered mitigation measures which go beyond what was previously considered to be acceptable. It should also be taken into consideration that the Technical Note, which KCC Highways & Transportation have commented on, took into account the development at Land On The South East Side Of Bartletts Close for 17 dwellings (19/503810/OUT), which is being reported to planning committee on 27th January 2020. This site is located close to the Belgrave Road site and the Technical Note concluded that the traffic impacts from this development would have minimal implications upon the capacity of Belgrave Road.
- 3.2 On the basis of the above reasoning, in the event that the Planning Committee was minded to refuse the scheme on highways grounds, I consider there would be a high likelihood that such a refusal would not be credible at an appeal. This is based on the fact that the Planning Committee has no technical evidence to support a refusal. In my opinion there would be a high risk of costs at an appeal in such a scenario.
- 3.3 My advice to Members remains that planning permission on this site, allocated in the Local Plan for this specific use, should be granted for this development.

4. RECOMMENDATION

GRANT Subject to the following conditions and an appropriately worded Section 106 Agreement (to secure the Heads of Terms as set out in the 7th November 2019 Committee report at paragraphs 8.41 to 8.43):

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: CB_11_135_001 M; CB_11_135_002 J; CB_11_135_003 J; CB_11_135_005 J; CB_11_135_006 J; CB_11_135_007 J; CB_11_135_004; C85883-SK-002 Rev E; P18-1250_05D CB_11_135_FH_CA_E02 A; CB_11_135_FH_CA_P02; CB_11_135_FH_RO_E01; CB_11_135_FH_RO_E02; CB_11_135_FH_RO_P01 A; CB_11_135_FH_RO_P02; CB_11_135_FH_WI_E01; CB_11_135_FH_WI_E02; CB_11_135_FH_WI_P01; CB_11_135_GC_AB_E01 A; CB_11_135_GC_AB_E02 A; CB_11_135_GC_AB_P01; CB_11_135_GC_AB_P02; CB_11_135_GC_BA_E01; CB_11_135_GC_BA_P01; CB_11_135_GC_CA_E01 A; CB_11_135_GC_CA_P01; CB_11_135_GC_KI_P01; CB_11_135_GC_RO_E02; CB_11_135_GC_WI_E01; CB_11_135_GC_WI_E02; CB_11_135_GC_WI_E03 A; CB_11_135_GC_WI_P01; CB_11_135_GC_WI_P02; CB_11_135_SM_AB_E01 A; CB_11_135_SM_AB_E03 A; CB_11_135_SM_AB_P03; CB_11_135_SM_BA_E01; CB_11_135_SM_BA_P01; CB_11_135_SM_KE_E01 A; CB_11_135_SM_KE_P01 A; CB_11_135_SM_LA_E01 A; CB_11_135_SM_LA_P01; CB_11_135_SM_RO_E01; CB_11_135_SM_RO_E02; CB_11_135_SM_RO_P01; CB_11_135_SM_RO_P02; CB_11_135_SM_WI_E01; CB_11_135_SM_WI_E02; CB_11_135_SM_WI_P01; CB_11_135_SM_WO_E01 A; C85883-SK-013E; CB_11_135_SM_WO_P01 B; C85883-SK-031B; C85883-SK-032 B;

CB_11_135_GC_KI_E01 A; CB_11_135_GC_KI_E02 A; CB_11_135_SM_RO_E02 A; CB_11_135_FH_CA_E01 B; CB_11_135_FH_CA_P01 A; CB_11_135_FH_SS_01 B; CB_11_135_GAR_01 Rev A; CB_11_135_GC_CA_E02 B; CB_11_135_GC_CA_P02 A; CB_11_135_GC_KE_E01 B; CB_11_135_GC_KE_P01 A; CB_11_135_GC_LA_E01 B; CB_11_135_GC_LA_E02 B; CB_11_135_GC_LA_P01 A; CB_11_135_GC_LA_P02 A; CB_11_135_GC_RO_E01 A; CB_11_135_GC_RO_P01 A; CB_11_135_GC_SS_01 B; CB_11_135_SM_AB_E01 B; CB_11_135_SM_AB_E02 B; CB_11_135_SM_AB_P01 A; CB_11_135_SM_AB_P02 A; CB_11_135_SM_CA_E01 B; CB_11_135_SM_CA_P01 A; CB_11_135_SM_SS_01 B; CB_11_135_FH_CAA_E01; CB_11_135_FH_CAA_E02; CB_11_135_FH_CAA_P01; CB_11_135_FH_CAA_P02; CB_11_135_GC_FA_E01; CB_11_135_GC_FA_P01; CB_11_135_GC_WI_E04; CB_11_135_GG_KE_E02; CB_11_135_SM_CA_E02; CB_11_135_SM_CA_P02; CB_11_135_SM_CAA_E01; CB_11_135_SM_CAA_E02; CB_11_135_SM_CAA_P01; CB_11_135_SM_CAA_P02; CB_11_135_SM_FA_E01; CB_11_135_SM_FA_E02; CB_11_135_SM_FA_P01; CB_11_135_SM_FA_P02.

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) Before the occupation of the 1st dwelling a detailed site layout drawing at a scale of 1:500 showing the boundary treatments to be used across the site, including details of any bricks, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

- 5) Notwithstanding the details as shown on drawing P18-1250_05D, no development beyond the construction of foundations shall take place until 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 planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity) plant sizes and numbers where appropriate, details of tree pits where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

- 7) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as

may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 8) Before the occupation of any dwelling hereby approved, the off-site highway works to Belgrave Road shown on drawing C85883-SK-036 Revision A shall have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 9) Prior to the carrying out of any works beyond the construction of foundations, details of the design and specification for the off-site highway works to the Halfway Road Signalised Junction and the Belgrave Road junction with Queenborough Road as shown on drawings C85883-SK-044 Revision A and C85883-SK-034 Revision D respectively shall be submitted to and approved in writing by the Local Planning Authority. The agreed works shall then be implemented in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: In the interests of highway safety and amenity.

- 10) Before the development hereby approved is first occupied an application for a Traffic Regulation Order to extend the existing 30mph speed restriction as shown on drawing C85883-SK-034 Revision D shall be made.

Reason: In the interests of highway safety and amenity.

- 11) No development shall take place, including any works of demolition, until a Construction Traffic and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. routing and timing of construction traffic
 - iv. wheel washing facilities
 - v. measures to minimise the production of dust on the site.
 - vi. measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier.

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 12) The area shown on drawing no. CB_11_135_006 J as car parking and turning space shall be provided before 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 permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

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

Reason: In the interests of highway safety.

- 14) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before the occupation of the 10th dwelling. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 15) Before the first occupation of a dwelling the following works between 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,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 16) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds, stag beetles and hedgehogs during construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Working method, including timings, necessary to achieve stated objectives;
 - c) Extent and location of proposed works shown on appropriate scale plans;
 - d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 17) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
- 1. Retention and enhancement of reptile habitat (receptor site), in accordance with section 3 of the Reptile Survey Report prepared by Kingfisher Ecology and dated September 2019.
 - 2. Retention and creation of habitats of no less biodiversity value than that shown in the conclusions of the Biodiversity Impact Assessment Report prepared by Kingfisher Ecology and dated July 2019;
 - 3. Provision of ecological enhancement features including reptile hibernacula, integrated bat and bird boxes/bricks and native species planting.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- 18) Prior to occupation of the development hereby approved, a landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the local planning authority. The content of the LEMP will include the following:
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

- 19) Prior to occupation of the development a "lighting design strategy for biodiversity" for the site will be submitted to and approved in writing by the local planning authority. The lighting strategy will:
- a) Identify those areas/features on site that are particularly important for bats;
 - b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

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

Reason: In the interests of biodiversity.

- 20) If, during construction works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial 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.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure potential contamination is adequately dealt with.

- 21) No construction activities shall take place other than between 0730 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 23) No development beyond the construction of foundations 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 in accordance with the approved details prior to the first use of any dwelling.

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

- 24) No development beyond the construction of foundations or any drainage works, shall take place until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately disposed of.

- 25) No development beyond the construction of foundations or any drainage works, shall take place until a detailed sustainable surface water drainage scheme for the site has

been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the FRA (JNP Group, March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 26) Prior to the occupation of the 10th dwelling hereby approved, a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 27) Prior to the occupation of the 1st dwelling hereby approved details shall have been submitted to and approved in writing by the Local Planning Authority setting out and quantifying what measures, or offsetting schemes, are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details shall include 1 electric vehicle charging point for each dwelling and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- 28) The development shall include the provision of 10% Intermediate Affordable Housing, provided by a Registered Provider as Shared Ownership. These homes shall only be occupied by those persons who are in housing need and registered with the Help to Buy Agent. Nominations for the shared ownership homes will be received directly from the Help to Buy Agent and will be prioritised and allocated by the Registered

Provider in the exercise of their discretion to those who have a local connection to the Borough of Swale wherever possible. Unless otherwise agreed by Swale Borough Council in writing, the Registered Provider agrees to ensure that these homes remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision in the borough of Swale.

The Affordable Housing shall be provided in accordance with the details set out in the Affordable Housing Plan (Drawing No. CB_11_135_004) hereby approved

Reason: In order potential occupants on a range of incomes to access housing on the site.

- 29) No more than 100 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme has been contracted with a nominated contractor and works commenced on site.

Reason: To avoid adding unacceptably to congestion at the existing A249 Trunk Road and M2 Junction 5, to ensure the effective operation of the Strategic Road Network, and to satisfy the reasonable requirements of road safety.

- 30) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the arboricultural impact assessment by Arbor-Eco Consultancy (report number MB190401-01), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. The installation of tree protection methods shall be undertaken in accordance with the details contained within drawing MB190301-01-01, Rev A – sheet 1 and 2.

Reason: To protect and enhance the appearance and character of the site and Locality.

- 31) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted in the same location and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality.

- 32) Prior to the development hereby approved being occupied details of toddler play equipment, including its specification and location shall be submitted to and agreed in writing by the Local Planning Authority. The equipment shall thereafter be installed before the first occupation and shall be maintained to a safe and secure condition in perpetuity.

Reason: To enhance the amenities of the area.

- 33) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 34) The dwellings hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 35) The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended) A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development mitigates against climate change impacts, to accord with the principles of Policy DM19 of "Bearing Fruits 2031" The Swale Borough Local Plan, the NPPF (paragraphs 148 and 150), the Swale Borough Council Climate and Ecological Emergency Declaration (June 2019), and the emerging Future Homes Standards 2019.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.



APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

2.7 REFERENCE NO - 19/501921/FULL		
APPLICATION PROPOSAL Full planning application for the erection of 153 No. dwellings, including open space together with associated access, parking, infrastructure, landscaping and earthworks.		
ADDRESS Land At Belgrave Road Halfway Kent ME12 3EE		
RECOMMENDATION Grant subject to the conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The application is allocated in the adopted Local Plan for residential use and the proposal is considered to respond well to the context of the site. The scheme would not give rise to any unacceptable impacts upon highway, visual or residential amenities and there are no objections from technical consultees.		
REASON FOR REFERRAL TO COMMITTEE Town Council and Parish Council objection.		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Keepmoat Homes Ltd AGENT Miss Rosie Cavalier
DECISION DUE DATE 30/07/19	PUBLICITY EXPIRY DATE 07/06/19	

Planning History

None

1. DESCRIPTION OF SITE

- 1.1 The application site measures 5.3 hectares in size and is currently in agricultural use. There are no buildings on the site. The site lies adjacent to existing residential development to the north-east and north-west (Belgrave Road, Ashley Close and Rosemary Avenue), together with an area of existing open space to the north east at Rosemary Avenue. The site adjoins the southern end of Belgrave Road which provides access to the existing highway network. The south-east, southern and south-west boundaries of the site adjoin open fields.
- 1.2 The site rises gently from north to south where it meets the base of Furze Hill, which in turn masks the site from wider views. The site is approximately 10m AOD on the northern boundary and 19m AOD on the southern boundary. The site is bounded by intermittent lines of hedgerow and trees, with a line of Poplars extending along the north of the site which is subject to a Tree Preservation Order. An existing drainage ditch runs along the northern part of the site.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 1.3 The surrounding built form is mixed in nature and is comprised of single storey, two storey and 2.5 storey dwellings in a range of styles. The closest bus stops are situated to the north of the site on Queenborough Road. Queenborough Railway Station is located 1.2km to the west with Sheerness-on-Sea Railway Station 2.8km to the north.

2. PROPOSAL

- 2.1 This application seeks full planning permission for 153 dwellings. These will be split as follows:

- 44 x 2 bed;
- 83 x 3 bed;
- 26 x 4 bed.

- 2.2 The dwellings will be a mix of 2 storey and 2.5 storey (eight units in total) in height and arranged as terraced, semi detached and detached. The style of the properties is contemporary with pitched roofs, gables and projecting elements. Feature brickwork and the use of render and weatherboarding are also proposed.

- 2.3 The vehicular access will be taken from Belgrave Road which will be extended into the site. The residential areas of the site will be laid out in a series of perimeter blocks. As a result the dwellings will face out onto the highway. It is proposed to provide the dwellings in three 'character area', which the supporting information labels as 'Green Corridor'; 'Streets and Mews' and 'Furze Hill View'. Parking will be provided in a mixture of on plot and to the front of the dwellings. A pedestrian access route will be provided from the site, through the Rosemary Avenue playing field to connect with the highway in Rosemary Avenue.

- 2.4 The dwellings will be situated on approximately 3.7 hectares with the remainder of the site being comprised of open space and maintenance corridors. An attenuation pond is proposed in the north-eastern part of the site. Further to this, 'formal' areas of open space are proposed in the western and eastern part of the site and in addition the perimeter of the site will remain undeveloped. Existing hedgerows and trees are proposed to be retained around the perimeter of the site and this will be supplemented by additional planting and street trees along the proposed highways.

- 2.5 The Design and Access Statement explains that the open space will be managed by a Management Company, unless otherwise agreed with the Council.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance
- 3.2 Tree Preservation Order

4. POLICY AND CONSIDERATIONS

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Tree Preservation Orders and trees in conservation areas; Use of planning conditions.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:
 ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); ST6 (The Isle of Sheppey area strategy); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); A13 (Land at Belgrave Road, Halfway); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM31 (Agricultural land).
- 4.4 Policy A13 reads as follows:
 Planning permission will be granted for a minimum of 140 dwellings, together with open space and landscaping on land at Belgrave Road, Halfway, as shown on the Proposals Map. Development proposals will:
1. Be in accordance with Policy CP 4 and, in particular, demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) to include:
 - enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and
 - a. enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and
 - b. green corridors with footpath and cycle path routes through the site.
 2. Be of a high quality of design and of predominantly two storeys in height, demonstrating any higher development will not breach the skyline of Furze Hill in views from the south. The southern edge of the development should face outwards onto the countryside;
 3. Through both on and off site measures, that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;

4. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;

5. Provide appropriate vehicle access, including a separate emergency access point off Rosemary Avenue, if required, subject to demonstrating that the playing field is either no longer required, or provision of suitable alternative as part of the application and safeguarded by a legal agreement;

6. Provide a Transport Assessment which shall examine the capacity and need for improvements to the local network; and

7. Provide the infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, particularly education and health provision.

4.5 Supplementary Planning Documents: Developer Contributions (2009) and the Swale Landscape Character and Biodiversity Appraisal (2011).

5. LOCAL REPRESENTATIONS

5.1 Letters of objection have been received from 31 separate addresses (although one of the letters has also been signed by the occupants of a separate dwelling) and raise the following summarised concerns:

- The proposed properties will overlook existing properties;
- The proposed development will spoil views;
- Belgrave Road is very congested with parked cars and is in a poor state of repair, therefore using this road as the access into the development is not practical;
- HGVs / construction vehicles will struggle to access the site from Belgrave Road;
- The surrounding road network is unable to cope with any more traffic and is required to be improved ahead of any further development;
- Halfway is unable to cope with any more traffic and other developments have been required to mitigate the impacts in this location;
- The junction of Belgrave Road / Queenborough Road is already extremely dangerous and difficult to navigate. An increase in traffic will exacerbate this problem;
- Highways England have stated that no new homes can be built in the A249 corridor until the upgrading of Stockbury roundabout has been completed;
- Access for existing residents to their homes would be obstructed;
- The emergency access checks on Belgrave Road were carried out during the day when the road was less intensively used;
- More traffic, loss of greenbelt and loss of agricultural land will threaten the tourist industry and local people's livelihood;

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- The Local Plan should be reconsidered and Government housing targets for Swale opposed;
- Brownfield sites should be developed in the first instance;
- Utilities which run under Belgrave Road are already struggling to cope and require regular repairs to be carried out;
- Previous applications on this site for housing were refused due to poor access, drainage and land stability issues, nothing has changed in the intervening period;
- Evidence given at a public inquiry in 1985 led to the site being excluded from the Local Plan at that time due to agricultural and highways constraints;
- The proposal will give rise to noise, smells and disturbance from the increased use of Belgrave Road;
- The layout is cramped with small gardens and a lack of privacy;
- There is no safe crossing point for pedestrians to access the bus stop;
- If the application is approved Rosemary Avenue play area should be upgraded;
- The design of the dwellings will not be in keeping with the surrounding properties;
- Traffic counts were not carried out during peak periods;
- Further pressure on local healthcare and education providers which are already over capacity;
- The proposal will give rise to a loss of visual amenity;
- There is no affordable housing proposed;
- As new housing developments have to provide social housing there will be increased crime rates;
- There are a lack of local jobs for new residents;
- Public transport options are limited;
- The proposal is not beneficial to the community, Sheppey, or the Borough of Swale;
- The proposed plots sizes are extremely small;
- Parking provision within the development is inadequate which will increase pressure upon neighbouring streets;
- The Isle of Sheppey has not been subject to Air Quality monitoring and allowing more houses into already congested areas is damaging to health;
- The application site is not sustainable and provides an important gap which should not be built upon;
- Due to climate change it would be more sensible to plant 153 trees or wind turbines;
- Additional housing is not required;
- Surrounding dwellings already experience low water pressure;
- There would be future problems with drainage;
- The proposal would lower property prices of surrounding dwellings;
- A number of species of birds nest on the application site which will need to be looked after;
- There are alternative sites at Queenborough / Blue Town which would be more appropriately placed for existing retail units and the road network;
- Will there be strict rules on the number of cars that each new household will own?

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- The Government requires there to be a net gain in biodiversity.

One of the letters of objection has ticked all of the matters that are included on public consultation letters as being material planning considerations that are taken into account (namely – Overshadowing; Overlooking another property and loss of privacy; Visual Appearance; Parking provision; Traffic the proposal would generate and effects on highway safety; Noise, smells and disturbance resulting from the use; Loss of trees or other important landscape features; Design, appearance and materials proposed to be used; Effect on listed buildings and on the character of a conservation area; Layout and density of proposed buildings; Flooding). The letter has also added 'Mosquito Infestation' to this list.

In addition, the letter includes correspondence that has been sent to the Agent and the Police. I consider that the material planning considerations included in the letters are covered by the summarised points set out above.

Due to the off site highway works proposed (Belgrave Road widening; Belgrave Road / Queenborough Road junction works; and Halfway House junction works), I have re-consulted with neighbours. I have received a further 10 objections (2 from the same address) making the following summarised points, to avoid repetition I have not included comments which have already been raised by neighbours above:

- KCC Highways would not agree to works when an individual request was made previously to improve visibility for exiting a property on Queenborough Road;
- The Belgrave Road / Queenborough Road junction works will make it more difficult for existing residents to exit their driveway;
- The Belgrave Road / Queenborough Road junctions works are not sufficient to improve highway safety;
- Reducing the speed limit will not work as drivers will ignore it;
- There is not sufficient width to widen Belgrave Road due to parked cars on the pavement and verges;
- Closing access from the Crescent to Halfway traffic lights will cause highway congestion elsewhere;
- Access should be made from the old A249;
- There is a lack of police serving the Isle of Sheppey;
- Negative impact upon natural habitats and species;
- The proposal will give rise to harmful landscape impacts;
- The widening of Belgrave Road will bring traffic closer to existing dwellings creating pollution, noise and vibration;
- Both Queenborough Town Council and Minster Parish Council are objecting;
- Construction traffic should not be allowed to access the site via Belgrave Road and should use the farm track across Crown Estates land.
- Southern Water require the network reinforcement otherwise there will be an increased risk of flooding.

6. CONSULTATIONS

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 6.1 **Queenborough Town Council** (for clarity the site does not fall within the boundary of Queenborough Town Council) have stated the following:

“The surrounding highways’ do not have the infrastructure to accommodate such a vehicle increase from the newly proposed development.

The A250 Queenborough Road is gridlocked daily from its junction with the B2008 Minster Road and A250 Halfway Road and regularly traffic backs up to the junction with the A250, B2007 and A249, along the entire length of Queenborough Road, causing congestion in the surrounding area of Main Road, Queenborough. Extra vehicles from 153 new homes, joining these highways, will only add to congested areas.

Concerns of obscured vision for drivers from Belgrave Road at its junction with the A250 Queenborough Road, extra vehicles from 153 proposed homes in this area will strongly add to these concerns.”

- 6.2 **Minster-on-Sea Parish Council** – *“Although the proposal is not situated within the parish of Minster-on-Sea, the Parish Council is duty bound to respond due to the significant impact it will have on Minster residents.*

The Parish Council strongly objects to the proposal on the following grounds:-

1. Impact on the highway network: The traffic generated will have a detrimental impact on the local highway network particularly on Queenborough Road and the Halfway traffic lights through to Minster Road where the infrastructure is seriously lacking and unable to support existing development let alone additional development. Here, it must be noted that the Halfway Junction is currently gridlocked on a regular basis. Halfway Road is also gridlocked to the extent that access to and from the site where there is only one entrance and [the same] exit is affected by stationary vehicles. In addition, there are concerns whether the site lines at the entrance to Belgrave Road are sufficient. Imposing a development in this area will have a detrimental impact not only on the new inhabitants and their neighbours but on the amenities they might reasonably be expected to enjoy. Without easy movement on and off the site, everyone’s quality of life will be seriously affected.

2. Impact on infrastructure and local services : This proposal will not function well because of the lack of existing infrastructure to support current demands. It will also impact on local services. Should it go ahead the effect on the existing population will be devastating. It will result in more traffic on our already congested roads with many areas becoming impassable. It will also impact badly on our schools, medical facilities and public services all of whom will be unable to meet demand. Here, it must be noted that the borough of Swale where the proposal is sited has the highest number of patients per GP in the country. This is an unacceptable problem. This prompts the question, if our GP’s cannot cope with the existing population’s needs, how can they be expected to cope with more?

3. Environmental Impact: The impact on the environment will be significant. 153

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

houses suggests 300 extra cars will join the local road network. This will exacerbate the existing problem of congestion and air pollution.

4. Drainage: The impact on drainage will be considerable in an area that suffers from existing flood problems. To address this, the Parish Council's would like a mandatory condition included should planning permission be granted, for well managed high degree mitigation measures to be in place to prevent any additional flooding in the area.

5. Parking: The proposed 'tandem' parking arrangements are not adequate and will result in on street parking.

6. The lack of affordable housing is another serious concern.

In concluding, for all these reasons and more, the proposal is considered premature. Before any further development goes through, Minster's Elected Members would want to see significant improvements put in place to improve the traffic flow particularly in respect of the junctions described under 1 above. To this end, Minster-on-Sea Parish Council strongly advises the applicant to revisit the scheme to address all of the issues it has highlighted above.”

A further response was sent from Minster-on-sea Parish Council reiterating the above points.

- 6.3 **Highways England (HE)** initially responded stating that the trip rates are acceptable but require confirmation from KCC as to whether the distribution has been agreed. It is requested that various Strategic Road Network (SRN) junction models are provided in order to aid our review. If the development is relying on the scheme at M2 Junction 5, then any occupations on the site will be restricted until the scheme is complete and open to traffic.

HE comment that they are keen to work with applicant's transport consultants to develop a robust transport evidence base which should consider the cumulative impacts of all phases of the proposed development on the SRN with an identified package of mitigation if necessary. Due to the request for further information HE request that the application is not positively determined until additional information has been received from the applicant and reviewed accordingly.

The applicant's have provided further information and following discussions with HE there is some capacity to occupy a proportion of the development prior to the improvement works to M2 Junction 5 being completed and opened to traffic. As a result of this, no objection is raised subject to a condition requiring no more than 100 units being occupied prior to the opening of the junction following these works.

- 6.4 **Swale Footpaths Group** state that the legal status and responsibility for upkeep of open spaces will need to be established.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 6.5 **Swale Clinical Commissioning Group (NHS)** request that a financial contribution of £132,192 towards expanding existing facilities within the vicinity of the development. On this basis it is considered that the funding should be earmarked for Dr S Patel Practice.
- 6.6 **KCC Public Rights of Way (PROW)** comment that although there are no PROWs within the boundary of the application, public footpath ZS11 lies to the south of site. The Landscape Masterplan shows a link through to open space in the southern part of the development, however, there is no publicly accessible open space in this area. Policy A 13 of the Local Plan requests that the applicant investigates the possibility of establishing a new footpath link between the site and public footpath ZS11. Overall it is considered that the drawings incorrectly portray links to open space and have missed the opportunity to create a link to the Public Footpath. Having said this, no objection is raised to the proposal.
- 6.7 **Kent Police** have raised concerns with the application. This relates to the need for pedestrian and cycle routes to benefit from natural surveillance. There is a lack of clarity over whether the maintenance access is to be secured in any way and vehicle mitigation will be required to the maintenance areas and open space to minimise unauthorised use. Boundary treatments should be sufficiently high to aid security and parking spaces should be sufficiently overlooked. Visitor parking spaces should be marked as such to avoid future conflict. Planting should be used as a mechanism to protect ground floor windows. It is requested that a condition is imposed to cover these points.

The applicant has provided a response to these comments and I re-consulted with Kent Police. They have commented that they consider matters of permeability, boundary treatments, parking allocation and vehicle access to open spaces have been dealt with appropriately. In relation to the remaining points, it is recommended that a condition is imposed.

- 6.8 **KCC Highways & Transportation** initially commented as follows:

“It is noted that the application site is an allocation for 140 dwellings under Policy A13 within the adopted Swale Local Plan, so there is an expectation that housing will be brought forward at this location. The policy does describe vehicular access being derived from Belgrave Road, as per the submitted proposals, although it does also provide the option to consider an alternative access route from Rosemary Avenue to increase connectivity and permeability, and to provide an alternative emergency vehicle access route. However, with regard to the emergency vehicle access, Appendix F of the submitted Transport Assessment does provide confirmation from Kent Fire and Rescue Service that they do not consider this to be necessary in these circumstances.”

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

With respect to Belgrave Road serving as the sole means of vehicular access to the application site, it is acknowledged that the width of this route at between a 4.8m and 5m wide carriageway is considered to be within the Kent Design Guide parameters of a Major Access Road that is suitable to serve around 300 dwellings. Please note that historically, national design guidance describes 4.8m as being sufficient road width for a car and an HGV to pass one another. It is appreciated that on-street parking does occur along Belgrave Road, as indeed it generally would on any street without parking restrictions, and the Kent Design Guide standards would not expect these roads to be free from parked vehicles. It therefore accepts that traffic is unlikely to operate in free flow conditions, and a degree of shuttle working to pass parked vehicles is inevitable. Obviously, were Rosemary Avenue also proposed to serve as an additional route, this would spread the trip generation associated with the development across two different means of access, if the Local Planning Authority were minded to lessen the impact on Belgrave Road.

