



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 28 May 2020
Time: 7.00pm
Venue: Virtual Meeting Via Skype*

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

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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.

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Pages

Information for the Public

*Members of the press and public can listen to this meeting live. Please email democraticservices@swale.gov.uk or call 01795-417330 by **4pm on Wednesday 27 May 2020** to be added to the Skype meeting.

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1. Apologies for Absence and Confirmation of Substitutes
2. Minutes

To approve the [Minutes](#) of the Meeting held on 30 April 2020 (Minute Nos. 651 - 658) as a correct record, subject to the following amendments to item no. 3.1, 19/506123/FULL, St. Nicholas Allotment, St Nicholas Road, Faversham:

that the measurement at the end of the first paragraph be amended to read: '.....would sit some 6 **feet** above the allotment security fencing', and the reference number in the resolution be amended to read '19/**506123**/FULL'.

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

(a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

(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

4. Deferred Item

5 - 80

To consider the following application:

18/505151/REM, Land at Stones Farm, The Street, Bapchild, Kent ME9 9AD

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 this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 27 May 2020.

5. Report of the Head of Planning Services

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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 27 May 2020.

Issued on Tuesday, 19 May 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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PLANNING COMMITTEE – 28 MAY 2020 DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 18/505151/REM		
APPLICATION PROPOSAL		
Approval of Reserved Matters for mixed-use development relating to appearance, landscaping, layout and scale of 310 dwellings and 650sqm of neighbourhood shopping/community facilities pursuant to outline planning permission 14/501588/OUT		
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD		
RECOMMENDATION Grant		
SUMMARY OF REASONS FOR RECOMMENDATION		
The reserved matters would be in general accordance with the terms of the outline planning permission and the scale, layout, landscaping and appearance of the residential scheme is on balance acceptable and in accordance with the requirements of the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE		
The application was delegated to Officers to approve subject to agreement being reached with the Ward Member and Parish Council. The Parish Council have confirmed that they have a remaining area of concern and as such have not given their agreement to approval of the scheme.		
WARD West Downs	PARISH/TOWN COUNCIL Bapchild	APPLICANT Chartway Group Ltd AGENT
DECISION DUE DATE 06/02/19		PUBLICITY EXPIRY DATE 02/04/20

1. BACKGROUND

1.1 This application was reported to the Planning Committee on 3rd October 2019. A copy of the report and the Building for Life assessment undertaken is attached as Appendix 1 and 2 respectively. The Planning Committee resolved the following:

“That application 18/505151/REM be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee.”

1.2 A copy of the minutes of the committee meeting is attached as Appendix 3.

1.3 Since the Planning Committee meeting of 3rd October 2019 the following summarised events have taken place, where necessary I will expand on the detail in the appraisal section below:

- 29th October 2019 – Meeting between Ward Member (Cllr Monique Bonney), Bapchild Parish Council; the developer and SBC Officer to discuss committee resolution;
- 18th November 2019 – Response from the developer, including amendments and additional information seeking to address the points raised at the meeting;
- 19th December 2019 – Second meeting between Ward Member (Cllr Monique Bonney), Bapchild Parish Council; the developer and SBC Officers to discuss response / amendments received from developer. Agreement at the meeting that an independent external highways consultant would be instructed to assess relevant highway matters;
- 6th January 2020 - Icen Ltd (highway consultant) instructed to carry out a review of the following:
 - (i) Make an assessment of the internal road layout against the principles contained within Manual for Streets, the Kent Design Guide and the parameters set out in the Design and Access Statement (which the hybrid scheme requires the reserved matters application to come forward in general accordance with); This included an assessment of the western part of the site where the connection to the existing Primary School is to be provided;
 - (ii) Assessment of visibility splays;
 - (ii) Assessment of highway construction details (in terms of whether they are up to adoptable standards); and
 - (iii) Assessment of parking provision / layout.
- 20th January 2020 – Technical Advice Note received from Icen Ltd. (written comments attached as Appendix 4);
- 11th February 2020 – Response to Technical Note received from developer, including amended drawings;
- 25th February 2020 – Further Technical Advice Note received from Icen Ltd. in response to 11th February 2020 amended details (written comments attached as Appendix 5);
- 27th February 2020 – Response to second Technical Note received from developer, including amended drawings;
- 23rd March – Conference call between Icen Ltd, Bapchild Parish Council, Ward Member (Cllr Monique Bonney), Chairman of Planning Committee (Cllr Tim Gibson); and Swale BC Planning Officers (James Freeman - Head of Planning and Paul Gregory – Senior Planning Officer);

- 8th April 2020 – Consultation response from Bapchild Parish Council confirming that they are unable to agree the details.

2. PROPOSAL

2.1 As a result of the above process, amendments have been made to the scheme, a summary of which is detailed as follows:

- Introduction of an additional vehicular / pedestrian link within the site;
- Widening of primary access route within the site to allow for a bus to pass through the development;
- Widening of access route to primary school to allow larger vehicles to pass simultaneously through the bend;
- Introduction of additional pavement to allow safer and more convenient access to the primary school entrance;
- Updated set of highway construction details;
- Conversion of 1 of the standard parking spaces within commercial element of the scheme to an accessible space – the commercial element has a total of 30 spaces, although 29 spaces is sufficient for the floor area provided. As such, 1 space has been converted to an accessible space;
- Additional setback for parking spaces in front of garage door openings;
- Junction visibility improved (where necessary) and adjacent areas brought into estate management so that visibility can be maintained;
- Junctions widened (where necessary) to allow for larger vehicles;
- Path along main spine road widened to allow for shared footway / cycleway;
- Reversing distances for refuse vehicles reduced.

3. CONSULTATIONS

3.1 **Bapchild Parish Council** have provided their written comments on the amended version of the scheme which are as follows:

“The above submission was ratified by Swale Council on 3rd October 2019 subject to the following stipulation.

“That application 18/505151/REM be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee.”

Bapchild Parish Council since that date have been reviewing the updated information

presented by the applicant in association with the independent highways report commissioned by Swale Council.

We can now confirm our agreement that the latest deposited proposals have fully answered our queries with the following exception and for this reason we wish the matter to be represented to the planning committee for their approval.

Our area of concern relates to the iceni report and the fact their report did not examine the full effect of traffic that will be accessing Lansdowne School and the likely build-up of vehicles within the surrounding roads at school pick up and drop off times.

The iceni technical note dated 25th February 2020 stated.

“Due to this route providing access to Lansdown Primary School, it is anticipated that relatively high levels of vehicle movements will occur during pick-up/drop-off periods”.

At a subsequent telephone conference on 23rd March 2020 it was pointed out by iceni that their report had not been asked to consider the full impact of the traffic using Lansdowne School and that was subject to a separate planning permission, for a new dual use netball court/drop-off area.

Verbally iceni commented there could be an issue with traffic build up with a dilution in environmental quality that might be overcome in the future by the widespread use of electric vehicles? Bapchild Parish Council feel unable to approve the above scheme with possibly a permeability issue that could damage the environment without a full technical appraisal of this matter.

We would therefore wish for the full planning committee to review this application and take the final responsibility for a proposal that could have long standing implications for the well-being of those who will occupy these new dwellings.

The Parish Council also wishes to make a verbal or written submission to the planning committee when this matter will next be considered.”

4. LOCAL REPRESENTATIONS

- 4.1 522 neighbouring properties were sent a re-consultation letter inviting comments on the above amendments and a site notice was displayed close to the site. 2 responses were received, 1 of these objecting to the application on the basis that the details do not provide information in respect of the countryside gap. However, it should be noted that this element of the scheme benefits from detailed consent, approved under 14/501588/OUT. Therefore this reserved matters application for a separate part of the scheme would not be required to show these details as it is not seeking any approval for the countryside gap.
- 4.2 The remaining comment received, which is neither objecting to or supporting the application, makes a general point that it is pleasing to see space made for playground, however, access to it and the equipment should be suitable for disabled children.

5. APPRAISAL

- 5.1 This section deals specifically with the three items included in the Planning Committee resolution when the application was reported to the 3rd October 2019 meeting.

Storey Heights

- 5.2 At the meeting which took place on 29th October 2019, an additional streetscene section of the proposed development viewed from Fox Hill was requested. These drawings were provided and discussed at the meeting which took place on 19th December 2019. The Minutes of that meeting detailed that all parties considered the storey heights to be acceptable and no further correspondence has been received contrary to this. As such no amendments have been made to the storey heights.
- 5.3 To reiterate the comments made in the committee report when this application was reported to the 3rd October 2019 meeting (see paragraphs 8.32 – 8.36), the storey heights across the site, due to previous amendments to the scheme that have been carried out, reflect the aims of the Design and Access Statement (DAS), referred to in condition 7 of the planning permission. That condition requires this reserved matters application to come forward in general accordance with the DAS. Therefore my concluding view on this issue remains that the height of the buildings across the site accord with the aims of the DAS and I consider this element of the scheme is acceptable. Members will note that a storey heights plan has been provided and that this shows that the majority of the dwellings are two- storey, though some 2.5 and three–storey dwellings are also proposed.

Permeability / Design layout of the Internal Roads

- 5.4 I believe that the remaining two elements of the committee’s resolution include a degree of crossover and as such I will deal with these under the same sub heading.
- 5.5 Following the first post committee meeting the application was amended to include a further vehicular and pedestrian access route within the site. This would effectively allow vehicles entering the site to be able to proceed around Orchard Square in order to re-join the primary access road. This would in my view be beneficial for drivers who, in the event that they are unable to enter the primary school drop off area (approved under a separate planning permission – ref 16/507289/FULL), would have a clear and obvious route to be able to navigate around this part of the site in order to exit back to the A2. In addition to this, this route allows for further permeability for pedestrians / cyclists travelling in this part of the site. In my view this amendment represents a material improvement to the scheme which I believe to be acceptable. As a result of the provision of this route, 1 dwelling has been lost, resulting in a total number proposed within this reserved matters application of 310.
- 5.6 Further to the above amendment, as set out in paragraph 1.3 above, there has been an extremely thorough assessment of the highway layout carried out since the application was previously reported to the Planning Committee. As it appears very unlikely that the internal estate roads will be adopted by KCC, they have, as set out in the original report, provided informal advice. As such, an external highway consultant was instructed to carry out a review, the summarised terms of which are detailed above.

- 5.7 As a result of this review, further amendments to the design layout of the roads has been undertaken which are summarised in paragraph 2.1 above. In my view, the applicant has been proactive in dealing with the issues raised and has incorporated all of the suggested amendments into the scheme. I believe these amendments have had the impact of improving the scheme further. Amendments to increase the width of the main access route (which previous ranged from 5.5m to 6.1m in width to now being 6.1m in width in it's entirety) to future proof it for a potential bus connection and improving pedestrian connectivity to the primary school – and vehicular connectivity within close proximity of the school drop off area – are material benefits which will both improve the design layout and provide for additional permeability.
- 5.8 In addition to the above, the amendments that have been undertaken in respect of visibility and manoeuvrability will in my view enable movement through the site to take place even more securely for residents and visitors alike.
- 5.9 I note the Parish Council's comments in respect of why they have been unable to agree to the details which relates to the independent highway consultant not carrying out an assessment of the likely traffic impacts of the school connection being provided through this development.
- 5.10 In response to this, the matter of traffic impacts and the submission and assessment of traffic data is not a reserved matter. It was dealt with at the outline stage (and approved by the Planning Committee at the time) and the link to the primary school is clearly referenced in the documents attached to the outline planning application. It is of course from the already approved outline application where the requirement to provide this access is tied down. As such, the in-principle matter of the traffic associated with the school access has already been considered acceptable. It is also important to note that the school access provided from Stones Farm came about from a desire to provide additional connectivity to the school and not to require those occupants on the Stones Farm development to have to enter the school via the existing access in Gladstone Drive, requiring a journey of some 1.4km when the additional school access is located 17m as the crow flies from the closest proposed properties.
- 5.11 Although there is no mechanism to re-assess the traffic data, the highway consultant has assessed whether the layout and design of the roads is suitable for the development proposed, also taking into consideration that this links through to an existing primary school. As such, they have made an assessment as to whether the layout of the roads (in terms of widths, visibility etc.) are suitable in the various parts of the site and that they in accordance with the detailed parameters included in the DAS, which this scheme must come forward in general accordance with. In addition, the consultant was provided with the reference number for the outline application so will have been able to view the transport related elements which have been approved. As such, what has been assessed in considerable detail in terms of the permeability / design layout of the internal roads are those elements which sit within the scope of this reserved matters application.
- 5.12 In respect of the highway construction details, some amendments to these were suggested by the highways consultant and amended drawings were submitted. The final set of amendments stated that the details were in accordance with what KCC Highways & Transportation would accept for adoption (if this was to be the case). I have

considered it prudent to therefore check these details with KCC Highways & Transportation for completeness. They have confirmed that the construction details are acceptable but raised the point that a 500mm verge would, if the internal estate roads were being adopted, be too narrow for KCC Highways & Transportation to maintain. I have raised this with the developer who has confirmed that as the site will be under the control of a Management Company, then the maintenance of any verges will be controlled by them. In addition to this, the verge in question that KCC Highways & Transportation have referred to is limited to a small section adjacent to the additional access road that has been introduced. Finally, if the management of this, or other areas of landscaping are not appropriately carried out then this could potentially be a breach of the Landscape Management Plan, which is controlled by condition below. As such, there is a mechanism by which this can be enforced by the Council if necessary. On this basis, I consider the details acceptable.

- 5.13 Overall I believe that the site, in respect of its permeability and design layout of the internal estate roads has been improved since the scheme was first presented to Planning Committee on 3rd October 2019. I am of the view that the highway design has been amended to ensure that the site appropriately deals with vehicular traffic, pedestrians and cyclists. On this basis I believe that the amendments to the scheme are acceptable.

Conditions

- 5.14 I have included the conditions which were recommended when the application was previously reported to Planning Committee. In terms of any revisions or additional requirements I comment as follows.
- 5.15 The approved drawings condition has been updated to reflect the amended drawings that have been received. Due to the amendments to the scheme, there are a limited number of outstanding drawings that will need updating to reflect these changes. These are drawings that were considered acceptable previously and relate to street lighting details and broadband connection details. As such, I have also included a condition requiring these updated drawings to be provided.
- 5.16 Included within this reserved matters application are access routes into the countryside gap. This area of open space will need to be provided and ready for its intended purpose by the occupation of the 200th dwelling as required by condition 4 of the outline planning permission. Therefore, to ensure that occupants of the development / visitors wishing to access this large piece of open space are able to do so, I have recommended a condition which requires details of how safe and convenient access is intended to be provided.
- 5.17 Finally, as discussed above, it would appear unlikely that any of the internal estate will be adopted by KCC Highways & Transportation. As a result, the parking management within the estate will be controlled and enforced by the estate management company. It is important, particularly on the primary access route that uncontrolled parking does not take place to allow safe and convenient access around the site. As such, I have recommended a condition which requires a Parking Management Plan to be submitted to the Council to ensure that the details can be assessed.

6. CONCLUSION

- 6.1 Although I remain of the opinion that the previous recommendation for approval was fair and appropriate, I take the view that the material benefits now provided create an enhanced scheme. To conclude, I believe that in light of the Council's lack of a 5 year housing land supply, the number of dwellings that this development would bring – including a considerable number of affordable dwellings – on a site allocated for this specific form of development in the adopted Local Plan, that this application for reserved matters should be approved.