In consideration of the Transport Assessment, I am satisfied that the trip rates derived from the TRICS database are appropriate, and the correct selection filters have been applied to most accurately reflect the application site's location. The trip rates used are what the Local Highway Authority would have expected, and the distribution used to assign the traffic onto the local highway network is also accepted. This has been informed by the latest Census data that provides the journey to work statistics for the local area, to assign modal split and route choices.

The applicant has undertaken junction capacity modelling using the industry recognise software packages (ARCADY, PICADY and LINSIG) to assess the likely impact that the development will have on the highway network, in accordance with the junctions identified during pre-application discussions that took place between Kent County Council, Highways England and the Applicant. Of the junctions modelled, the most relevant to Kent County Council as the Local Highway Authority are Belgrave Road/Queenborough Road, and the Halfway traffic signals. This modelling has been undertaken for the future year scenario of 2023, with background traffic flows growthed using the appropriate growth factor from the national statistics derived TEMPro database, and further allowances made for any committed development that would also influence the growth. As the other junctions modelled fall under the responsibility of Highways England, I shall limit my comments to the former two junctions mentioned.

The PICADY results for the Belgrave Road/Queenborough Road junction demonstrate that there will be no material impact on the operation of the junction, as the Ratio to Flow Capacity (RFC) on any arm of the junction would only reach a maximum value of 0.27. This is well below the accepted maximum practical capacity of 0.85, so it is considered that the junction would continue to function satisfactorily with plenty of reserve capacity available.

Halfway traffic signals have been modelled using LINSIG, and while this demonstrates that the junction will exceed capacity in the 2023 scenario with this

APPENDIX 1

development proposal, it does also confirm that this is also the current situation at present with the 2018 base model without the development. However, the Transport Assessment concludes that as the Degree of Saturation between the 2023 scenario with and without the development only rises by around 3% on the most affected arm of the junction, the impact is not considered materially significant. The figures equate to an increase in queue lengths of 5 vehicles on both the half way Road and Queenborough Road arms during the PM peak period, but I do not agree that the suggested inclusion of a Travel Plan to promote sustainable transport choices will mitigate this impact. Instead, I will require the applicant to investigate what improvements can be undertaken at the junction as mitigation.

Provided the above issue regarding the proposed development's impact on the Halfway signalised junction can be satisfactorily addressed, I would consider that the impact on the remainder of the local highway network that falls under the jurisdiction of Kent County Council would be acceptable.

Turning to the layout of the proposed development, I would make the following comments:

1. Notwithstanding the comments above regarding the alternative access to the development from Rosemary Avenue, I would consider that it is appropriate to provide a permanent hard surfaced pedestrian/cycle connection through to link the development more conveniently to the core amenities east of the site. I should therefore like to see a minimum 3m wide shared footway/cycleway linking the development to Rosemary Avenue. This would also have the benefit that it could double as an emergency access after all.

2. Whilst I note the quantum of visitor parking appears to conform with the amount specified within the adopted parking standards, I do think that it is not entirely practical for its intended use. At a provision of 0.2 spaces per dwelling (or the equivalent of 1 space per five houses), this should generally be spread evenly to be well related to each group of 5 houses. However, there are certain lengths of roads where they are lacking visitor parking, and with some of the visitor parking actually being concentrated into the limited private areas, it is likely that residents overspill and visitors will park obstructively closer to the properties they are visiting. Additionally, the parking standards do discourage tandem parking arrangements, as they are less efficiently used compared to independently accessible spaces. Generally, we would seek an additional 0.5 on street parking provision per tandem arrangement to mitigate this. Consequently, it is likely that further demand for on-street parking will be experienced, exacerbating the visitor parking issue already discussed. In particular, I would highlight the following situations:

i. There is no on-street parking provided along the sections in front of plots 142 to 146, 16 to 20 (93 to 97), 80 to 83, 104 to 108, 146 to 150, 21 to 25, 37 to 44. Certainly in the case of 16 to 20 and 93 to 97, vehicles are likely to park on both sides of the road and straddle the footway.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

ii. The 2 visitor spaces within each of the private driveways for plots 3 to 5, 26 to 30 and 132 to 135, and the single spaces for plots 6/7 and 130/131 will be claimed by those dwellings, given they are all 4 bedroom units with tandem parking and remote from the public areas.

iii. The 2 visitor spaces outside plot 153 are likely to be annexed by that dwelling, as they appear remote from the public areas. Similarly, the same applies to the visitor space outside plot 45. Given plot 46, a 3 bed unit, only has 1 parking space, this is likely to be in demand from that plot, and risk conflict with plot 45.

iv. Parking for plot 146 is too remote, and they are likely to park directly outside their front door instead.

3. The road layout at the junction by plots 16, 97 and 117 is unclear, and it is considered that this should be a table junction as per the adjacent junctions.

4. The transition from road hierarchy between footway/carriageway to shared space must be more clearly defined and obvious. The transition outside plots 97 and 80 is missing, as the footway just ends, but the carriageway remains the same. However, in the case of plot 80, I consider that the number of dwellings being served along this route is too many for a shared surface, and the footway should continue past plot 80 to plot 74, and the transition created at that point instead.

5. Speed restraint features should be provided at a minimum distance of 60m apart to achieve a 20mph design speed. The lengths of straight vehicular routes exceed this on the north/south routes.

6. The refuse strategy for collection day should be shown to demonstrate where wheelie bins will be left for the private areas, so they are accessible and won't obstruct access.

7. Despite the title of Refuse and Cycle Storage for figure 7.5 in the Design and Access Statement, no cycle storage has been indicated.

Finally, it is appreciated that construction of the development could involve a significant number of HGV movements along Belgrave Road, which will need consideration to how this can be accommodated. Given the width is generally the minimum required to allow a car and an HGV to pass one another, and the current on-street parking, measures may need to be taken to comfortably manage this level of movement. The current condition of the highway is also likely to deteriorate through the construction traffic movements, and we would expect the developer to ensure the highway asset is of a suitable condition to accept the traffic. We will need to be assured before allowing the development to take place, that damage will be prevented.”

Due to the above, amended drawings / additional information was provided and I re-consulted with KCC Highways & Transportation who made the following comments:

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

“The revisions that have been made to the proposed scheme in order to address the layout matters raised in my previous consultation response of 19th July 2019 are noted, which includes the provision of additional visitor parking spaces. Whilst this is welcomed in the additional locations that have now been provided, I do still consider that a number of areas are still lacking these facilities. As previously explained, this visitor parking should be evenly spread around the development, generally with a space catering for the nearest group of 5 dwellings, otherwise informal parking is likely to occur closer to those groups of dwellings if the intended spaces are too far away. Consequently, areas in the vicinity of plots 59 to 68, 105 to 107, 142 to 145 and 146 to 150 are remote from convenient visitor parking spaces.

The newly proposed speed restraint features will require further measures to ensure deflection in the path of vehicle movement, as these features are only provided on one side of the road. This would not encourage vehicles passing along the opposite side to travel at slower speeds, as they would still have a straight run past the build-out.

Although the footway has been extended south past plot 80 as far as plot 74, the width of the footway should be maintained past the visitor parking spaces by plots 80 and 74, and safely discharge pedestrians into the shared surface beyond the speed hump.

The footway/cycleway link to Rosemary Avenue has not been completed, and would therefore still require users to cross an unsurfaced field that could potentially be wet and muddy at times. I would ask that a fully surfaced route be provided to ensure suitable access.

With regard to the comments raised previously concerning the impact of the development on the Halfway traffic signals, and the measures required to cater for construction traffic along Belgrave Road, I can confirm that discussions are currently taking place with the Applicant to consider appropriate mitigation to address these issues. It is anticipated, therefore, that further drawings will be submitted in due course to propose off-site highway works as part of the current application.”

Further amended drawing and additional information was submitted to the Council and I re-consulted with KCC Highways & Transportation who have commented as follows:

“The latest amended site layout plan does now provide an acceptable level of dedicated on-street parking spaces, spread reasonably evenly throughout the development, generally addressing the issues that I had highlighted previously over a number of locations that lacked provision. Whilst it is noted that my request for additional provision in front of plots 105 to 107 has not been complied with, the site constraints associated with the IDB drainage ditch have been discussed, and additional compensatory parking is now proposed nearby as an alternative solution.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

I am satisfied that the amended speed restraint features are appropriately located and spaced to comply with the relevant design standards, and the footway provision within the application site is suitable for accommodating the movement of pedestrians through the development and onto the shared surface environments.

However, I do note that the location of the footway link into the existing public open space has been moved from opposite plot 46, to outside plot 47, south of the subterranean attenuation tank open space. I consider this position less intuitive than the previous location, as it is no longer on the alignment of the main spine road, nor linked directly to the internal footway network. Whilst I have no concern with a link in the position shown, I would rather this be an additional link as opposed to an alternative. Similarly, a link into the public open space from outside plot 61/62 would also be desirable, so that residents in that corner of the development have a more direct route to it.

Notwithstanding the above, it is appreciated that the full provision of the previously requested hard surfaced footway through to Rosemary Avenue does fall outside of the application site, and would require the agreement of the Borough Council as landowner to facilitate. I understand that the Borough Council is willing to include a hard surfaced route through the public open space, connecting the development to Rosemary Avenue, and for the perimeter fencing to be removed in order to provide an open aspect from the development. As this is in the gift of the Borough Council to facilitate, I will defer this matter to the Local Planning Authority to secure in however it sees fit to do so.

As previously described, the Highway Authority has been in discussion with the applicant regarding the provision of off-site highway works. These are to address transport matters raised concerning the existing local road network, and a package of measures are now included as part of this submission. These consist of the following works that the Highway Authority has assessed, and considers acceptable:

- Belgrave Road Widening - Belgrave Road will be widened over a significant proportion of its length to 5.5m, which is the typical width of a Major Access Road, in accordance with the Kent Design Guide.

- Improvement of Queenborough Road junction – In addition to the widening of Belgrave Road in this location, the carriageway alignment of Queenborough Road will be amended to improve sightlines at the junction. Included within this scheme, the 30mph speed limit would be extended west of the junction, appropriate for the presence of building frontage on both sides of Queenborough Road.

- Halfway Traffic Signals Improvements – The junction would be altered to remove vehicle entry from The Crescent. This will improve the capacity of the junction by increasing the amount of green time allocated to the remaining arms of the junction, providing betterment over the current performance, even with the additional traffic from the proposed development and background growth. It should be noted that

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

traffic will still be able to gain access to The Crescent from the junction itself, and that it merely stops traffic entering the junction from that location.

Consequently, I have no objections to the proposals in respect of highway matters subject to the following conditions.” Conditions recommended relate to: off site highway works being carried out; a Construction Traffic Management Plan; provision and permanent retention of parking spaces; cycle parking facilities; provision of pedestrian visibility splays; details of estate roads, lighting etc, works between the dwelling and the highway to be carried out.

6.9 **KCC Ecology** initially commented that a Preliminary Ecological Appraisal, and Preliminary Ground Level Roost Assessment report has been submitted. The potential for protected species to be present and affected by the proposed development is identified in this report and as such, it is advised that the following additional ecological survey information must be sought prior to determination of the planning application:

- Bat transect survey results, along with any necessary mitigation proposals;
- Reptile survey results, along with any necessary mitigation proposals.

Concern was also raised that the proposed link from the site to the open space to the north east of the site falls directly where the tree assessed as having moderate bat roosting potential is located. If the developer can not re-site this link then further survey work will be required. Also made comments in respect of mitigation / compensation habitat, stag beetles and nesting birds.

In relation to the site layout, it is not considered that the layout adequately demonstrates green corridors for biodiversity within the development.

The proposal is also within the zone of influence of the Swale SPA and there is a need for an appropriate assessment to be carried out.

The proposed development provides opportunities to incorporate features into the site and the way to best secure these will be determined once the above additional survey works will be carried out.

Further to the above, a Biodiversity Impact Assessment was provided and KCC Ecology were re-consulted. They have commented that this provides confirmation via a calculation that the development will result in a net gain in biodiversity as a result of habitats retained, enhanced and created. However, this does not address all the concerns and must not be demonstrated as having no ecological impacts. The following is still required prior to the determination of the application:

- Bat transect survey results, along with any necessary mitigation proposals;
- Reptile survey results, along with any necessary mitigation proposals.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

No changes have been made to avoid potential impacts to the tree with bat roosting potential and as a result an inspection of the tree for bat roosting potential is required.

With regards to the site layout, there have been no alterations that will materially change the suitability of the central site areas for biodiversity. Although more habitats for wildlife within the site are encouraged, landscaping details that maximise the biodiversity benefits of the site boundary can be secured, ensuring that these features provide corridors for wildlife.

As a result of the above a Reptile Survey Report, Bat Transect Survey Report and Phase 2 Bat Survey Report has been submitted and I have re-consulted with KCC Ecology who have commented as follows:

“The Reptile Survey Report concludes that a ‘medium’ population of slow worms is present on the site. To mitigate the potential impacts to slow worms, it is proposed to retain much of the currently suitable reptile habitat in the proposed development. Some suitable habitat will be lost as a result of the proposed development, but with additional habitat enhancement measures in the landscaping proposals we are satisfied that the proposed mitigation is appropriate. Account must also be taken of the potential presence of nesting birds, stag beetles and hedgehogs. The details can be secured by condition [Biodiversity Method Statement], if planning permission is granted.

A detailed ecological design strategy must also be secured to ensure that the proposed mitigation measures for reptiles, net gains in biodiversity and provision of ecological enhancement features, are delivered within the scheme.

In order to ensure appropriate long-term management of the wildlife habitats, we advise that the submission and implementation of a landscape and ecological management plan is secured by condition, if planning permission is granted.

The bat survey results indicate low levels of bat use of the site, with boundary features along the north and northeast the focus of bat activity. It is our understanding that these features will be retained within the proposed development.

It is confirmed in the Phase 2 Bat Survey Report that no evidence of roosting bats was found in respect of the tree T9. The potential roosting feature remains, but as there is reported to be no direct impact to the tree, no further action is necessary at this time.

As recommended in the bat reports, external lighting must be minimised to avoid impacts to foraging and commuting bats. We advise that a condition securing the submission and implementation of a bat-sensitive lighting strategy is secured within the planning permission, if granted.”

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 6.10 **Natural England** comment that this proposal will give rise to increased recreational disturbance to the coastal Special Protection Area and Ramsar site. However, subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

An Appropriate Assessment has been carried out and I have re-consulted with Natural England on this basis. They have confirmed that subject to securing the appropriate mitigation (i.e. payment of the financial contribution) that they raise no objection to the proposal.

- 6.11 **Southern Water** have requested a number of conditions, firstly, requiring that the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. Secondly, that construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Building Regulations as well as acceptable discharge points, rates and volumes have been agreed by the LLFA in consultation with Southern Water. Thirdly, that the construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been agreed.
- 6.12 **Lead Local Flood Authority (KCC)** comment that in principle they are satisfied with the drainage design and have no objection subject to formal consent from the Upper Medway IDB for the connection into the northern ditch. At detailed design stage drawings regarding the attenuation basin, including side slopes and available freeboard will be required. Conditions are recommended relating to a sustainable surface water drainage scheme and a Verification Report.
- 6.13 **Upper Medway Internal Drainage Board** have commented that they are reviewing the surface water design in relation to the land drainage consent and as such have commented that this falls outside of the planning process. Also stated that they are happy with the application in principle and note the Lead Local Flood Authority's comments which requires acceptable details to be provided prior to the commencement of the development. They have suggested a condition relating to the development not commencing until land drainage consent has been received and that the development will not impact on the IDB maintenance of the stream to the north of the site or have a negative impact on the drainage of the surrounding area.
- 6.14 **KCC Archaeological Officer** has commented that due to the results of the archaeological report that no further archaeological measures are necessary.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 6.15 **SBC Environmental Protection Team** recommended conditions relating to contamination, construction hours, suppression of dust details, noise monitoring details, and emissions mitigation.
- 6.16 **SBC Greenspaces Manager** has commented that the quantity of open space provided within the development is adequate. The existing adjacent piece of open space provides the more active space for recreation. There are no details provided of play facilities within the development. This should be toddler equipment due to the size of the open space and the need for a buffer between the facility and the dwellings. An off-site contribution for formal sports (at King George's playing field, Queenborough) of £593 per dwelling is requested. The strengthening of boundary planting and use of native species is welcomed. Would wish to see either removal or replacement of the boundary fence around the existing open space due to the change in circumstances. Would also have no objection to a footpath running through the open space (connecting the site with Rosemary Avenue) although would need to ensure that this does not completely dissect the existing open space making it less usable.

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application is supported by site layout drawings; elevations; floorplans; Flood Risk Assessment; Ground Investigation Report; Planning Statement; Design and Access Statement; Residential Travel Plan; Transport Assessment; Landscape and Visual Assessment; Ecological Appraisal.

8. APPRAISAL**Principle of Development**

- 8.1 Policy A 13 of the adopted Local Plan allocates this site for a minimum of 140 dwellings. As a result, the application which seeks planning permission for 153 dwellings (9% more than the minimum figure in Policy A13) is in accordance with this adopted policy. Furthermore, Members will be aware that the Council is unable to demonstrate a 5 year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site allocated for this specific type of development should be given very substantial weight. As such, I am of the very firm view that the principle of residential development is accepted.

Density and Mix of Dwellings

- 8.2 The application proposes 153 dwellings on a site 5.3 hectares in size, equating to a density of approximately 29 dwellings per hectare. The supporting text to policy CP 3 of the Local Plan sets out that the density of the site will be informed by local characteristics and the context of the site. I also have regard to the requirements of the policy in terms of the quantum of development expected from this site. The surrounding area is mixed and predominately includes detached and semi detached dwellings with a mixture of garden sizes. Based upon the requirements of the policy and the pattern

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

of development in the surrounding area I am of the view that the density proposed is appropriate.

- 8.3 The mix of dwellings proposed is 43 x 2 bed units; 83 x 3 bed units; and 27 x 4 bed units. Policy CP 3 of the Local Plan identifies the 'Main Issues, purpose and objectives of housing proposals' in specific local housing market areas. In terms of the ME12 postcode upon the Isle of Sheppey, where this site is located, the following is stated: *"Demand is greatest for family housing. Future development of quality family housing that reflects the character of the area should be encouraged. If opportunities arise, improve design and/or levels of sustainability especially in the pockets of deprivation found in this market area."* I believe that the proposal sits comfortably within the objectives in this specific housing market area by providing for family housing. As such I believe the proposal is acceptable in this regard.

Layout

- 8.4 Prior to the submission of the application the proposal was submitted for pre application advice and was assessed by the Design Panel. The Panel considered that the development should make a greater play on the topography of the site (and that of the surrounding area) by introducing a layout of streets with a north / south orientation ending in open views towards Furze Hill to the south. In addition, it was considered that there may be scope for more pedestrian and cycle links (aside from the main access from Belgrave Road) that would help anchor the development to local facilities around Queenborough Road.
- 8.5 The layout which was originally submitted in my opinion had considered the comments of the Design Panel in providing a network of streets, largely with a north / south emphasis. The dwellings are predominately laid out in a series of perimeter blocks which is considered to represent a legible and permeable layout. The existing Rosemary Avenue playing field sits immediately adjacent to the north east of the site and during discussions with the applicant / agent I expressed a view that the closest dwellings should front onto this recreation area. As a result, an amendment to the layout has been provided which shows the closest dwellings framing this piece of land which I consider appropriate. The dwellings in the southern part of the site face towards Furze Hill as required by policy A 13 and therefore I consider this acceptable.
- 8.6 Also of relevance is that due to the existing use of the land there is a fence of utilitarian appearance on the western and southern side of the playing field where it abuts the site. The playing field is in the Council's ownership and I have discussed the issue of removing this fence with the Council's Greenspaces Manager. This will allow for the future occupants of the development to be able to access this facility and will integrate this existing open space with the new development. The Greenspaces Manager considers this appropriate and has estimated that it will cost £4,500 to remove this fence and then to make good the boundary of the site. After discussions with the applicant and agent, the applicant has agreed to make a contribution to cover this cost. On this basis, I believe that the site will assimilate well with this existing recreation area and provide benefits for future residents.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 8.7 The main vehicular access to the site is to be taken from Belgrave Road. As discussed in more detail below (see highways section) this has been considered acceptable. However, I am of the view that a further pedestrian / cycle access through the Rosemary Avenue playing field should be provided. This would in my opinion aid connectivity with the surrounding area, especially for those future residents in the eastern part of the site who would be able to access services and facilities in Halfway via this more direct route. I am keen to ensure that the link is provided in the southern part of the playing field, so as not to make this facility unusable and have discussed this with the Greenspaces Manager who considers this acceptable. The estimated cost of this is £10,500 and the applicant has agreed to fund this. I am of the view that this will appropriately provide a secondary access point.
- 8.8 The open space upon the application site includes an area close to the vehicular entrance in the western part of the site and a further parcel in the eastern part of the site, adjacent to the Rosemary Avenue playing field. In addition, due to drainage ditches and the maintenance margins, there is open space around the perimeter of the majority of the site. I note the comments of the Council's Greenspaces Manager who is of the view that a toddler play space should be provided within the development on either the parcel of land in the east or the west of the site. Having discussed this with the agent, it has been agreed that as the proposed location is not yet known, these details can be assessed and secured via a condition. I consider this appropriate as this will ensure that the play equipment can be located in the most suitable location depending on the amount of play equipment necessary. This can also be agreed as part of the condition. As a result I am of the view that this will introduce a further benefit and is acceptable.
- 8.9 I have also made an assessment of the scheme against Building for Life 12 (as agreed by the Local Plan Panel on 25.04.18), and consider that it scores well in terms of this. My assessment is appended.

Visual and Landscape Impact

- 8.10 As set out in paragraph 6.5.49 of the supporting text to policy A 13 and the description of the site above, the site is enclosed to the south by Furze Hill which masks the site from wider views, and by existing residential units to the north. A public footpath (ref ZS 11) crosses Furze Hill providing some elevated views of the application site in the foreground,
- 8.11 A Landscape and Visual Appraisal has been submitted with the application and this concludes that any impacts, due to the surrounding context of the site, would be limited. The appraisal considers that any impact would be restricted to the edge of the existing settlement and in overall terms I agree with that assessment. Furthermore, I am of the view that the site is well contained within the landscape and would not appear unduly prominent from the available vantage points.
- 8.12 Policy A 13 of the Local Plan sets out that the proposal will *“demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) to include:*

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

a. enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and

b. green corridors with footpath and cycle path routes through the site.”

8.13 The Design and Access Statement submitted with the application states the following in respect of landscape features:

“There are a variety of landscape features that make up the overall landscape strategy and design. These include:

- The retained hedgerows and hedgerow trees along the northern, eastern and south-eastern Site boundaries;*
- A newly planted native hedgerow and associated hedgerow trees along the south-western boundary;*
- Wildflower meadows with mown paths;*
- An attenuation/balancing pond and associated wetland planting;*
- A hierarchy of semi-mature and standard tree planting across the development envelope;*
- Semi-ornamental and ornamental shrub and ground cover planting; and*
- Amenity turf and lawn areas.”*

8.14 A Landscape Masterplan has been provided which indicatively shows the retention of the hedgerows and trees and a newly planted native hedgerow in the locations as set out in the policy above. Further to this I am of the view that the general approach to landscaping within the site is reasonable. Overall the species mix suits the prevailing landscape character of the surrounding area and the proposal includes planting within the newly created streets to assist in creating an attractive development. I believe that the predominately native species indicated are appropriate, although I take the view that adding additional larger tree species such as small and large leaved Lime in the more open areas of the estate would help improve biodiversity. I also believe that the introduction of the attenuation pond and open space within the development will allow for further amenity and biodiversity benefits. Overall I consider that the general approach to landscaping within the site is acceptable as shown on the indicative drawing. However, these details are not precise enough to condition compliance with in their own right, therefore I have recommended relevant landscaping conditions below to ensure that these principles can be developed upon and agreed.

8.15 An arboricultural impact assessment has also been submitted with the application. This sets out that the development will only impact upon a number of low quality trees where the access into the site is being created from Belgrave Road. As the access into the site is required in this location and the quality of the trees is low I am of the view that this is acceptable. The existing trees, shrubs and hedges are confined to the boundaries of

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

the site with TPO 2 of 1965 covering a number of Elm trees and saplings along the northern and eastern boundaries. Most of the Elms present when the TPO was made have since died due to Dutch Elm Disease so all that remains along these boundaries are thickets of self re-generating Elm suckers. The arboricultural impact assessment includes tree protection measures which I consider to be appropriate. To ensure this is carried out I have recommended a relevant condition and overall I believe that the development is acceptable within the context of the TPO.

- 8.16 A Landscape Strategy and Landscape and Ecological Management Plan has not been submitted with the application, however, I note the comments of KCC Ecology. They have, amongst other requirements, recommended conditions requiring that these details are submitted. Therefore, on the basis that the principles of the landscaping details have been considered acceptable I am of the view that requiring this strategy and plan by condition is appropriate in this instance.
- 8.17 Policy A 13 explicitly states that the dwellings will be predominately two stories in height. This has been reflected in the submission with 145 of the dwellings being two storey in height. The remaining 8 units are two and a half stories. There is a range of properties in the surrounding area, both of single storey and two storey height. Overall I believe that the proposal complies with the adopted policy in this regard and is acceptable.
- 8.18 The surrounding area is comprised of a mixture of dwelling styles and designs and I do not consider there to be a strong local architectural theme that should be replicated. The design of the proposed properties incorporates traditional building forms with pitched roofs but supplements this with more contemporary features such as square projecting bay windows, projecting brick panels, rendered elevations, casement windows and six panelled doors. The Design Panel suggested a contemporary design and I am of the view that the elevations submitted reflect this appropriately.
- 8.19 The Design and Access Statement submitted with the application sets out that the site has been split into three character areas – Green Corridor; Streets and Mews; and Furze Hill Views. The distinction between the character areas is subtle, and related to variation in materials. I am of the view that this is appropriate on a development of this scale which I do not believe is of sufficient size to support areas of vastly contrasting styles. Although an indicative palette of materials has been suggested and includes bricks, render, weatherboarding and roof tiles, I do not consider that there is enough detail in respect of the materials to consider this acceptable at this point. As a result I have recommended a condition to ensure that an appropriate palette can be agreed.
- 8.20 Due to the use of perimeter blocks there are a number of dwellings located on corner plots with dual frontages. The elevations show that these plots have been carefully considered and provide active frontages in the streetscene. I consider this appropriate and will ensure that these dwellings sit comfortably within the development.
- 8.21 An important factor in terms of the success or otherwise of new developments is the appropriate use of boundary treatment. The application is supported by a drawing showing the proposed use of boundary treatment and sets out that this will be limited to

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

a 1.8m close boarded fence. In the wholly private areas of the development I consider this to be appropriate. However, there are a number of instances where this boundary treatment would be visible in the streetscene. I am of the view that a close boarded fence in these areas (or to the rear of Plots 1 to 8 and the side of Plots 9 and 25) would not be appropriate and as such have recommended a condition to allow alternative details to be provided and assessed.

Residential Amenity

- 8.22 I note comments from local residents in respect of the impact of the development in respect of a loss of privacy for neighbouring occupants. In terms of the separation distances I firstly consider the relationship between the existing and proposed properties as follows.
- 8.23 Existing properties in Ashley Close, to the north, share a boundary with the application site. Due to the proposed layout of the development a limited number of the proposed dwellings would share a rear to rear or flank to rear relationship with existing properties in Ashley Close. Having assessed this, in terms of rear to rear separation distances, the closest relationship is between unit 5 and No.43 Ashley Close which is separated by 26.5m. The Council would usually expect a minimum rear to rear separation distance of 21m and as such I consider this to be acceptable. All other rear to rear separation distances are in excess of this. There are a further two dwellings which have a flank elevation facing the rear of the properties in Ashley Close. However, these are separated by a distance of 20m and 23m respectively. The Council would usually expect a minimum rear to flank distance of 11m and as such I am of the view that this relationship would not give rise to any serious amenity concerns.
- 8.24 In respect of the amenities of future occupants of the development, all rear to rear distances are a minimum of 21m and as such I am of the view that this is acceptable. There are a very limited number of instances where the rear to flank distances of the proposed properties fall below the 11m separation distance. However, this is by a minimal amount and as such I do not believe that this would give rise to any serious harm to the amenities of future occupants. In respect of garden depths, the majority of these are approximately 10m, which is the minimum that the Council would generally expect. A limited number of the proposed gardens fall below this depth, however, I do not consider that this will be by any significant degree. Furthermore, where the depth does fall below 10m, I am of the view that these gardens are of a sufficient width to be sufficiently usable. As a result I consider this to be acceptable.
- 8.25 Due to the existing residential units adjacent to the site I am of the view that the impact of construction activities upon the amenity of future occupants will need to be carefully considered. In respect of this, I note the comments of the Council's Environmental Protection Team and the request for conditions in respect of construction hours, suppression of dust details and noise monitoring details. I consider these conditions appropriate and as such have recommended that they are imposed. Overall, based upon the assessment above I am of the view that the proposal does not give rise to unacceptable harm to residential amenities.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

Highways

- 8.26 The highway considerations of the development are three fold and relate to the impact upon the strategic highway network, the local highway network and matters related to the internal layout of the development including parking numbers and form.
- 8.27 In respect of the impact upon the strategic highway network, Highways England have been consulted and initially required further information to be submitted. Highways England also commented that if the development was to rely on the improvement scheme at junction 5 then any occupation of dwellings would be required to be restricted until the scheme is complete and opened to traffic. Subsequent to this, additional information was provided to Highways England.
- 8.28 In respect of the Highways England comments, of fundamental importance was the refusal by Swale Borough Council of the planning application at 'Land west of Barton Hill Drive' (ref 18/503135/OUT) for, amongst other things, up to 700 dwellings. This is of critical significance as the entirety of the remaining capacity at M2 Junction 5 had been allocated to this site. However, following the refusal of this scheme, the junction capacity has become available. As a result of further discussions between Officers, applicant, agent and Highways England it has been agreed that a proportion of this available capacity should be attributed to this site. To put this into context, there is now, following the Barton Hill Drive decision, capacity for 90 additional movements at M2 Junction 5. The total number of units proposed in this development (153) would result in 19 additional movements. To fairly apportion the available capacity to relevant developments, it has been agreed that 100 dwellings for this scheme will be able to be occupied prior to the M2 Junction 5 works being completed. This would equate to 12.4 of the available movements. Highways England have confirmed that they raise no objection to the scheme on this basis. Therefore I have recommended a Grampian condition on this basis.
- 8.29 It is clear from the comments of neighbours that the impact of this scheme upon the local highway network is of concern. I have consulted with KCC Highways & Transportation and have quoted their comments in the consultation section above. Firstly, it was considered that Belgrave Road is of a sufficient size to serve as the access to this development and Kent Fire and Rescue Service have confirmed that they do not require a secondary access to be provided. Having said this, the width of the road is the minimum that would be required for a car and a HGV to pass one another. There are also a number of parked cars along this section of highway. As there will be a number of HGV movements along Belgrave Road during the construction period, I note the comments that measures may be required to comfortably manage this level of movement. In addition, KCC Highways & Transportation raised the issue that the current condition of the highway is likely to deteriorate through construction traffic movements. As a result, there will need to be assurances that before allowing development to take place that such damage can be prevented.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 8.30 KCC Highways & Transportation are satisfied that the trip rates provided have been derived from the correct methodology. In respect of the impact upon the Belgrave Road / Queenborough Road junction, it is considered that the data demonstrates that there is enough capacity at this junction, even accounting for the development. In respect of the Halfway traffic light signals to the east, the applicant's suggestion of a Travel Plan in order to mitigate the increased level of traffic at this junction is not considered appropriate to lessen the impact. As such, KCC Highways & Transportation required the applicant to investigate what improvements could be made to this junction. However, provided that the issues affecting this junction can be satisfactorily addressed then KCC Highways & Transportation confirmed that they consider the impact upon the remainder of the local highway network to be acceptable.
- 8.31 On the basis of the above, the applicant has discussed a range of off-site highway works with KCC Highways & Transportation and as a result the following has been proposed as part of this application:
- Belgrave Road Widening - Belgrave Road will be widened over a significant proportion of its length to 5.5m, which is the typical width of a Major Access Road, in accordance with the Kent Design Guide.
 - Belgrave Road / Queenborough Road junction – In addition to the widening of Belgrave Road in this location, the carriageway alignment of Queenborough Road will be amended to improve sightlines at the junction. Included within this scheme, the 30mph speed limit would be extended west of the junction, appropriate for the presence of building frontage on both sides of Queenborough Road.
 - Halfway Traffic Signals – The junction would be altered to remove vehicle entry from The Crescent. This will improve the capacity of the junction by increasing the amount of green time allocated to the remaining arms of the junction, providing betterment over the current performance, even with the additional traffic from the proposed development and background growth. It should be noted that traffic will still be able to gain access to The Crescent from the junction itself, and that it merely stops traffic entering the junction from that location.
- 8.32 KCC Highways & Transportation consider that these works are acceptable to mitigate against the impacts of the development. They have requested conditions to ensure that the works are carried out and I have recommended these. As a result I am of the view that the impact upon the local highway network will be acceptable.
- 8.33 In respect of the internal network of streets within the development, upon receipt of the application, KCC Highways & Transportation made suggestions in terms of additional visitor parking, raised tables to restrict speeds and further provision of footpaths within the development. Amended drawings were provided and KCC Highways & Transportation have confirmed that the details provided are acceptable. As a result, no objection is raised and a number of conditions have been requested. I have recommended these and as a result believe that the impact upon highway safety and amenity is acceptable.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

Ecology

- 8.34 The application site is in agricultural use and a Preliminary Ecological Appraisal and Preliminary Ground Level Roost Assessment report was submitted in support of the scheme. These reports identified the potential for protected species to be present. I consulted with KCC Ecology who required further survey work to be undertaken and also considered that the development did not adequately provide green corridors for biodiversity.
- 8.35 These comments led to a Biodiversity Impact Assessment being submitted. KCC Ecology have commented that this demonstrates a net gain in biodiversity would be achieved due to retained, enhanced and created habitats. However, further information was requested in respect of bat and reptile survey results. In terms of the layout, although this had not been materially amended, KCC Ecology have taken the view that biodiversity benefits on the site boundaries can be secured. In terms of the central areas of the site which includes the planting of street trees, I refer back to the comments regarding landscaping whereby a condition has been recommended. This will allow the species to be considered and agreed on the basis of enhancing biodiversity. As such I am of the view that this provides the opportunity to enhance the central areas of the site appropriately.
- 8.36 The additional survey results were subsequently provided and a population of slow worms found to be present on the site. Much of the slow worm habitat is being retained and the habitat enhancement measures mean that KCC Ecology have concluded the proposed mitigation appropriate. I note that there is the potential presence of nesting birds, stag beetles and hedgehogs and as such a biodiversity method statement is required. I have recommended a relevant condition to this effect. Further to this, in addition to the conditions requiring a landscape strategy and landscape and ecological management plan I have also recommended a condition requiring a bat sensitive lighting strategy as required by KCC Ecology. On this basis I am of the view that the ecological issues have been appropriately dealt with and the remaining elements can be acceptably dealt with via condition.

Drainage

- 8.37 The application has been supported by a flood risk assessment, drainage strategy and drainage construction details. I have consulted with Southern Water, the Lead Local Flood Authority (KCC) and the Medway Internal Drainage Board.
- 8.38 Southern Water have referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 8.39 In order for a condition to be imposed it is required to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects). Having assessed the condition recommended by Southern Water against the six tests I am of the view that the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and Southern Water and dealt with outside of the planning process, for that reason I have not recommended this condition. Further conditions have been recommended which requires details of foul and surface water disposal. As surface water is dealt with via separate conditions I have amended the condition to avoid repetition and have recommended a condition relating to foul water disposal. As such I am of the view that this matter can be adequately dealt with in this manner.
- 8.40 In respect of surface water, I note KCC's comments that they raise no objection subject to formal consent from the Upper Medway Drainage Board for connection into the northern ditch. I have consulted with the Drainage Board who are content with the details required by KCC. The Drainage Board have recommended a condition requiring that the development does not commence until land drainage consent has been received. However, I refer back to the tests that have to be met for conditions to be imposed. One of these is for it to be relevant to planning. Land drainage consent is a separate matter outside of the planning process and therefore a condition on this basis would not meet this test. I do however note that KCC have recommended conditions and I have imposed these. As a result I am of the view that the foul and surface water drainage matters have been adequately addressed. I am also pleased to note that part of the surface water strategy is an attenuation pond. I believe that this provides benefits not only from the point of view of sustainable drainage but will give rise to both visual and biodiversity benefits.

Developer Contributions

- 8.41 Members will note from the consultation responses received above that in line with normal procedures for a development of this size, it would generate a requirement for financial contributions to deal with additional demand on local infrastructure. The contributions requested are as follows:

Primary Education - £693,855

Secondary Education - £179,277.75

Community Learning - £9,245.27

Youth Service - £5,750.23

Library - £7,346.42

Social Care - £9,331.47

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

Swale CCG (NHS) - £132,192

SPA Mitigation (SAMMS) - £37,570.68

Refuse Bins - £15,804.90

Formal Sports - £90,729

Removal of fence around perimeter of Rosemary Avenue playing field - £4,500;

Footpath through Rosemary Avenue open space - £10,500

Administration and Monitoring Fee – £35,883

Total - £1,231,985.80

8.42 The applicant has agreed to pay these contributions and I am of the view that they meet the relevant tests for planning obligations. Furthermore, despite local concern regarding a lack of local infrastructure, I have received no objection from the relevant consultees on this basis.

8.43 I am also content that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £245.56 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.

Affordable Housing

8.44 Policy DM 8 of the Local Plan sets out that on the Isle of Sheppey, the affordable housing percentage sought will be 0%.

8.45 I do also note paragraph 64 of the NPPF which states the following:

8.46 *"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

a) provides solely for Build to Rent homes;

b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);

c) is proposed to be developed by people who wish to build or commission their own homes; or

d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.

²⁹ *As part of the overall affordable housing contribution from the site."*

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 8.47 I give the Local Plan, which is area specific, a significant amount of weight and due to the above considerations do not consider that affordable housing could be insisted upon on this site.
- 8.48 Despite the above, I have during the course of the application discussed the matter of affordable housing with the applicant / agent. As a result of these discussions, the applicant / agent has proposed that 10% of the dwellings are provided as intermediate affordable (typically shared ownership) housing. The agent has requested that this is controlled via a condition rather than included in the Section 106 Agreement. I believe that this is so grant funding provided by Central Government can be accessed. I have discussed this with the Council's Strategic Housing and Health Manager who has confirmed that as policy DM 8 of the Local Plan would normally seek 0% of affordable housing on the Isle of Sheppey then providing these dwellings outside of the Section 106 Agreement is considered acceptable. In addition, I am of the view that a condition to secure the delivery of these dwellings in this way will meet the necessary tests. Furthermore, I believe that if the proposal had been submitted with 0% provision of affordable housing then due to policy DM 8 I am of the view that this would have been acceptable. As a result, as the scheme proposes 16 units to be provided as intermediate affordable housing I believe that this allow for potential occupants on a range of incomes to achieve home ownership. As such, I believe that this element of the proposal will deliver a further social benefit.
- 8.49 KCC Social Care also initially made a request that as part of the on site affordable housing delivery that two of the units would be provided as wheelchair adaptable. As set out above, the affordable housing requirement, as per the Local Plan is 0%. The application proposes 10% of the units as intermediate affordable housing, which as set out above is provided over and above what would usually be sought in this location. I have discussed this further with KCC and informed them of the requirements of our Local Plan who have confirmed that although they could therefore not insist on two wheelchair adaptable dwellings, they would wish to see some dwellings built to Part M4(2) standard, which are classified as 'Accessible and adaptable dwellings'. This allows dwellings to remain accessible throughout the lifetime of the occupants, is suitable for some wheelchair users and allows for adaptation in future as and when the needs of the occupants change. The applicant has agreed to provide two dwellings to part M4(2) standard and as a result I am of the view that this is acceptable.

The Conservation of Habitats and Species Regulations 2017

- 8.50 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 8.51 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.52 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.53 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (153 dwellings on an allocated site with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.54 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

9. CONCLUSION

- 9.1 Overall, I give very significant weight to the allocation of the site within the adopted Local Plan for residential development. In addition, the Council is currently unable to demonstrate a 5-year supply of housing sites and as a result this development would contribute towards addressing this identified under supply on a site allocated for this specific use. Although I note the objections that have been received from the nearby Town and Parish Council and neighbours, on the basis of the details above I have been unable to identify any conflict with either local or national planning policies. Overall, I am of the view that the application has coherently considered the context of the site and

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

proposes a scheme which displays a number of good planning principles in both its design and layout.

- 9.2 On the basis of the above, I consider that planning permission should be granted for this development subject to the conditions listed below and an appropriately worded Section 106 Agreement to include the contributions as set out in this report.

10. RECOMMENDATION

GRANT Subject to the following conditions and an appropriately worded Section 106 Agreement:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: CB_11_135_001 M; CB_11_135_002 J; CB_11_135_003 J; CB_11_135_005 J; CB_11_135_006 J; CB_11_135_007 J; CB_11_135_004; C85883-SK-002 Rev E; P18-1250_05D CB_11_135_FH_CA_E02 A; CB_11_135_FH_CA_P02; CB_11_135_FH_RO_E01; CB_11_135_FH_RO_E02; CB_11_135_FH_RO_P01 A; CB_11_135_FH_RO_P02; CB_11_135_FH_WI_E01; CB_11_135_FH_WI_E02; CB_11_135_FH_WI_P01; CB_11_135_GC_AB_E01 A; CB_11_135_GC_AB_E02 A; CB_11_135_GC_AB_P01; CB_11_135_GC_AB_P02; CB_11_135_GC_BA_E01; CB_11_135_GC_BA_P01; CB_11_135_GC_CA_E01 A; CB_11_135_GC_CA_P01; CB_11_135_GC_KI_P01; CB_11_135_GC_RO_E02; CB_11_135_GC_WI_E01; CB_11_135_GC_WI_E02; CB_11_135_GC_WI_E03 A; CB_11_135_GC_WI_P01; CB_11_135_GC_WI_P02; CB_11_135_SM_AB_E01 A; CB_11_135_SM_AB_E03 A; CB_11_135_SM_AB_P03; CB_11_135_SM_BA_E01; CB_11_135_SM_BA_P01; CB_11_135_SM_KE_E01 A; CB_11_135_SM_KE_P01 A; CB_11_135_SM_LA_E01 A; CB_11_135_SM_LA_P01; CB_11_135_SM_RO_E01; CB_11_135_SM_RO_E02; CB_11_135_SM_RO_P01; CB_11_135_SM_RO_P02; CB_11_135_SM_WI_E01; CB_11_135_SM_WI_E02; CB_11_135_SM_WI_P01; CB_11_135_SM_WO_E01 A; C85883-SK-013E; CB_11_135_SM_WO_P01 B; C85883-SK-031B; C85883-SK-032 B; CB_11_135_GC_KI_E01 A; CB_11_135_GC_KI_E02 A; CB_11_135_SM_RO_E02 A; CB_11_135_FH_CA_E01 B; CB_11_135_FH_CA_P01 A; CB_11_135_FH_SS_01 B; CB_11_135_GAR_01 Rev A; CB_11_135_GC_CA_E02 B; CB_11_135_GC_CA_P02 A; CB_11_135_GC_KE_E01 B; CB_11_135_GC_KE_P01 A; CB_11_135_GC_LA_E01 B; CB_11_135_GC_LA_E02 B; CB_11_135_GC_LA_P01 A; CB_11_135_GC_LA_P02 A; CB_11_135_GC_RO_E01 A; CB_11_135_GC_RO_P01 A; CB_11_135_GC_SS_01 B; CB_11_135_SM_AB_E01 B; CB_11_135_SM_AB_E02 B; CB_11_135_SM_AB_P01 A; CB_11_135_SM_AB_P02 A; CB_11_135_SM_CA_E01 B; CB_11_135_SM_CA_P01 A; CB_11_135_SM_SS_01 B; CB_11_135_FH_CAA_E01; CB_11_135_FH_CAA_E02; CB_11_135_FH_CAA_P01; CB_11_135_FH_CAA_P02; CB_11_135_GC_FA_E01; CB_11_135_GC_FA_P01; CB_11_135_GC_WI_E04; CB_11_135_GG_KE_E02; CB_11_135_SM_CA_E02; CB_11_135_SM_CA_P02; CB_11_135_SM_CAA_E01; CB_11_135_SM_CAA_E02;

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

CB_11_135_SM_CAA_P01; CB_11_135_SM_CAA_P02; CB_11_135_SM_FA_E01;
CB_11_135_SM_FA_E02; CB_11_135_SM_FA_P01; CB_11_135_SM_FA_P02.

Reason: For clarity and in the interests of proper planning.

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:500 showing the boundary treatments to be used across the site, including details of any bricks, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

- 5) Notwithstanding the details as shown on drawing P18-1250_05D, no development beyond the construction of foundations shall take place until 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 planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity) plant sizes and numbers where appropriate, details of tree pits where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

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

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

- 8) No development shall take place until the off-site highway works to Belgrave Road shown on drawing C85883-SK-036 Revision A has been carried out in accordance

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 9) Before the development hereby approved is first occupied, the off-site highway works to the Halfway Road Signalised Junction and the Belgrave Road junction with Queenborough Road as shown on drawings C85883-SK-044 Revision A and C85883-SK-034 Revision D respectively have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 10) Before the development hereby approved is first occupied an application for a Traffic Regulation Order to extend the existing 30mph speed restriction as shown on drawing C85883-SK-034 Revision D shall be made.

Reason: In the interests of highway safety and amenity.

- 11) No development shall take place, including any works of demolition, until a Construction Traffic and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
 - ii. loading and unloading of plant and materials
 - iii. recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic
 - iv. routing and timing of construction traffic
 - v. wheel washing facilities
 - vi. measures to minimise the production of dust on the site.
 - vii. measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier.

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 12) The area shown on drawing no. CB_11_135_006 J as car parking and turning space shall be provided before 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 permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

- 13) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 14) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 15) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (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.

Reason: In the interests of highway safety.

- 16) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds, stag beetles and hedgehogs during construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Working method, including timings, necessary to achieve stated objectives;
 - c) Extent and location of proposed works shown on appropriate scale plans;
 - d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

The works shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

- 17) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
1. Retention and enhancement of reptile habitat (receptor site), in accordance with section 3 of the Reptile Survey Report prepared by Kingfisher Ecology and dated September 2019.
 2. Retention and creation of habitats of no less biodiversity value than that shown in the conclusions of the Biodiversity Impact Assessment Report prepared by Kingfisher Ecology and dated July 2019;

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

3. Provision of ecological enhancement features including reptile hibernacula, integrated bat and bird boxes/bricks and native species planting.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans.
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Persons responsible for implementing the works.
- h) Details of initial aftercare.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

18) Prior to occupation of the development hereby approved, a landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the local planning authority. The content of the LEMP will include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP will include details of the legal and funding mechanism(s) by which the long-term implementation of the LEMP will be secured by the developer with the management body(ies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of visual amenity and biodiversity.

19) Prior to occupation of the development a “lighting design strategy for biodiversity” for the site will be submitted to and approved in writing by the local planning authority.

The lighting strategy will:

- a) Identify those areas/features on site that are particularly important for bats;
- b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals).

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

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

Reason: In the interests of biodiversity.

- 20) If, during construction works, evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial 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.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure potential contamination is adequately dealt with.

- 21) No construction activities shall take place other than between 0730 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 23) No development beyond the construction of foundations 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 in accordance with the approved details prior to the first use of any dwelling.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

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

- 24) Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately disposed of.

- 25) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the FRA (JNP Group, March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 26) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

- 27) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority setting out and quantifying what measures, or offsetting schemes, are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details shall include 1 electric vehicle charging point for each dwelling and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- 28) The development shall include the provision of 10% Intermediate Affordable Housing, where the Affordable Housing shall be provided by a Registered Provider for sale or rent below market levels, which may include Shared Ownership Housing and/or shared equity and/or low cost homes for sale and/or intermediate rent and/or such other forms of intermediate tenure for sale or rent, and the Affordable Housing shall be provided in accordance with the details set out in the Affordable Housing Plan (Drawing No. CB_11_135_004) hereby approved and shall remain as Intermediate Affordable Housing in perpetuity.

Reason: In order potential occupants on a range of incomes to access housing on the site.

- 29) No more than 100 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme has been completed and opened to public traffic.

Reason: To avoid adding unacceptably to congestion at the existing A249 Trunk Road and M2 Junction 5, to ensure the effective operation of the Strategic Road Network, and to satisfy the reasonable requirements of road safety.

- 30) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the arboricultural impact assessment by Arbor-Eco Consultancy (report number MB190401-01), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. The installation of tree protection methods shall be undertaken in accordance with the details contained within drawing MB190301-01-01, Rev A – sheet 1 and 2.

Reason: To protect and enhance the appearance and character of the site and Locality.

- 31) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted in the same location and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality.

- 32) Prior to the development hereby approved being occupied details of toddler play equipment, including its specification and location shall be submitted to and agreed in

APPENDIX 1

Report to Planning Committee – 7 November 2019

Item 2.7

writing by the Local Planning Authority. The equipment shall thereafter be installed before the first occupation and shall be maintained to a safe and secure condition in perpetuity.

Reason: To enhance the amenities of the area.

- 33) The development hereby approved shall not commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

The Council's approach to the application

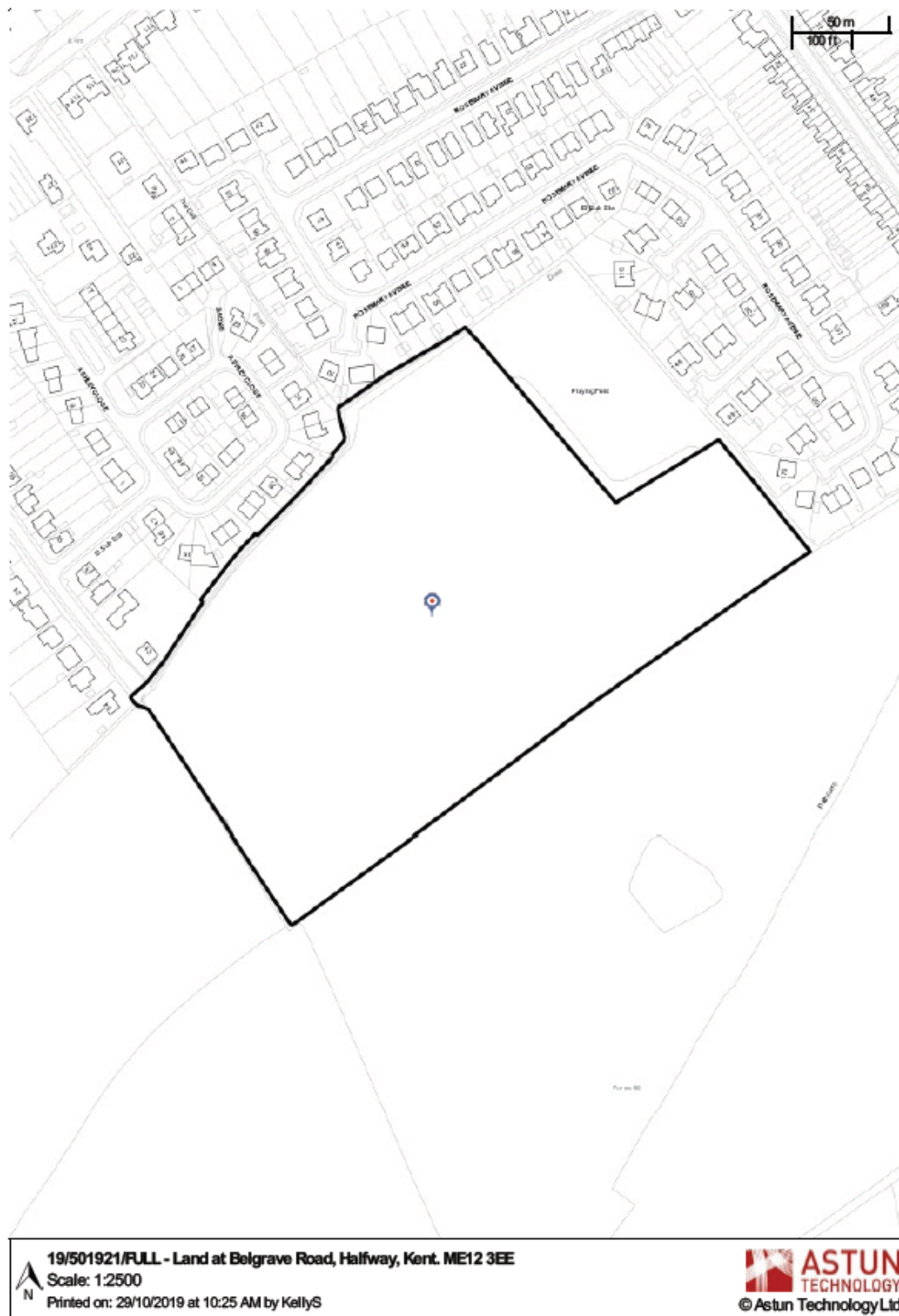
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where 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.

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.

APPENDIX 1





Swale Borough Council Building for Life Checklist

Using this checklist

Please refer to the full Building for Life document

(<http://www.udg.org.uk/sites/default/files/publications/BFL12COMPLETED.pdf>) when assessing development proposals.

For each of the criteria and questions listed below you should provide a brief comment as to whether or not the matter has been addressed / considered fully within the submissions.

Not all developments will be able to meet all criteria. This may be due to site-specific circumstances, or matters outside of the applicant's control. In such instances applicants should explain why criteria can't be met, and officers can weight their assessment / comment accordingly.