7. RECOMMENDATION - That reserved matters approval should be GRANTED, subject to the conditions as set out below:

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

SL.01, Rev N; AHL.01, Rev G; HP.01, Rev G; MCP.01, Rev G; RCS.01, Rev F; PROW.01, Rev G; PROW.02, Rev D; BDML.01, Rev G; CSE.01, Rev D; CSE.02, Rev D; SE.01 Rev E; SE.02 Rev E; FB-D.p1, Rev D; FB-D.p2, Rev C; FB-D.e, Rev C; FB-E.p1, Rev E; FB-E.p2, Rev E; FB-E.e, Rev D; FB-F.p1, Rev F; FB-F.p2, Rev E; FB-F.e1, Rev D; FB-F.e2, Rev E; FB-G.p1, Rev D; FB-G.p2, Rev D; FB-G.p3, Rev D; FB-G.e, Rev C; FB-H.p1, Rev D; FB-H.p2, Rev E; FB-H.p3, Rev E; FB-H.e1, Rev D; FB-H.e2, Rev D; FB-1.e, Rev A; FB-1.p, Rev B; HT.B1-RP-SEM.e, Rev D; HT.B1-RP-SEM.p, Rev C; HT.F1-RP-DET-A1.e, Rev C; HT.F1-RP-DET-A2.e, Rev C; HT.F1-RP-DET-A.p, Rev C; HT.F1-RP-SEM-A1.e, Rev C; HT.F1-RP-SEM-A2.e, Rev C; HT.F1-RP-SEM-A.p, Rev C; HT.L-RP-DET-1.pe, Rev E; HT.L-RP-DET-2.pe, Rev E; HT.K-RP-DET-1.pe, Rev C; HT.K-RP-DET-2.pe, Rev C; HT.3B5P-RP-TER.e, Rev C; HT.3B5P-RP-TER.p, Rev C; HT.B1-SS-SEM-1.e, Rev D; HT.B1-SS-SEM-2.e, Rev D; HT.B1-SS-SEM.p, Rev C; HT.D1-SS-DET-1.pe, Rev C; HT.D1-SS-DET-2.pe, Rev D; HT.F1-SS-SEM-A.e, Rev C; HT.F1-SS-SEM-A.p, Rev C; HT.G1-SS-DET.e, Rev D; HT.G1-SS-DET.p, Rev C; HT.I1-SS-DET-1.e, Rev D; HT.I1-SS-DET-2.e, Rev D; HT.I1-SS-DET.p, Rev C; HT.J-SS-DET.pe, Rev C; HT.L-SS-DET.pe, Rev E; HT.A1-SS-SEM-1.e, Rev D; HT.A1-SS-SEM-2.e, Rev D; HT.A1-SS-SEM.p, Rev C; HT.2B4P-SS-SEM.e, Rev C; HT.2B4P-SS-SEM.p, Rev C; HT.3B5P-SS-SEM.e, Rev A; HT.3B5P-SS-SEM.p, Rev A; HT.FOG-SS-1.pe, Rev C; HT.FOG-SS-2.pe, Rev C; HT.FOG-SS-3.pe, Rev A; P.1_34-SS.e, Rev B; P.1_34-SS.p, Rev B; HT.C1-OS-DET.pe, Rev D; HT.C1-OS-SEM.e, Rev D; HT.C1-OS-SEM.p, Rev C; HT.D1-OS-DET.pe, Rev C; HT.J-OS-DET.pe, Rev D; HT.K-OS-DET-1.pe, Rev D; HT.K-OS-DET-3.pe, Rev D; HT.K-OS-DET-4.pe, Rev D; HT.K-OS-SEM.e, Rev D; HT.K-OS-SEM.p, Rev D; HT.L-OS-DET.pe, Rev D; HT.2B4P-OS-SEM.e, Rev C; HT.2B4P-OS-SEM.p, Rev C; HT.2BWCH-OS-SEM.e, Rev C; HT.2BWCH-OS-SEM.p, Rev C; HT.2B4P-OS-TER.e, Rev C; HT.2B4P-OS-TER.p, Rev C; HT.3B5P-OS-SEM.e, Rev C; HT.3B5P-OS-SEM.p, Rev C; HT.3B5P-A-OS-DET.pe, Rev C; HT.A1-OS-SEM.e, Rev D; HT.A1-OS-SEM.p, Rev D; HT.B1-OS-SEM.e, Rev D; HT.B1-OS-SEM.p, Rev C; P.17-18-OS.e, Rev A; P.17-18-OS.p, Rev A; P.22-23-OS.e, Rev A; P.22-23-OS.p, Rev A; P.41-42-OS.e, Rev A; P.41-42-OS.p, Rev A; P.58-59_60-61-OS.p, Rev A; P.58-59_60-61-OS.e, Rev A; P.76-79-OS.e1, Rev A; P.76-79-OS.e2, Rev A; P.76-79-OS.p, Rev A; P.80-83-OS.e1, Rev A; P.80-83-OS.e2, Rev A; P.80-83-OS.p, Rev A; P.87-88-OS.e, Rev A; P.87-88-OS.p, Rev A; HT.D1-BG-DET.pe, Rev C; HT.D3-BG-DET-1.e, Rev A; HT.D3-BG-DET.e, Rev B; HT.D3-BG-DET.p, Rev B; HT.F1-BG-SEM-1.e, Rev C; HT.F1-BG-SEM-2.e, Rev C; HT.F1-BG-SEM.p, Rev C; HT.I1-BG-DET.e, Rev A; HT.I1-BG-DET.p, Rev A; HT.2B4P-BG-TER.e, Rev C; HT.2B4P-BG-TER.p, Rev C; HT.2B4P-BG-SEM.e, Rev B; HT.2B4P-BG-SEM.p, Rev B; HT.3B5P-BG-1-SEM.e, Rev E; HT.3B5P-BG-2-SEM.e, Rev C; HT.3B5P-BG-SEM.p, Rev E;

HT.3B5P-BG-DET.e, Rev B; HT.3B5P-BG-DET.p, Rev B; P.94-95_99-100_135-136-BG.e, Rev B; P.94-95_99-100_135-136-BG.p, Rev B; P.101-103-BG.e, Rev B; P.101-103-BG.p, Rev B; P.111-112_163-164-BG.e, Rev A; P.111-112_163-164-BG.e (floorplans), Rev A; P.137-140-BG.e1, Rev A; P.137-140-BG.e2, Rev A; P.137-140-BG.p, Rev A; P.165-168-BG.e1, Rev B; P.165-168-BG.e2, Rev A; P.165-168-BG.p, Rev B; HT.B1-TM-SEM-1.e, Rev B; HT.B1-TM-SEM-2.e, Rev D; HT.B1-TM-SEM.p, Rev D; HT.C1-TM-DET.pe, Rev D; HT.C1-TM-SEM.e, Rev D; HT.C1-TM-SEM.p, Rev C; HT.J-TM-DET.pe, Rev C; HT.D1-TM-DET.pe, Rev C; HT.3B5P-TM-SEM.e, Rev B; HT.3B5P-TM-SEM.p, Rev B; HT.3B5P-A-TM-DET.pe, Rev D; HT.FOG-TM.pe, Rev D; P.194-197-TM.e1, Rev A; P.194-197-TM.e2, Rev A; P.194-197-TM.p, Rev A; P.212-214-TM.p, Rev A; P.217-220-TM.e1, Rev A; P.217-220-TM.e2, Rev A; P.217-220-TM.p, Rev A; P.221-223-TM.e, Rev A; P.221-223-TM.p, Rev A; P.269-270-TM.e, Rev A; P.269-270-TM.p, Rev A; P.271-274-TM.e1, Rev A; P.271-274-TM.e2, Rev A; P.271-274-TM.p, Rev A; BCS.01.pe, Rev A; CP.01.pe, Rev B; CP.02.pe, Rev A; CP.03.pe, Rev A; CS01.pe, Rev A; CS02.pe, Rev A; CS03.pe, Rev A; CS04.pe, Rev A; GAR.01.pe, Rev A; GAR.02.pe, Rev B; SS.pe, Rev B; 180400-0095-P3; 180400-0096-P3; 180400-0152-P1; 4743-LLB-XX-XX-DR-L-0011-S4-P04; 4743-LLB-XX-XX-DR-L-0012-S4-P03; 4743-LLB-XX-XX-DR-L-0013-S4-P04; 4743-LLB-XX-XX-DR-L-0014-S4-P03; 4743-LLB-XX-XX-DR-L-0015-S4-P04; 4743-LLB-XX-XX-DR-L-0016-S4-P06; 4743-LLB-EA-E1-DR-L-0001-S4-P06; 4743-LLB-EA-E2-DR-L-0001-S4-P06; 4743-LLB-EA-E5-DR-L-0001-S4-P05; 4743-LLB-EB-E2-DR-L-0001-S4-P05; 4743-LLB-EB-E5-DR-L-0001-S4-P05; 4743-LLB-EC-E2-DR-L-0001-S4-P06; 4743-LLB-ED-E1-DR-L-0001-S4-P05; 4743-LLB-ED-E2-DR-L-0001-S4-P05; 4743-LLB-EE-E1-DR-L-0001-S4-P05; 4743-LLB-EE-E2-DR-L-0001-S4-P05; 4743-LLB-EF-E1-DR-L-0001-S4-P05; 4743-LLB-EF-E2-DR-L-0001-S4-P05; 4743-LLB-EG-E2-DR-L-0001-S4-P05; 4743-LLB-XX-E3-DR-L-0001-S4-P04; 4743-LLB-XX-E4-DR-L-0001-S4-P05; 180400-0081 P5; 180400-0082 P5; 4743-LLB-EA-E1-DR-L-0001-S4-P06; 4743-LLB-EB-E1-DR-L-0001-S4-P06; 4743-LLB-EC-E1-DR-L-0001-S4-P06; 180400-110-P6; 180400-0111-P5; 180400-0112-P6; 180400-0113-P6; 180400-0114-P5; 180400-0115-P6; 180400-0116-P6; 180400-0117-P5; 180400-0118-P6; 180400-0119-P6; 180400-0120-P6; 180400-0121-P6; 180400-0130-P3; 180400-0131-P3; 180400-0090 P2; 180400-0091 P2; 180400-0092 P2; 180400-0093 P2; 180400-0094 P2; 180400-0150-P1; 180400-0151-P1; 180400-0152-P1; 180400-0030 P7; 180400-0031 P7; 180400-0032 P7; 180400-0033 P7; 180400-0034 P7; 180400-0047 P2; 180400-0050 P7; 180400-0080-P6; 180400-0051 P6; 180400-0052 P5; 180400-0053 P5; 180400-0055 P6; UR-2018-CSD Rev H.

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

- 2) Notwithstanding the details shown on drawing BDML.01, Rev G, 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 the bricks and – where appropriate – gaps to allow hedgehogs to pass freely between residential gardens, have been submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and biodiversity.

- 3) Notwithstanding the details shown on the drawings 180400-110-P6; 180400-0111-P5; 180400-0112-P6; 180400-0113-P6; 180400-0114-P5; 180400-0115-P6; 180400-0116-P6; 180400-0117-P5; 180400-0118-P6; 180400-0119-P6; 180400-0120-P6 and 180400-0121-P6, prior to the road and footpath surfaces being laid, specific road / footpath surface materials shall be submitted to and approved in writing by the Local

Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenities.

- 4) Notwithstanding the details shown on the drawings 180400-0130-P3 and 180400-0131-P3, prior to the installation of any street lighting, updated drawings showing the street lighting shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

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

- 5) Notwithstanding the details shown on drawing UR-2018-CSD Rev H, prior to the installation of broadband services to serve the dwellings / commercial properties hereby approved, an updated drawing showing the broadband ducting layout shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: To ensure the dwellings are able to be provided with a broadband connection.

- 6) No development beyond the construction of foundations shall take place until a colour brochure and specification (including technical drawings – with sections) of the proposed windows and external doors to be used, including the proposed colour finishes, has been submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

- 8) Notwithstanding the details provided, prior to the installation of the Local Equipped Area for Play within Ridgeline Park, full details of the surfacing, equipment and boundary treatment, at a scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details.

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

- 9) The retail / community facilities (labelled as 'retail unit' on drawing SL.01, Rev N) shall be restricted to the following uses – A1 (shops); A3 (Restaurants and cafes); or D1 (Non residential institutions and not for any other purpose including any uses otherwise provided for by the operation of the Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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

- 10) The use of the retail / community facilities (labelled as 'retail unit' on drawing SL.01, Rev N) hereby permitted shall be restricted to the hours of 6 am to 11 pm.

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

- 9) Deliveries to the retail / community facilities (labelled as 'retail unit' on drawing SL.01, Rev N) hereby permitted shall be restricted to the hours of 6 am to 11 pm.

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

- 10) The management of the open spaces and amenity landscape areas outside of private resident ownership within the proposed development shall be carried out in accordance with the document entitled 'Landscape Management Plan', dated 14th June 2019.

Reason: In the interests of visual amenities and biodiversity.

- 11) Prior to the occupation of any dwelling the measures to provide emergency / pedestrian / cycle access to Peel Drive (as shown on drawing D119/47, Rev C - approved under 14/501588/OUT) shall be completed and maintained in perpetuity.

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

- 12) Prior to the access to the 'countryside gap' being made available, details showing measures to provide safe and convenient access to this area of open space shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of the 200th dwelling.

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

- 13) Prior to the occupation of any dwellings hereby approved, a Parking Management Plan (which will include any details of parking restrictions and how these shall be enforced) shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall thereafter be implemented in perpetuity.

Reason: To allow safe and convenient access through the site.

INFORMATIVES

- 1) Subsequent phases of the development will be required to 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 constructed attenuation basin.

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.

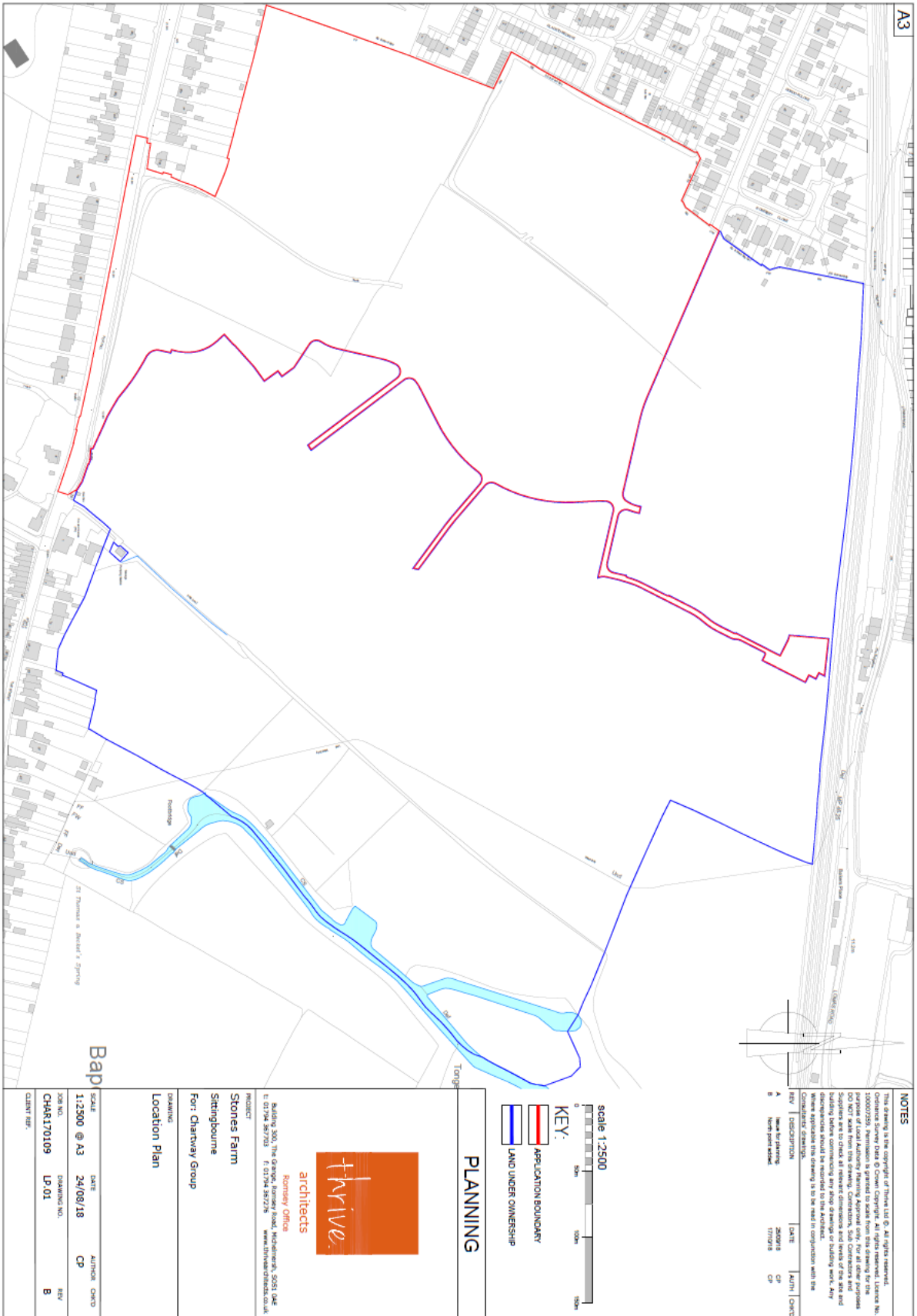
In this instance:

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

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').

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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EXTRA-ORDINARY PLANNING COMMITTEE REPORT – 3 OCTOBER 2019 PART 2

Report of the Head of Planning

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

2.1 REFERENCE NO - 18/505151/REM			
APPLICATION PROPOSAL Approval of Reserved Matters for mixed-use development relating to appearance, landscaping, layout and scale of 311 dwellings and 650sqm of neighbourhood shopping/community facilities pursuant to outline planning permission 14/501588/OUT			
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD			
RECOMMENDATION Approve			
SUMMARY OF REASONS FOR RECOMMENDATION The reserved matters would be in general accordance with the terms of the outline planning permission and the scale, layout, landscaping and appearance of the residential scheme is on balance acceptable and in accordance with the requirements of the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection			
WARD West Downs	PARISH/TOWN COUNCIL Bapchild	APPLICANT Chartway Group Ltd	AGENT
DECISION DUE DATE 06/02/19	PUBLICITY EXPIRY DATE 10/12/18		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/501588/OUT	Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between	Approved	22.12.2017

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	housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).		
18/502781/SUB; 18/502784/SUB; 19/500990/SUB; 19/501822/SUB; 19/503338/SUB;	Applications for the discharge of conditions under these reference numbers have also been submitted relating to: <ul style="list-style-type: none"> - ecological mitigation (discharged); - Archaeology (part discharged); - Foul Drainage (pending consideration); - Suppression of dust (discharged); - Measures to stop deposit of mud of the highway (discharged); - Site personel parking (discharged); - Loading and unloading (discharged); - Sustainable construction techniques (pending consideration) 		
19/501212/FULL	Minor material amendment to 14/501588/OUT (Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap.) to allow alterations to the configuration of 3no. off-road parking areas in front of 19 to 49 Fox Hill.	Pending Consideration	

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19/502176/FULL	Minor Material Amendment to 14/501588/OUT (Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstreet Avenue Plan) and D119/53 (junction layout plan) - to accommodate changes to the detention basin, the ecological bunds and to show the location of the end poles for the powerlines.	Pending Consideration	
19/502967/NMAM D	Non Material Amendment Being Alterations to Wording of Planning Conditions 9 and 12, Please See Covering Letter for Wording, Subject to 14/501588/OUT	Pending Consideration	

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site measures 11 hectares in size and lies immediately adjacent to the existing built up edge on the eastern side of Sittingbourne. The site subject to this reserved matters application occupies, in broad terms, the south-western part of the wider site (which extends to 33.4 hectares) granted outline planning consent under 14/501588/OUT. The decision notice for 14/501588/OUT is appended.
- 1.02 The site is bounded by the A2 and existing residential units on Fox Hill to the south, Lansdowne Primary School and existing dwellings in Gladstone Drive, Salisbury Close and Peel Drive to the west, further residential parcels pursuant to the wider outline planning permission to the north are likely to come forward in due course and further residential parcels pursuant to the outline permission and the countryside gap (approved in detail under the outline permission) to the east.

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- 1.03 In terms of land levels, in broad terms the site slopes downwards from west to east and close to the A2, the site is raised above the highway making it prominent in short range views from the south. The one anomaly to the generally sloping site levels is the former brickfields which occupies part of the western area of the site. Due to previous brickearth extraction this sits approximately 2-3m lower than the adjoining part of the Stones Farm site which is demarcated by a sloping bank. As a consequence a number of the existing properties in Gladstone Drive and Salisbury Close are raised above the application site. A line of well established planting is located along the western boundary and as such Lansdowne Primary School and the existing residential properties to the west are partially obscured from view.
- 1.04 Public Right of Way (ZR205) runs diagonally across the site from the A2 in the south to Peel Drive to the north.

2.0 PROPOSAL

- 2.01 The hybrid application, which granted part outline, part detailed planning permission for a mixed use development, was, as set out in the history section, above approved on 22nd December 2017 under reference 14/501588/OUT. This approval envisages the development of 550-600 houses. The vehicular access to A2 Fox Hill; emergency access to Peel Drive; landscape buffer between the housing and countryside gap and layout, planting, biodiversity enhancement and management of countryside gap was all approved in detail. Therefore, this application now seeks approval of the matters reserved – appearance, layout, landscaping and scale – of 311 dwellings, 650sqm of neighbourhood shopping / community facilities and open space. Members will note that a total of 638 car parking spaces, of which 86 would be for visitors, are proposed.
- 2.02 The 311 dwellings would be provided as per the following mix:

1 bed - 35
2 bed - 109
3 bed - 124
4 bed - 42
5 bed - 1

- 2.03 Of the 311 dwellings, 123 will be private market units. The remaining units will be provided as 72 (Section 106) affordable rent, 48 (Section 106) shared ownership, 21 (Non Section 106) Shared Ownership and 47 (Non Section 106) social rent.
- 2.04 The detail of the proposal has been strongly informed by the approved hybrid application which set out very prescriptive parameters, via a Development Brief and Design and Access Statement (DAS). This was tied down by condition 7 of 14/501588/OUT which is as follows:

The details submitted in pursuance of condition (1) above shall accord generally with the provisions of the adopted Stones Farm Development Brief Supplementary Planning Document dated 11 May 2011 and the Design and Access Statement (Revision C) dated August 2017. Proposals shall incorporate the subdivision of the site into Character Areas generally as shown in Section 5 of the Design and Access Statement and for each Character Area the details shall incorporate the design principles set out in the Summary Table of Design Principles for each Character Area, including that part related to the facilities for wheelie bin storage.

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Reason: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

- 2.05 The majority of the residential units would be 2 storey dwellings with a limited number (30) of 2 ½ storey dwellings. There are detached, semi detached and terraced houses proposed. The development also includes 5, three storey blocks of flats and 1, 2 ½ storey flat block. The maximum height of the 2 ½ storey dwellings will be 10.1m with the remainder of the houses being below this height. In respect of the three storey flat blocks, these have a maximum height ranging between 13m and 14.6m.
- 2.06 The proposed dwellings are of a relatively traditional design with the use of bricks, render and weatherboarding with a mixture of hipped and gabled roofs. The scheme includes a number of different house types which incorporate a variety of architectural features and detail to add interest and variety. This includes the use of projecting bay windows, porch canopies and brick detailing including cills and arches around the windows.
- 2.07 The layout of the site includes a primary access road running broadly through the centre of the residential parcels being considered under this reserved matters application. This reserved matters application also includes three separate areas of open space, known as Orchard Square, Ridgeline Park and Brickfields Green which will be focal points within these character areas.
- 2.08 As well as 311 residential units, this application seeks reserved matters approval for 650sqm of shopping / community facilities. This will be located in the character area known as 'Stones Square' and will be located close to the entrance to the site. The units will be at ground level and surround a landscaped parking area with parking spaces for 30 vehicles. Further visitor spaces and a loading bay are also proposed close to the front elevation of the retail units.
- 2.09 The application includes a vehicular access route which links through to the dedicated drop off point for Lansdowne Primary School which has been granted planning permission under ref 16/507289/FULL. The requirement to provide this is contained in the Section 106 Agreement pursuant to planning permission 14/501588/OUT and requires the access to be provided prior to the occupation of the 200th dwelling. A pedestrian / cycle and emergency only access is also provided linking through to Peel Drive.
- 2.10 For the avoidance of doubt, the landscaping details which approval is being sought for under this reserved matters application are those within the residential areas and the areas of open space as discussed in paragraph 2.07 above. The landscaping within the countryside gap benefits from detailed consent as approved under 14/501588/OUT.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

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- 4.01 The National Planning Policy Framework (NPPF): Paras 7, 8, 10, 11 (sustainable development); 54, 55 (planning conditions); 55 (supply of housing); 92 (community needs); 96 (open space); 98 (rights of way); 118 (effective use of land); 122 (efficient use of land); 124, 127, 129 (design); 165 (sustainable drainage systems); 170 (natural and local environment).
- 4.02 National Planning Practice Guidance (NPPG): Design; Open space, sports and recreation facilities, public rights of way and local green space; Use of planning conditions.
- 4.03 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 (Delivering sustainable development in Swale); ST 2 (Development targets for jobs and homes 2014-2031); ST 3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); ST 5 (The Sittingbourne area strategy); CP 3 (Delivering a wide choice of high quality homes); CP 4 (Requiring good design); A 8 (Stones Farm, Canterbury Road, Sittingbourne); DM 8 (Affordable housing); DM 14 (General development criteria); DM 17 (Open space, sports and recreation provision); DM 19 (Sustainable design and construction) DM 21 (Water, flooding and drainage); DM 28 Biodiversity and geological conservation; DM 29 (Woodlands, trees and hedges).
- 4.04 The specific policy for Stones Farm, A 8 reads as follows:

“Planning permission will be granted for 550-600 dwellings, together with open space and landscaping at Stones Farm, Sittingbourne, as shown on the Proposals Map. Development proposals will:

- 1. Accord with the adopted Development Brief Supplementary Planning Document;*
- 2. Achieve a design and layout reflecting the prominent and sensitive position of the site as the new eastern edge of Sittingbourne;*
- 3. Provide open space to meet the needs of residents, including the provision of 15 ha of land to the east of the developed area so as to maintain the separation between Sittingbourne and Bapchild;*
- 4. Achieve pedestrian and cycle links to existing residential areas;*
- 5. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*
- 6. Through an integrated landscape strategy achieve a green buffer to the development and through landscaping and the management of open space, provide natural and semi-natural greenspace and achieve a net gain in biodiversity overall;*
- 7. Provide the infrastructure needs arising from the development, including those identified by the Local Plan Infrastructure and Delivery Schedule (including, if justified by a transport assessment, a financial contribution toward the Sittingbourne Northern Relief Road); and*
- 8. Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy.”*

5.0 LOCAL REPRESENTATIONS

- 5.01 I have received letters of objection from 7 separate addresses raising the following summarised concerns:

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- There should be an additional access from Peel Drive into the development;
- A roundabout should be provided on the A2 rather than traffic lights;
- The proposed access arrangements which includes parking for existing Fox Hill residents has been altered [Note: this is subject to a separate application];
- Peel Drive should not be used as a secondary access due to the impacts this would have upon Woodberry Drive and Murston Road;
- The site has been prone to flooding with water discharging onto the surrounding roads;
- The development will give rise to overshadowing of other properties and loss of privacy;
- Visually, open countryside is preferable to a building site;
- Trees will need to be removed which could cause flooding;
- Increase in traffic causing safety concerns and increased noise, smells and general disturbance;
- The scheme is unnecessary as there are already enough people in Sittingbourne and Bapchild and no reason to further increase the present population.
- Planting in the countryside gap should take place at an early stage;
- The proposed layout is cramped;
- The affordable housing element of the scheme is not in accordance with the outline permission;
- What is the total number of houses on this development?
- If additional houses are built how many will be affordable?

6.0 CONSULTATIONS**6.01 Bapchild Parish Council** object to the application for the following reasons:

- The application proposes that 69% of this phase of the development will be provided as affordable housing. However, the Section 106 Agreement signed pursuant to 14/501588/OUT sets out that 30% of the dwelling will be affordable. The Section 106 Agreement includes a clause to state that the agreement can not be reviewed until 22nd December 2020 and it is requested that *“the planning committee support the original outline proposals they approved.”*
- Why were the Parish Council not invited to the Design Panel Review meeting?
- If the commercial units are not pre let then this area should be left a public amenity space for development at a later stage. Only one outlet for takeaway food should be permitted. The layout of the public parking area, the CCTV security and the perceived lack of a service area for deliveries within the current scheme appears to be inadequate.
- The consultation on the Strategic Air Quality Action Plan 2018 – 22 should be completed and a re-assessment of the impact of the development should be undertaken as there are now traffic lights proposed and a new drop off facility to Lansdowne Primary School.
- All roads other than the entrance to Stones Farm are for the Local Authority to approve and there has been no information provided of this review.
- Southern Water have commented that the sewer network needs to be upgraded before waste from this development can be accommodated, therefore there should be

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a requirement that no dwelling can be occupied until all mains utility services are available and connected.

- The Section 106 Agreement requires the countryside gap to be available at the completion at the occupation of the 200th dwelling – how will this area be managed and are monies available for this service? It would appear that some sort of wardenship is required but there are no details in the current application as to how this will be achieved.

- The proposal states that there will be an adequate provision for charging electric vehicles. What is deemed adequate? It is suggested that a charging point should be installed for each property and a number made available in the public parking areas.

- The current design does not allow for footpath ZR205 to remain following its established and historical route;

- The roads are too narrow and there are not enough parking spaces, this will create a pinch-point on the access roads leading to the drop off facility at Lansdowne Primary School. Some house types have tandem parking spaces meaning that cars will have to reverse over the footway creating a safety risk within some areas for children walking to school. The road leading to the school drop off has a pinch point near the entrance and no circular traffic flow. With most of the 322 pupils likely to use this facility the layout of the unadopted road network needs a fundamental re-design. The road would seem to require a much wider carriageway.

- Although the general highway matters have been approved the village at peak times is already subject to standing traffic in The Street and Fox Hill areas. There is a requirement in the Section 106 Agreement for the improvement of the Swanstree Avenue junction to ease congestion. The Authority must show reasonable evidence of what is being proposed and the perceived consequences. It has been suggested that the money will be pooled and the new arrangements are programmed until 2021 at the earliest. The delay in providing the improved traffic measures is not compliant with condition 31 of the planning permission which states restricts occupation of any unit the alterations to the traffic signal detector loops at the Swanstree Avenue junction have been installed and completed.

- The Parish Council supports the proposal to have a continuous 30mph speed limit through the length of the village.

- Central Government have commented that they want to be sure that the right infrastructure is in place to support housing developments. Therefore development at this site should be postponed until the right infrastructure is in place.

- KCC Highways have commented on the application and stated that the signalised junction as shown is not approved and will be required to be subject to a further application and the roads on the development are not going to be offered for adoption. Due to problems with the adequate maintenance of roads and public areas on other developments further information should be provided as to how these areas will be managed and maintained.

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- There is a large amount of landscaping information to support the application. However, the developer may provide a higher level of landscaping to market the development that is unsustainable when the development is completed.
- A properly constructed wooden hoarding should be provided close to the boundary with the A2.
- As natural habitats have been removed from the site, interim measures such as bird boxes should be installed to try and retain the natural environment during construction.
- The Parish Council wish to see details relating to conditions 21 and 22 of planning permission 14/501588/OUT before finally commenting.
- The applicant has referred to the use of local materials. The Parish Council wishes for further information on the percentages and material products likely to be procured from the local area.
- The Parish Council conclude that the current application has a series of design deficiencies and outstanding information and represents a scheme which does not represent what the local community were told would be constructed.

The **Applicant** has produced a response to the Parish Council objection as follows:

“Essentially most of the points highlighted in the overview summary relate to issues pertaining to the outline consent and are not relevant to this planning stage; others such as drainage and PRow are currently being dealt with, and the sewer capacity and the construction management plan will be dealt with as part of the pre-commencement condition 9 and 19 to 22 application submissions, once submitted.

The remaining issues relate to S106 obligations, and again are in hand, i.e. transfer of the Countryside Gap to the Local Authority, and the delivery of the Swanstree Avenue junction at the appropriate trigger point as set out in condition 31.