SITE ADDRESS: Land at Belgrave Road, Halfway

APPLICATION NO.: 19/501921/FULL

1. CONNECTIONS

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	The vehicle access to the site is via Belgrave Road for which there are proposals to widen, KCC Highways & Transportation raise no objection to this.	✓
1b Should there be pedestrian and cycle only routes into and through the development?	The proposal includes a contribution for a footpath to pass through the open space to provide pedestrian / cycle only access.	✓
1c Where should new streets be placed, could they be used to cross the development site and help create linkages across the scheme and into the existing neighbourhood and surrounding places?	The site is located upon the edge of existing built form. The streets are laid out in perimeter blocks and there are linkages in both the eastern and western parts of the site.	✓
1d How should the new development relate to existing development?	The site is adjacent to existing development.	✓

2. Facilities and services

ITEM	COMMENT	(SBC use) ✓/✗
2a Are there enough facilities and services in the local area to support the development? If not, what is needed?	The site has been allocated in the Local Plan and apart from the open space within the development residents would likely use the services and facilities in the surrounding area to meet their day to day needs.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	The open space required is considered to be required for future occupants.	✓
2c Are these new facilities located in the right place? If not, where should they go?	The open space is conveniently located on the site.	✓
2d Does the layout encourage walking, cycling or using public transport to reach them?	As above, the open space is within walking distance of the dwellings proposed.	✓

3. Public transport

ITEM	COMMENT	(SBC use) ✓/✗
3a What can the development do to encourage more people (both existing and new residents) to use public transport more often?	The development provides legible routes to the main bus routes along Queenborough Road.	✓
3b Where should new public transport stops be located?	N/A	N/A

4. Meeting local housing requirements

ITEM	COMMENT	(SBC use) ✓/✗
4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?	The application provides a range of dwellings and tenure types of which there is clear identified need.	✓
4b Is there a need for different types of home ownership (such as part buy and part rent) or rented properties to help people on lower incomes?	Although the Local Plan requires 0% affordable housing on the Isle of Sheppey, the applicant has proposed 10% of the units as intermediate affordable units. This will very likely mean that people on a range of incomes will be able to access housing on the development.	✓

4c Are the different types and tenures spatially integrated to create a cohesive community?	The different tenure types are located throughout the site, although there are some higher concentrations in certain areas.	✓
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5. Character

ITEM	COMMENT	(SBC use) ✓/✗
5a How can the development be designed to have a local or distinctive identity?	The dwellings in the surrounding area are mixed, I consider the proposed dwellings to be distinctive in their own right.	✓
5b Are there any distinctive characteristics within the area, such as building shapes, styles, colours and materials or the character of streets and spaces that the development should draw inspiration from?	There is a mixture of building styles and designs in the local area and not one specific characteristic which I believe could be said to be distinctive.	N/A

6. Working with the site and its context

ITEM	COMMENT	(SBC use) ✓/✗
6a Are there any views into or from the site that need to be carefully considered?	The site is hidden in view from the south by Furze Hill and enclosed by residential development to the north. There are views available from the public footpath on Furze Hill although I believe that the development and landscaping will lead to a scheme which responds well to the site context.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	There is existing planting and drainage ditches around the margins of the site which is proposed to be retained and enhanced.	✓
6c Should the development keep any existing building(s) on the site? If so, how could they be used?	N/A	N/A

7. Creating well defined streets and spaces

ITEM	COMMENT	(SBC use) ✓/✗
7a Are buildings and landscaping schemes used to create enclosed streets and spaces?	The proposal includes a number of perimeter blocks.	✓
7b Do buildings turn corners well?	Yes, buildings upon corner plots have dual aspects.	✓
7c Do all fronts of buildings, including front doors and habitable rooms, face the street?	Where possible.	✓

8. Easy to find your way around

ITEM	COMMENT	(SBC use) ✓/✗
8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?	The perimeter blocks will allow for easy access around the development.	✓
8b Are there any obvious landmarks?	The surrounding landscape which includes the existing open space to the north east of the development and Furze Hill to the south are the most obvious landmarks.	✓
8c Are the routes between places clear and direct?	Yes, due to the response to 8a as above.	✓

9. Streets for all

ITEM	COMMENT	(SBC use) ✓/✗
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9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?	I am of the view that the design of the streets will encourage low vehicle speeds.	✓
9b Are streets designed in a way that they can be used as social spaces, such as places for children to play safely or for neighbours to converse?	The development provides a range of streets and spaces. In general I believe that this opportunity exists.	✓

10. Car parking

ITEM	COMMENT	(SBC use) ✓/✗
10a Is there enough parking for residents and visitors?	Yes.	✓/✗
10b Is parking positioned close to people's homes?	Yes.	✓
10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well overlooked by neighbouring properties?	N/A	N/A
10d Are garages well positioned so that they do not dominate the street scene?	The limited number of garages have been set back from the street.	✓

11. Private and public spaces

ITEM	COMMENT	(SBC use) ✓/✗
11a What types of open space should be provided within this development?	There are areas of landscaped open space within the development and close to the residential properties.	✓
11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?	A need for toddler play equipment has been identified and a condition imposed to for details to be agreed as to the precise location within the development.	✓
11c How will they be looked after?	Management Company.	✓

12. External storage and amenity areas

ITEM	COMMENT	(SBC use) ✓/✗
12a Is storage for bins and recycling items fully integrated, so that these items are less likely to be left on the street?	Yes – properties have access to rear gardens for bin storage.	✓
12b Is access to cycle and other vehicle storage convenient and secure?	Yes – properties have access to rear gardens for bin storage.	✓

Planning Committee Minutes 7th November 2019

Planning Committee

7 November 2019

Abstain: Councillor James Hall. Total equals 1.

The motion to adjourn the meeting was lost.

2.7 REFERENCE NO - 19/501921/FULL			
APPLICATION PROPOSAL			
Full planning application for the erection of 153 No. dwellings, including open space together with associated access, parking, infrastructure, landscaping and earthworks.			
ADDRESS Land At Belgrave Road Halfway Kent ME12 3EE			
WARD	Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Keepmoat Homes Ltd AGENT Miss Rosie Cavalier

The Major Projects Officer drew attention to the tabled paper for this item. He reported that Queenborough Town Council had re-stated their objection to the application which was first noted on page 122 of the report. They had new concerns with HGVs using unsuitable routes to get to the site during construction, and to visibility splays where Belgrave Road met Queenborough Road. The Major Projects Officer sought delegated authority to tighten-up the wording in condition (28) in the report which dealt with affordable housing to ensure that it met the Council's requirements. He concluded by stating that delegated authority was sought to approve the application subject to the tabled condition, and the signing of a suitably worded Section 106 Agreement.

Thijs Bax, the Agent, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member asked for clarification on how Belgrave Road would be widened, and the status of the affordable housing. The Principal Transport & Development Planner explained that the grass verge on the western side of the road would be taken-up with the widening, and there would also be a two metre footpath. The Affordable Housing Manager explained that the affordable housing was shared ownership tenure, and was seen as being a positive aspect in the light of the Local Plan setting-out that on the Isle of Sheppey, the affordable housing percentage sought was 0%.

A Member sought clarification on the widening of Belgrave Road and the timescales required for the work to have been completed. The Major Projects Officer drew the Members' attention to the tabled update which explained the reasoning for the 100th dwelling trigger, and suggested this could be earlier if Members requested. In response to concerns that the junction was already over capacity, and the decision was being made premature to the appeal decision on the Barton Hill Drive application, the Mayor Projects Officer explained that Highways England (HE) had advised that as planning permission had been refused, the available capacity at the junction could be divided up between other housing sites that would result in additional vehicle movements through the junction. This would also allow some

Planning Committee Minutes 7th November 2019

Planning Committee

7 November 2019

housing development to be delivered before the contract to improve Junction 5 of the M2 had been let.

A Member asked for confirmation that the site was within the Local Plan and that the application site was the same as covered in the Local Plan.

The Major Projects Officer explained that Policy A13 in the Local Plan required a minimum of 140 dwellings on the site, this application was for 9% more dwellings than that. He considered it to be a good mix of 2, 3, and 4 bedroom housing.

A Member asked whether there were any tandem car parking spaces? The Major Projects Officer confirmed that there was a mix of tandem and independently accessible spaces, and pointed some of these out on the car parking drawing. KCC Highways and Transportation had stated that it was an acceptable mix and the quantum of spaces was sufficient for the amount of dwellings on the site.

A Member referred to condition (17) in the report and sought clarification on the ecology and bio-diversity measures. The Major Projects Officer drew the Member's attention to pages 130-131 in the report which set-out reports from the relevant experts who had not objected to the application, subject to conditions. He added that Policy DM28 which required a net gain in bio-diversity was covered by conditions (16), (17), (18) and (19), plus a hard and soft landscaping condition, which could provide invaluable habitats. The Major Projects Officer stated that with the open space and open pond, there was every prospect of securing a net gain in bio-diversity. The Member asked about the affordable housing tenure, and the Affordable Housing Manager explained that there was a range of products known as 'intermediate' housing including shared equity, shared ownership, and some rental. Therefore, the wording of the planning condition would be tightened-up so that these homes were delivered as shared ownership tenure.

A Member asked what had changed in the site's history in terms of its status within the Local Plan. The Head of Planning explained that there had been changes due to the Local Plan process.

The Chairman moved the officer recommendation to approve the application and this was seconded by Councillor Ben J Martin.

A Ward Member spoke on the application and raised the following points: not happy with some of the changes on the tabled paper; it looked better than what was submitted at the Design Panel; this was a nice development, but in the wrong location; the road was a single track; and improvements needed to be done to the road.

Councillor Cameron Beart moved a motion for a site meeting and this was seconded by Councillor Elliott Jayes. On being put to the vote the motion was agreed.

Resolved: That application 19/501921/FULL be deferred to allow the planning working group to meet on site.

APPENDIX 3

Planning Committee Minutes 7th November 2019

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PLANNING WORKING GROUP

MINUTES of the Meeting held at the site listed below on Monday, 25 November 2019 from 10.00am - 10.53am.

PRESENT: Councillors Cameron Beart, Mike Dendor (Substitute for Councillor Roger Clark), Tim Gibson (Chairman), James Hall, James Hunt, Elliott Jayes, Peter Marchington, Paul Stephen, Eddie Thomas and Tony Winckless.

OFFICERS PRESENT: Philippa Davies, Alun Millard and Jim Wilson.

APOLOGIES: Councillors Roger Clark, Simon Clark, David Simmons and Tim Valentine.

372 DECLARATIONS OF INTEREST

No interests were declared.

373 LAND AT BELGRAVE ROAD, HALFWAY ME12 3EE

The Chairman welcomed Members, officers, the agent, applicants and members of the public to the meeting.

The Major Projects Officer introduced the application which was for the erection of 153 dwellings, including open space, together with associated access, parking, infrastructure, landscaping and earthworks. He explained that the site measured 5.3 hectares, and the majority of the dwellings would be two storey, with eight being 2.5 storey, and they would be a mix of 2, 3 and 4 bedroom housing. The Major Projects Officer explained that the site was allocated for housing in the 2017 Local Plan, and Policy A13 in the Local Plan required a minimum of 140 dwellings on the site, emphasising that 140 was the minimum number of dwellings likely to be acceptable. He reported that none of the technical consultees had raised objection to the application, subject to appropriate planning conditions and developer contributions to mitigate the impact of the development. Queenborough Town Council and Minster Parish Council objected to the application, along with 31 local residents, and the comments were noted in the 7 November 2019 Planning Committee report. The Major Projects Officer reported that the scheme was considered to be appropriate, with a good mix of housing types and density. It was not considered to have unacceptable impacts and was in accordance with the adopted Local Plan.

The Agent added that the development would provide much needed housing and he outlined the developer contributions.

Although the proposed development was not situated within Minster Parish it was suggested that it could have an impact on Minster residents, and a representative of Minster Parish Council spoke against the application and raised concern with the impact on the infrastructure as a result of the development.

APPENDIX 4

- the local sewers were not fit for purpose and already could not cope, without the addition of 153 houses;
- the development would be detrimental to existing local housing, particularly nearby bungalows and there would be overlooking and overshadowing;
- the highway mitigation measures did not resolve the highway issues;
- there would be additional vehicles as a result of the development which would cause congestion issues;
- the corner of Belgrave Road/Queenborough Road was dangerous;
- there were already issues with traffic in the area, this would get worse;
- traffic lights at Halfway would worsen traffic issues;
- if the development was going to go ahead, better access was needed onto the A249;
- insurance would go up and there would be increased flood risk;
- impact on other roads, such as The Rise;
- there would be a lot of noise during construction of the development;
- a lot of residents moved to the area because of the peace and quiet and this would be lost;
- the roads could not cope with increased traffic;
- there was a lack of services, such as medical and educational;
- there was not enough open space provision for families;
- mix of elderly and children could raise safety issues;
- the road needed to be improved;
- infrastructure on the Isle of Sheppey as a whole needed to be improved;
- there were already flooding issues on the site, and this would get worse;
- the development should be built somewhere else;
- the tallest dwellings were being built next to the existing bungalows; and
- the ground was unstable and waterlogged.

In response, the Agent explained that open space was provided on the site and this included the provision of toddler play equipment, with a link to the existing local open space to encourage use of that facility. In terms of the mix of housing, he considered there to be a good mix of units, and 10% of the dwellings would be affordable housing units, with shared ownership. The Agent added that demand for housing came from the Local Plan process, and the resulting housing target for the Borough. He considered that suitable access could be delivered by using Belgrave Road, and explained that Kent County Council (KCC) Highways and Transportation and Highways England had not objected to the application.

The Applicant's Transport Planner explained that they had worked closely with KCC Highways and Transportation and had looked at the accessibility of the local roads which had complied with national standards.

It was confirmed by the applicant that construction traffic would not use Belgrave Road, but would access the application site via a farm track. Southern Water would

Planning Working Group

25 November 2019

be reinforcing the sewer so that it was fit for purpose. Work would also be carried out underground with a network of pipes, and water would be stored underground.

The Major Projects Officer concluded by stating that the Planning Committee report (7 November 2019) gave full details of the application and provided a thorough explanation of the issues and the mitigation measures. He added that there was a need for additional housing in the Borough, as advised by the Council's Housing officers, and this was the right type of housing for the site with a good mix of unit sizes.

The Senior Development Planner (KCC Highways, Transportation and Waste) responded to questions from Members and confirmed that the grass verges along Belgrave Road would generally remain, following widening of the road, but they would be narrower than at present. He also confirmed that the highway improvements proposed were considered to be an appropriate level of mitigation, and that the reconfigured Halfway traffic signals would have more capacity than at present.

The Major Projects Officer agreed to seek clarification on the access route for construction traffic in time for the Planning Committee meeting on 5 December 2019.

Chairman

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All Minutes are draft until agreed at the next meeting of the Committee/Panel

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Report to Planning Committee 17th December 2019 – Planning Working Group

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Tuesday, 17 December 2019 from 7.00pm - 9.07pm.

PRESENT: Councillors Cameron Beart, Monique Bonney, Mike Dendor (substitute for Councillor Roger Clark), Tim Gibson (Chairman), James Hall, James Hunt, Carole Jackson, Elliott Jayes, Peter Marchington, Benjamin Martin (Vice-Chairman), Ken Rowles (substitute for Councillor Simon Clark), David Simmons, Paul Stephen, Eddie Thomas, Tim Valentine and Tony Winckless.

OFFICERS PRESENT: Simon Algar, Rob Bailey, Paul Gregory, Andrew Jeffers, Benedict King, Jo Millard and Graham Thomas.

ALSO IN ATTENDANCE: Councillor Simon Fowle.

APOLOGIES: Councillors Roger Clark and Simon Clark.

391 EMERGENCY EVACUATION PROCEDURE

The Chairman ensured that those present were aware of the emergency evacuation procedure.

392 DECLARATIONS OF INTEREST

Councillor Peter Marchington declared a non-pecuniary interest in respect of item 6.1 Land west of Barton Hill Drive, Minster as he traded with Attwood Farms. He did not take part in the discussion or vote on this item.

393 PLANNING WORKING GROUP

19/501921/FULL Land At Belgrave Road Halfway Kent ME12 3EE

The Minutes of the Meeting held on 25 November 2019 (Minute Nos. 372- 373) were taken as read, approved and signed by the Chairman as a correct record, subject to the inclusion of Councillors Fowle and Neale in attendance at the meeting, at the Planning Committee held on 5 December 2019.

The Senior Planner referred to the tabled updates which confirmed that the applicant had proposed that construction traffic could use an existing farm track to access the site and he clarified the off-site drainage issue.

The Chairman invited Members to ask questions.

A Member asked about the comments from Kent Police and whether the development would achieve 'Secure by Design' status. The Senior Planner advised that although achieving 'Secure by Design' status was not a planning requirement, a number of the issues raised had been addressed due to further liaison between

Report to Planning Committee 17th December 2019 – Planning Working Group

Planning Committee

17 December 2019

the developer and Kent Police. He added that condition (33) still required details of how the development would meet the principles of 'Secure by Design'.

A Member referred to the tabled update and sought clarification on the construction traffic route and whether it was enforceable. The Senior Planner advised that a construction route from Queenborough Road that utilised an existing farm track was being proposed and this was considered to be permitted development. The Senior Planner explained that the Council did not have the power to stop any vehicle using a highway if that vehicle had the right.

In response to a Member's question, the Senior Planner explained that wheel washing was included as part of the requirements within condition (11) and the track would be upgraded.

In response to a Member's question, the Senior Planner confirmed that approval was being sought to include the amended conditions.

A Member sought clarification on pedestrian and cycle access through Rosemary Avenue. The Senior Planner explained that the existing Rosemary Avenue playing field currently had a fence around it, however the applicant had agreed to provide a contribution to remove the fence and provide a surface path to allow pedestrians and cyclists to access the site from the east. He added that this would be included in the Section 106 Agreement, rather than via a condition.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

Members were invited to debate the application and raised points which included:

- the proposed road layout at the junction with Queenborough Road created a 'kick' in the road causing highway safety issues;
- the area could not take any more increase in traffic; and
- confusion around amendments to conditions.

Councillor Tim Valentine moved the following motion:

That, should the application be approved, the following energy efficiency condition be added:

The dwellings hereby approved shall be constructed and tested to achieve the following measures:

At least a 50% reduction in Dwelling Emission Rate compared to the target fabric energy efficiency rates as required under Part L1A of the Building Regulations 2013 (as Amended)

A reduction in carbon emissions of at least 50% compared to the target emission rate as required under Part L of the Building Regulations.

Prior to the construction of any dwelling, details of the measures to be undertaken to secure compliance with this condition shall be submitted to and approved in

Report to Planning Committee 17th December 2019 – Planning Working Group

Planning Committee

17 December 2019

writing by the local planning authority. The development shall be carried out in accordance with the approved details.

This was seconded by Councillor Monique Bonney. On being put to the vote the motion was agreed.

Members then discussed the proposed conditions.

A Member sought further clarification on conditions (8), (9) and (11). The Senior Planner explained that there was potential to amend condition (8) as the trigger point of the 100th dwelling was suggested before the alternative construction traffic route was proposed and there would now be flexibility in bringing this trigger point forward. He said that if condition (8) was altered, this would then potentially align with condition (11) and there might need to be some elements of condition (11) removed. In respect of condition (9), The Senior Planner said that the trigger point was reached after consultation with KCC Highways and Transportation.

Councillor Monique Bonney proposed that officers be delegated to amend conditions (8), (9) and (11). This was seconded by Councillor James Hunt. On being put to the vote the motion was agreed.

Members then discussed the substantive motion.

In accordance with Procedure Rule 19(2) a recorded vote was taken and voting was as follows:

For: Councillors James Hunt, Benjamin A Martin, David Simmons, Tim Valentine and Tony Winckless. Total equals 5

Against: Councillors Cameron Beart, Monique Bonney, Mike Dendor, Ken Rowles, Tim Gibson, James Hall, Carole Jackson, Elliott Jayes, Peter Marchington, Paul Stephen and Eddie Thomas. Total equals 11.

Abstain: 0

The motion to approve the application was lost.

At this point, the meeting was adjourned from 7.32pm to 7.42pm.

The Development Manager highlighted that there were no objections from Kent County Council (KCC) Highways and Transportation.

Councillor Cameron Beart proposed the following reason for refusal which was seconded by Councillor Elliott Jayes:

The transport improvements offered to address capacity issues within the local highway network are not sufficient to mitigate the harm caused by the additional traffic arising from the development and would result in severe residual cumulative impacts on the road network, (namely at the junction of Minster Road, Halfway Road and Queenborough Road, at the junction of Belgrave Road and Queenborough Road and elsewhere), contrary to Policies A13 and DM6 of the

Report to Planning Committee 17th December 2019 – Planning Working Group

Planning Committee

17 December 2019

Swale Borough Local Plan - Bearing Fruits 2031, and paragraph 109 of the National Planning Policy Framework.

At this point, the Development Manager deferred the matter to a future meeting.

Resolved: *That as the Planning Committee was minded to make a decision that would be contrary to officer recommendation and contrary to planning policy and/or guidance, determination of the application be deferred to a future meeting of the Committee.*

394 **SCHEDULE OF DECISIONS**

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 19/505039/FULL		
APPLICATION PROPOSAL Conversion of the garage to a habitable space and addition of pitched roof to existing single storey front extension. Extension to the front hard standing and extend the existing dropped kerb.		
ADDRESS 86 Adelaide Drive, Sittingbourne, Kent ME10 1XU		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Mr & Mrs Whelan AGENT Nigel Sands and Associates

A Member sought clarification on the number of bedrooms and parking spaces at the property.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

There was no debate.

Resolved: *That application 19/505039/FULL be approved subject to conditions (1) to (3) in the report.*

2.2 REFERENCE NO - 19/505077FULL		
APPLICATION PROPOSAL Erection of a two storey side extension and single storey rear extension.		
ADDRESS 80 Norwood Walk West, Sittingbourne Kent ME10 1QF		
WARD Borden and Grove	PARISH/TOWN COUNCIL Bobbing	APPLICANT Mr P Farrell AGENT CJS Design Services

There were no questions.

The Chairman moved the officer recommendation to approve the application and this was seconded by the Vice-Chairman.

APPENDIX 5

Report to Planning Committee 17th December 2019 – Planning Working Group

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PLANNING COMMITTEE – 6 FEBRUARY 2020**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/506328/OUT		
APPLICATION PROPOSAL Outline Application for the erection of 20 residential dwellings (access being sought, all other matters for future consideration).		
ADDRESS Land Lying To The South Of Dunlin Walk Iwade Kent ME9 8TG		
RECOMMENDATION – Grant subject to conditions and securing a Section 106 legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable with regards to the relevant policies of the development plan; Bearing Fruits (2031), government guidance in the NPPF and all other material planning considerations.		
REASON FOR REFERRAL TO COMMITTEE Iwade Parish Council objected to the proposal		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT BDW Kent AGENT
DECISION DUE DATE 11/03/19	PUBLICITY EXPIRY DATE 08/08/19	

Planning History

14/500739/R3REG - Regulation 3 (KCC) - expansion of Iwade Community primary school from two form entry (2FE) three form entry (3FE), including the erection of a two storey extension to the existing school building, creation of new access via School Lane, provision of parent drop-off and pick up facilities and additional parking spaces together with new hard and soft landscaping

Decision: Approved Decision Date: 28/11/ 2014

SW/00/0340 - Outline application for residential development and future expansion of primary school. Land at North West Sector of, School Lane, West of The Street, Iwade.

Decision: Approved Decision Date: 13/10/2000

SW/01/0375 - Approval of Reserved Matters of SW/00/340 for erection of 130 dwellings together with roads, sewers and all ancillary works.

Decision: Approved Decision Date: 20/09/2001

SW/01/0389 - Approval of Reserved Matters of SW/00/340 for Erection of 140, Two, Three, Four and Five bedroom dwellings, associated roads, parking and sewers.

Decision: Approved Decision Date: 22/10/2001

SW/02/0788 - Erection of 87 dwellings (Approval of Reserved Matters of SW/00/0340)

Decision: Approved Decision Date: 01/10/2002

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the north of the centre of Iwade village. The application site comprises of two parcels of land adjacent to each other, separated by Dunlin Walk. The smaller of the two parcels of land roughly triangular shaped to the east of the main site is unmanaged land comprising untended grass. The site has a general slope from west to east and a maximum height difference of approximately one metre.
- 1.2 The site falls within the built up area boundary of Iwade. The application site forms part of a wider scheme of several hundred homes within Iwade developed predominantly by Ward Homes (now part of Barratt Developments) over a 15 year period. To the south of the application site is Iwade Community Primary School, to the north and west is residential housing and to the east is The Woolpack Pub.
- 1.3 The application site is accessed via Sanderling Way, which is an adopted public carriageway that abuts the application site between properties numbered 4 and 5 Dunlin Walk, which is a shared footway-cycle way. Dunlin Walk runs immediately north of and between the two parcels of land that make up the application site.
- 1.4 The application site is reasonably well served by public transport. There are 3 bus stops near the site all accessible on foot with the closest being approximately 270 meters away on the northern stretch of The Street, accessed via Sanderling Way. There are two railway stations near the proposed development: Swale Halt Station (approximately 1.8km away) and Kemsley Railway Station (approximately 2km away). There are a number of key community services and facilities, as well as The Woolpack Pub and Iwade Community Primary School, there are health care services and a number of local shops.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the erection of 20 residential dwellings with access being sought at this stage, with all other matters reserved for future consideration.
- 2.2 Development of residential dwellings is being proposed on the larger, rectangular parcel of land whilst the smaller irregular parcel of land is being put forward as an ecology mitigation and enhancement area. (The larger rectangular parcel of land is referred to as parcel 1 and the smaller irregular parcel of land is referred to as parcel 2).
- 2.3 The indicative layout shows a mix of 20 two- and three-bedroom houses arranged in a linear layout, with 44 parking spaces, 4 visitor parking spaces and 8 garages for 8 of the houses situated in front of and between the houses. Vehicle access to the site would be from Sanderling Way which would lead to a road running along the length of the row of houses.
- 2.4 In particular, outline application SW/00/0340 should be noted with respect to this planning application proposal. The outline application was for residential development and future expansion of primary school. Land at North West Sector of, School Lane, West of The Street, Iwade. Granted 13/10/2000. As part of the outline planning permission, a parcel of land was designated for the future expansion of Iwade Primary

School which was later transferred to the school and used for the school expansion as part of Kent County Council's application (ref: SW/14/500739) to expand from a two-form entry to a three-form entry, which included the erection of a two storey extension.

- 2.5 The proposed application site was not included within the designated school future expansion land nor has the application site been included within any subsequent reserved matters applications.
- 2.6 It should be noted that parcel 2 of the application site, put forward as an ecology mitigation and enhancement area, is within housing allocation A20.14 'Iwade Village Centre' which is allocated for a minimum of 10 dwellings in the Local Plan.

3. SUMMARY INFORMATION

	Proposed (indicative layout/plans)
Site Area (ha)	Overall: 0.65ha (within same ownership –red & blue site outlines) Parcel 1: 0.55ha Parcel 2: 0.04ha
Approximate Ridge Height (m)	2 storeys, some houses have accommodation in the roof
Approximate Eaves Height (m)	Not known
Approximate Depth (m)	For 2 bedroom houses; 8.5m For 3 bedroom houses; 6m, 8.5m and 10m
Approximate Width (m)	For 2 bedroom houses; 5m, for 3 bedroom houses; 8m, 9m and 9.5m
No. of Storeys	2 (some houses with accommodation in the roof)
Parking Spaces	44 (excluding garage and visitor spaces)
No. of Residential Units	20 (4 x 2 bedroom houses, 10 x 3 bedroom houses and 6 x 4 bedroom houses)
No. of Affordable Units	No affordable units but instead a commuted sum

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 98(promoting healthy and safe communities); 102 (transport); 127, 130 and 131 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 5.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Use of planning conditions.
- 5.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); A20.14 (New allocations on sites within existing settlements); DM7 (Vehicle parking);

DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM34 (Scheduled monuments and archaeological sites).