On other matters raised:

1. Density and Type of Housing: the Parish Council discuss the overprovision of affordable housing forming part of the Reserved Matters planning application. This is supported and funded by Homes England (HE) and is a Strategic Partnership arrangement between HE and the Hyde Group, to accelerate the delivery of affordable housing in the south east. It is also supported by your Strategic Housing and Health Manager (see her response dated the 29 November 2018), and fulfils a dire housing need for genuinely affordable housing in the area. The overprovision of non-S106 affordable housing is clearly shown on the site layout plan, is outside of the legally binding S106 where clause 7 only comes into play if there is a reduction in the 30% affordable as defined within the S106. As you are aware a Members Briefing is to be held on the 20 February to discuss this Government Initiative in more detail;

2. Design Review Statement: a number of Council members were invited to the Design Review, however it is my understanding that it is not SBC's normal practice to also invite Parish Councils to also attend especially as a specific meeting was held with the Parish Council, at their hall and at SBC's offices;

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3. Neighbourhood Shopping Area: The Reserved Matters planning application complies with the outline consent in terms of location and quantity of commercial/community facilities, and will be built to 'shell and core' to ensure the residential above is delivered; and it will be marketed in due course to fulfil the requirements of the S106;

4. Air Quality: this is an issue dealt with within the Transport Assessment at planning outline stage, and is not relevant to the Reserved Matters application;

Drainage: see paragraph above and condition 9 to application 14/501588/OUT;

5. Countryside Gap & Development Landscaping: again see paragraph above. In addition to this, I confirm that all the areas of Public Open Space will remain unadopted and will be part of Hyde Group's management company who will be responsible for maintaining these spaces. The draft LEMP is almost complete and will be forwarded across for comment this week;

6. Electric Vehicles: further information on this will be submitted for each relevant dwelling to comply with the S106;

7. Vehicle Parking Provision: the layout has been amended to accommodate both the LPAs & Kent Highway's comments; External Highway Matters: again, a matter dealt with at outline stage;

Landscaping, Amenity Areas and Development Roads: as agreed a S73 application is to be submitted to regularise the reconfiguration of the parking on the A2. See point 5 above in respect of the LEMP;

Site Hoardings & Security: not a planning requirement; and Construction Phase Information: see overview summary points."

Further to the above, additional correspondence has been received from **Bapchild Parish Council**. This response challenges the applicants comment that clause 7 of the Section 106 Agreement [which allows for a single application to be made to seek a formal review of the affordable housing provisions within 6 months of the third anniversary of the date of the deed] only applies if there is a reduction in the 30% affordable housing units. The Parish Council consider that clause 7 relates to any alteration to the affordable housing element, regardless of whether it is an increase of a decrease.

In addition further comments have been received from **Bapchild Parish Council** requesting information is provided in respect of the countryside gap proposals. Further points are also raised in respect of the quantum of affordable housing; and that pre application meetings took place which discussed the issue of affordable housing without details being provided to either the Ward Councillor or the Parish Council.

Upon receipt of the application being amended to reduce the number of units from 358 to 311, the Parish Council were re-consulted. As a result, an additional letter of objection has been received from **Bapchild Parish Council** which reiterates a number of the points that have been raised above and raises further concerns. To avoid repetition I will not list the points which have already been listed above. The additional points raised are as follows:

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- The Parish Council wish to see a guaranteed number of construction skill apprenticeships to be offered by the developer;
- The NHS Clinical Commissioning Group have posted a letter on the planning portal requesting the developer pays £518,000. It is requested that proper access and medical facilities are provided before the occupation of any dwellings and if possible a new medical facility is built as part of the scheme;
- There are a number of other applications that are undetermined which could impact upon the reserved matters.

I have since received a further two representations from the Parish Council, again reiterating a number of the points made above and raising the following additional points:

- Temporary traffic lights over the summer gave rise to traffic congestion and the possible build up of air pollutants – the traffic data and air quality assessment submitted under the outline planning application should be re-assessed;
- SBC should confirm the traffic generated to and from this development will not increase pollution levels in the local area;
- The type of retail operators is unknown and in relation to the hours of use suggested by the Council's Environmental Protection Team (6am – 11pm), this could have a negative social impact upon a predominately residential area. Particularly concerned about fast food outlets at this location;
- There is no service yard to the retail units so vehicles will be parked on the highway to unload, therefore the unloading hours should be restricted to between 8am and 6pm;
- No CCTV for the commercial area of the site has been established and Kent Police have requested a plan to show this;
- Kent Police have stated that the application does not include enough detail for them to recommend approval, the Parish Council are of the same opinion.

6.02 **Environment Agency** have no comment to make.

6.03 **KCC Ecology** comment *"We have reviewed the above planning consultation and it seems that the submitted landscape plan is aligned with what was agreed previously.*

The submitted landscape plan is not part of the ecological mitigation area located within the Countryside Gap and as such we have no additional comment to make."

6.04 **Kent Police** initially commented setting out that the application demonstrates that designing out crime and crime prevention through environmental design (CPTED) has been considered and incorporated much of the guidance within the plans. However, there are a few issues to be addressed with includes CCTV Hawkeye provision; parking space with natural surveillance; gable end active room windows; cycle path details to encourage safe maximum use; defensible treatments, especially to ground floor bedrooms and corner plots; secure doors / windows / garage doors; gates to rear

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gardens to be lockable from both sides; and security arrangements for apartment blocks.

Upon the receipt of amended drawings I have re-consulted with Kent Police who have stated that before they can recommend approval confirmation is required in respect of the points as set out above.

6.05 **Natural England** *“does not have any comments with regard to the appearance, landscaping, layout and scale of this development. The submitted landscape plan does not relate to the countryside gap area which will function as a SANG, which alongside reduced SAMMs payments, will mitigate against the adverse impacts of recreational pressure on designated coastal sites. As these matters were approved for the outline application 14/501588/OUT, we have no further comments to make.”*

6.06 **SBC Strategic Housing and Health Manager** comments that *“I am happy that out of the total 358 dwellings on this part of Stones Farm, 69% will be provided as affordable housing consisting of 74 Affordable Rent Tenure, 106 Shared Ownership units and 67 Social Rented units.”* The suggested mix is also considered acceptable.

Further to the receipt of amended drawings which reduced the reserved matters application from 358 to 311 dwellings, I have re-consulted with the **SBC Strategic Housing and Health Manager** who has provided comments as follows:

“Further to the submission of the revised planning application documents for Phase 1 Stones Farm, I can confirm that I am happy with the number of s106 affordable homes proposed and accept the mix of types of homes split across the two tenures.

Furthermore, I note that Phase 1 will deliver 11 x wheelchair adapted M4(3) homes but that as per the s106 12 of these unit types should be provided. Therefore, I am happy to accept that the remaining one M4(3) home be provided in Phase 2. I am also happy with the mix of types and sizes of the M4(3) homes to be provided in Phase 1.

Although this delivery is slightly above the 30% s106 affordable housing requirement per phase and, will deliver 27 more affordable homes, I am happy to accept this proposal in the knowledge that the number of homes to be provided on the second and final phase will ensure that the overall delivery of affordable s106 homes at Stones Farm will meet the requirements of the s106 to deliver 30% as a reasonable and proportionate mix of affordable housing, split as 50% Affordable Rent Tenure and 50% Shared Ownership.”

6.07 **Southern Water** have commented that an *“initial study indicates that there is an increased risk of flooding unless any required network reinforcement is provided by Southern Water. Any such network reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water’s Capital Works programme.”* As a result, a condition is recommended requiring the development to be phased and implemented to align with Southern Water’s delivery or any required sewerage network reinforcement. It has also been confirmed that Southern Water can provide a water supply to the site and will require a formal application for connection to be made.

6.08 **KCC Highways & Transportation** - *“Although some of the submitted drawings detail an alternative junction design for the application site’s connection onto the existing*

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highway network, it is appreciated that access has already been approved in detail under outline application SW/14/501588. Access is not a matter for determination under the current reserved matters application, and as such, the alternative junction arrangement shown now will be ignored for the purpose of assessing this application. I understand that if the applicant wishes to progress the junction shown on the latest drawings, this will need to be the subject of a separate application.

As noted above, access has already been determined, so the principle of residential development is established here, and the quantum of development applied for in the current application is within the overall amount permitted by the outline approval. The application is therefore in compliance with the overarching consent, and the impact that traffic generated by this development will have on the local highway network is already accounted for.

Those reserved matters that are now being sought for approval; appearance, landscaping, layout and scale relate to the detail of the development itself within the red line application boundary, and the Highway Authority will have an interest in these matters where they will directly have a bearing on the operation of the existing public highway or parts of the development that will be adopted by the Highway Authority. In this instance, it is understood that the development is not going to be offered for adoption, and will therefore remain in private ownership. Whilst the new signalised junction onto the A2 London Road will be adopted, I am satisfied that the proposed housing on the development is far enough away from this not to have any impact from the associated parking demand or street layout.

Consequently, I do not intend to offer any comments in respect to the proposed development details, as the Highway Authority will have no jurisdiction within it. The Local Planning Authority will therefore be expected to undertake the relevant assessment of these details.

Considering the above comments, I can confirm that I would have no objection to the application.”

- 6.09 **Lead Local Flood Authority (KCC)** – Initially commented that the drainage layout clearly shows surface water being directed to the south of the site towards the attenuation pond. However, clarification is required in regard to the condition of the receiving watercourse and until clarified recommend a holding objection to the approval of the reserved matters.

A further response was received which raised two additional matters that would need to be addressed which were the confirmation of the volume of attenuation provided in relation to the final confirmed layout and the outfall locations into the pond from the drainage network.

As a result of these comments additional information was submitted and the Lead Local Flood Authority re-consulted. The comments made were that the range of attenuation volume had been confirmed and that this can be accommodated within the masterplan. The details also include a basin arrangement which responds to concerns regarding inlet and outlet configuration. As a result, no objection is raised to the application and conditions are recommended in respect of surface water details for subsequent phases and a verification report pertaining to the surface water drainage system.

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6.10 **SBC Greenspaces Manager** – Initially commented that the landscaping drawings align broadly with the parameters that were established at outline stage. Considers that the urban spaces are varied and provide a sense of place through the use of different surfaces and landforms. Believe that the shrub and tree planting is appropriate. Need to ensure that wheelchair / mobility scooter users have equal opportunities for access, in particular to Orchard Square and Ridgeline Park, this also relates to play facilities having an appropriate level of accessible equipment. Benches and litter bins have been provided and as long as these can be used for dog fouling then there is no requirement to clutter the area with additional dog waste bins. It would be appropriate to provide a secure cycle hoop stand at each main open space and in particular where there is play provision.

In respect of the play areas, it is considered that they have been well designed with some minor amendments suggested to the location in respect of the relationship with nearby housing, routes through the play areas and boundary treatments.

The Landscape Management Plan is considered broadly acceptable, although issues raised relating to frequency of litter picking and bin emptying; no hard surface maintenance is highlighted in the schedule; and the addition of removal of arisings after cutting in the bulb area.

Upon the receipt of amended drawings I re-consulted with the Council's **Greenspaces Manager** who has commented as follows:

"I have looked through the amended Landscape Management Plan 4743-LLB-SH-L-0001-S4-P02 and confirm that I am content that my concerns have been addressed within the amended document.

With regard to my wider comments and those related to the play areas, although I cannot identify a specific detailed plan relating to Ridgeway Park and the LEAP, looking at amended Site Layout 4646893, it does appear that the play area has been amended and there appears to be secure cycle facilities. However it is impossible to say at this stage whether it fully meets the requested design changes from previous comments."

6.11 **KCC Public Rights of Way (PROW)** – Initially commented setting out that public footpath ZR205 passes directly through the site and it is understood that the applicant is seeking to retain the definitive alignment of the footpath. Upon receipt of the originally submitted application it was noted that there was a discrepancy in that some drawings indicated that the footpath in north-west corner of the site would pass along a road whilst other drawings showed this as a tarmac footpath. KCC requested that this should be clarified and that a segregated tarmac footpath should be provided. It was also noted that part of the definitive line of the footpath was obstructed by built form and as such a revision to the layout would be required. Although most of the layout shows the footpath passing along an off-road, traffic free route, there were some instances where this was not the case. As such a segregated route was required. Consideration should also be given to features that allow the safe crossing of roads where they dissect the PROW. It is noted that the footpath is well overlooked by both properties and publicly accessible spaces. In summary, it was considered that although it seems likely that the issues can be resolved, due to the above concerns the KCC PROW Officer objected to the original scheme.

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Further to the receipt of amended drawings, the KCC PROW Officer was re-consulted. They considered that further amendments were required to better segregate vehicles and pedestrians along the PROW and that the directional waymarking posts that had been proposed in the middle of the PROW should be located to the side and of the footpath as to not restrict accessibility. Planting should also be set back from the path so that it doesn't reduce accessibility and consideration should be given to tree species near the path so root heave doesn't damage the path surface or cause trip hazards. It was again reiterated that a tarmac finish would be easier to maintain and any new bollards / structures on the footpath would need KCC approval.

Additional amendments were made to the scheme and the KCC PROW Officer again consulted. It was considered that although there would be a preference for the footpath to pass through an open, green space corridor, the PROW Officer, the PROW passes through publicly accessible spaces and is well overlooked. A tarmac surface with a minimum width of 2m would be provided. There was some concern that some of the proposed trees may restrict visibility for footpath users crossing the roads and it is suggested that these trees are relocated. However, on balance no objection is raised to the application.

- 6.12 **SBC Environmental Protection Team** – Referred back to the comments made in relation to the hybrid application and that no objection was raised on air quality grounds due to the measures installed as per the planning permission. No objection raised in respect of noise and referred to the conditions relating to land contamination which have been imposed on the consent granted. I have also discussed the appropriate potential use classes and hours of use / deliveries for the retail / community uses with the Environmental Protection Team. They have commented that A1 (retail); A3 (cafes and restaurants) and D1 (Non residential institutions) would be appropriate. Opening hours of 6am – 11pm would be unlikely to give rise to harm to residential amenities with no deliveries outside of these times.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application has been supported by a wide range of documents, summarised as follows:

Block Plan;
Elevations;
Floorplans;
Landscape Design Statement;
Arboricultural Survey;
Landscaping details;
Vehicle Tracking;
Drainage Strategy;
Technical Road Details;
Surface Finish Details;
Site Sections;
Street Lighting Details;
Planning Statement;
Design and Access Statement;
Management Company Plan;

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8.0 APPRAISAL**Introduction and Principle of Development**

- 8.01 The wider site at Stones Farm benefits from a hybrid planning permission as set out in the history section above. As part of this hybrid approval, 550-600 dwellings and up to 650sqm of retail/community facilities have been approved in outline with appearance, layout, landscaping and scale reserved. Members will be aware that as a result of both the allocation of the site within the Local Plan for residential development and the granting of the outline planning permission, that the principle of residential development and the retail/community facilities upon this site has been established and is not able to be re-visited through this current application. As described above, the current application now seeks approval of the reserved matters for the first 311 dwellings and the full 650sqm of retail / community facilities which is within the limits of the development granted planning permission (as noted above, the decision notice for the hybrid permission is appended).
- 8.02 Due to the above position, 'in principle' matters such as highway impacts on the strategic and local road network and air quality have already been considered acceptable in granting outline planning permission for the residential, retail / community elements of the scheme. As such, although these issues have been raised by both the Parish Council and objectors to the scheme, these matters are not subject to consideration as part of this reserved matters application. Furthermore, the access point from the A2 into the site has been granted detailed planning permission and as such is not a reserved matter to be considered as part of this application.
- 8.03 The planning permission granted under 14/501588/OUT secured and set out a number of parameters which are relevant to this application. Of fundamental importance is condition 7 which for clarity I repeat in full as follows:
- The details submitted in pursuance of condition (1) above shall accord generally with the provisions of the adopted Stones Farm Development Brief Supplementary Planning Document dated 11 May 2011 and the Design and Access Statement (Revision C) dated August 2017. Proposals shall incorporate the subdivision of the site into Character Areas generally as shown in Section 5 of the Design and Access Statement and for each Character Area the details shall incorporate the design principles set out in the Summary Table of Design Principles for each Character Area, including that part related to the facilities for wheelie bin storage.*
- Reason: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.*
- 8.04 The Development Brief was adopted to set out a number of parameters which were then taken forward to inform the DAS. The Development Brief is more of a 'high level' document setting out in broader terms how development upon the site should come forward. The DAS is a much more detailed document in respect of how matters such as the appearance, landscaping, layout and scale should be developed in detail. Although this document does not set in stone the details that will need to be submitted under this reserved matters application, there will need to be general accord with it in order to satisfy condition 7 as set out above. On this basis, I assess the reserved matters as follows.

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Layout

- 8.05 The scheme has been developed based on a number of principles established under the DAS. As condition 7 refers to, the site is to be subdivided onto character areas and this reserved matters application seeks approval for what are known as the following:

Character Area 1 – Fox Hill and Stones Square
Character Area 3 – Ridgeline Park
Character Area 4 – The Mews
Character Area 5 – Orchard Square
Character Area 6 – Brickfields

- 8.06 In respect of the indicative drawings provided at outline stage, the layout now proposed is well aligned with these details. The three areas of open space within this part of the layout, namely, 'Orchard Square', 'Ridgeline Park' and 'Brickfields Green' are all provided in accordance with the requirements of the DAS. These areas of open space within the residential areas will compliment the countryside gap which has the benefit of full planning permission.

Fox Hill and Stones Square

- 8.07 The aim of the 'character areas' is to provide varying approaches to density and layout throughout the development. In terms of Fox Hill and Stones Square, the overarching aim in respect of this part is to provide a high quality entrance into the new development which continues the language of the existing built form along Fox Hill, arranged along a gentle curve drawing people into the development. The expectation for this part of the site is for it to be designed to minimise the visual impacts of the development from Fox Hill and Bapchild and also to include Stones Square and the retail /community facilities within it.
- 8.08 I am of the view that in respect of the broad expectations of the DAS, the details that have been submitted in terms of this character area meet the aims as described in the paragraph above. The continuation of the pattern of existing development along Fox Hill, with the introduction of two storey detached and semi detached dwellings has been proposed with a landscaped area in front of this. The house types in this area are of a scale that is well attuned to the existing development and as such I take the view that the proposal in this area is acceptable.
- 8.09 A fundamental part of this character area is the Stones Square area of the site where the retail / commercial element of the site is contained at ground floor level. This part of the site was proposed at outline stage to be of the highest density. I am of the view that this has been reflected in the submission and contains the highest concentration of smaller units arranged in flat blocks. Stones Square is bound on three sides by three storey development with two storey development to the south. As a result the density around Stones Square is 72 dwellings per hectare (as a comparison the Brickfields area has a density of 36 dwellings per hectare and 28 dwellings per hectare around the Western Avenue). The square itself includes 30 parking spaces and there is a separate parking area / delivery bay to serve the retail units. The main parking area is landscaped with both tree and shrub planting to break up this central expanse of hardstanding. In terms of providing a focus for this part of the site I believe that the layout is acceptable.

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Ridgeline Park

- 8.10 The DAS sets out that the Ridgeline Park character area is intended to provide the main central open space, fronted onto by a variety of high quality residential development which is set behind front gardens and set in a regular rhythm creating a formal edge. In my view, by virtue of the open space being laid out in the area as envisaged in the DAS this provides the key focus for this character area. The housing which faces towards the open space is detached and semi detached in nature and set out in a consistent building line. This, in my opinion, provides the strong building line as required.
- 8.11 Upon receipt of the application some minor amendments to the equipped play area within Ridgeline Park itself were suggested. This appears to have been amended on the site layout, however, there are no detailed drawings to be able to confirm this with absolute certainty. As a result, I have imposed a condition requiring these details.

The Mews

- 8.12 The Mews character area of the site includes the Western Avenue which provides the main vehicular access for the western part of the site and provides a pedestrian connection to the local shops / facilities via the existing right of way. The intention for this part of the site was to create an intimate streetscape with buildings positioned closely together.
- 8.13 In my view, the character of The Mews is distinct in that the grain of development in this part of the site predominately comprises of tightly spaced dwellings positioned close to the street. As envisaged, the PROW runs from Stones Square through The Mews and provides pedestrian connectivity between these parts of the site. Shared road and pedestrian spaces have been incorporated into the development and due to the layout I am of the view that it encourages vehicle speeds to be low enough to make this arrangement workable.
- 8.14 This part of the site also includes the Western Avenue and the Western Hedgerow. This has been laid out virtually identically with the illustrative details set out under 14/501588/OUT. This part of the site transitions from the more dense area to the south to more spacious dwellings facing the Western Avenue (where the density is typically 28 dwellings per hectare). The Western Hedgerow has also been retained abutting the Western Avenue and in my view the layout in this part of the site is consistent with the overall aims of the DAS and is therefore acceptable.

Orchard Square

- 8.15 The Orchard Square character area is defined, as the name would suggest, by a landscaped square as its focal point which takes its influence from the historic orchard which sits on this part of the site. Dwellings have been arranged around the landscaped square in a formal arrangement, predominately with a strong, consistent building line, this is in conformity with the pattern of development in this part of the site as envisaged by the DAS. This layout provides a good level of casual surveillance of the open space. This part of the site has also respected the minimum separation distance of having the dwellings no closer than 15m from existing rear gardens of existing residential properties as secured under the outline permission.

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- 8.16 This part of the development also abuts the Lansdowne Primary School site and there is a requirement for safeguarded space to allow for the future connection to the school. At the outline stage it was recognised that children on the Stones Farm development would be within extremely close proximity to the Primary School and that provision should be made for a connection. A separate application has been granted planning permission under reference 16/507289/FULL for a dual use netball court / drop off facility within the primary school grounds and a new footway between Gladstone Drive and the Stones Farm site. There is a requirement that the drop off facility and the appropriate access is provided prior to the occupation of the 200th dwelling. However, the requirement of this reserved matters is to provide an access point to the primary school and this has been achieved, as such I consider that this is acceptable.

The Brickfields

- 8.17 The expectations of the DAS in respect of The brickfields character area are for it to be relatively self contained with a vehicular access point to the north and small pedestrian linkages to the east and west. This character area is envisaged to centre around an area of open space, known as 'Brickfields Green'. The overall aim of this area is to create a more informal pattern of development with varying orientation of buildings, set backs and roof lines.
- 8.18 Upon receipt of the original scheme, when assessing the proposed layout of The Brickfields at that point against the aims of the DAS, I was of the view that it fell somewhat short of being acceptable. My main concerns related to what I considered to be a high density, formal grain of development that was proposed, which was a clear departure from what had been established by the outline planning permission. As a result of this I liaised with the agent which led to the submission of amended drawings being submitted. Having reviewed the amendments I was of the view that my concerns had not been addressed and reiterated my comments to the agent. As a result of this further amended drawings were submitted.
- 8.19 The amendment has resulted in a reduction in dwellings numbers in this part of the scheme. This led to the application seeking reserved matters approval for 311 dwellings (equating to a density of 28 dwellings per hectare), a decrease from the 358 dwellings initially proposed. The amended layout in The Brickfields, in my opinion, now sits comfortably within the parameters that have been set out in the outline planning permission. This has been achieved by creating a less formal street pattern, with a looser building lines and varying orientation of buildings. Properties face onto the central area of open space creating casual surveillance of this area. This part of the site also provides the pedestrian / cycle and emergency only access link to Peel Drive which was secured under the outline permission. As a result of the above considerations I believe the layout of The Brickfields to be acceptable.

Housing Mix

- 8.20 In respect of the housing mix, the DAS provides guidance on this matter and in general terms seeks a range of house types and tenures. Across the site as a whole the DAS sets out that *'family housing is expected to make up a large proportion of the new homes and it is likely that 60%-70% of the new homes will have a minimum of three bedrooms.'* Further to this, the document states that *'of the 30%-40% of smaller units, about half will be apartments thus providing a full range of accommodation.'*

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- 8.21 53.7% of the dwellings proposed in this reserved matters application will have a minimum of 3 bedrooms. As a result there is a higher balance of smaller properties proposed. However, it is important to note that this reserved matters application is for just over half of the number of dwellings granted planning permission across the site as a whole. Further to this, the highest density parts of the site (which by their very nature include a higher number of smaller units) are located in the character areas that are currently being considered. The character areas which will be subject to future consideration are located towards the countryside gap and the northern boundary of the site. As a result, it will be expected that the balance of the site will be redressed in the subsequent application(s) to achieve the aims of the DAS across the site as a whole.
- 8.22 In addition to the above, policy A 8 of the Local Plan sets out that the site will provide for a mix of units in accordance with policy CP 3. This policy firstly sets out a broad requirement as to the mix of housing which is required. For clarity I have set out this table below and then shown the mix that is being proposed in this application:

Dwelling Size	Policy CP 3 Requirement	As proposed
1 bed	7%	35 (11.3%)
2 bed	36%	109 (35%)
3 bed	42%	124 (39.9%)
4+ bed	15%	43 (13.8%)

- 8.23 Policy CP 3 does broadly break these requirements down further and sets out in the Sittingbourne Local Housing Market Area (where this site is located) a range of housing types, including family housing will be required to meet demand. On the basis of this and that the above aligns very closely with the aspirations of the Local Plan I am of the view that this element of the application is acceptable.

Affordable Housing

- 8.24 In respect of affordable housing, it is clear from the comments of the Parish Council (set out in more detail in the consultations section above) that they believe the affordable housing element of the proposal does not comply with the requirements of the Section 106 Agreement. For clarity, the Section 106 Agreement requires that across the site, 30% of the dwellings, split as 50% affordable rent and 50% shared ownership and provided as affordable in accordance with the relevant provisions of the legal agreement.
- 8.25 In this case, the current reserved matters application proposes 120 'Section 106' affordable dwellings, of which 72 are proposed to be affordable rent tenure with 48 shared ownership. 120 units in this reserved matters application equates to 38.5% and the above split will be 60/40 in favour of affordable rent. I have raised this with the agent who has confirmed that the balance of affordable housing and the tenure split will be redressed by the subsequent submission of details for the remaining dwellings on the site. I also take into account the comments of the Council's Strategic Housing and Health Manager who considers that the amount and tenure of affordable housing to be acceptable on the basis that the affordable dwellings on the remainder of the site (to be considered as part of future application(s)) will ensure that the final delivery of affordable Section 106 dwellings is met.

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- 8.26 Further to the above, by including a larger amount of the Section 106 affordable dwellings in this reserved matters application will allow for the acceleration of affordable housing delivery. I am of the view that this would be beneficial in meeting a clearly identified need. In terms of the mix of units as proposed, I have set this out in the table as follows:

Property Types (BF = Flat; BH = House)	Total number homes on Phase 1	Affordable Housing Mix	S106 Affordable Rent Tenure	S106 Shared Ownership
1 BF	34	30	30	
2 BF	46	23	23	
2 BH	64	38	8	30
3 BH	124	28	10	18
4 BH	42	1	1	
5 BH	1			
TOTAL	311	120	72	48

The Council's Strategic Housing and Health Manager has commented that the above mix is acceptable. Furthermore this application will deliver 11 of the 12 wheelchair adaptable houses (part M4(3)) and therefore one additional unit will be required in the future phase(s).

- 8.27 The Section 106 Agreement also requires that in each phase, 30% of the dwellings will be provided as affordable, unless otherwise agreed by the Council. I am taking phase in this case to mean as shown on the Indicative Phasing Plan B (drawing no. 5257/OPA/SK007(a), Rev H). In this reserved matters, part of phase 1b, all of phase 2, the majority of phase 3 and a small part of phase 4 has been brought forward. As a result, the following percentages of dwellings are provided as 'section 106 affordable' within these phases:

Phase 1b – 34%
Phase 2 – 38%
Phase 3 – 56%
Phase 4 – 15%

In respect of the above percentages, it is important to note that there is further development to come forward, in particular in phase 1b, 3 and 4. As such, I have raised this with the agent who has confirmed that the balance will be redressed in subsequent applications. I also take into account that the Council's Strategic Housing and Health Manager is content with this element of the proposal. Overall I am of the view that the 'section 106' affordable units are sufficiently spread across the site to allow for a balanced community and consider that the words 'unless otherwise agreed by the Council' gives the necessary flexibility to agree to this arrangement.

- 8.28 The supporting documents provided with the application also set out that an additional 68 of the units will be provided as 'non Section 106' affordable dwellings. As a result of this, the Parish Council are of the view that when this is combined with the 'Section 106' affordable dwellings that there is an overprovision. In respect of this, those dwellings that have been proposed as 'non Section 106' affordable dwellings fall

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outside of the scope of the legal agreement. I have clarified this with the Council's legal team who have confirmed that as long as the 'Section 106' affordable units are in compliance with the legal agreement then the developer is free to provide the remaining units in whichever way they see fit. As such, on the basis that it is considered that the 'Section 106' affordable units are acceptable, the additional 'non Section 106' fall outside of the control of the planning process.

- 8.29 Having said the above, I do recognise that there is some concern regarding whether existing Swale residents will benefit from the uplift in affordable housing. Although this would be a matter solely in control of the applicant, I am aware that the Registered Provider has been in close contact with the Council's Housing department. As a result, and via a nominations agreement, the dwellings will be available for those people who are currently on Swale's housing register. In order to appear on the register one of the qualifying criteria is residency within Swale in 4 out of the previous 5 years.
- 8.30 To summarise, although the 'non section 106' affordable housing is not controlled by the Section 106 agreement and outside of the control of the Council, I am of the view that it appears likely to come forward. As such, I am of the view that local residents in housing need would likely be the beneficiaries of these proposals.

Public Right of Way

- 8.31 Public footpath ZR205 passes directly through the residential parcels of the site and it has been the intention of the developer to retain the definitive alignment of the footpath. The outline planning permission and the related parameters all show this footpath passing through the residential areas and this has been set out in the detailed drawings now provided. Upon receipt of this reserved matters application, the KCC PROW Officer raised an objection in relation to the definitive line being obstructed and comments regarding the surfacing of the footpath. Following this, amended drawing were submitted, and additional amendments were suggested. This led to further amended drawings being provided. As a result of this, although the PROW Officer sets out that some street trees may restrict visibility, no objection is being raised and the definitive route is being retained. In my view, the benefit of the street trees along the route, in terms of positive impacts upon visual amenities and biodiversity outweighs the limited disruption to visibility that would be caused. As a result I have not sought changes in this regard and on the basis of the KCC PROW Officer not raising an objection, I am satisfied that this issue has been satisfactorily dealt with.

Scale

- 8.32 The DAS sets out that the majority of the site will comprise two storey buildings and no building will be higher than three storeys. In general terms, the document sets out that the higher density parts of the site will be the area around the local shops / community facilities (within the Stones Square part of the development) where the storey heights shall be a minimum of two and a maximum of three. The majority of the site should be of a medium density and will predominately be two stories with the potential for some localised three storey buildings. The edge of the site shall be lower density and a maximum of two stories.
- 8.33 The scale as described above is then considered in more detail within the context of each of the character areas. In terms of the scheme that has been put forward, the majority of the dwellings proposed are two storey in height and as required the three

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storey development is predominately based around Stones Square. There are two further blocks of three storey development, one located close to the west of Stones Square and has a frontage facing towards the primary route through the site. The second is located to the north of this and again close to the main vehicular access through the site. In my view, these three storey blocks of accommodation are located in appropriate locations, close to what has been envisaged as being the higher density parts of the site.

- 8.34 Upon receipt of the original scheme I did have some concern that there were three blocks of three storey accommodation in The Brickfields part of the site. This part of the site, as set out above is pictured to create an informal, village type of environment. As a result I was of the view that the scale of these blocks would be fundamentally contrary to the aims for this part of the site. These blocks have now been removed. There is still one flat block containing five units in this part of the site, however, this is limited to two and a half stories in height. As a result, I take the view that this is acceptable when considering this character area as a whole.
- 8.35 A part of the site will be prominent from the A2 and the DAS expects development here to follow the scale of the development that currently existing along the northern side of the A2. In this respect, the five closest dwellings along this frontage are two storey in height with the following three dwellings being 2 stories with rooms in the roofspace. The dwellings are detached and semi detached and as such I consider that this respects the adjacent scale of development and the aims of the DAS to an acceptable degree.
- 8.36 Overall, I am of the view that the scale of the development reflects the aims of the DAS with the three storey dwellings in those parts of the site where the highest density development was envisaged. On a number of prominent corner plots two and half storey dwellings have been proposed which provides a focal point in these locations and is an approach that I consider to be acceptable.