6. LOCAL REPRESENTATIONS

6.1 34 letters of objection have been received from 34 properties. The reasons for objection and comments are as follows;

- Policies CP4, DM7, DM14, DM17 and DM28 are not being met by this proposal
- The site is not allocated in the Local Plan
- The housing would be surplus to demand, therefore these dwellings are not required.
- The main junction accessing Sanderling Way (The Street/Sanderling Way/Sheppey Way) - There is not enough room to manoeuvre vehicles to turn left when vehicles are coming from the opposite direction.
- Sanderling Way is not suitable for the main access route for construction and delivery vehicles
- Danger to the safety of parents and children using Dunlin Walk and Sanderling Walk as a walking route to school
- Increased traffic and congestion, including at school times
- Emergency vehicles will not be able to get through increased
- The proposed new road serving the house is not large enough for refuse vehicles
- Insufficient parking
- There is not enough room to keep the path and grass verge and fit a road, another path and a house with a front and back garden that would fit in with the aesthetics of the area, it would be cramped
- Harm to residential amenity – loss of privacy; loss of light; noise and disturbance from development; disruption from construction works
- Increased antisocial behaviour
- Increased pressure facilities in Iwade, e.g. doctors surgeries
- Iwade residents are outgrowing the local services and no additional facilities are planned e.g. doctors surgeries, schools, shops
- Increased risk of flooding due to removal of green space
- Ruining green space used for recreation
- Loss of trees and bushes would diminish the landscape
- Loss of wildlife habitat
- Increase in air pollution from increased traffic
- Reservoirs supplying water to Kent homes are low for sometimes in the year this problem will be exacerbated
- The applicants planning statement at paragraph 1.6.3 is considered inaccurate. The school may expand in the future to meet further demand. The school has been enlarged from 2 form entry to 3 form entry however, no account was taken of enlarging the usable physical education / play facilities, so the school has less outdoor space for the increase in children.
- Area is already over-populated
- The application site would be of better benefit to the community if it was used as a parking area for the school or nursery nearby

- The trees and bushes along the entirety of Dunlin Walk should remain to retain privacy for existing residents
- A Tree Preservation Order should be placed on the trees so they cannot be removed

7. CONSULTATIONS

7.1 Iwade Parish Council – Object for the following reasons;

- *Objection. Policy A17: Parcel 1 was not included in Local Plan Policy A17 for housing allocation and as such must have been considered unsuitable for such.*

- *Surplus of dwellings: Table 4.3.5 identifies that Swale has a surplus of 932-982 dwellings against requirements placed upon the Council which suggests that the proposed dwellings are not required.*

- *Policy DM14: the proposal is contrary to this policy which seeks to conserve and enhance the natural and / or built environment, ensure development is both well sited and of a scale, design and appearance and detail that is sympathetic and appropriate to the location and seek to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services together with parking and servicing facilities.*

- *The site is used regularly by residents of all ages for recreational purposes and the proposal is to construct up to 2.5 storeys high directly abutting a primary school, with the development accessed via roads with limited capacity across a pedestrianised walk. This proposal would fail to provide safe vehicular access. Apart from the issues of the junction of The Street and Sanderling Way, access to the site is unacceptably unsafe. Vehicles exiting the proposed development from the western end run the very real risk of collision with vehicles entering and exiting the parking spaces of residents at houses 1-4. Pedestrians are at greater risk of collision going east to west along Dunlin Walk with vehicles entering the proposed development, particularly as the electricity substation next to No. 5 Dunlin Walk results in a restricted view. Dunlin Walk is the main pedestrian thoroughfare for residents in the northern and north-western part of the village to the village centre. It is currently a safe route for children walking to school or nursery with their parents from the Sanderling Way estate. It is also a safe route for youngsters walking to bus stops to get onward travel to their secondary schools in Sittingbourne. If this proposed development is approved it will mean the unhindered path to the village centre will be broken up by an access road to the new houses. Children and young families will face a less safe route to their destinations with the crossing of a road.*

- *Policy DM28: the proposal is contrary to this policy, it would lead to loss of habitat for Great Crested Newts.*

- *Parking: inadequate visitor parking; tandem parking is not efficient and often not used; the existing parking space in Sanderling Way is insufficient and the proposal will exacerbate this; and increased parking in the area will impeded emergency vehicle access.*

- *Junction of Sanderling Way / The Street: this is a blind corner for those turning right from Sanderling Way onto The Street – many vehicles do not stay on the correct side of the road at this junction and this has resulted in several near misses. The Parish Council*

has used this objection in relation to 18/505157/OUT, requesting that the junction is redesigned to improve safety.

- Loss of privacy: The western end of the proposed development will overlook a number of houses on Mallard Close Sanderling Way.

- Potential expansion of Iwade Community Primary School: parcel 1 could be used for expansion of the school in the future.

- Medical facilities: lack of funding for medical facilities and existing services are at capacity.

- Child safe concerns: from children in the adjacent school grounds being overlooked.

7.2 **Environment Agency** – No objection, and they note that the development falls outside their statutory remit.

7.3 **Highways England (HE)** have considered the implications of the development for the strategic road network, which includes the A249 and the M2 and note that the development would generate a relatively small number of additional peak hour movements on their network. With regard to the M2 Junction 5 they note that there is very little spare capacity, however, and also note the potential for cumulative impacts and requested a condition tying the occupation of this development to the delivery of the proposed upgrade. With regard to the A249 Grovehurst junction they requested a condition seeking a scheme of mitigation prior to development and tying the occupation of this development to the delivery of the mitigation scheme at this junction.

However, further to the recent refusal of application 18/503135/OUT (700 dwellings on land at Barton Hill Drive) Highways England have re-allocated the network capacity from that site to other sites, and no Grampian condition is required for this application with regard to the M2 Junction 5. KCC Highways have also secured a suitable scheme of mitigation (as outlined in para 7.10) and therefore the conditions requested by Highways England are superseded. A final written response is awaited and Members will be updated at the meeting.

7.4 **Natural England** – No objection. NE comment that as the application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area and Ramsar Site may result in increased recreational disturbance and they note that Council has appropriate measures (a financial contribution = 20 x £245.56 = £4911.20) in place to manage these potential impacts and are satisfied with this.

7.5 **Southern Water** – No objection. Comment that initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development.

7.6 **Swale NHS** - No objection. The NHS requires a financial contribution of £17,280 to be earmarked for Iwade Health Centre.

7.7 **Kent County Council Economic Development (Developer Contributions)** –Request the following contributions: Primary Education (£3,340 per house) = £66,480, Secondary Education (£4,115 per house) = £82,300, Libraries (£108.32 per dwelling) = £2,166.40 and provision of high speed fibre optic broadband connection.

7.8 **KCC Drainage** – No objection. KCC Drainage initially objected because of insufficient details within the submitted Drainage Impact Statement relating to drainage discharge

rates. Two subsequent revised drainage impact statements have been submitted, the final surface water drainage strategy addressing KCC Drainage concerns subject to 3 conditions relating to demonstrating that the requirements for surface water drainage can be accommodated within the proposed development layout (the layout required by Condition 2 of this report in the reserved matters application), submission of a surface water drainage scheme and Verification report pertaining to the surface water drainage system.

7.9 KCC Ecology – No objection. Conditions are advised with respect to submission of an Ecological Mitigation and Enhancement Strategy and Management Plan in relation to Great Crested Newts, external lighting in relation to bats as detailed within section 6.3 of the submitted Ecological Assessment, Hedgehog movement through the site and ecological enhancements.

7.10 KCC Highways and Transportation – No objection

Initial comments (19/12/2018) were no objection in principle to the proposed development, although they required further detail: an adoption plan; visibility splays addressed in relation to the western parking adjacent to the proposed access in Sanderling; and Dunlin Walk to remain flush with Sanderling Walk and have priority. KCC Highways (14/02/19) have advised these matters have been addressed following receipt of amended plans, and raise no objection subject to conditions or a S.106 agreement regarding details of a construction management plan; highways works sought via a Section 278/38 agreement; and measures to prevent surface water onto the highway

28/02/2019: KCC Highways outlined a review of traffic modelling and surveys undertaken in respect of recent planning applications and other study work concerning the A249/Grovehurst junction has demonstrated the need for highway improvements to be made to this part of the highway network to support development in this area. This shows that the junction is already operating over capacity, and the Highway Authority would not wish to allow further housing development that would exacerbate the current levels of congestion. As such, it is not considered appropriate that development can be brought forward without the guarantee of highway improvements being provided to cater for the additional traffic generated. KCC Highways set out that the junction was submitted for a major improvement scheme to support the Local Plan scale of development using finance from Central Government's HIF bid process, and advised that the development will have to propose mitigation for the success or otherwise of the HIF bid. The development will therefore have to either;

(i) wait until the HIF bid is decided and if successful, contribute an equitable rate towards the HIF Improvements.

(ii) pre HIF determination, propose a fully costed interim mitigation scheme and contribute an equitable rate towards the Major Highway Junction Improvement Scheme in the event of no HIF funding being awarded.

(iii) wait until the HIF bid is determined and if unsuccessful, provide a proportionate amount of the total costs of the Major Highway Junction Improvement Scheme without HIF funding.

Consequently, KCC Highways maintained a holding objection until one of the above options has been realised.

11/11/2019: KCC Highways advised that a figure of £2,657.00 per dwelling (index-linked) has been agreed for developer contributions towards improvements at the A249/Grovehurst junction for the proposal site, and sites in the surrounding area. As such, KCC Highways remove the holding objection to the application.

- 7.11 **KCC Archaeology** – No objection. Recommends that for any forthcoming consent archaeological measures in this area can be secured through the imposition of a condition relating to the implementation of a programme of archaeological work.
- 7.12 **Kent Police** – No objection. They have advised of a number of security measures which are noted by the Applicant and will be incorporated into the design of the reserved matters application.
- 7.13 **Public Rights of Way** – No objection. Public Footpath ZR91 passes along Dunlin Walk. The PROW Officer has confirmed that there is no objection to the proposed access road crossing the public footpath insofar that any works meet the specification required by KCC Highways and Transportation which would be addressed as part of the detailed design process.
- 7.14 **Swale Footpaths Group** – No objection. Swale Footpaths Group commented that footpath ZR91 is nearby and it appears this path would be unaffected.
- 7.15 **Environmental Protection Team Leader** – No objection. Initial comments recommended refusal until assessments relating to noise, air quality and land contamination have been carried out. The Applicant's response was that from a review of the Local Requirements Checklist it does not appear that a development of up to 20 dwellings outside of an AQMA would meet the threshold for which an air quality and noise impact assessment would be required as part of the planning application. Therefore, revised comments were provided stating that there is no justification for requesting a Preliminary Risk Assessment or Contaminated Land Report to be submitted with the application. The site does not appear to have any previous industrial use on it, and it does not appear that neighbouring developments were subject to a contaminated land condition. Therefore the requirement for any submissions under land contamination. Following discussions with an Environment Health Officer and a review of Mid Kent's Procedure Note, it was decided that a full Air Quality Assessment or a condition for air quality mitigation measures is not deemed reasonable for this size of development as it is not in or near to an Air Quality Management Area. With regard to potential noise and dust, two conditions have been advised for the protection of residential amenity during construction relation to hours of construction and the submission of a Construction Code of Practice.
- 7.16 **SBC Housing Manager** – No objection. In accordance with Policy DM8, affordable housing provision in Iwade is 10%, which equates to 2 dwellings. Due to the low number of affordable housing required and the high tenure split for Affordable Rent Tenure (90%) both of these homes should be provided as Affordable / Social rent tenure. However, recently the Housing Manager has been in talks with housing association partners who are reluctant to purchase affordable housing on site if there are less than approximately 40 affordable units available. For this reason the Housing Manager approached partners to see if they would be interested in acquiring the site for delivery as a 100% affordable

housing. However, the Applicant's Agent was against this due to the affect on the viability of the scheme and wanted to keep to their original offer of a commuted sum. This has been agreed. Since the Council has no methodology for calculating commuted sums the Housing Manager advised that the commuted sum should be based on the amount the housing association partners would normally pay for an affordable unit which is 70% of the open market value. Strategic housing says that the commuted some should be based on values for the 2 and 3 bedroom units.

- 7.17 **SBC Greenspaces Manager** – No objection. Commented that while no specific open space provision is included in the proposed outline development, there are existing facilities and further planned facilities within easy walking distance of the proposal and therefore would not request on-site facilities. Seeks a contribution of £446.00 per dwelling (Open Spaces & Play Strategy 2018-2022) toward enhancing/increasing capacity of the off-site existing play /fitness provision in the village.

8. BACKGROUND PAPERS AND PLANS

- 8.1 Location Plan, Indicative Layout Rev A, Indicative Street Scene, 6960-SK001-Rev P3 Below Ground Drainage Strategy, 6960.D007 Rev P4 Drainage Impact Statement and Design Philosophy, Arboricultural Constraints (October 2018), Arboricultural Impact Assessment (October 2018), Highways Technical Note 2: Access Appraisal, Planning Statement, Design and Access Statement, Ecological Assessment,

9. APPRAISAL

Principle of Development

- 9.1 The site of the proposed residential units does not have any specific allocation in the Local Plan but is located within the built up area boundary of Iwade, where the principle of residential development is acceptable. The site is in an appropriate and sustainable location with good access to local facilities, transport links and schools, where good use should be made of available land. Furthermore, it is also important for Members to note that the Council is currently unable to demonstrate a 5-year housing land supply. As a result of this, it is considered that the benefits of addressing this shortfall, upon a site within an existing built up area boundary should be given additional weight.
- 9.2 The application is in close proximity to Iwade Community Primary School, under application reference 14/500739/R3REG permission was granted for the expansion of Iwade Community primary school from two form entry (2FE) three form entry (3FE). The proposed application site was not included within the designated school future expansion land nor has the application site been included within any subsequent reserved matters applications. KCC Economic Development has also indicated that the school is unable to be expanded further. Therefore, on the basis of the above assessment, it is considered that the principle of residential development is acceptable in this location.

Access, Highways, Parking

- 9.3 As noted above, the application is seeking outline consent, with details of access being sought at this stage. Means of access is being proposed from Sanderling Way between properties numbered 4 to 5 Dunlin Walk, towards the eastern end of the site. Sanderling

Way is an adopted public highway, in light of this, part of the proposed development will be offered for adoption, this is shown on drawing 1810028-02 Rev A.

- 9.4 KCC Highways and Transportation raised no objection in principle to the proposed development subject to further details regarding an adoption plan, visibility splays; and the footpath along Dunlin Walk to remain flush with Sanderling Way Walk and have pedestrian priority (between 4 and 5 Dunlin Walk). These matters have been addressed in drawing 1810028-03 Rev A. The depth of the kerb build-out on the west side of Sanderling Way (next to 4 Dunlin Walk) has been increased by 1.7m and can still accommodate a refuse vehicle turning manoeuvre. The carriageway width is therefore 4.3m rather than 4.1m. The drawing also shows a raised table to demonstrate how the footpath will be level. The adoptable area has also been adjusted to cover only the turning head, which the Applicant has said may be defined by granite setts or similar, to be agreed at the detailed design stage as part of the Section 38 (Highways Act) procedure.
- 9.5 Due to the cul-de-sac design, the proposed vehicular access incorporates a turning head. Swept path analysis has been undertaken and demonstrates that the proposed site access can be adequately serviced by an 11.4-metre long refuse freighter and an 8.7-metre-long fire appliance entering and leaving the site in forward gear. This is shown on drawing 1810028-TK01 Rev C.
- 9.6 KCC Highways advised they raised no objection to the amended information received and requested conditions including a construction management plan; highways works sought via a Section 278/38 agreement; and measures to prevent surface water onto the highway.
- 9.7 The proposed indicative layout provides 48 parking spaces, 4 of which are visitor spaces, plus 8 garage spaces which would be broadly in accordance with the KCC Residential Parking standards. As mentioned above, KCC Highways raise no objection, and appropriate details regarding parking can be secured at the reserved matters stage.
- 9.8 With regard to the impact on the A249/Grovehurst junction, KCC Highways raised a holding objection until a scheme of mitigation could be agreed. As per KCC Highways latest comments a developer contribution (of £2657.00 per dwelling) has been agreed for off-site highways works at this junction for development at sites in Iwade and Sittingbourne (near this junction). As such, no objection is raised regarding the impact on the local highway network subject to the imposition of appropriate conditions and the payment of developer contributions as set out in paragraph 7.10 above. These payments will be secured under the Section 106 agreement that would accompany any planning permission granted for this development.

Highways England initially objected to the development on the grounds that M2 junction 5 did not have sufficient capacity to absorb the predicted traffic flows arising from this scheme (and others). However: the Council recently refused permission for application 18/503135/OUT (700 dwellings on land at Barton Hill Drive), which has enabled HE to “re-allocate” the predicted capacity from that development to other schemes in Sittingbourne and on the Island, including this current application. The predicted peak flow generation from this scheme is 4 vehicle movements, which is well within the remaining capacity, and HE have indicated that this addresses their holding objection and the scheme can come forward without any restriction on dwelling occupations

before the M2 J5 improvements are built out. A final written response is awaited and Members will be updated at the meeting.

Visual Amenity

- 9.9 As set out above, all matters of detail (other than access) are reserved for future consideration should this application be approved. As such, this is largely an issue to be dealt with at the reserved matters stage. Nevertheless, it is reasonable to conclude that 20 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.
- 9.10 The site is well contained by existing development within Iwade including residential development to the north and west, Iwade Community Primary School to the south, and The Woolpack Pub to the east of the site and is situated within the built up area of the settlement. As such, the provision of residential development will not have significant impacts on the wider landscape.
- 9.11 The existing residential development in Sanderling Way and recent development in Iwade comprises predominantly 2 and 2.5 storey development. The indicative plans show a mix of two storey dwellings and 2.5 storey dwellings with accommodation in the roof space and it is considered that the proposed indicative height, scale and massing of the proposed development would accord with the existing character of the area. Given the predominant scale of development in the vicinity, which is generally no more than 2-2.5 storeys in height, a condition is included to limit the height of the new development to 2.5 storeys.
- 9.12 The site area is 0.65 hectares, providing a development density of 30 dwellings per hectare. This is an appropriate density for the site given the character and mix of existing development on adjacent land. The development would make efficient use of land (as required by the NPPF) without resulting in a scheme that would be out of character with the adjacent development.

Affordable Housing

- 9.13 Policy DM8 requires 10% of the total number of homes on this site to be delivered as affordable housing. This equates to 2 affordable homes. If 2 homes were to be provided as affordable housing, due to the low number of affordable housing units required and high tenure split for Affordable Rent tenure (90%), then both these homes would be provided as Affordable / Social rent tenure.
- 9.14 However, both the Council's Strategic Housing Manager and the Applicant's Agent have been in discussions with registered providers, who have said that they are unwilling to manage such a small number of units. It has therefore been agreed that the Applicant shall pay a commuted sum towards off-site provision of affordable housing.
- 9.15 The Council has no methodology for calculating a commuted sum in lieu of off-site affordable housing provision. Housing colleagues have advised that this should be based on the amount registered providers are willing to pay for 2 and 3 bedroom affordable houses (which is 70% of their open market value (OMV)) and their OMV. However, the Agent has a methodology for calculating the commuted sum which Housing colleagues find acceptable. This is the method used in calculating the affordable housing commuted sum, which is based on the revenue uplift a developer

would receive from disposing of private dwellings in lieu of affordable dwellings. This is calculated as the difference between the open market value and the price that a Registered Provider would be prepared to pay.

OMV for 2 bedroom terraced houses and 3 bedroom detached houses –

Bairstow Eves Estate Agents (Sittingbourne) values:

2 bedroom terraced house at 230,000 to 250,000, average value = 240,000

3 bedroom detached house at 375,000 to 425,000, average value = 400,000

70% of £240,000 = £168,000, 30% of £240,000 = £72,000

70% of £400,000 = £280,000, 30% of £400,000 = £120,000

30% of the OMV of a 2 bedroom terraced house £240,000 = £72,000

30% of the OMV of a 3 bedroom terraced house £400,000 = £120,000

Commuted sum = £192,000 (72,000 + 120,000)

Residential Amenity

- 9.16 DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or area. The detailed scheme for the new dwellings would be secured at the reserved matters stage and this will include the design, form and scale of the dwellings including details such as window/door placement and details of boundary treatments.
- 9.17 Whilst layout and design are matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between proposed dwellings and existing neighbouring properties. It is considered that the site can accommodate 20 dwellings without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity. It should be noted that the separation distances between the proposed houses and those in Sanderling Way and to the west of the application site range between 15m to 20m which are considered to be sufficient distances to mitigate loss of light, outlook and privacy.
- 9.18 With regard to future residential amenity, the indicative plans show that the rear garden areas range between 55sqm to 108sqm and some are short of the 10m standard for rear gardens, however it is considered there will be sufficient external amenity space to serve future occupants.
- 9.19 Taking the above into account, it is considered that the development could be designed to avoid unacceptable impacts on neighbours, and comply with the above policies.

Ecology

- 9.20 Paragraph 174 of the NPPF 2018 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also advises that opportunities to incorporate biodiversity in and around developments should be encouraged. The application has been supported by an Ecological Assessment.

- 9.21 The assessment sets out that there are 2 ponds within 100m from the site boundary, located within the school grounds. A survey conducted by Indigo in 2014 found a medium population of Great Crested Newts present. It may be assumed that the site provides part of a route of connectivity between the 2 ponds within the school grounds and ponds to the north and east of Iwade Village. As a result, the proposed development may result in the loss of terrestrial habitat. To mitigate against the loss of terrestrial habitat, the southern boundary of parcel 1 (for residential development) is proposed to be enhanced to be suitable for GCN commuting. This involves the introduction of a raised bank in the rear gardens of the proposed dwellings planted with native species hedging. In addition to this, part of parcel 2 will be enhanced for the benefit of Great Crested Newts as set out in the submitted ecology report.
- 9.22 As set out in the consultation response KCC Ecology are satisfied the appropriate level of ecological survey work has been undertaken. KCC Ecology are satisfied with the outlined mitigation measures, and recommend conditions to secure the details of an Ecological Mitigation and Enhancement Strategy and Management Plan in relation to Great Crested Newts; external lighting in relation to bats as detailed within section 6.3 of the submitted Ecological Assessment; Hedgehog movement through the site; and ecological enhancements. As such, KCC Ecology raise no objection to the proposed development subject to requested conditions ecological enhancements which are included in conditions (nos. 14, 15, 16 and 17).

9.23 **Drainage / Flood Risk**

- 9.24 Kent County Council Drainage initially objected to the scheme because of insufficient details within the submitted Drainage Impact Statement relating to drainage discharge rates. Two subsequent revised drainage impact statements have been submitted, and following receipt of the further information KCC Drainage outlined they raised no objection to the outline application subject to further details sought via condition. These conditions include the provision of a finalised layout to ensure the requirements for surface water drainage can be accommodated within the development site; submission of a surface water drainage scheme; and verification report pertaining to the surface water drainage system. Therefore it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.

Archaeology

- 9.25 Iwade is generally archaeologically sensitive with remains of prehistoric, Roman, Saxon and medieval date having been found during development works in and surrounding the village. With respect to the main site area this was covered by archaeological evaluation as part of the Iwade VI development and no archaeological remains were identified. The smaller site has not been evaluated in the past and lies closer to the church and the significant Iwade III development that found a focus of medieval activity is in this area. KCC Archaeology have advised a condition relating to the implementation of a programme of archaeological work and this is included at condition (12).

Landscaping / Trees / Greenspaces

- 9.26 Landscaping is a reserved matter. An Arboricultural Impact Assessment and Arboricultural Constraints Report has been carried out on the application site to assess the quality and value of trees and other significant vegetation, the impact of the

development and measures to mitigate against any negative impacts resulting from the development. Within the existing application sites there is low quality of tree stock as described within the submitted arboricultural impact assessment by The Urban Forest Consultancy. As such and in consultation with the Council's Tree Consultant, there are no arboricultural reasons to refuse the outline consent. The Tree Consultant has advised that with any future detailed application, the Council would expect suitable conditions attached for landscaping together with the submission of an arboricultural method statement.

- 9.27 The amount of development, 20 residential units, is normally the threshold for triggering the provision of open space. While no specific open space provision is included in the proposed outline development there are existing facilities and further planned facilities within easy walking distance of the proposal. These include open space, play facilities, sports pitches and allotments and as such it is difficult to justify any requirement to supply what would be in scale, a relatively small additional open space. However, a contribution of £446 per dwelling (Open Spaces & Play Strategy 2018-2022) is sought towards enhancing / increasing capacity of the off-site existing play / fitness provision in the village.

S106 and Developer Contributions

- 9.28 The following developer contributions are required:

Primary Education - £66,480 (£3,324 x 20 dwellings)

Secondary Education - £82,300 (£4,115 x 20 dwellings)

Libraries - £2,166.40 (£108.32 x 20 dwellings)

Swale CCG (NHS) - £17,280

SPA Mitigation (SAMMS) - £4911.20 (£245.56 x 20 dwellings)

Wheelie bins - £2,066 (£103.30 x 20 dwellings)

Greenspaces - £8,920 (£446 per dwelling)

Commuted sum towards affordable housing provision - £192,000

Off site highways works (A249/Grovehurst junction) - £53,140 (£2,657.00 per dwelling)

Provision of high speed fibre option broadband connection and an appropriate Administration / Monitoring fee - £21,463.18

Total: £429,263.60 (without admin fee); £450,726.48

- 9.29 The applicant has agreed to pay these contributions and it is considered that they meet the relevant tests for planning obligations. Furthermore, despite local concern regarding a lack of local infrastructure, no objections have been received from the relevant consultees on this basis.

- 9.30 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £245.56 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017

Sustainable Design and Construction

- 9.31 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. Conditions have been incorporated to this outline application (nos. 21, 22 and 23) to ensure that the final development incorporates sustainable measures. In addition, if outline permission is granted, the subsequent reserved matters submission(s) will allow the Council to ensure the scheme is designed in a way that takes steps to minimise the environmental impacts.

The Conservation of Habitats and Species Regulations 2017

- 9.32 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 9.33 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 9.34 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 9.35 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (20 dwellings within the built up area boundary with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Subject to Natural England confirming that the existing approach by the Council securing appropriate mitigation, via the SAMMS payment is suitable, then this will prevent harmful effects on the protected sites and members will be updated at committee regarding this.

As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.

- 9.36 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

10. CONCLUSION

- 10.1 The application site is suitable for development and located within the built up area of Iwade, with good connectivity to local schools and shops, and the wider bus, road and rail network. KCC Highways have indicated that the scheme will have negligible impact on the highway network subject to the financial contribution sought towards off-site highway works at the A249/Grovehurst Junction. Whilst this is an application in outline only, an indicative layout and street scene has been prepared to demonstrate how the site can accommodate a sympathetically designed scheme that reflects the design characteristics of the local area and broadly complies with policy with regard to housing mix and affordable housing. Weight also needs to be given to the lack of a five-year housing land supply. As such, I consider that outline planning permission should be given subject to conditions set out below and the signing of a s106 agreement.

11. RECOMMENDATION

- 11.1 GRANT Subject to the following conditions and the signing of a suitably-worded Section 106 Agreement to secure the contributions as set out in Paragraphs 9.28 to 9.30 above):

CONDITIONS to include

1. Details relating to the landscaping, layout, scale and appearance of the proposed dwelling(s) shall be submitted to and approved by the Local Planning Authority before any development is commenced.

Reason: 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.

Reason: 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 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.