Appearance

- 8.37 The DAS in general terms expects that the dwellings will be of a simple, traditional appearance and sets out a number of ways in which this is able to be achieved. This includes the use of simple pitched roofs and by avoiding 'flat' facades by introducing recessed or projecting elements such as bay windows. Although each character area looks to provide a different context I am of the view that the proposed dwellings are of a traditional appearance.
- 8.38 In overall terms, from assessing the house types that have been proposed, it is very clear that a traditional style of dwelling has been put forward which corresponds with the aims of the DAS. When the application was originally submitted I did have some concern that some of the elevations of the flat blocks, prominent due to their three storey height, could be uplifted. The concern that I had largely centred around the fenestration that had been proposed. Due to this I have liaised with the agent and requested that in a limited number of cases that window sizes are enlarged and given more of a vertical emphasis. Amendments to this effect were forthcoming. As a result I am of the view that the flat blocks are acceptably designed, incorporating a number of different features such as varying roof pitches and heights, projecting bay windows and entrance features. I take the view that these blocks have been appropriately designed.

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- 8.39 In terms of the house types, the proposed details in my opinion show well presented elevations with variety in house types as required by the varying character areas. The houses display traditional pitched roofs and the elevations in my view are well proportioned. I have paid attention to buildings on corner plots or those that ‘turn the corner’ and have more than one elevation clearly visible in the streetscene. In these instances I have requested amendments to ensure that there are no inappropriate blank elevations and that the dwellings interact fully with the streets. These amendments have been forthcoming and I am content that this element of the scheme is acceptable.
- 8.40 Having said the above, there is the potential that if the palette of materials is not appropriately selected then this could detract from the visual appearance of the dwellings. The details provided show a mixture of brick, render, weatherboarding, hung tiles and roofing tiles. Although there is some detail given as to the colour of brick and tile, this does not go far enough to be able to assess this in the required amount of detail. I also note that in some respects, the proposed materials would not be consistent with the aims of the DAS. As a result of this, notwithstanding the details provided I have recommended imposing a condition requiring the submission of materials in order that this can be assessed.
- 8.41 Another key area in respect of the appearance of the development is related to the appropriate use of boundary treatments. In general terms, the use of close boarded fencing should be limited to those private areas of the site and boundary treatments visible from public vantage points should be of a higher quality using visually more appealing materials. As shown on the relevant drawing, this has in the most part been achieved, however, I do note some areas where close boarded fencing would be visible from public vantage points. As a result of this, notwithstanding the details provided I have recommended a condition requiring that these details are submitted so that this can be assessed.

Design Review

- 8.42 A Design Review was undertaken prior to the reserved matters application being submitted. Comments were provided in respect of dwellings following the existing pattern of development along Fox Hill and dwellings facing the internal roads. I am of the view that that has been achieved in the layout. However, the vast majority of the comments relate to aspects of the scheme that have already been tied down by the outline permission. They raise the issue of the character areas and that this fails to provide a coherent scheme, however, this is clearly referred to in condition 7 of the outline planning permission as being required at reserved matters stage. In addition to this, comments have focused upon the main access from the A2, the countryside gap and the planting within it and the attenuation pond. These are all matters that benefit from detailed consent. Overall I consider that the proposal takes into account the matters that can be considered under this reserved matters application to an acceptable level.

Building for Life

- 8.43 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.

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Residential Amenity

- 8.44 As set out above, the Stones Square element of the proposals includes 650sqm of retail / community facilities. However, the consent granted under 14/501588/OUT does not include a condition to restrict either the use or the opening hours of the retail / commercial units. I am of the view that there should be some form of control here due to the close proximity of the proposed residential units and the resultant impact that this could have upon residential amenity.
- 8.45 I believe that the most reasonable way in which to deal with this is to impose relevant conditions to control both the use, the opening hours, and the hours of delivery, but at the same time to give a degree of flexibility in respect of being able to make these units marketable to prospective occupiers. I have discussed this issue with the Council's Environmental Protection Team who have commented that uses within the following use classes - A1 (shops); A3 (restaurants and cafes); and D1 (Non residential institutions – this includes health centres and day nurseries) would be appropriately flexible without giving rise to obvious harm to residential amenities. I note the Parish Council's comments in terms of allowing no more than one hot food takeaway (use class A5), however, in this case I am of the view that even this has the potential to be harmful to residential amenities due to noise and smells. As such I have not included this within the range of accepted uses. As such, if a hot food takeaway was to be considered then this would need to be tested via an application.
- 8.46 In respect of the opening hours and hours of delivery, I have also discussed this with the Council's Environmental Protection Team. It is considered that hours of 6am – 11pm would be appropriate and that deliveries should be restricted to within these times. I believe that this would not give rise to an unacceptable harm to residential amenities and have imposed the relevant conditions below.
- 8.47 The outline planning permission set out parameters for the separation distance between existing properties and those proposed on the new development. These offset distances have been achieved in all but one case where unit 162 lies within the 15m buffer zone of the boundary of No.70 Peel Drive – it's flank elevation is 5m from the rear boundary of No.70 Peel Drive. The development offsets were put in place to protect residential amenities of existing occupiers. As such I am of the view that the impact upon this will need to be assessed. In forming an opinion on this I firstly take into account that the flank elevation of unit 162 is separated from the rear elevation of No.70 Peel Drive by 15.5m. In normal circumstances the Council would seek a minimum flank to rear separation distance of 11m. I also note that there will be no windows in the side elevation facing towards the existing property. I have raised this issue with the agent who confirms that this one unit is within the buffer zone, although considers that there are benefits in respect of enclosing the space and public realm where the PROW connects the site to Peel Drive, provides natural surveillance to this area of the site and provides further opportunities to light this part of the site. In my opinion, I believe that although this unit would overlook part of the the PROW there would also be a section of the path running along the side of the property. Although in this area there would be a lack of surveillance I note that no objection is raised by the KCC PROW Officer who has commented on these latest drawings.
- 8.48 On balance, I believe that the location of unit No.162 is not the most desirable for this part of the site. However, on the basis of the above considerations, I have been unable

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to identify any significant harm. As such I do not believe that this would warrant a reason for refusal.

- 8.49 In terms of the proposed properties, these have been laid out to comply with the Council's usual requirement for a minimum rear to rear separation distance of 21m and minimum flank to rear separation distance of 11m. As such I am of the view that the proposal would not give rise to harm to unacceptable levels of overlooking or a loss of privacy. Furthermore, the houses proposed all have access to a private amenity space, which in the main are a minimum of 10m in depth. A number of the properties exceed this distance to provide generous gardens. There are some very limited instances where a 10m garden depths is not achieved, however, the gardens fall short by such a small amount that I do not consider that any serious harm occurs. The flats do not have access to their own dedicated private amenity space, however, the development is well served by open space within the residential parts of the site and the strategic area of landscaping in terms of the countryside gap. As such I am of the view that these occupants will be appropriately served in this respect.

Landscaping

- 8.50 As set out above, the landscaping elements of the proposal relevant to this reserved matters application includes those details within the residential parts of the site. The landscape buffer and countryside gap already benefits from detailed planning consent and therefore is not a reserved matter.
- 8.51 Within the residential areas of this part of the site lie four areas of public amenity space, namely Stones Square, Orchard Square, Brickfields Green, Ridgeline Park. Stones Square will have more of dense urban feel due to the aspirations of this character area. Having said this, there is still a requirement to introduce planting into this area. In this respect the detailed landscaping drawings show what I consider to be a reasonable amount and appropriate quality of tree planting in the car park within Stones Square. Orchard Square has been formally planted in accordance with the requirements established under the planning consent whilst Ridgeline Park has a row of trees planted around its perimeter. The Brickfields part of the site also includes a central landscaped area, this is proposed to be less formal and I am of the view that this has been achieved.
- 8.52 Further to the above, the scheme includes street trees and the western hedgerow is clearly shown on the submitted information. This will mark the area between the Western Avenue and The Brickfields part of the site. Aside from this, when the application was originally submitted I was concerned that some of the parking areas serving the flats would benefit from additional planting. This has now been included and I am of the view that this is acceptable. I also note that areas of frontage parking have been broken up with tree planting which I consider to be appropriate.
- 8.53 In overall terms, I consider that the landscaping details provide a good mix of native, near native and ornamental planting within the development, which overall I find acceptable in terms of providing an ecological balance of species and which I believe will have a positive impact upon visual amenities. On this basis, I have included the landscaping drawings within the approved drawings conditions to ensure that it is carried out as agreed.

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- 8.54 The Section 106 Agreement attached the permission granted under 14/501588/OUT requires a Landscape Management Plan to be submitted as part of the reserved matters application. This has been submitted and I have consulted the Council's Greenspaces Manager and KCC Ecology on this document. I have also obtained the views of the Council's Tree Consultant. Initially some minor alterations were requested and as a result an amended document was submitted. Following re-consultation with the above parties they have all confirmed that the document is acceptable. To ensure that the terms of this document are adhered to I have recommended a relevant condition.

Highways

- 8.55 For clarity, I note both the Parish Council's and neighbour comments which relate to the proposed changes to the main access, which were shown on a drawing first submitted under the reserved matters application. During discussions with the agent I confirmed that any changes to the access, which benefits from detailed planning permission under 14/501588/OUT would be required to be submitted as a separate application. As a result, this drawing has been removed and is subject to a separate application currently being considered as referenced in the history section above (19/501212/FULL). Therefore, this reserved matters application does not consider this proposed amendment.
- 8.56 In respect of the highway related issues I have consulted with KCC Highways & Transportation, the response of whom is quoted in the consultations section above. As can be seen, and again for clarity, this response makes it clear that the impact that this development will have on the local highway network has already been accounted for and considered to be acceptable. The application has confirmed that the internal roads will not be offered for adoption. As a result of this, KCC Highways & Transportation have solely considered in their response as to whether the development, by virtue of its detailed matters will have any impact upon the signalised junction access onto the A2. In this respect, the consultation response is clear that the proposed housing is far enough away from this junction as to not have any impact from the associated parking demand or layout of the proposed development. As a result of this KCC Highways & Transportation raise no objection.
- 8.57 Having said the above, the internal highways, access and parking provision within the development site are still required to be assessed. As a result of this, I have analysed the details provided along with a representative of KCC Highways & Transportation in order to assess this particular issue. The DAS referred to in condition 7 of the planning permission sets out that there will be a principle vehicular access route which will loop around the site with a series of secondary streets providing connections to the majority of the site and the opens spaces. Further to this there will be a series of minor streets and mews providing access to the remainder of the site. Having assessed the layout of this part of the reserved matters I am of the view that the detailed submitted relate consistently with these aspirations as set out above.
- 8.58 In terms of the scale of these roads, the DAS submitted in support of the application sets this out in detail and shows that there will be a hierarchy of street types with varying widths. This has in my view been achieved in the layout. Furthermore, a number of tracking drawings have been provided with the application which I have assessed along with a representative of KCC Highways & Transportation. These drawings confirm that a refuse vehicle, 11.4m in length will be able to manoeuvre

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around the site. As this is the largest vehicle that would be likely to use these internal roads I believe that this also clarifies that they are acceptably laid out.

- 8.59 In respect of the internal highways proposed, the application includes a number of detailed drawings setting this out showing the technical construction specification of the roads and footpaths and the proposed surfaces. In terms of the construction details I have discussed this with KCC Highways & Transportation who have advised that these drawings confirm that the roads will be constructed to the same standard as an adoptable highway. On this basis I am of the view that this element is acceptable. In addition, the proposed surface finishes have been provided. The majority of the vehicular routes through the site are finished in tarmac, although in the more private areas and towards the edges of the development there are some block paved surface finishes. I believe that this is appropriate to be able to differentiate between the areas of the site which are more publicly accessible and the more private residential areas of the site. Having said this, there is not any further detail in respect of the colour finishes which are proposed, particularly important in my opinion where block paved surfaces are proposed. As such, I have recommended a condition to ensure that this can be appropriately assessed.
- 8.60 As stated above, condition 7 of the outline permission requires general accordance with the requirements of the DAS which includes details on the parking provision. Additionally, condition 23 of the outline permission requires that the details submitted in pursuance of the reserved matters shall show adequate land reserved for parking in accordance with the 'Approved County Parking Standards' (Kent Design Guide Review: Interim Guidance Note 3 – Residential Parking). In respect of the DAS I note that the minimum expected parking levels for the site have been set as shown and this includes the requirement for 3 and 4+ bed houses to have 2 independently accessible spaces per unit.
- 8.61 Having assessed the layout provided, due to the tandem spaces being provided for a number of the units this hasn't been achieved. I have also referred to the DAS submitted in support of the reserved matters application and on p.46 the section on parking from the DAS referred to in condition 7 of the planning permission is reproduced. This sets out the parking numbers for different dwelling sizes / types and what form that this should take. In terms of the numbers of spaces required, the details provided are compliant with this document. However, there is some conflict in respect of the form of the spaces, in particular where the requirement is for independently accessible spaces for the 3 and 4+ bed units.
- 8.62 In terms of the 3 and 4+ bed units, there are 167 of these proposed in this reserved matters application. Although all of these units benefit from at least 2 allocated parking spaces, the number of these dwellings which have at least two independently accessible spaces is 43. Due to this there is clearly some tension with the parking requirements that have been set out in the DAS. In terms of whether this is acceptable I believe that it is important to note that additional visitor parking spaces have been added into the development to offset this. Members will note that a total of 86 visitor spaces are proposed. Secondly, I am of the view that independently accessible spaces would very likely have a detrimental impact upon visual amenities in a way that tandem spaces would not. As a result, it is often the case that independently accessible spaces will result in the amount of other aspects of the development, such as landscaping having to be reduced. Therefore, Members will need to determine whether this conflict with the parking standards is sufficient enough to make the

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scheme unacceptable. It is my view that the potential harm, in terms of cars not utilising the tandem spaces efficiently has been partially offset by the introduction of visitor spaces. In addition to this, I give weight to the harm to visual amenities that increasing the amount of visible parking spaces would cause. As such, I believe that on balance the parking layout is acceptable.

Foul and surface water drainage

- 8.63 I note that both the Parish Council and neighbours have raised concern in respect of drainage from and within the site. As can be seen from the consultation section above, both Southern Water and the Lead Local Flood Authority (KCC) have commented on this application. 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 by them requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.
- 8.64 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. It is also important to note that the outline permission imposes a condition requiring full details of the method of disposal of foul water which the applicant will be required to discharge.
- 8.65 In respect of the comments of the Lead Local Flood Authority (LLFA), it is firstly important to note that the outline planning permission does not include a relevant surface water drainage condition. As such, the applicant has sought to address this by providing the details at this stage. As can be seen from the comments above, the surface water drainage details submitted have been considered acceptable for this phase. A condition has been recommended which relates to details being submitted for subsequent phases, however, this wouldn't meet the test of being relevant to this specific development. As such, to ensure the applicant is aware that this will be required I have included this as an informative.

Other requirements of outline permission

- 8.66 Condition 6 of the outline planning permission requires that the details satisfy how the residential elements of the development will meet the principles of 'Secured by Design'. In respect of this I note the comments of Kent Police as set out in the consultations section above. Firstly, it is important to note that Kent Police stated at the outset that designing out crime has been considered and much of the guidance has been incorporated into the proposals. They have raised a number of issues as set out above and I have referred these to the agent for comment. In response, the location of the CCTV has been clarified (in the northern part of the site where the PROW links to Peel Drive and at the south east corner of Stones Square). Furthermore, I am of the view that due to the introduction of additional gable end windows that the parking spaces

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are predominately well overlooked. There are some rear parking courts but surveillance of these is provided by the nearby properties which overlook these areas. The height of the boundary treatment can be controlled by the relevant condition I have recommended. Furthermore, as set out by the agent, a large number of the points relate to Building Regulations and as such are not material to this application. Therefore I am of the view that the proposal has satisfactorily dealt with condition 6 of the outline permission.