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

4. The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County

Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

5. No demolition, construction or ground works shall take place until an Arboricultural Method Statement in accordance with the current edition of BS: 5837 has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details.

Reason: This information is required prior to the commencement of demolition, construction or ground works in order to protect existing trees.

6. The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the southern and eastern boundaries of the site and an implementation programme. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

8. No development shall take place until the details required by condition (1) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

9. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Impact Statement and Design Philosophy (Reference 6960-D007, Revision P4) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without

increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

10. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

11. Construction of the development shall not commence until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure that foul water is adequately disposed of.

12. 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 in writing by the Local Planning Authority.

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

13. The details submitted pursuant to condition (1) above shall include details in the form of samples of external finishing materials to be used in the construction of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

14. No development shall take place until an Ecological Mitigation and Enhancement Strategy and Management Plan (EMES &MP) has been submitted to and approved in writing by the local planning authority.

The EMES & MP shall include the following:

- a) Purpose and conservation objectives for the proposed works.
- b) Review of site potential and constraints.
- c) Detailed design(s) and/or working method(s) to achieve stated objectives.
- d) Extent and location/area of proposed works on appropriate scale maps and plans
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g) Details of initial aftercare and long-term maintenance.
- h) Details for monitoring and remedial measures.

The EMES & MP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interest of protecting ecology.

15. All external lighting shall be designed and installed in accordance with the details within section 6.3 of the Ecological Assessment (Bakerwell Ltd November 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination.

Reason: In the interests of protecting the local bat population.

16. To allow the movement of Hedgehogs through the development area, all ecological measures and/or works shall be carried out in accordance with the details within section 6.4 of the Ecological Assessment (Bakerwell Ltd. November 2018), as already submitted with the planning application and agreed in principle with the local planning authority prior to determination. Prior to the completion of the development hereby approved, details (including locations and specifications in accordance with section 6.4 of the Ecological Assessment dated November 2018) of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of the local hedgehog population.

17. Prior to the commencement of any above ground works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes and the provision of native planting where possible, and incorporation of recommendations as detailed in section 7 of the Ecological Assessment (Bakerwell Ltd November 2018).

The approved details will be implemented and thereafter retained. The provision and installation of enhancements should take place within 6 months of the commencement of works, where appropriate.

Reason: To enhance biodiversity

18. Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- Measures to minimise the production of dust on the site
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Design and provision of site hoardings
- The location and design of site office(s) and storage compounds

Reason: In the interests of residential amenity, highway safety and amenity.

19. No other development shall take place until completion of the access in accordance with the details hereby approved, and the applicant has secured a Section 278 (or Section 38) agreement with the Highway Authority for Highway Works associated with the connection to the adopted Highway. All proposed highway works as shown in Drawing 1810028-03 Rev A will need to be delivered by the applicant via a Section 278/38 agreement with this authority prior to the use of the site commencing.

Reason: in the interests of highway safety.

20. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Routing of construction and delivery vehicles to / from site
- b) Parking and turning areas for construction and delivery vehicles and site personnel
- c) Timing of deliveries and HGV movements (it should be noted that these are likely to be restricted to outside school drop-off/pick-up times)
- d) Provision of wheel washing facilities
- e) Provision of measures to prevent the discharge of surface water onto the highway.
- f) Temporary traffic management / signage, and the location of temporary vehicle access points to the site

Reason: In the interests of the amenities of the area and highway safety and convenience

21. No development beyond the construction of foundations 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 in accordance with the approved details prior to the first use of any dwelling.

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

22. No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority setting out and quantifying what measures, or offsetting schemes, are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The details shall include 1 electric vehicle charging point for each dwelling and no dwelling shall be occupied until the charging point for that dwelling has been installed.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

23. The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings shall not be occupied unless the notice for the dwellings of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

24. The details submitted pursuant to condition (1) above shall demonstrate how principles relating to minimising the opportunities for crime and anti-social behaviour have been incorporated in the layout, landscaping and building design.

Reason: In the interests of minimising the opportunities for crime and anti-social behaviour.

25. The details submitted pursuant to condition (1) above shall show dwellings extending to no more than 2.5 storeys in height.

Reason: In the interests of complementing the character and appearance of existing development in the vicinity of the site.

26. 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 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

28. No development beyond the construction of foundations shall take place until details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential shall be submitted to and approved in writing by the Local Planning Authority. The details shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The agreed details shall be laid out at the same time as other services during the construction process.

Reason: To secure high quality communications infrastructure.

INFORMATIVES

Highways

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.

Planning permission does not convey any approval for construction of the required vehicular crossing, 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.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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.

Southern Water

A formal application for connection to the public sewerage system is required in order to service this development. Please read Southern Waters New Connections Services Charging Arrangements documents which has now been published and is available to read on the website via the following link <https://beta.southernwater.co.uk/infrastructure-charges>.

A formal application for connection to the water supply 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

Public Rights of Way

Public footpath ZR91 passes over the proposed vehicular access to the site. Please note that no furniture may be erected on or across Public Rights of Way without the express consent of the Highway 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.

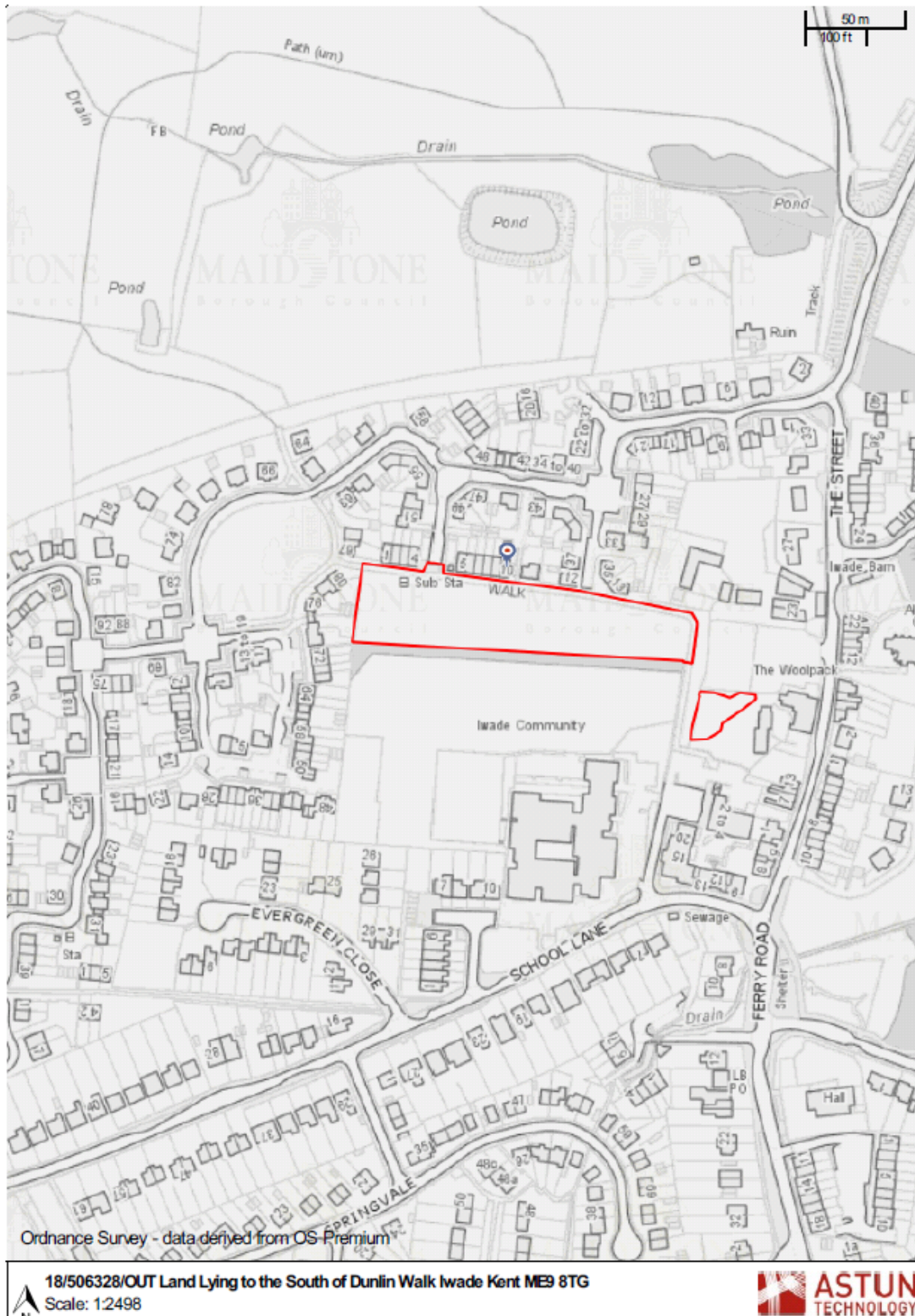
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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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2.2 REFERENCE NO - 19/506053/FULL		
APPLICATION PROPOSAL Change of use of existing garage block to holiday let, including demolition of existing log store and insertion of a side dormer, as clarified by drawing 711-06 which defines the curtilage of the building for the purposes of this application.		
ADDRESS Broadoak Farm Broadoak Road Milstead Sittingbourne Kent ME9 0RS		
RECOMMENDATION Grant SUBJECT TO collection of a SAMMS mitigation payment.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mr Matt Brown AGENT Nicholas Hobbs Associates
DECISION DUE DATE 31/01/20		PUBLICITY EXPIRY DATE 01/01/20

Planning History

19/502722/FULL

Erection of a two storey side extension with glazed 'link' and new basement cinema room.

Approved Decision Date: 16.08.2019

18/505773/FULL

Proposed replacement driveway to farmhouse through adjoining paddock, including change of use of land to residential use.

Refused Decision Date: 14.01.2019

Appeal Allowed Decision Date: 22.05.2019

SW/97/0270

Garage workshop/store, lobby extension to kitchen and internal alterations

Approved Decision Date: 13.06.1997

SW/84/1109

Erection of double garage

Approved Decision Date: 10.12.1984

1. DESCRIPTION OF SITE

- 1.1 Broadoak Farm is a traditionally designed detached property located on a sizeable plot within the designated countryside. The house and detached garage building are set well back from the highway and located north of the M2, so it is not within the Kent Downs Area of Outstanding Natural Beauty. The host property was recently delisted following consultation with the Canterbury Archaeological Trust; and a planning appeal was recently allowed last year (retrospectively) for the construction of a new driveway across the field to the front. The area to the front of the property is to be planted with over 200 fruit trees which will be taking place in March 2020. Even more recently an application

was approved by the Planning Committee for a two storey side extension to the house; this extension is now currently under construction.

- 1.2 In addition to these works the applicant is erecting a very large outbuilding at the rear of the house that the Council has not approved, but which he considers falls within Permitted Development limits.
- 1.3 The garage building which is the subject of the current application is a relatively modern addition to the property that originated as a simply designed pitched roof detached double garage approved under application SW/84/1109. This was then extended with a far larger (twice as big) garage/workshop extension with a parallel ridgeline under application SW/97/0270. The overall L shaped building (12m x 12m) as it now stands is of simple design but has no particular architectural merit, being built of yellow brick under two parallel tiled and ridged roofs, with a number of doors and windows.

2. PROPOSAL

- 2.1 This application seeks planning permission for alterations and conversion of the existing garage building to a three bedroom holiday let. The roof to the larger part of the building will be increased in height by 0.75m to allow for two bedrooms in the roof space, whilst the smaller (older) section of the building will be reduced in height by just over a metre and will be re-orientated at a right angle to the ridge of the larger part to provide a T shape roof form.
- 2.2 It is also proposed that the external appearance of the building will be changed by altering the roof form to hipped and half hipped roofs, the introduction of a "loading door" feature window, and over-cladding some of the brickwork to provide a more rural appearance. Materials include the existing yellow stock bricks with the introduction of cedar cladding as used on the approved extension to the house, natural slate roof tiles and grey upvc windows and doors.
- 2.3 An amended red edged site plan has recently been received and the agent has also confirmed by email the areas of the proposed parking and outdoor spaces for users of the proposed holiday let.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

CP4 (Design)

DM3 (The rural economy)

DM14 (General development criteria)

DM16 (Alterations and extensions)

Policy DM3 in particular supports rural business development, including tourism and leisure, with an emphasis on the appropriate re-use of existing buildings or previously developed land, and when new buildings are sympathetic to the rural location and appropriate in their context.

5. LOCAL REPRESENTATIONS

5.1 None

6. CONSULTATIONS

6.1 Milstead Parish Council objects to the application and has made the following comments:

"Milstead Parish Council unanimously oppose this application. Since the current owner occupied the premises the property has been exposed to, in our opinion, a massive and inappropriate expansion.

We believe that this application is not in keeping with a property that is outside a built up area and will cause severe detrimental and irreversible harm to the surrounding area.

We would ask for consideration be given to Housing in the Countryside paragraph 55 of the NPPF which states "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the rural communities, e.g. where there are groups of smaller settlements, developments in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances".

Anecdotally, local residents and Milstead Parish Council are at their wits end with this ongoing urban -like sprawl. We have been approached by a local resident who strongly wishes to remain anonymous and therefore will not post on the planning portal. They state the following : "I totally object to this application, the whole site is becoming a joke and has quite frankly had a real impact on the neighbourhood--the double driveway now explains why they planned to keep it!. How much more can the Council let them get away with--this was a well-respected listed building--now its just a nightmare light polluting eyesore.

The Parish Council feel that this site has already been developed beyond what is reasonable. We do wonder if the alterations already completed on this property exceed permitted development entitlement".

6.2 Natural England state that the application will result in a net increase of further residential development which can be mitigated by a SAMMS contribution.

6.3 Kent Highways and Transportation state that the proposal does not warrant involvement from the Highway Authority.

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to 19/506053/FULL.

8. APPRAISAL

8.1 The key issues to consider in this application are the principle of use of the building as a holiday let and the affect on the surrounding area.

- 8.2 In terms of principle, whilst I see no justification for the development of new free-standing holiday homes in the rural area, I am content that the re-use of existing rural buildings is acceptable in principle and complies with policy DM3 of the Local Plan. Whilst I note the objection from the Parish Council with regards to an 'urban sprawl' this would be the re-use of a substantial existing building with works all taking place within the existing footprint.
- 8.3 Whilst the overall height of part of the building will be increased slightly it would not have a significant impact upon visual or residential amenity. The smaller part of the building will be reduced in height to compensate and in my view the overall impact is to be welcomed. The alterations have been designed so the building appears more as a barn style structure with cedar cladding to match the extension on the host property and suit the rural surroundings. The current garage building is of no historic or architectural merit and the alterations in my opinion would be an improvement that would sit well within the surroundings.

The proposal will breathe new life into this existing building and create a valuable unit of holiday accommodation in line with policies for enhancing the rural economy. Whilst the existing building will be altered it is not a new building, and the alterations will be attractive and appropriate as required by adopted Local Plan policies. I do not share the parish Council's concerns about the creation of an isolated house in the countryside not least because the relevant paragraph of the NPPF (now paragraph 79) explicitly says that the restriction on isolated houses does not apply where "*the development would re-use redundant or disused buildings and enhance its immediate setting*". I believe that this application accords with the spirit of this advice and will enhance the local environment and rural economy.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required in this instance.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others.

The agent has confirmed that the applicant would be willing to pay the SAMMS contribution as the site is located within 6km of the SPA.

9. CONCLUSION

- 9.1 Overall the proposed development would improve the appearance of the existing building whilst contributing to the Borough's provision of holiday accommodation.

10. RECOMMENDATION

GRANT Subject to the following conditions and a contribution to Strategic Access and Mitigation Measures:

CONDITIONS

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

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

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

711/03, 711/04, 711/05A and 711-06.

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

- (3) Prior to their application to the building details of all 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.

Reason: In the interest of visual amenity.

- (4) Prior to their application to the building manufacturer's details of all new windows and doors 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.

Reason: In the interests of visual amenity.

- (5) No occupation of the accommodation hereby permitted for holiday use shall commence 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, energy efficiency, and sustainable drainage principles. Upon approval, the details shall be incorporated into the development as approved.

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

- (6) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the holiday accommodation shall not be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

- (7) The holiday accommodation hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicants intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (8) No further development permitted by Classes A, B, C, or D of Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

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

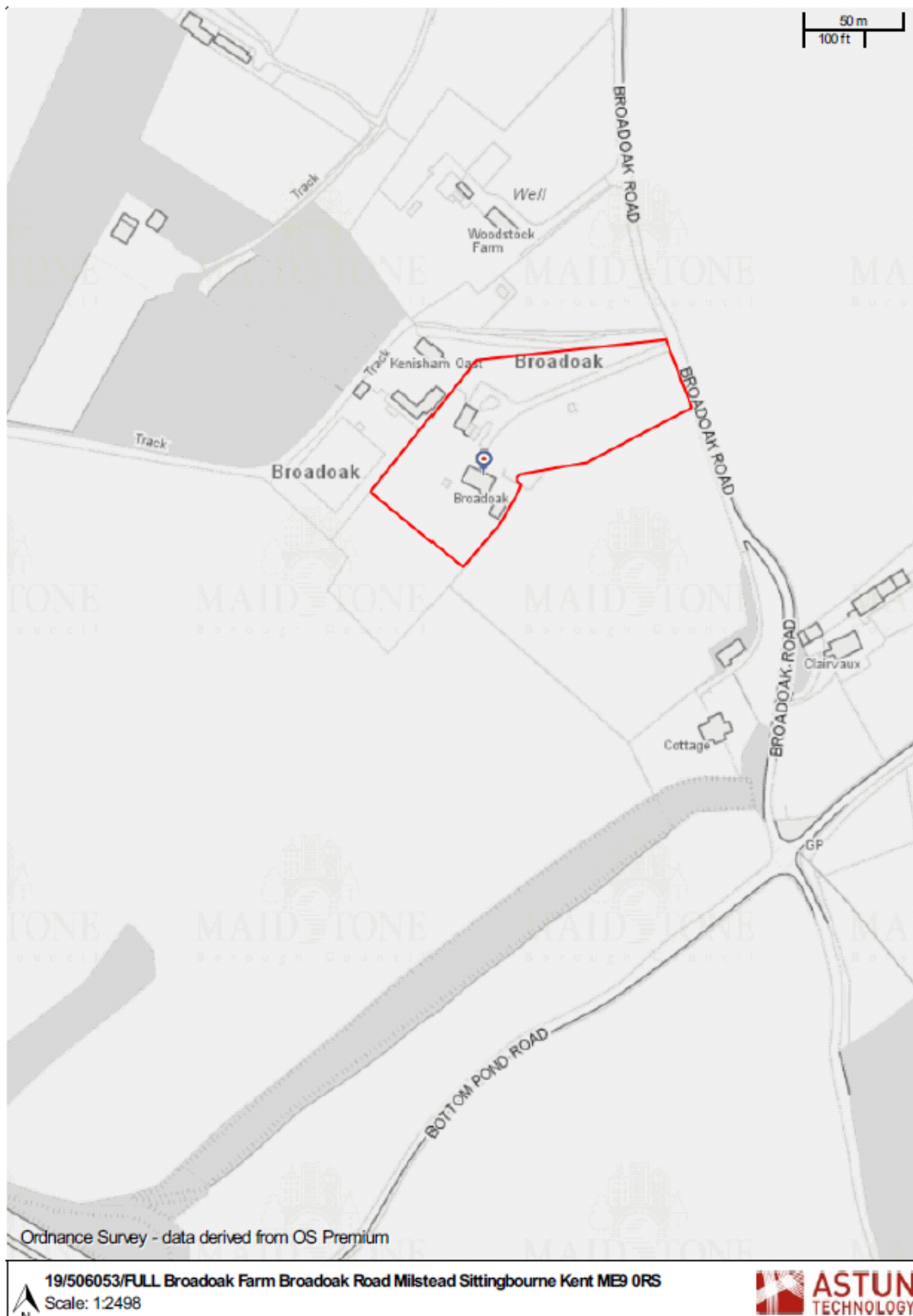
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.



2.3 REFERENCE NO - 19/506013/OUT		
APPLICATION PROPOSAL Outline Application with scale matters sought for proposed visitor information and learning centre to replace existing accommodation at Brogdale Farm.		
ADDRESS Brogdale Collections Brogdale Farm Brogdale Road Ospringe Faversham Kent ME13 8XU		
RECOMMENDATION - Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Contrary representations from Ospringe Parish Council		
WARD East Downs	PARISH/TOWN Ospringe	COUNCIL APPLICANT Brogdale Collections AGENT Mr Tom La Dell
DECISION DUE DATE 29/01/20	PUBLICITY EXPIRY DATE 09/01/20	

Planning History

Numerous applications relating to this site , however the most relevant to this application are the following:-

SW/13/0660

Change of use as demonstration gardens with incidental buildings and associated parking.
Approved Decision Date: 27.09.2013

SW/95/0740

Change of use of a large area of ground to form a series of historic gardens showing the history of fruit cultivation
Approved Decision Date: 08.11.1995

1. DESCRIPTION OF SITE

- 1.1 The site is situated within Brogdale Farm which is the home of the National Fruit Collection (NFC) with public access to the NFC arranged via a charity known as Brogdale Collections. The farm is situated to the south of Faversham town, alongside the M2 motorway and outside any Local Plan defined built-up area boundary.
- 1.2 The location of the proposed building is set to the east of the existing car parks and to the south of the main cluster of buildings on the farm. Buildings to the north of the site screen the location from the Grade II listed Brogdale Farmhouse, which is in separate ownership and lies approximately 60 metres from the proposed development site, with separate access from Brogdale Road.
- 1.3 Following the decision by MAFF to pull out of Brogdale in 1990 the farm was taken over by local management to preserve public access to the NFC. As part of the Council's wish to see the site become a significant local visitor attraction, application SW/95/0740 was approved in 1995 for use of a large area of ground adjacent to the current

application site to form a series of historic gardens showing the history of fruit cultivation, ways of growing fruit and demonstrating the variety of fruit. This included a viewing mound, pavilions and a series of linked gardens to add to the visitor experience of Brogdale. The proposals were described as a master plan for the outdoor activities and gardens to realise the concept of Brogdale as a visitor attraction. External funding was to be sought to achieve the approved aims via an appeal, but although neither the gardens nor the mound were ever created the overflow car park now in place was shown as part of those plans and the applicant suggests that this permission was implemented.

- 1.4 Much more recently, planning permission SW/13/0660 was granted for an alternative arrangement of demonstration gardens. Only one of the gardens (a wildlife garden) has been created so far, but the application has been implemented and further gardens can be constructed subject to detailed approvals from the Council. These would transform the setting of the current application site from an open field to a formal series of gardens including pavilions and pathways for visitors to experience gardening techniques from around the world.

2. PROPOSAL

- 2.1 This is an outline proposal, with only matters of scale sought for approval under this application, for the erection a new free-standing information and learning centre to serve the Brogdale Collections and visitors to the NFC. The proposed building would sit within an irregularly shaped floorplan (intended to provide for the indicative floorplan submitted with the application), which would have a maximum length of 38 metres and a maximum width of 26 metres, reducing to 17 metres. The intended overall height of the building has recently been confirmed as 5.5m
- 2.2 Although only matters of scale are sought for approval under this application, indicative design drawings have been submitted, which show a single storey building which, although contemporary in style, suggests the style of simple agricultural buildings that might be found in the countryside. The indicative drawings show areas of the building to be used for offices, a shop, and an information/gallery area.
- 2.3 In addition to the above, the application is supported by a feasibility study; a conjectural masterplan showing the proposed building in the wider context of the site; and a comprehensive Design, Access and Planning Statement.
- 2.4 The aforementioned statement contains the following words:

'Brogdale Collections currently uses rooms in the existing buildings to the north of the proposed demonstration gardens for its visitor information, education and administration. The proposal is to replace these with a new purpose built Visitor Information and Learning Centre with the same accommodation and related facilities but improved reception and information facilities, together with a new exhibition space, and glazed area for us in poor weather. The latter is important for visitors as currently they have nowhere to go in inclement weather.'

'Brogdale Farm is an important visitor destination in Swale Borough and especially in the Faversham area. The National Fruit Collection is known nationally and internationally and has added considerably to the breadth and character of tourist destinations in the Faversham area. Faversham is well known as a food and drink destination and Brogdale is a celebration of the diversity of fruit varieties and their

cultivation. Brogdale widens this interest to include the social and scientific matters behind sustainable food production and diet and health.'

'This application seeks to improve the quality of the visitor experience at Brogdale and to enable Brogdale Collections to improve facilities for visitors and expand the quality of its on site and offsite education offer. It will not increase visitor numbers as such or beyond those arising from the permitted Change of Use to Demonstration Gardens as there is no significant expansion of visitor attractions on the site; it mainly relocates existing facilities into a new purpose built centre. The proposed Visitor Information and Learning Centre will not increase the peak numbers of visitors at festivals and events. Visitors will mainly be outside the times of peak flows. These visits could increase by some 10%, before the demonstration gardens are provided and will be evenly spread throughout the day. It will not have a significant impact on traffic flows or on the current highway infrastructure. There is planning permission for the development of the demonstration gardens and the new visitor reception will be directly related to them. This will enable the development of the educational programmes offered by Brogdale Collections in relation to the National Fruit Collection, the demonstration gardens and the wider stories around this unique fruit collection.'

'Brogdale collections has planning permission for the development of demonstration gardens to the south of the site of the proposed visitor reception. The festivals and events (held on site) have been established at Brogdale Farm continuously since 1990. Brogdale Collections currently occupies offices and meeting rooms in the building immediately to the north of the proposed visitor reception. The proposed new building would replace this accommodation in a nearby location on the site.'

3. PLANNING CONSTRAINTS

- 3.1 The site is situated outside any established built-up area boundary, but not inside the AONB.

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031 – The Swale Borough Local Plan 2017: Policies ST3 (The Swale Settlement Strategy); ST7 (The Faversham and Kent Downs Area Strategy, which states that development proposals should *'expand the tourism focus of the area'*); CP8 (Conserving and enhancing the historic environment); DM3 (The rural economy); DM14 (General development criteria); DM32 (Listed Buildings).
- 4.2 National Planning Policy Framework (NPPF) 2019 – paragraphs 80 (Promoting economic growth); 83 (Sustainable growth in the rural economy, including rural tourism); 192 (Taking into account the setting of listed buildings)

5. LOCAL REPRESENTATIONS

- 5.1 No representations have been received.

6. CONSULTATIONS

- 6.1 Ospringe Parish Council objects to the proposal. Their response is given here in full: *'We are strongly opposed to this application for the following reasons:*

“There has been widespread concern over the years at the piecemeal and ad hoc nature of planning applications for Brogdale Farm. This has resulted in a less than coherent development strategy for what is an influential site, and several of the previous planning consents have had a significant effect on the local area, particularly regarding traffic generation. It has previously been suggested that there should be a comprehensive development plan put in place so that future development at Brogdale can be coordinated and its effect better understood and controlled. We believe that this application should be prefaced by such a development strategy document.

We question the assertion in the Design & Access and Planning Statement that the 2013 outline planning consent for demonstration gardens has been legally commenced, given the very modest amount that has been done on site pursuant to that consent. If this is correct, then the consent has now lapsed and affects the context in which the current application has been made.

The site of the proposed building is currently undeveloped former farmland, akin to a greenfield site. As such, we believe that strong reasons need to be put forward to justify the construction in that location of a substantial building such as the one proposed. Moreover, we question the need and justification for a new building when there is plenty of vacant existing accommodation on the Brogdale complex which could be used, and the applicants already have accommodation on the complex, as the Design & Access Statement confirms.

We do not accept the applicant’s assertion that the building will not result in any or much increase in traffic numbers (paras 2.10 and 7.1 of the Design & Access Statement). It is reasonable to assume that by increasing the visitor attraction, visitor numbers will increase. Moreover, the building will result in additional building space being available at Brogdale, since it presupposes that the applicant’s existing accommodation on the complex will be vacated by it. We anticipate that the numbers of coaches and PSVs as well as cars will increase, putting further pressure on the Brogdale Road and the Brogdale Road/A2 junction as well as the rural lanes around the site. There will likely be a very significant increase in overall traffic numbers as shown in supporting documents issued in 2013 at the time of the outline planning application. If the application is granted, we would ask that a condition be placed to ensure that this kind of traffic be controlled and managed and that prescribed routes for vehicles be set out going to and from the site.

Coaches present problems. At present, coaches drop off and pick up passengers close to the main building entrance, often leaving their engines running for long periods. We would like to see a dedicated pick up and drop off point and a prescribed parking area for coaches away from the boundary with the adjoining residential property, with adequate signage indicating where the drop off/pick-up points and parking area are located. We are also concerned about the omission of the overspill car park previously shown on an illustrative masterplan and other planning documents, which could lead to cars parking on the Brogdale Road causing an obstruction when the car park is overfull to capacity. There have been several recorded instances of cars being parked on the Brogdale Road causing obstruction.

The size of the proposed visitor centre is significantly larger than the existing building which suggests an increase in capacity and use for larger events. If the usage of the building were not limited by suitable planning conditions, it could be used for events or functions unrelated to the core work of the applicants, thereby further increasing the traffic and loss of amenity for local residents.

If permission is granted, we would like to see a restriction placed on the hours of usage and opening hours and restrictions on any external lighting.

We note that the plans submitted by the applicant conflict with an illustrative masterplan presented to the parish council in a previous council meeting.”

6.2 The applicant has responded to these comments as follows:

‘The planning permission SW/13/0660 was legally commenced with approval to Conditions 2 and 3 under SW/18/504389, and the formal and agreed commencement of works on the site.

“The ‘strong reasons’ to justify the construction of the proposed Visitor Information and Learning Centre have been provided in the application. Brogdale Collections can only effectively deliver the visitor access and education obligations in its objectives as a charity with facilities which are directly related to access to the National Fruit Collection. These need to be separate from the existing buildings to meet the increasingly high standards which visitors now demand. There are no suitable premises in the existing buildings to expand what we offer to the public. Our visitor management is difficult in our current rooms, both for arrivals and then access to the farm and the National Fruit Collection. The proposals precisely replicate the sizes of the rooms we currently occupy and add a dedicated education space for visitors (which will be secure enough for us to offer the required digital facilities now required for education), a slightly larger office for our staff, undercover space for use in poor weather, storage and our own toilet facilities.

The KCC Highways response to the application of 19 December 2019 is very clear that they accept that “the proposal will not generate a material increase in vehicle numbers above those already associated with the extant use of the site”. This is precisely what the proposals seek to achieve. The permitted overspill car park remains in the proposals and there will be no reasons for visitors to park on Brogdale Road.

In the future, we would like to see regular liaison with the Parish Council on behalf of local people where matters such as the coaches can be discussed.

I trust that this answers the concerns of the Parish Council.”

6.3 Kent Highways and Transportation raises no objection, subject to conditions.

6.4 The Council's Tourism Officer supports the application, noting that:

‘The Council has a close working relationship with this visitor destination which provides a valuable resource both for local residents, businesses and visitors and is one that we would wish to see retained and developed. The proposed application accords with this vision and I am therefore happy to support the replacement of the existing facilitations and look forward to the proposed visitor information and learning centre becoming operational. Such a proposal does not suggest that the business will grow exponentially and I am aware that the site staff are conscious of their responsibilities in terms of both vehicular and pedestrian access and egress.’

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to 19/506013/OUT.

8. APPRAISAL

8.1 Noting the objection received from Ospringe Parish Council, it appears that the main issues of concern in this case are those of a potential increase of visitor numbers and additional traffic; the Parish Council’s wish to see a coherent development strategy for the site before any further development is permitted; and whether or not the development of the exhibition gardens can be said to have commenced. I will take each of these issues in turn. However, it must be remembered that this is an outline application only, with only the scale of the proposed building to be decided under this application.

8.2 The Parish Council is concerned that the proposal, if approved, would lead to additional visitor numbers and traffic problems associated with the site. However, I note the observations raised by the applicant in response to these concerns where he says:

‘The KCC Highways response to the application of 19 December 2019 is very clear that they accept that “the proposal will not generate a material increase in vehicle numbers above those already associated with the extant use of the site”.

In my view the proposed building is intended to present a higher quality entrance facility for visitors, and I do not see that as inherently likely to increase visitor numbers. Far more likely is that visitor numbers might rise when the approved gardens are completed, but this element already has planning permission. It seems to me that any additional traffic resultant from the proposed visitor centre itself will be minimal but that any such increase should be supported if it leads to more visitor numbers bringing additional revenue and possibly jobs to the Borough. It is of course also likely that any such visitors will visit the town centre of Faversham, with associated spend in shops, café’s, etc. As such, the proposal is in accordance with policy DM3 of Bearing Fruits 2031: The Swale Borough Plan 2017 and paragraph 83 of the NPPF which supports the rural economy including tourism. The permitted overspill car park remains in the proposals and there should be no reason for visitors to park on Brogdale Road.

8.3 I would add to the above that, at present, the visitor centre rooms are not particularly obvious to the visitor, being within an existing building within the courtyard, and, due to the nature of the internal layout, could perhaps be viewed as not presenting an attractive or inspiring welcome centre to the site. When considering that the NFC is of international importance, it is somewhat surprising that the existing visitor centre is not of a higher quality. A separate visitor centre, such as proposed, would provide a more welcoming

and inspiring start to any visit to the site. Many visitor attractions, such as National Trust properties have attractive and welcoming visitor centres , to welcome the visitor and supply information, and I believe that the NFC also deserves such a facility.

- 8.4 I note that Parish Council's wish to see an overall development strategy for the site and I know that this suggestion has been raised before. However, each planning application must be considered on its own merits and I do not consider that a lack of an overall development strategy for the entire site can constitute a reason for refusal of the present application, which is for one small building to serve existing visitors better.
- 8.5 It is acknowledged that only one of the exhibition gardens has been completed to date. However, this is sufficient to constitute a commencement of the planning permission (reference SW/13/0660) for same, and I can confirm that the planning permission has been commenced and is therefore extant.

9. CONCLUSION

- 9.1 In my view the benefits of the scheme far outweigh any possible minor adverse impacts, and I recommend that the proposal be approved, subject to the conditions included below.

10. RECOMMENDATION - GRANT Subject to the following conditions:

CONDITIONS

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

Reason: 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.

Reason: 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 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.

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

- (4) The landscaping details submitted pursuant to condition (1) shall include full details of both hard and soft landscape works including existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate,

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

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

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

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

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

- (7) 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 on any other day except between the following times :-

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

Reason: In the interests of residential amenity.

- (8) 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.

Reason: In the interests of residential amenity.

- (9) Prior to the commencement of the development hereby approved, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, which shall include:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities.

Reason: In the interests of residential amenity.

- (10) The premises shall be used for the purpose of a Visitor Information and Learning Centre to receive visitors to Brogdale Farm and the National Fruit Collection and for no other purpose including any use within Class A1 (Shops), B1 (Business) or Class D1 (Non-residential institutions) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

- (11) No floodlighting, security lighting or other external lighting shall be installed on the building hereby approved 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.

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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 case, 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.



PLANNING COMMITTEE – 9 JANUARY 2020**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

REFERENCE NO - 18/506274/FULL		
APPLICATION PROPOSAL Redevelopment of workshops and offices with change of use to C3 residential creating 4 no. 2 bed Flats with amenity space, bicycle storage and parking. (Resubmission of 17/505382/FULL) (Resubmission of 17/505382/FULL)		
ADDRESS 19 Albany Road Sittingbourne Kent ME10 1EB		
RECOMMENDATION Refuse however an appeal has been submitted against non determination of this application and it cannot now be formally determined by the Council. Members must therefore decide how they would have determined the application had an appeal not been submitted. This will inform the Council's case at the appeal.		
SUMMARY OF REASONS FOR RECOMMENDATION Harm to visual and residential amenity, lack of SAMMS payment		
REASON FOR REFERRAL TO COMMITTEE Appeal against non-determination submitted		
WARD Homewood	PARISH/TOWN COUNCIL	APPLICANT Structural & Weld Testing Services Ltd AGENT John Burke Associates
DECISION DUE DATE 28/01/19		PUBLICITY EXPIRY DATE 02/10/19
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites)		
App No	Summary	
17/505382/FULL	Redevelopment of workshops and offices into 7 No Flats (2x2 Bed-3P & 5x1 bed-2P) with amenity space, wheelie bin and cycle storage, visitor parking and landscape detail. Refused Decision Date: 21.12.2017	
15/506402/PAPL	Redevelopment of workshops and offices into 7 No Flats	
SW/95/0603	Change of use from office to single dwelling with associated works - refused	
SW/92/0603	Shared home to accommodate 8 people with disabilities – withdrawn	
SW/85/0248	Alterations and extension to existing offices – approved	

1. DESCRIPTION OF SITE

- 1.1 The site is located in the built-up area boundary of Sittingbourne and lies within a designated area of High Townscape Value. It is located on a prominent location east

of Albany Road at the corner junction with Avenue of Remembrance It is rectangular in shape and occupies a site area of 0.044 Ha.

- 1.2 The site is currently in use as workshops and associated office provision for 'Structural Steel and Weld Testing Services Ltd'. Currently the business comprises of a single storey office development fronting Albany Road with the provision of two off street parking spaces also fronting Albany Road. The commercial work shops are located to the rear of the site and include a two storey building with an L-shaped footprint which abuts the sites southern and eastern boundary of the site. A small open yard is retained within the centre of the site.
- 1.3 The site is bounded to the north by a small area of green open space and a number of tall trees. These trees are a continuation of the trees along the southern side of the Avenue of Remembrance. The trees immediately adjacent to the site are not protected by TPO's.
- 1.4 To the east is Borden Grammar School set within large open playing fields. Further north lies the Police Station, Kent County Court and the Telephone exchange.
- 1.5 Due west is predominantly residential comprising of semi-detached and terrace properties along Park Road and William Street and, larger detached properties/flat conversions situated along Nativity Close beyond.

2. PROPOSAL

- 2.1 The application seeks planning permission for the redevelopment of the existing workshop and associated offices to residential use creating 4 x 2 bedroom units with amenity space, bicycle storage, and vehicle parking.
- 2.2 In terms of the development, the proposal involves the demolition of the existing two storey 'L-shaped' workshop/office building to the rear and its replacement with 1 x 2 bedroom detached and two x 2 bedroom semi-detached two storey houses. The existing single storey office building fronting Albany Road would be converted to provide a 1 x two bedroom self-contained unit.
- 2.3 The detached house would be located at the eastern end of the site, and would measure 4.8m deep, 9.2m wide, with a height to eaves of 5.1m and a ridge height of 7.3m.
- 2.4 The semi-detached houses would have a combined footprint of 13.5m wide, 6.2m deep, with an eaves height of 4.9m and a ridge height of 7.6m.
- 2.5 The detached single storey unit would be L shaped, with maximum dimensions of 12.4m wide, 8.9m deep, an eaves height of 2.7m and a maximum ridge height of 5.2m
- 2.6 Each two storey unit would have amenity space to the front, behind the existing brick wall fronting Avenue of Remembrance. The single storey unit would have no amenity space, and would instead have two parking spaces to the front, and cycle storage to the rear.
- 2.7 In an attempt to work with the agent to achieve a more acceptable development within this location the proposal has been revised numerous times. The final revisions (No's 1 of 2, STR-0619-01 Rev B & No. 2 of 2, STR-0619-01 Rev B) show the

reduction in the number of dwellings from 7 units to 4 x two bedroom units including internal re-figuration and the removal of high windows within the south and east elevations.

3. PLANNING CONSTRAINTS

3.1 Area of High Townscape Value

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF): paragraphs 8 (dimensions to sustainable development), 11 (presumption in favour of sustainable development)

4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017

Policy ST1	Delivering sustainable development in Swale
Policy ST3	The Swale settlement strategy
Policy CP1	Building a strong economy
Policy CP3	Delivering a wide choice of high quality homes
Policy CP4	Requiring good design
Policy DM7	Vehicle Parking
Policy DM14	General development criteria
Policy DM19	Sustainable design and construction
Policy DM36	Area of High Townscape Value

4.3 Departments for Communities and Local Government: Technical Housing Standards – Nationally described space standards

4.4 SPG 4 Kent Vehicle Parking Standards

5. LOCAL REPRESENTATIONS

5.1 Two representations objecting to the application have been received. I will summarise their contents below:

- Overdevelopment - High density development
- Highways – impact upon existing parking congestion
- Neighbouring amenity – Overlooking, noise impacts
- Residential amenity – Substandard level of accommodation
- Building control – unsuitable means of escape

5.2 *Officer comments:* During the course of the application the proposal was revised a number of times to address concerns which have been raised. The final revisions (No's 1 of 2, STR-0619-01 Rev B & No. 2 of 2, STR-0619-01 Rev B) show the reduction in the number of dwellings from 7 units to 4 x two bedroom units including the associated internal re-figuration and the removal of high windows within the south and east elevations.

6. CONSULTATIONS

6.1 **KCC Highways and Transportation** have no objection subject to conditions.

6.2 **The Environmental Health Manager** has no objection, subject to a condition in respect of hours of construction.

6.3 **Kent Police** raise a number of issues, which are not material planning considerations.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and correspondence for this application and those referred to above.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies within the built up area of Sittingbourne where residential development is acceptable in principle.
- 8.2 Policy CP1 seeks to prevent the loss of employment floorspace within the Borough, where appropriately located. In this case, the site lies adjacent to a number of dwellings, on the edge of a residential area. It seems to me that the use of the building is likely to fall within use class B2 (general industry). I am also aware that, in the past, noise complaints have been made to the Council's Environmental Protection Team by local residents. I am of the view that the use of this site for such purposes is not suitable in this location, and as such, I consider its loss as an employment site to be acceptable in principle.

Visual Impact

- 8.3 The site lies in an Area of High Townscape Value. The policy test, set out in Policy DM36 of the Local Plan, is that development should "provide for the conservation or enhancement of the local historic and architectural character, together with its greenspaces, landscaping and trees". I recognise that the shape and location of the site make it difficult to develop, and I am also mindful of the existing building on the site. However, it is a very prominent site in an important location on a significant route around the town centre and a high standard of design is warranted here. On balance, I consider the layout, design and detailing of the scheme to run contrary to that of the area, which is characterised by substantial terraced dwellings fronting the street. I am also concerned that the layout of the dwellings, and their proximity to the trees immediately adjacent to the north of the Avenue of Remembrance will lead to pressure for their removal, due to their impact on the outlook from the dwellings. This would harm the character and appearance of the area.

Residential Amenity

- 8.4 The size of the dwellings have been amended to comply with national space standards. The dwellings would provide a reasonable internal space for future use.
- 8.5 I do though have significant concerns regarding day and sunlight, outlook, privacy within the site and provision of amenity space:

Detached two storey house

The only window serving the rearmost bedroom would be located just over 3m from the blank flank wall of the semi-detached units, as would two of the windows serving the ground floor open plan area. This would give rise to a lack of day/sunlight, and poor outlook.

Semi-detached houses

These houses would be served by an open plan living and kitchen area on the ground floor with two bedrooms and shower room above. All windows would be located on the front principle elevation which has northern orientation which naturally restricts the levels of sunlight. The proximity of the front boundary wall that is situated within 3.5m of the windows would adversely impact upon the outlook, natural sunlight and levels of overshadowing to the detrimental of the living conditions of future occupiers. The private amenity space for both units would be entirely overlooked by the front bedroom window of the detached house, and would in any case be of a substandard size, measuring 6m x 3.5m, and would be overshadowed by the dwellings themselves, and further harmed by the presence of the trees to the front of the site.

Detached single storey dwelling

This dwelling would have all of its bedroom windows facing the two unallocated parking spaces serving the site, giving rise to loss of privacy and noise and disturbance. Furthermore, the proposed cycle parking is located immediately to the rear of this unit and due to the site layout it would be necessary for occupants of other units to pass these windows, and walk through the site in order to access the cycle provision. This curious arrangement means that this dwelling would have no private amenity space at all.

- 8.6 Although the site is located close to the town centre, and close to public amenities including a nearby park, the units are of a suitable size for family accommodation. The lack of adequately sized and appropriately located private amenity spaces is therefore a significant material consideration here.
- 8.7 With regards to impact upon residential amenity, based on the surrounding built form, separation distances to the nearest dwellings, consideration of the existing structures/work premises and the removal of windows as part of the revised scheme, I do not consider the proposal will give rise to any unacceptable impacts to neighbouring amenity with regards to an overshadowing or overbearing impact. I also note the lack of objection from Environmental Health and therefore in my opinion the application would be acceptable in relation to residential amenity.

Highways

- 8.8 I note the large number of objections received from local residents in relation to parking congestion. Two unallocated parking spaces would be retained on site, although as set out above, their location wholly within the curtilage of the single storey dwelling is far from satisfactory. This is though a highly sustainable town centre location, where zero parking provision is considered acceptable. KCC Highways and Transportation do not object, and consider that the conversion of this building from its existing workshop and office use to residential use is unlikely to lead to a material increase in on-street parking. I am satisfied that there are no adverse impacts in relation to the public highway.
- 8.9 Provision is made for cycle parking within the scheme which would promote sustainable modes of transport in accordance with relevant provisions in the revised NPPF. However, this is poorly located in terms of accessibility and potential privacy for the future occupants of the single storey unit.

SAMMS Contribution

8.10 The site lies within 6km of the Swale SPA and a contribution is therefore required to mitigate the potential impacts of the development upon that protected area, in accordance with the Council's standing agreement with Natural England. (Natural England has not commented in respect of this application, but their approach is clear and consistent across the board with residential development, and I see no reason to delay the application to await their standing advice response.)

9. CONCLUSION

9.1 For the reasons set out above, I conclude that the development would have a harmful impact on visual amenity, would fail to conserve or enhance the character of the Area of High Townscape Value, would give rise to a substandard level of residential amenity for occupiers of the dwellings. Had the appeal not been submitted, I would have recommended refusal on this basis, and I recommend that Members resolve that permission would have been refused for the reasons set out below.

10. RECOMMENDATION

That, had the appeal against non-determination not been submitted, planning permission would have been REFUSED for the following reasons:

1. The proposed development, by reason of its layout and design, would fail to positively reflect the character of development in the vicinity, and would harm the visual amenities of the area and fail to conserve or enhance the local historic and architectural character of the Area of High Townscape Value, contrary to Policies CP4, DM14 and DM36 of the Swale Borough Local Plan 2017
2. The proposed development, by reason of its design and layout, would give rise to a lack of daylight/sunlight, poor outlook and lack of privacy, together with noise and general disturbance. The proposed development would therefore give rise to a substandard level of residential amenity for all occupiers of the proposed dwellings, contrary to Policy DM14 of the Swale Borough Local Plan 2017
3. The proposed development will create potential for recreational disturbance to the Swale Special Protection Area. The application submission does not include an appropriate financial contribution to the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS), or the means of securing such a contribution, and therefore fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site, and would be contrary to the aims of policies ST1, DM14, and DM28 of the adopted Swale Borough Local Plan 2017; and paragraphs 8, 170, 171, and 175 of the National Planning Policy Framework.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.



3.2 REFERENCE NO - 19/504872/FULL		
APPLICATION PROPOSAL Erection of car sales showroom and car preparation workshop.		
ADDRESS Marshlands Farm Lower Road Eastchurch Kent ME12 3ST		
RECOMMENDATION Refuse		
SUMMARY OF REASONS FOR REFUSAL The bulk, scale and positioning of the building will have significantly harmful impacts upon the character and appearance of the surrounding countryside.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Marchington		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Marshlands Lettings Ltd AGENT Woodstock Associates
DECISION DUE DATE 10/02/20		PUBLICITY EXPIRY DATE 29/10/19

Planning History

18/506074/FULL

Erection of car sales showroom and car preparation workshop.

Refused Decision Date: 16.01.2019

18/502526/FULL

Erection of car sales showroom and car preparation workshop.

Withdrawn Decision Date: 12.07.2018

ENF/12/0004

An appeal against the issuing of enforcement notice against the material change of use of land to land used for the purposes of vehicles sales.

Appeal allowed October 2012

1. DESCRIPTION OF SITE

- 1.1 Marshlands Farm lies outside the built up area boundary, to the south-east of Minster, adjacent to the roundabout at the junction of Lower Road and Thistle Hill Drive. It comprises a large, industrial style building in the centre of the site which is split into three different units. Three areas of land on the western side of the site are used for car sales, caravan sales and storage of skips. There are three residential properties immediately south-east of the site. The part of the site relevant to this application is the north west corner, which is used for car sales.
- 1.2 In terms of site history, it is worth noting that the above appeal against the issuing of an enforcement notice against the existing car sales use was an unusual situation, in that the Council didn't object to the proposed use, but an application was not forthcoming to regularise the situation and enable imposition of appropriate conditions to mitigate the impact of the use upon the countryside.

- 1.3 Several applications which are similar to this proposal have been submitted in the past. The first (ref. 18/502526/FULL) was withdrawn and the second (ref. 18/506074/FULL) was refused for the following reason:

(1) The proposed building, by virtue of its bulk, scale, location and prominence, would amount to an obtrusive structure, harmful to the character and appearance of the countryside and the visual amenities of the area. This is contrary to policies ST3, CP4 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a car sales showroom and car preparation workshop to replace an existing portacabin on the site. The building will be located on the south side of the application site, situated on the area currently used for car sales, which measures roughly 40m x 22m. The showroom will be set 28m back from Lower Road and will measure 18m x 9m and will have a pitched roof with an eaves height of 4.8m and a maximum ridge height of 6.5m. The new building will be split in two internally, with half of the structure being used as the car sales showroom and associated toilets, kitchen and office and the other half of the structure forming the car preparation workshop. The building will be constructed of red brick and half of the structure will be clad with vertical box profile sheeting which will be green in colour.
- 2.2 Access to the site will be provided off of Lower Road via the existing internal road serving Marshlands Farm. Three staff parking spaces and three visitor parking spaces will be provided to the east of the showroom.
- 2.3 The building proposed here has the same footprint as the structure refused under application 18/506074/FULL. The main differences are the change in roof type and materials. Under the refused application, a mono-pitch roof was proposed, which had an eaves height of 5m and maximum height of 5.7m. The building was to be clad with profiled sheet cladding in metallic grey, with a glazed area situated on the north east corner of the structure.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP1, CP4, DM3 and DM14 Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 Seven comments in support of the application have been received. Their contents are summarised below:
- The new building will be a vast visual improvement to the existing containers on site.
 - The proposed plan is within the existing footprint of the current business and has no impact on any other party.
 - Enhancements to local trade and industry such as this should be encouraged in order to attract more custom and, hopefully, more employment in the long term.

- 5.2 Cllr Marchington called the application in to Planning Committee.

6. CONSULTATIONS

- 6.1 Minster Parish Council – Support the application and is pleased to see a local business progressing.
- 6.2 Environmental Health – Originally provided comments objecting to the application on the basis that the proposed workshop could potentially cause unacceptable levels of noise. The applicant subsequently provided additional information, stating that the workshop was only to be used for general servicing, cleaning and valeting, along with any warranty work that may be required, and will not be used as a general repair garage. Following this information, Environmental Health were reconsulted and they confirmed on this basis that they had no objection to the scheme.
- 6.3 KCC Highways – No objections subject to conditions relating to provision of turning/loading/unloading facilities for construction vehicles, parking during the construction phase, provision of wheel washing facilities and retention of parking spaces.
- 6.4 Kent Police - suggest the applicant/agent considers the points below.
1. Perimeter treatments including gates (lockable) should be min 1.8m in height
 2. Doorsets should be min PAS 24:2016 Certified including internal doors where keys and tools would be stored.
 3. Any roller shutters should be located as close to the building line as possible to avoid the creation of a recess. They should meet either LPS 1175 Issue 7, Security Rating 2, STS 202 Burglary Resistance 2 or Sold Secure Gold 53.2 and be fixed into the fabric of the building.
 4. Windows inc. roof lights to meet min PAS 24:2016 Certified with laminated glazing.
 5. A monitored alarm is recommended.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents for 19/504872/FULL and 18/506074/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The application site lies outside the built up area boundary of Minster where there is a general presumption against development. The main consideration here is the visual impact of the proposal upon the character and appearance of the countryside.

Visual Impact

- 8.2 The site lies in a prominent location and will be clearly visible from Lower Road. When comparing the design of the car salesroom with the structure refused under 18/506074/FULL, due to the change in roof type, I believe the building will be even more dominant in the landscape than the previously refused design, as the ridge height proposed here will be 0.8m taller. Currently, a small single storey portacabin structure and converted shipping container are used for car sales on the site, and these structures are mainly shielded from wider views due to the existing industrial unit to the south east and trees to the north. I believe the scale of the proposed unit, which has a maximum height of 6.5m, will amount to an obtrusive feature that will be prominent in the landscape, causing significant harm to the character of the area. I acknowledge there are large industrial buildings on site, however these have been in situ for many years and are located further into the site than the proposal, therefore meaning that they are less prominent when viewed from Lower Road. This application would introduce additional built form to the front of the site, where there is currently no large buildings, and in my view, would be of an inappropriate scale.

- 8.3 I note the proposed materials differ from the refused design, and whilst I consider they are more appropriate than the originally proposed materials, I still take the view the proposal will have a significantly harmful impact on the surrounding countryside.
- 8.4 The submitted Design and Access Statement explains this proposal is required to provide purpose built accommodation that offers better facilities than the existing sales office and on-site car preparation that currently has to be carried out off site. I acknowledge the comments in support of the application, and note that the proposal would support the expansion of a rural business. DM3 relates to the rural economy, and states that the design and layout of new buildings needs to be sympathetic to the rural location and appropriate in their context, and should also result in no significant harm to the rural character of the area. I take the view that there are insufficient justifications for a building of this scale in this countryside location and the need for the showroom and workshop on the site does not outweigh the harm caused to visual amenities. I consider this application will have an unacceptable impact on the character and appearance of the surrounding countryside and this would amount to a reason for refusal.

Residential Amenity

- 8.5 With regards to impact upon residential amenity, given the separation distances to the nearest dwellings (the closest of which is 55m away), I do not consider the proposal will give rise to any unacceptable impacts to residential amenity with regards to an overshadowing or overbearing impact. I note Environmental Health did raise concerns regarding the potential noise impact from the proposed workshop, however following the submission of additional information regarding exactly what works will be carried out in the workshop, Environmental Health raised no objection to the scheme. Following the lack of objection from Environmental Health, I believe the proposal will be acceptable with regards to its impact on residential amenity.

9. CONCLUSION

- 9.1 On the basis of the above, I consider the proposed car sales showroom and workshop would amount to an obtrusive structure which would give rise to significant harm to the visual amenities of the area and character and appearance of the countryside. As such I recommend planning permission is refused.