- 8.67 Condition 8 requires that cross sections of the existing and proposed site levels are provided. These have been submitted and in general show that the changes between the existing site levels and the proposed finished floor levels are within 1m of each other. I have paid particularly close attention to the areas of the site which are close to existing residential properties and where current ground levels are consistent between the site and the surrounding properties. In these cases the proposed land levels are not proposed to alter to any significant degree. The most notable changes are occurring in The Brickfields part of the site where land levels are being raised by almost 2 metres in places. However, in respect of this it is worth noting that this part of the site, due to previous brickearth extraction sits considerably lower than the surrounding properties. The parts of the site close to Peel Drive have been shown as being consistent with the existing land levels and as such I consider this acceptable. Overall, I believe that the details provided are acceptable and I have conditioned the drawings to control these details.
- 8.68 Condition 13 requires that the reserved matters application includes infrastructure to provide each dwelling with a broadband connection. I have received a drawing showing how these services will be provided – which is included in condition (1) below - and also a letter from the broadband provider confirming that ultrafast broadband will be available to each home. I am of the view that this satisfies the requirement of condition 13 of the outline permission.
- 8.69 The Section 106 Agreement also requires that the development is not carried out otherwise than generally in accordance with Plan B. Plan B splits the site up into phase 1a (which relates to the countryside gap) and then the residential parcels in phase 1b, 2, 3 and 4. This application proposes dwellings in the majority of phase 1b, the majority of phase 2, part of phase 3 and part of phase 4. The Section 106 does give flexibility by the use of the wording 'generally in accordance with' and it is also important to note that the phasing drawing is indicative. In general terms, this reserved matters relates to the southern and western parts of the residential areas with the northern and eastern parcels of the site subject to future consideration. I have been unable to identify any harm from this deviation and note that the requirements of the Section 106 which bite after the occupation of a certain number of units would still be required. As such, I am of the view that this is acceptable.

Parish Council Comments

- 8.70 Although the matters raised by the Parish Council in respect of affordable housing, the PROW route and the internal highway details and layout have been considered as part of the above appraisal, of the points that remain I comment as follows. The points concerning air quality, wider strategic infrastructure and speed limits on the A2 are all in-principle matters. These have been considered acceptable by virtue of the granting of planning permission under 14/501588/OUT and as such cannot be reassessed

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under this reserved matters application, which is seeking approval for the appearance, layout, landscaping and scale of 311 dwellings and the retail / community facilities.

- 8.71 In addition to the above, matters relating to the countryside gap have been granted detailed planning permission under 14/501588/OUT and therefore this reserved matters application does not relate to this part of the site. However, for clarity, the Section 106 Agreement pursuant to 14/501588/OUT secures funds for the countryside gap which will be maintained by the Council. In addition, the electric vehicle charging points are secured under the Section 106 Agreement and require that each dwelling with a parking space within its curtilage benefits from an electric vehicle charging point. Furthermore, this reserved matters application is compliant with the Section 106 Agreement in terms of providing the approved amount of floorspace for retail / community facilities, however, the requirement to market these units is secured under the Section 106 Agreement and is to take place between the occupation of the 300th and 500th dwelling.
- 8.72 In terms of the requirement of the Section 106 to secure a contribution for the Swanstree Avenue junction, KCC Highways have made a separate comment that the contribution for this may be pooled to contribute to a wider junction improvement (it was initially envisaged that the money would be used for installing traffic signal detector loops). In terms of Swanstree Avenue, the Section 106 Agreement sets out that the contribution for this junction improvement shall be provided for what KCC determines *'necessary to secure the safe and expeditious movement of traffic at or near the junction of Swanstree Avenue and the A2 Canterbury Road.'* As such, there is the flexibility built into the legal agreement as to what the contribution will be used for. Having said this, I do note condition 31 of the planning permission which states that no units would be occupied until such a time that traffic signal detector loops at the Swanstree Avenue junction have been installed. Although there may need to be an amendment to condition 31 - if KCC use the contribution for a wider improvement rather than simply the installation of the traffic signal detector loops - this would be a separate matter to this current reserved matters application.
- 8.73 The Parish Council have also referred to separate applications related to the discharge of planning conditions imposed under 14/501588/OUT. These have been, or are currently being dealt with separately (and also relate to bird and bat boxes and the use of local construction materials as raised by the Parish Council). As such, these discharge of condition applications are separate to this reserved matters application.
- 8.74 The Parish Council are also concerned that the level of landscaping detail being proposed may be unsustainable when the development is completed. In terms of this, the details proposed are secured by virtue of the condition recommended requiring the development to be carried out in accordance with the approved details. Further to this, if any of the trees are removed etc. then condition 30 of the planning permission requires them to be replaced.
- 8.75 In terms of the remaining points raised by the Parish Council, although these do not directly relate to the current reserved matters application, I comment as follows. The usual practice in terms of the Design Review meeting is that all Councillors are invited which is what took place on this occasion. The site hoardings are not controlled by the planning permission and are permitted development. Therefore the Council has no control over this aspect. The agent has confirmed that the developer does operate an apprenticeship scheme and also confirmed that details can be provided. Although this

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is not required as part of this reserved matters application, I am of the view that this can be clarified separately. Finally, the NHS Clinical Commissioning Group has not requested a contribution in respect of this reserved matters application. For clarity they have commented on separate applications related to this site as referred to in the history section above (ref 19/501212/FULL and 19/502176/FULL), however, this has no bearing on this application for approval of reserved matters.

9.0 CONCLUSION

9.01 In my view, although there are some aspects of the scheme which create some tension with the parameters set out in the outline permission and the Design and Access Statement referred to under condition 7, I am of the view that these are outweighed by the elements of the scheme which are respectful to the envisaged development upon this site. The site has, as required, provided for a variety of open space within the residential parcels. Most importantly I am firmly of the view that the character areas as required have come forward in order to create distinctions across the site. As such, in overall terms, I am of the opinion that the appearance, layout, landscaping and scale of the development as proposed would be in accordance with the adopted Local Plan and the NPPF and, as such, are acceptable. Finally, in light of the Council's current Housing Land Supply position, and the fact that a 5 year supply can not currently be demonstrated, I give additional weight to the not insignificant quantum of housing that this proposal would allow to be delivered on a site allocated for this specific type of development.

10.0 RECOMMENDATION – That reserved matters approval should be GRANTED, subject to the conditions as set out below:

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

SL.01, Rev G; CSL.01, Rev G; OSL01, Rev E; AHL.01, Rev D; HP.01, Rev D; MCP.01, Rev D; RCS.01, Rev D; PROW.01, Rev E; PROW.02, Rev B; CSE.01, Rev D; CSE.02, Rev D; FB-D.p1, Rev D; FB-D.p2, Rev C; FB-D.e, Rev C; FB-E.p1, Rev E; FB-E.p2, Rev E; FB-E.e, Rev D; FB-F.p1, Rev F; FB-F.p2, Rev E; FB-F.e1, Rev D; FB-F.e2, Rev E; FB-G.p1, Rev D; FB-G.p2, Rev D; FB-G.p3, Rev D; FB-G.e, Rev C; FB-H.p1, Rev D; FB-H.p2, Rev E; FB-H.p3, Rev E; FB-H.e1, Rev D; FB-H.e2, Rev D; FB-1.e, Rev A; FB-1.p, Rev B; HT.B1-RP-SEM.e, Rev D; HT.B1-RP-SEM.p, Rev C; HT.F1-RP-DET-A1.e, Rev C; HT.F1-RP-DET-A2.e, Rev C; HT.F1-RP-DET-A.p, Rev C; HT.F1-RP-SEM-A1.e, Rev C; HT.F1-RP-SEM-A2.e, Rev C; HT.F1-RP-SEM-A.p, Rev C; HT.L-RP-DET-1.pe, Rev E; HT.L-RP-DET-2.pe, Rev E; HT.K-RP-DET-1.pe, Rev C; HT.K-RP-DET-2.pe, Rev C; HT.3B5P-RP-TER.e, Rev C; HT.3B5P-RP-TER.p, Rev C; HT.B1-SS-SEM-1.e, Rev D; HT.B1-SS-SEM-2.e, Rev D; HT.B1-SS-SEM.p, Rev C; HT.D1-SS-DET-1.pe, Rev C; HT.D1-SS-DET-2.pe, Rev D; HT.F1-SS-SEM-A.e, Rev C; HT.F1-SS-SEM-A.p, Rev C; HT.G1-SS-DET.e, Rev D; HT.G1-SS-DET.p, Rev C; HT.I1-SS-DET-1.e, Rev D; HT.I1-SS-DET-2.e, Rev D; HT.I1-SS-DET.p, Rev C; HT.J-SS-DET.pe, Rev C; HT.L-SS-DET.pe, Rev E; HT.A1-SS-SEM-1.e, Rev D; HT.A1-SS-SEM-2.e, Rev D; HT.A1-SS-SEM.p, Rev C; HT.2B4P-SS-SEM.e, Rev C; HT.2B4P-SS-SEM.p, Rev C; HT.3B5P-SS-SEM.e, Rev A; HT.3B5P-SS-SEM.p, Rev A; HT.FOG-SS-1.pe, Rev C; HT.FOG-SS-2.pe, Rev C; HT.FOG-SS-3.pe, Rev A; P.1_34-SS.e, Rev A; P.1_34-SS.p, Rev A; HT.C1-OS-DET.pe, Rev D; HT.C1-OS-SEM.e, Rev D; HT.C1-OS-SEM.p, Rev C; HT.D1-OS-DET.pe, Rev C; HT.J-OS-DET.pe, Rev D; HT.K-OS-DET-1.pe, Rev D; HT.K-OS-DET-3.pe, Rev D; HT.K-OS-DET-4.pe, Rev D;

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HT.K-OS-SEM.e, Rev D; HT.K-OS-SEM.p, Rev D; HT.L-OS-DET.pe, Rev D; HT.2B4P-OS-SEM.e, Rev C; HT.2B4P-OS-SEM.p, Rev C; HT.2BWCH-OS-SEM.e, Rev C; HT.2BWCH-OS-SEM.p, Rev C; HT.2B4P-OS-TER.e, Rev C; HT.2B4P-OS-TER.p, Rev C; HT.3B5P-OS-SEM.e, Rev C; HT.3B5P-OS-SEM.p, Rev C; HT.3B5P-A-OS-DET.pe, Rev C; HT.A1-OS-SEM.e, Rev D; HT.A1-OS-SEM.p, Rev D; HT.B1-OS-SEM.e, Rev D; HT.B1-OS-SEM.p, Rev C, HT.FOG-OS.pe, Rev A; P.17-18-OS.e, Rev A; P.17-18-OS.p, Rev A; P.22-23-OS.e, Rev A; P.22-23-OS.p, Rev A; P.41-42-OS.e, Rev A; P.41-42-OS.p, Rev A; P.58-59_60-61-OS.p, Rev A; P.58-59_60-61-OS.e, Rev A; P.76-79-OS.e1, Rev A; P.76-79-OS.e2, Rev A; P.76-79-OS.p, Rev A; P.80-83-OS.e1, Rev A; P.80-83-OS.e2, Rev A; P.80-83-OS.p, Rev A; P.87-88-OS.e, Rev A; P.87-88-OS.p, Rev A; HT.D1-BG-DET.pe, Rev C; HT.D3-BG-DET-1.e, Rev A; HT.D3-BG-DET.e, Rev B; HT.D3-BG-DET.p, Rev B; HT.F1-BG-SEM-1.e, Rev C; HT.F1-BG-SEM-2.e, Rev C; HT.F1-BG-SEM.p, Rev C; HT.I1-BG-DET.e, Rev A; HT.I1-BG-DET.p, Rev A; HT.2B4P-BG-TER.e, Rev C; HT.2B4P-BG-TER.p, Rev C; HT.2B4P-BG-SEM.e, Rev B; HT.2B4P-BG-SEM.p, Rev B; HT.3B5P-BG-1-SEM.e, Rev E; HT.3B5P-BG-2-SEM.e, Rev C; HT.3B5P-BG-SEM.p, Rev E; HT.3B5P-BG-DET.e, Rev B; HT.3B5P-BG-DET.p, Rev B; P.94-95_99-100_135-136-BG.e, Rev B; P.94-95_99-100_135-136-BG.p, Rev B; P.101-103-BG.e, Rev B; P.101-103-BG.p, Rev B; P.111-112_163-164-BG.e, Rev A; P.111-112_163-164-BG.p, Rev A; P.137-140-BG.e1, Rev A; P.137-140-BG.e2, Rev A; P.137-140-BG.p, Rev A; P.165-168-BG.e1, Rev B; P.165-168-BG.e2, Rev A; P.165-168-BG.p, Rev B; HT.B1-TM-SEM-1.e, Rev B; HT.B1-TM-SEM-2.e, Rev D; HT.B1-TM-SEM.p, Rev D; HT.C1-TM-DET.pe, Rev D; HT.C1-TM-SEM.e, Rev D; HT.C1-TM-SEM.p, Rev C; HT.J-TM-DET.pe, Rev C; HT.D1-TM-DET.pe, Rev C; HT.3B5P-TM-SEM.e, Rev B; HT.3B5P-TM-SEM.p, Rev B; HT.3B5P-A-TM-DET.pe, Rev D; HT.FOG-TM.pe, Rev D; P.194-197-TM.e1, Rev A; P.194-197-TM.e2, Rev A; P.194-197-TM.p, Rev A; P.212-214-TM.p, Rev A; P.217-220-TM.e1, Rev A; P.217-220-TM.e2, Rev A; P.217-220-TM.p, Rev A; P.221-223-TM.e, Rev A; P.221-223-TM.p, Rev A; P.269-270-TM.e, Rev A; P.269-270-TM.p, Rev A; P.271-274-TM.e1, Rev A; P.271-274-TM.e2, Rev A; P.271-274-TM.p, Rev A; BCS.01.pe, Rev A; CP.01.pe, Rev B; CP.02.pe, Rev A; CP.03.pe, Rev A; CS.04.pe, Rev A; GAR.01.pe, Rev A; GAR.02.pe, Rev B; SS.pe, Rev B; 180400-0095-P3; 180400-0096-P3; 180400-0152-P1; 4743-LLB-XX-XX-DR-L-0011-S4-P04; 4743-LLB-XX-XX-DR-L-0012-S4-P03; 4743-LLB-XX-XX-DR-L-0013-S4-P04; 4743-LLB-XX-XX-DR-L-0014-S4-P03; 4743-LLB-XX-XX-DR-L-0015-S4-P04; 4743-LLB-XX-XX-DR-L-0016-S4-P06; 4743-LLB-EA-E1-DR-L-0001-S4-P05; 4743-LLB-EA-E2-DR-L-0001-S4-P03; 4743-LLB-EA-E5-DR-L-0001-S4-P03; 4743-LLB-EB-E2-DR-L-0001-S4-P03; 4743-LLB-EB-E5-DR-L-0001-S4-P03; 4743-LLB-EC-E2-DR-L-0001-S4-P03; 4743-LLB-ED-E1-DR-L-0001-S4-P03; 4743-LLB-ED-E2-DR-L-0001-S4-P03; 4743-LLB-EE-E1-DR-L-0001-S4-P03; 4743-LLB-EE-E2-DR-L-0001-S4-P03; 4743-LLB-EF-E1-DR-L-0001-S4-P03; 4743-LLB-EF-E2-DR-L-0001-S4-P03; 4743-LLB-EG-E2-DR-L-0001-S4-P03; 4743-LLB-XX-E3-DR-L-0001-S4-P03; 4743-LLB-XX-E4-DR-L-0001-S4-P03; 180400-0081-P2; 180400-0082-P2; 4743-LLB-EA-E1-DR-L-0001-S4-P05; 4743-LLB-EB-E1-DR-L-0001-S4-P05; 4743-LLB-EC-E1-DR-L-0001-S4-P05; UR-2018-CSD Rev H; 180400-110-P6; 180400-0111-P5; 180400-0112-P6; 180400-0113-P6; 180400-0114-P5; 180400-0115-P6; 180400-0116-P6; 180400-0117-P5; 180400-0118-P6; 180400-0119-P6; 180400-0120-P6 and 180400-0121-P6; 180400-0130-P3; 180400-0131-P3; 180400-0090 P2; 180400-0091 P2; 180400-0093 P2; 180400-0094 P2; 180400-0150-P1; 180400-0151-P1; 180400-0030-P5; 180400-0031-P5; 180400-0032-P5; 180400-0033-P5; 180400-0034-P5; 180400-0035-P4; 180400-0036-P4; 180400-0037-P4; 180400-0038-P4; 180400-0039-P4; 180400-0040-P4; 180400-0041-P4 ; 180400-0042-P4; 180400-0080-P3; 180400-

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0051-P3; 180400-0052-P3; 180400-0053-P3; 180400-0055 P4; 180400-0055 P4;
180400-0055 P4.