10. RECOMMENDATION - REFUSE for the following reason:

- (1) The proposed building, by virtue of its bulk, scale, location and prominence, would amount to an obtrusive structure, harmful to the character and appearance of the countryside and the visual amenities of the area. This is contrary to policies CP4 and DM14 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017'.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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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3.3 REFERENCE NO - 19/506127/FULL		
APPLICATION PROPOSAL Demolition of the existing bungalow and 2no. outbuildings, and erection of a replacement four bedroom family home with attached garage.		
ADDRESS Starborne Oak Lane Upchurch Sittingbourne Kent ME9 7BB		
RECOMMENDATION Refuse		
SUMMARY OF REASONS FOR REFUSAL The proposed replacement dwelling is contrary to policy and due to its scale and massing would cause significant harm to the countryside location.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Horton and Parish Council support.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Upchurch	APPLICANT Mr & Mrs Bodycomb AGENT The Complete Oak Home
DECISION DUE DATE 05/02/20		PUBLICITY EXPIRY DATE 21/01/20

Planning History

19/500999/FULL

Demolition of existing bungalow and outbuildings, and erection of a new four bedroom detached dwelling, including new boundary wall, entrance gates and driveway.

Refused Decision Date: 10.07.2019

1. DESCRIPTION OF SITE

- 1.1 The application site consists of the remains of a fire damaged bungalow and associated outbuildings that lies outside the built up area of Upchurch. The site is very overgrown. Whilst site is fenced off, it is possible to see that the walls remain in place, but the roof has been almost totally destroyed with a few burnt beams remaining. I understand that the fire took place in 2015.
- 1.2 The site fronts Oak Lane with no formal means of enclosure, with an overgrown hedgerow and other scrub between the existing structure and the highway. There is an existing vehicular access to the north of the dwelling. The golf club lies opposite, and Upchurch lies to the north.

2. PROPOSAL

- 2.1 This application seeks planning permission for the demolition of the existing bungalow and its replacement with a two storey dwelling with attached double garage.
- 2.2 The proposed dwelling would measure 13.2m deep (max) 21.8m wide (max, including garage) and would be 3.7m to eaves, 8.4m to ridge.

2.3 The dwelling would be set back approximately 24m from highway frontage, with a parking area of approximately 18m x 16m to front. The rear garden would be in excess of 60m x approximately 36m.

2.4 Total floorspace (measured externally):

- Original dwelling (taken from OS extract) – 91.6m²
- Proposed dwelling – 269.96m² (195% increase over original)
- Proposed dwelling and attached garage – 313m² (242% increase over original)

3. SUMMARY INFORMATION

3.1 The applicant is aware that proposal would be contrary to Swale Borough Council Local Plan policy and has sought to argue a fallback position regarding what could be built as permitted development is a material consideration here. A rough scheme has been included in the Design and Access Statement demonstrating what could be achieved without planning permission.

4. PLANNING CONSTRAINTS

None.

5. POLICY AND CONSIDERATIONS

5.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017:

CP4 – Development should (inter alia):

- Provide a high standard of landscaping including native species and plants that respect the landscape character
- Provide hard landscaping, surface and boundary treatments that are locally distinct and that respond positively to the character of the locality
- Be appropriate to the context in respect of materials, scale, height and massing;

DM11 – The Borough Council will permit the rebuilding of an existing dwelling in the rural area only if the proposed new dwelling is of a similar scale and proportion, an appropriate scale, mass and appearance in relation to the original dwelling and location, or where it constitutes the most effective use of land;

DM14 – Development proposals will (inter alia):

- Accord with SPGs
- Reflect the positive characteristics and features of the site and locality;
- Conserve and enhance the natural environment;
- Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location;
- Cause no significant harm to amenity and other sensitive uses or areas;
- Provide for an integrated landscape strategy that will achieve a high standard landscaping scheme.

DM19 – Development proposals will include measures to address climate change in accordance with national planning policy and guidance;

DM28 – Applications will be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development, especially where it is known or likely that development sites are used by species and/or contain habitats that are subject to UK or European Law.

5.2 The National Planning Policy Framework (NPPF):

- Conserving and enhancing the natural environment;

5.3 Supplementary Planning Guidance: Designing an Extension – A Guide for Householders (adopted 1993 after public and statutory consultation). Relevant insofar as it places emphasis on impact of over large extensions to dwellings in the countryside. Generally considers 60% increase to be maximum acceptable.

6. LOCAL REPRESENTATIONS

6.1 No objections were received.

6.2 Four comments from neighbouring residents in support of the application were received. These are summarised below:

- Current site is an eyesore.
- Will provide a family home which is in proportion to the site.
- The new development will greatly improve the entrance to the village
- Will be in keeping with the area.
- Puts derelict land to good use.
- Will prevent the site suffering vandalism and trespassing.

6.3 Cllr Alan Horton requested that the application be put to committee should Officers be minded to recommend refusal, stating:

“I wish to call this application in to Planning Committee. I understand there is conflict with the Local Plan and the National Planning Policy Framework as this application lies outside the village boundary and the proposed development represents a considerable increase in the footprint. However I believe the need for compliance with the Local Plan and NPPF is outweighed by the considerable support within the village for this application, and it is for resolution of conflicts of this sort that Planning Committees made up of representatives of the local community are in place.

This application whilst larger than the original bungalow is still quite small in relation to the plot size, it is sympathetic to the landscape and will enhance the primary approach into the village. The plot whilst outside the village footprint lies very close to the village boundary. I am aware of considerable local support for the application in the wider village community together with that already provided within this application, each of which are from immediate (or among the very closest) neighbours to the plot.”

6.4 Upchurch Parish Council support the application. No reasons for support were given.

7. CONSULTATIONS

7.1 Natural England – advise that the proposal would result in net increase in dwellings and therefore SAMMS payment required. It does not as it would amount to a replacement dwelling. No SAMMS payment therefore is required.

7.2 KCC Highways – outside the criteria for Highways to comment.

- 7.3 Environmental Health Manager - no objection subject to standard air quality conditions.
- 7.4 KCC Ecology - no objection subject to conditions.

8. BACKGROUND PAPERS AND PLANS

- 8.1 Application papers and drawings for 19/506127/FULL and 19/50099/FULL.

9. APPRAISAL

Principle of Development

- 9.1 The replacement of a dwelling in a rural location is acceptable in principle. The key issues are impact on visual amenity, including impact on character and appearance of countryside, impact on highway safety and convenience, and assessing the argument of the applicant in respect of fallback position, together with potential impact on biodiversity.

Visual Impact

- 9.2 The proposal would replace an unobtrusive, small single storey dwelling with a comparatively substantial and imposing two storey dwelling. The impact on the character and appearance of the countryside would be pronounced. The existing bungalow, even prior to the fire damage, was small in scale, unobtrusive and had a limited impact on the very rural appearance of the streetscene or the wider character of the countryside.
- 9.3 It should be noted that this scheme has been submitted following a previous refusal (19/50099/FULL) for a similar replacement dwelling. This current scheme has reduced the scale and massing of the previous refused dwelling however I consider that even with this reduced massing that the dwelling would still be prominent in views from Oak Lane and the scale, bulk and massing would be inappropriate for the rural setting.
- 9.4 The proposed dwelling would represent, at the least, a 195% increase in floorspace over the original dwelling at the site, well outside what would normally be considered acceptable. If one includes the attached garage (which could be converted to living accommodation at a later stage) this increase in floorspace rises to 242%. This type of development is wholly contrary to policy. It would be prominent in views from Oak Lane, and in scale, bulk and massing, wholly inappropriate for this otherwise largely undeveloped area. In my view, the harm caused to visual amenity as the result of the scale and imposing character of this dwelling is such that it amounts to a reason for refusal. An acceptable replacement dwelling would be reduced much more in scale and as a guide we would expect to see no more than 60% over the original floorspace.
- 9.5 Policy DM11 seeks to control the scale of replacement dwellings in order to prevent significant harm to the character and appearance of the countryside, and to prevent the loss of smaller homes in the countryside. This proposal would run contrary to that policy and is unacceptable.
- 9.6 Notably this application provides no details of the means of enclosure to be implemented at the site. There is no reference to the height of the front gate or indeed any subsequent fencing to be constructed within this application. The indicative artist impression

drawings however do visibly show that there would be some form of fencing and gates to the front of the property. Members should note that on the previously refused application 19/500999/FULL one of the reasons for refusal of that application related to the harm caused by a means of enclosure that fails to respond positively to the rural character of the streetscene.

Residential Amenity

- 9.7 The site is significantly removed from other dwellings and therefore there will be no impact on residential amenity.

Highways

- 9.8 I note that the proposed gate would be set back from the highway by 5m and the visibility splays improved from the previous application 19/500999/FULL which appears to satisfy highways safety concerns. There is sufficient hardstanding parking to the front of the dwelling to accommodate the parking of cars for a four bedroom dwelling.

Ecology

- 9.9 In this submission the applicant has provided a Preliminary Ecological Appraisal and a Reptile Survey Report and Mitigation Strategy. KCC Ecology has been consulted on the application and raises no objection subject to the inclusion of conditions.

Fallback Position

- 9.10 The fallback position suggested by the applicant requires careful consideration. The drawing provided within the Design and Access Statement shows two side extensions, either side of the existing bungalow, both half the width of the original dwelling. A large rear extension, and reference is also made to a roof extension. In order to benefit from domestic permitted development rights, the host property has to be able to function as a dwelling, meeting the day to day needs of any occupiers. Whilst I have not inspected the building internally, I would question whether this is the case here, for the following reasons:

- a) The building has no roof;
- b) The building has no windows;
- c) There is vegetation growing inside the building;

- 9.11 As such, I question whether the structure on site, as it stands today, is capable of functioning as a dwelling. In my view, given the above, it seems unlikely that a reasonable person could argue that it can, and as such, I do not consider that it benefits from PD rights. In coming to this conclusion, I have had regard to appeal decisions elsewhere, which consider very similar development to that which the applicant asserts here to be PD.

- 9.12 In addition to this, in order for a fallback position to be given weight, there has to be a genuine and realistic prospect of it coming forward. No evidence of this has been provided, and the details submitted by the applicant appear to be a theoretical paper exercise showing development that could take place, rather than demonstrating a genuine intention of the applicant to carry it out.

9.13 I consider that the rebuilding of the dwelling even on a like for like basis would require planning permission as in its current state it is not considered to benefit from any permitted development rights and any permitted development works for extending the dwelling would need to be carried out on the dwelling after it was fully constructed in order for the dwelling to benefit from permitted development rights. Provided all the criteria for Class A are met then it is possible that the extensions could be lawful, however this would need to be assessed under subsequent lawful development certificates. I do not consider that the suggested fallback position should have any significant sway on the acceptability of the proposed new dwelling as I consider that even if all of the proposed permitted development works come to fruition, the single storey elements would be substantially less intrusive to the countryside than the proposed two storey bulky dwelling.

9.14 As such, I do not consider that the possibility of permitted development being carried out, nor the argument in respect of outbuildings amount to justification for approving this development, given the harm I identify above.

10. CONCLUSION

10.1 The replacement dwelling now proposed does not overcome the previous reason for refusal relating to scale and massing and overwhelms the site of a previously modest bungalow. The proposal is contrary to policy and the fallback position of using permitted development to extend the dwelling, while potentially achievable, should be given limited weight and would involve the completion of the dwelling before any such permitted extensions could take place.

11. RECOMMENDATION

REFUSE for the following reasons:

REASONS

- 1) The proposal would introduce a more prominent and intrusive form of development into an area of countryside which retains an undeveloped sense of tranquillity and isolation and would be significantly harmful to the character and appearance of it as a result. The proposed dwelling would not amount to a modest replacement for the existing and would, by virtue of its bulk, scale, height and massing, cause significant harm to the visual amenities of the area, the character and appearance of the streetscene and the character and appearance of the countryside, in a manner contrary to Policies CP4, DM11 and DM14 of the Swale Borough Local Plan 2017.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, 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.

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.



PLANNING COMMITTEE – 6 FEBRUARY 2020

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Harrow House Shottenden Road Sheldwich**

APPEALS DISMISSED (planning and listed building)

DELEGATED REFUSAL

Observations

Full support for the Council's concerns over the impact of further extending this listed building.

- **Item 5.2 – Seaview Holiday Park Warden Bay Road Leysdown**

APPEAL ALLOWED

APPEAL AGAINST CONDITIONS

Observations

A site with a varied and complex planning history.

- **Item 5.3 – Land adj to Ambleside Maidstone Road Borden**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Full support for the adopted Local Plan's settlement strategy for resisting unsustainable residential development in poorly accessible rural locations.

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The Planning Inspectorate

Appeal Decisions

Site visit made on 13 November 2019

by **Mr Kim Bennett BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 10th December 2019

Appeal A Ref: APP/V2255/W/18/3216664

Harrow House, Shottenden Road, Sheldwich ME13 0JX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Cook against the decision of Swale Borough Council.
 - The application Ref 18/504095/FULL, dated 3 August 2018, was refused by notice dated 27 September 2018.
 - The development proposed is a replacement single storey extension and replacement windows and doors.
-

Appeal B Ref: APP/V2255/Y/18/3216668

Harrow House, Shottenden Road, Sheldwich ME13 0JX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Cook against the decision of Swale Borough Council.
 - The application Ref 18/504096/LBC, dated 3 August 2018, was refused by notice dated 27 September 2018.
 - The works proposed are a replacement single storey extension and replacement windows and doors.
-

Decision – Appeal A

1. The appeal is dismissed.

Decision – Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The submitted plans also show a number of replacement windows and doors in addition to the proposed extension. These were referred to in the Planning & Heritage Statement but not on the application form. Such works were also not referred to in the Council's decision notices although the Council has since confirmed that they were considered as part of the application proposals. For the avoidance of doubt, I have considered these changes as part of the appeal proposals before me and adjusted the descriptions of the proposals accordingly.
4. The proposal involves a listed building. As such section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Accordingly, I have determined the appeal on that basis.

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Appeal Decisions APP/V2255/Y/18/3216668 & APP/V2255/W/18/321664

Main Issue

5. The main issue for both appeals is the effect of the proposals on the special architectural and historic interest of the Grade II listed building.

Reasons

6. Harrow House comprises an C18 two storey detached cottage which is located on the southern side of Shottenden Road at its junction with Faversham Road. It is a Grade II listed building. There is a detached garage on the north eastern side of the building, whilst at the rear there is a central wing which is two storeys in part and with a single storey cat slide roof extension to one side and with a porch to the other.
7. The proposal is to replace the cat slide roof extension with a larger single storey extension which would extend to the same depth as the central wing at the rear, and almost to the main south west elevation of the cottage. It would have a hip ended roof which would extend above the eaves of the main cottage. In addition to new windows and a door within the extension, there would also be a number of replacement windows to the front, rear and side elevations as well as a replacement door to the porch.
8. The appellant argues that the rear extension was already in place when the property was first listed in 1986 and therefore that should be the starting point for assessment. It is pointed out that a number of alterations have been made to the property over time but that the proposed works would represent a modest proposal with an extension which would still be subservient to the main building and with sympathetic detailing.
9. In my view, the key significance of the building lies with the original small scale and largely rectangular configuration of the two storey cottage, together with relatively small window openings, all of which is particularly appreciated from the front and sides. The evidence before me is not clear as to whether it may or may not have had an original projection at the rear. However, even if it did, being single storey only the simple rectangular form of the cottage would have been apparent. Permission was granted in 1980¹ for the first floor extension and works to either side as described above, and although they somewhat dominate the cottage, the character of the original building can still be appreciated even from the rear.
10. The proposed scheme would add a further increase in ground floor footprint at the rear which in conjunction with the existing projection, would extend more than half the width of the rear elevation and to a greater depth than the main footprint of the original cottage. The proposed roof would also extend well above the original eaves line of the cottage. Additionally, its form and shape, which would be different from the existing rear extensions, would cumulatively introduce a series of different architectural elements at the rear. A combination of these issues would obscure an additional section of the historic rear wall and further erode the historical layout and form of the cottage.
11. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm

¹ Application Ref SW/80/1180

Appeal Decisions APP/V2255/Y/18/3216668 & APP/V2255/W/18/321664

amounts to substantial harm, total loss or less than harm to its significance. Given that the original structure and layout of the cottage would largely remain, I find that the harm would be less than substantial in this instance.

12. Under such circumstances, paragraph 196 of the Framework says that such harm should be weighed against any public benefits of the proposal including, where appropriate, securing its optimum viable use. In that regard I note that the building is currently in sound residential use with apparently adequate amenities, and whilst I understand the desire of the appellant for increased floorspace, it does not appear to be a fundamental requirement for continued residential use. No other public benefits have been drawn to my attention which would outweigh the harm identified above.
13. I acknowledge that the 1980 extension was already in place at the time of listing of the property. However, it does not follow that the new extension is part of the historic character of the building. Listings are for descriptive purposes and only include objects or structures fixed to the buildings and any free standing object or fixture erected before 1 July 1948 within the curtilage of a listed building under section 1(5) of the Act. Similarly, I attach little weight to the fact that Historic England did not object to the application, since for resource reasons it does not ordinarily comment on alterations to Grade II listed buildings, deferring instead to the specialist conservation advice within individual Councils. I note that was the case here in terms of its consultation response.
14. With regard to the proposed replacement windows and doors, the Council has since advised that it raised no objections to such works, and having noted that they would be sympathetic in materials and design to existing windows and doors in the property, I see no reason to reach a different view. However, since some of those windows and a door form an integral part of the proposed works, they cannot be separated from the combined proposal.
15. Given the above, and in the absence of any substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II building. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also be contrary to Policies CP4, DM14, DM16 and DM32 in the Council's Local Plan – Bearing Fruits 2031 (LP) in that it would not conserve the building's interest, or features contributing to its local character and would not sustain the significance of a heritage asset. As a result, the proposal would not be in accordance with the Development Plan.

Conclusion

16. For the above reasons, and having regard to all other matters, I conclude that both appeals should be dismissed.

Kim Bennett

INSPECTOR

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3

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The Planning Inspectorate

Appeal Decision

Site visit made on 6 January 2020

by **R Sabu BA(Hons) MA BArch PgDip ARB RIBA**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2020

Appeal Ref: APP/V2255/W/19/3235390

Seaview Holiday Camp, Warden Bay Road, Leysdown ME12 4NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Wickland (Holdings) Ltd against the decision of Swale Borough Council.
 - The application Ref 19/500303/FULL, dated 15 January 2019, was approved on 21 March 2019 and planning permission was granted subject to conditions.
 - The development permitted is erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.
 - The conditions in dispute are Nos 5, 6 and 7 which state that:
 - 5) The chalets hereby approved on plots 13 and 14 shall not be occupied except between 1st March and 2nd January in the following calendar year, and shall not be occupied unless there is a signed agreement between the owners or operators of the Park and the owners of those chalets within the application site, stating that:
 - (a) The chalets on plots 13 and 14 are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any person to believe that they are being used as the sole or main residence; and
 - (b) The chalets on plots 13 and 14 shall not be used as a postal address; and
 - (c) The chalets on plots 13 and 14 shall not be used as an address for registering, claiming or receipt of any state benefit; and
 - (d) The chalets on plots 13 and 14 shall not be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rent Acts 1968 and 1974; and
 - (e) If the owners of chalets 13 and 14 are in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence. On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.
 - 6) If chalets 13 and 14 are not the subject of a signed agreement pursuant to condition 5 they shall not be occupied at any time.
 - 7) The owners or operators of the Park shall at all times operate the Park strictly in accordance with the terms of the Schedule appended to this decision notice.
 - The reason given for the conditions is: In order to prevent the chalets from being used as a permanent place of residence.
-

Decision

1. The appeal is allowed and the planning permission Ref 19/500303/FULL for the erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77 at Seaview Holiday Camp, Warden Bay Road, Leysdown ME12 4NB granted on 21 March 2019 by Swale Borough Council, is varied by deleting Conditions 5, 6 and 7.

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Appeal Decision APP/V2255/W/19/3235390

Background and Main Issue

2. In 1963 the appeal site was granted planning permission at appeal which established the permanent use of the land as a holiday park for the stationing of caravans and the erection of chalets. The chalets were not subject to a limited occupancy condition whereas the caravans on the site were subject to limited occupancy. I note the planning history of the site which confirm that subsequent planning permissions relating to the site continued this principle.
3. The planning permission subject of this appeal grants planning permission for the erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77. Units 13 and 14 are caravans which are to be replaced with chalets. Conditions 5, 6 and 7 including the schedule referred to in Condition 7 that is appended to the decision notice, which are subject of this appeal, restrict the occupancy of units 13 and 14 to 10-months of the year and prevent the use of the chalets as permanent residences.
4. The appellant considers that these Conditions do not meet the six tests set out in the National Planning Policy Framework (Framework). Therefore, the main issue is whether Conditions 5, 6 and 7 of planning permission ref: 19/500303/FULL are necessary, relevant to planning and to the development to be permitted, enforceable, precise or reasonable in all other respects.

Reasons

5. The Council has stated that if 12-month occupancy were granted for these two new chalets it could open the Council up to applications to replace all of the caravans with unrestricted chalets, which would be unacceptable in flood risk terms. With regard to future applications, each case must be assessed based on its individual merits and this particular point does not justify the use of Conditions 5, 6 and 7.
6. With respect to flood risk, from the evidence before me, the part of the holiday park in which units 13 and 14 are sited lies within flood zone 1. Therefore, the proposed units would not be subject to a significant risk of flooding. While I note that the access and egress points of the holiday park lie within flood zones 2 and 3, given the fall-back position of the existing planning permission, there would be little effect on flood risk when comparing 10-month with 12-month occupancy. Consequently, Conditions 5, 6 and 7 are not necessary with particular regard to flood risk.
7. The reason given for Conditions 5, 6 and 7 in the decision notice state that they are in order to prevent the chalets from being used as a permanent place of residence. However, no evidence is before me to set out the harm that would result in this respect and I have no reason to believe that the lack of occupancy limitations on the chalets subject of the original permission was an oversight on the part of that Inspector. Therefore, I am not persuaded that these conditions are justified in this respect.
8. Consequently, Conditions 5, 6 and 7 of planning permission ref: 19/500303/FULL are not necessary. They would therefore be contrary to paragraph 55 of the Framework.

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2

Appeal Decision APP/V2255/W/19/3235390

Other Matters

9. I note Policy DM5 of the Bearing Fruits 2031 The Swale Borough Local Plan Adopted July 2017 (LP). However, while the removal Conditions 5, 6 and 7 would result in de facto development plan conflict, given the fall-back position of the previous planning consents, and the evidence before me, I see no justification for the Conditions.

Conclusion

10. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed conditions.

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INSPECTOR

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The Planning Inspectorate

Appeal Decision

Site visit made on 14 October 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/V2255/W/19/3234060

Land adjacent to Ambleside, Maidstone Road, Borden, Sittingbourne, Kent ME9 7QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs. Apps, Coleman & Hopkins against the decision of Swale Borough Council.
 - The application Ref 19/500589/FULL, dated 12 February 2019, was refused by notice dated 30 April 2019.
 - The proposed development is construction of a three bedroom chalet bungalow with integral garage.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the site represents an appropriate location for the proposed development having regard to the Council's settlement strategy.

Reasons for the Recommendation

4. The appeal site is situated on the eastern side of Maidstone Road, near the junction with Wormdale Hill. It is covered in shrubs and brambles. The site lies between the plots of Ambleside to the north and Merlewood to the south. There are houses of varying scale and architectural style along Maidstone Road. There is a caravan site for gypsies and travellers on the opposite side of the road from the appeal site. The M2 motorway is around 600m to the south.
 5. Although the proposed dwellinghouses would be sited alongside other dwellinghouses, it would be sited at a significant distance outside of the settlement boundaries referred to in Policy ST3 of Bearing Fruits 2031: The Swale Borough Local Plan (2017). While there are regular half-hourly bus services which provide access to Faversham, Maidstone, Sittingbourne and Sheerness, it is likely that future occupants would nonetheless be heavily reliant on the use of a car, particularly as the nearest of these, Sittingbourne, is a relatively short drive. Furthermore, walking and cycling to the more proximate facilities identified, within 2 miles, would still mostly require lengthy journeys by these modes and would also be discouraged by the lack of cycle
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Appeal Ref: APP/V2255/W/19/3234060

lanes, the lack of footpaths along some stretches of Maidstone Road and the busyness of the road by vehicles moving at high speeds, notwithstanding that the range of services is very limited. It is therefore considered that the site would not represent an appropriate location for the proposed development by reason of its isolated position from established settlements and day-to-day services and facilities.

6. The appellant has drawn my attention to various applications in the surrounding area. In relation to Ref 18/504222/FULL, the appellant states that no mention was given as to whether the site was in a sustainable location. However, as this application relates to the stationing of caravans, it would have been assessed on a much different policy basis and therefore cannot be compared to the proposal. In relation to Ref 15/507804, the approved scheme concerned the development of 11 dwellinghouses. Clearly, the benefit of 11 houses is much greater than that of the proposal before me. Moreover, the officers in that case found that its design, including open space, contributed to their conclusion that overall the site was sustainable. This is distinctly different from the current proposal and so does not provide a comparable precedent. Furthermore, as the application was determined prior to the adoption of the 2017 Local Plan, it was appraised under a different local policy framework.
7. A proposal for two houses on Woodgate Lane (application ref 18/505545/FULL) was refused by the Council and subsequently dismissed at appeal (Ref APP/V2255/W/19/3232325) a copy of which was provided by the Council. Both parties comment on this decision, though mistakenly reference it as APP/V2255/W/19/3217204. I acknowledge that that site is further from the main road than the current appeal site, but its access to services is similar.
8. The appellant has suggested that improvements to the M2 Junction 5 Stockbury Roundabout will provide the site with better links to nearby services. However, on the basis of the evidence provided, it is not considered that this junction would be appealing for walking or cycling, and the context of the appeal site would remain unfavourable in both respects. It is also considered that an improved junction would further encourage future occupants to use a car rather than walk or cycle, so any benefit in this regard would be minimal.
9. For the above reasons, I conclude that the site would not represent an appropriate location for the proposed development having regard to the Council's settlement strategy. The proposed development would therefore conflict with Policies ST1, ST3, DM14 and DM24 of Bearing Fruits 2031: The Swale Borough Local Plan (2017) and the National Planning Policy Framework (2019) (the 'Framework'), which together require that proposals should support the aims of sustainable development, adhere to the Council's settlement strategy, and preserve the setting of the Borough's countryside and landscapes.

Other Matters

10. The appellant asserts that the development of the site would appear as a natural infill between Ambleside and Merlewood and would have an acceptable appearance as part of the wider streetscene. However, this would be expected of all development and so carries neutral weight.
11. The appellant states that applications for housing development on allocated sites have been recently refused by the Council's planning committee, and so

Appeal Ref: APP/V2255/W/19/3234060

there is a need for the development of small windfall sites in order for the Council to meet its housing requirements. No evidence of the recent decisions of the planning committee has been provided and, though I recognise the support given in the Framework for development of small sites, this does not negate the need for the development to be appropriately located.

12. I understand that there is only a 4.6-year supply of housing land at present. However, I consider that the shortfall of 0.4 years is minimal. Furthermore, I do not consider that the provision of a single dwellinghouse would make a significant contribution to this shortfall. Overall, the adverse conflict with the Council's settlement strategy would clearly and demonstrably outweigh this benefit.
13. I note that the appellant has submitted a unilateral undertaking to mitigate any impact which the proposal might have upon the Swale Special Protection Area (SPA). However, as I have found against the appellant on the main issue, there is no need to consider this matter any further.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

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