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

- 2) Notwithstanding the details shown on drawing BDML.01, Rev D, 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 the bricks and – where appropriate – gaps to allow hedgehogs to pass freely between residential gardens, have been submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and biodiversity.

- 3) Notwithstanding the details shown on the drawings 180400-110-P6; 180400-0111-P5; 180400-0112-P6; 180400-0113-P6; 180400-0114-P5; 180400-0115-P6; 180400-0116-P6; 180400-0117-P5; 180400-0118-P6; 180400-0119-P6; 180400-0120-P6 and 180400-0121-P6, prior to the road and footpath surfaces being laid, specific road / footpath surface materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenities.

- 4) No development beyond the construction of foundations shall take place until a colour brochure and specification (including technical drawings – with sections) of the proposed windows and external doors to be used, including the proposed colour finishes, has been submitted to and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

- 6) Notwithstanding the details provided, prior to the installation of the Local Equipped Area for Play within Ridgeline Park, full details of the surfacing, equipment and boundary treatment, at a scale of 1:200 shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details.

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

- 7) The retail / community facilities (labelled as ‘retail unit’ on drawing CSL.01, Rev G) shall be restricted to the following uses – A1 (shops); A3 (Restaurants and cafes); or D1 (Non residential institutions and not for any other purpose including any uses otherwise provided for by the operation of the Town and Country Planning (Use

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Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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

- 8) The use of the retail / community facilities (labelled as 'retail unit' on drawing CSL.01, Rev G) hereby permitted shall be restricted to the hours of 6 am to 11 pm.

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

- 9) Deliveries to the retail / community facilities (labelled as 'retail unit' on drawing CSL.01, Rev G) hereby permitted shall be restricted to the hours of 6 am to 11 pm.

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

- 10) The management of the open spaces and amenity landscape areas outside of private resident ownership within the proposed development shall be carried out in accordance with the document entitled 'Landscape Management Plan', dated 14th June 2019.

Reason: In the interests of visual amenities and biodiversity.

- 11) Prior to the occupation of any dwelling the measures to provide emergency / pedestrian / cycle access to Peel Drive (as shown on drawing D119/47, Rev C - approved under 14/501588/OUT) shall be completed and maintained in perpetuity.

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

INFORMATIVES

- 1) Subsequent phases of the development will be required to 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 constructed attenuation basin.

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 instance:

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

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The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

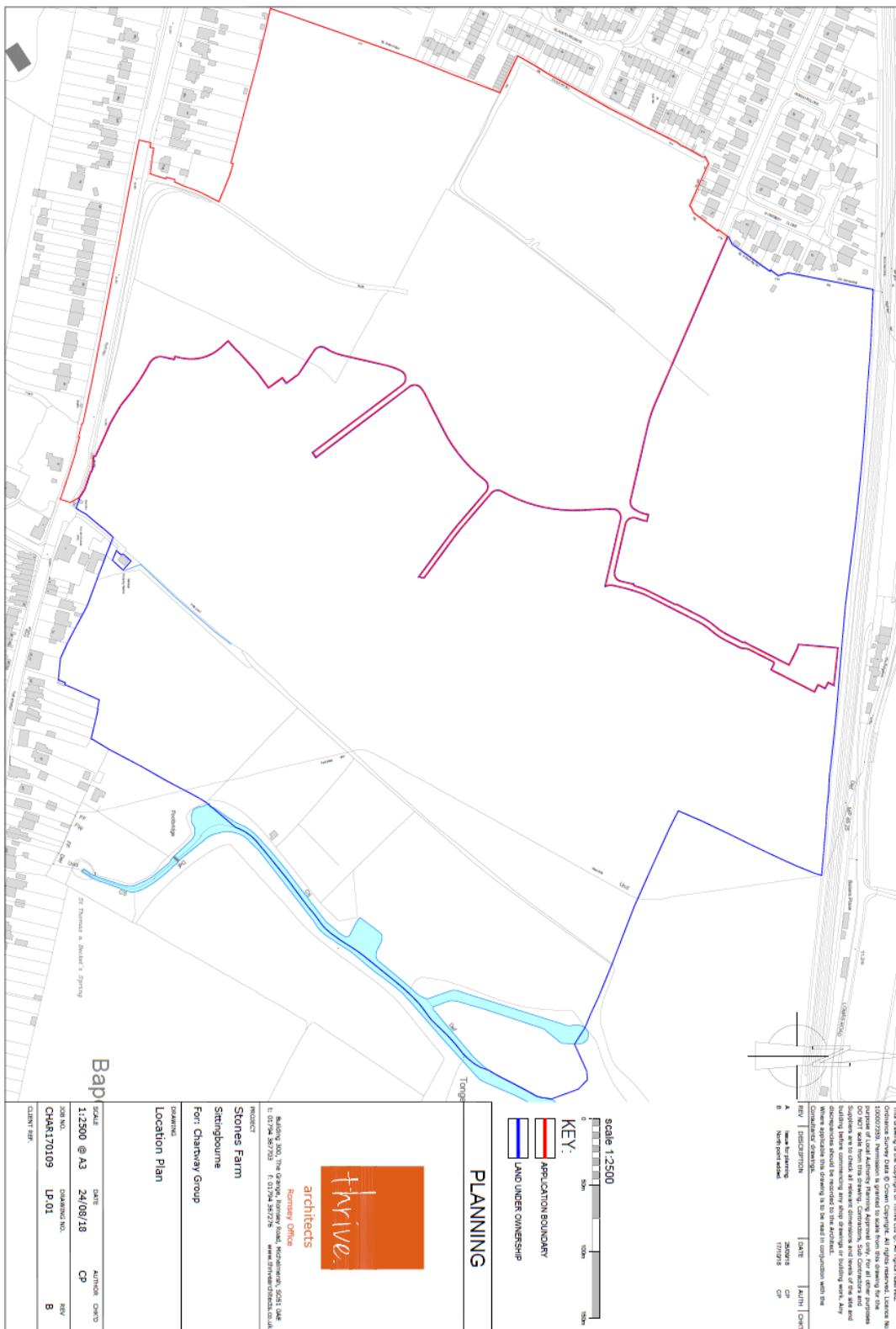
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Swale Borough Council Building for Life Checklist

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.

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APPENDIX 2**SITE ADDRESS: Stones Farm****APPLICATION NO.:****1. CONNECTIONS**

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	The main access for the site has the benefit of detailed planning consent.	✓
1b Should there be pedestrian and cycle only routes into and through the development?	There are pedestrian / cycle routes from the existing housing estate to the west ad within the site itself.	✓
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 the existing town of Sittingbourne between residential units and the countryside. I consider the linkages (as referred to in the point above) to be appropriate.	✓
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 residents would likely use the services and facilities in Sittingbourne to meet a number of their day to day needs. In addition, the application provides the floorspace for 650sqm of retail / community facilities.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	The new facilities are provided within what is known as Stones Square. The end use has not been fixed and as such this will be assessed through market testing.	✓
2c Are these new facilities located in the right place? If not, where should they go?	This element has been indicatively set out by the outline permission and is provided as expected.	✓
2d Does the layout encourage walking, cycling or using public transport to reach them?	The facilities are close to the main access to the site from the A2 where there are existing bus services. I consider that the development also provides a layout that would allow walking or cycling in order to reach them.	✓

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 the A2.	✓
3b Where should new public transport stops be located?	There may be an opportunity in the future to allow for bus services to enter the development.	N/A

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APPENDIX 2**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?	The site includes provision for affordable housing as required by the S.106. There is also 'non section 106' affordable units which although outside the control of the permission will very likely mean that local 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.	✓

5. Character

ITEM	COMMENT	(SBC use) ✓/✗
5a How can the development be designed to have a local or distinctive identity?	The design picks up on traditional elements of surrounding patterns of development.	✓
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 prominent from the A2 and as such will be clearly visible from this route. The existing pattern of development along the northern side of Fox Hill has been continued as was set out in the outline planning permission. The new built edge will be abutted by planting and the countryside gap which also forms part of the wider proposal.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	There is some existing planting around the margins of the site which is proposed to be retained. Aside from this the site is former farmland.	✓
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 development proposes a range of streets and spaces, much of which is as set out in the outline planning permission. In general, dwellings relate well to the street and open space forms focal points within the development.	✓

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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 site has a series of open spaces and the commercial area. The PROW also passes through the site which should assist.	✓
8b Are there any obvious landmarks?	I believe that the areas of open space and the commercial area of the site will become the landmarks of the development.	✓
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) ✓/✗
9a Are streets pedestrian friendly and are they designed to encourage cars to drive slower and more carefully?	Although there is a main vehicular route which loops around the site 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?	The quantity is sufficient, although there are less independently accessible spaces than envisaged at the outline stage.	✓/✗
10b Is parking positioned close to people's homes?	In general yes, there are some instances where parking is located to the rear which is mainly due to the requirement to provide distinct character areas.	✓
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?	Some of the parking courtyards serve more than 5 properties, however I do in general consider them to be overlooked to a sufficient degree.	✓
10d Are garages well positioned so that they do not dominate the street scene?	Garages have generally been set back from the street.	✓

11. Private and public spaces

ITEM	COMMENT	(SBC use) ✓/✗
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APPENDIX 2

Extra-Ordinary Planning Committee Report – 3 October 2019

Item 2.1

APPENDIX 2

11a What types of open space should be provided within this development?	The site is in my view is well catered for open space by virtue of the countryside gap and the areas of open space within the residential parcels.	✓
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?	There is a range of play facilities provided.	✓
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 and flats have integral bin storage areas.	✓
12b Is access to cycle and other vehicle storage convenient and secure?	Yes – properties have access to rear gardens for bin storage and flats have integral bin storage areas.	✓

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APPENDIX 3

PLANNING COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, Kent, ME10 3HT on Thursday, 3 October 2019 from 7.00pm - 9.14pm.

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

OFFICERS PRESENT: Zoe Callaway, Philippa Davies, James Freeman, Paul Gregory, Benedict King, Rebecca Walker and Jim Wilson.

ALSO IN ATTENDANCE: Councillors Monique Bonney (Ward Member), Angela Harrison, Ken Rowles and Ghlin Whelan.

APOLOGIES: Councillors Monique Bonney, Nicholas Hampshire, David Simmons, Paul Stephen and Eddie Thomas.

271 EMERGENCY EVACUATION PROCEDURE

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

272 DECLARATIONS OF INTEREST

No interests were declared.

273 SCHEDULE OF DECISIONS

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 18/505151/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for mixed-use development relating to appearance, landscaping, layout and scale of 311 dwellings and 650sqm of neighbourhood shopping/community facilities pursuant to outline planning permission 14/501588/OUT			
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD			
WARD West Downs	PARISH/TOWN Bapchild	COUNCIL	APPLICANT Chartway Group Ltd AGENT

APPENDIX 3*Planning Committee**3 October 2019*

The Senior Planning Officer introduced the report and referred Members to the tabled papers for this item. He explained that there was an error in the table on page 19 of the report, and that the number of 1 bedroom units should be 34, and the number of 2 bedroom units should be 110. This amendment also related to paragraph 2.02 in the report. The tabled paper also set-out that two additional letters that had been received from Bapchild Parish Council, and also responded to some queries that were raised at the developer briefing held on 1 October 2019. The Senior Planning Officer reported that an email had been received from a local resident on the day of the Planning Committee asking why works on the highway had commenced already, and highlighted the impact on an already over-stretched highway. The Senior Planning Officer explained that detail of the access works had been dealt with as part of the hybrid application and impacts upon the local highway network had already been dealt with.

Parish Councillor Richard Bush, representing Bapchild Parish Council, spoke against the application.

Katherine Putman, on behalf of the Applicant, spoke in support of the application.

The Chairman invited Members to ask questions.

A Member asked whether a roundabout would be a better option than traffic lights on the junction of the development with the A2; whether the 30mph speed limit would be extended; and would the affordable housing be offered to local people? The Senior Planning Officer explained that the detail of the road junction had already been granted detailed consent under the hybrid application, and was not being considered as part of this application. He explained that the 30mph speed limit was to be extended, but this was outside the terms of reserved matters. The Strategic Housing and Health Manager explained that the affordable rented units would be allocated via the housing register. The housing register had a qualification of residence in Swale of four out of five years. The shared ownership units would give preference to local families.

A Member asked what the percentage of apprentices would be that worked on the development and whether the apprenticeships covered all trades? The Senior Planning Officer explained that this would ordinarily be dealt with under the Section 106 Agreement in the outline application, not in the reserved matters stage. Although there was no requirement in the Section 106 Agreement, he added that he had spoken to the developer on this matter who would be able to provide further details if required.

A Member asked whether local building materials were being used and requested more information on the medical facilities on the site. The Senior Planning Officer referred the Member to condition (12) of the hybrid application and explained that he was waiting for further details of local materials being utilised on the development, from the developer. He added that the reserved matters condition could also require this and could be refined to reiterate the stipulation that local building materials were used as well. The Senior Planning Officer explained that the NHS had previously commented on two minor material amendment applications, but not in relation to the reserved matters application, as this was for appearance, landscaping, layout and scale only. He added that there was 650

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APPENDIX 3

*Planning Committee**3 October 2019*

square metres of neighbourhood shopping/community facilities proposed on the site. There would be a marketing campaign for these and the NHS could potentially take over one of the units as a medical facility. Again, this was not required as part of this reserved matters application. The Member referred to page 10 of the report where it stated that a medical facility should be provided prior to the occupation of any dwellings. He also referred to building regulations and requested more information on the provision of sustainable measures such as solar panels and rain water harvesting. The Senior Planning Officer explained that the comments made on page 10 of the report were from Bapchild Parish Council, not Planning Officers or the NHS. He added that building regulations were not part of the planning process, and referred to condition (12) in the outline application and explained that this had not yet been signed-off, and so more sustainable measures could be requested. This had to be in accordance with the Council's policies. The Senior Planning Officer again stated that this issue was not part of the current application being considered.

A Member asked for clarification on access to the school. The Senior Planning Officer explained that there had been a separate planning application which gave consent for a separate permission inside the school grounds, with a drop-off facility and a circulation route around the spaces. There was a hard surface, and it would be an additional access to the school. The Member queried the total of 4 x 1.00kWp PV array on the apartment blocks and whether this could also be amended in condition (12).

Another Member also sought further clarification on the access to the school. The Senior Planning Officer explained that Gladstone Drive was the current access to the school, and the access from the Stones Farm side would be an additional access. He added that no land from the school would be used for the Stones Farm development.

A Member asked for more details of the Countryside Gap and the timetable for this to be implemented in terms of the number of dwellings being occupied. The Senior Planning Officer referred the Member to condition (4) of the hybrid permission, and that the Countryside Gap had to be in place prior to the occupation of the 200th dwelling. He explained that as part of the reserved matters application, the roads to the Countryside Gap would have to be in place for public use to enable condition (4) to be complied with.

A Member asked about the look and appearance of the streetscene. The Senior Planning Officer showed the Committee the layout and design, as tied into condition (7) of the outline permission. The design would be of a traditional appearance. There had been some amendments, mainly on layout, rather than appearance. Some changes had been made to the dwellings with dual frontages, so that there were strong elevations that sat well with the streetscene.

A Member requested more information on the height of the buildings, as he was concerned with the height of the three-storey units. The Senior Planning Officer showed the location of the three-storey flats. He considered the location of these to be acceptable with suitable distances in-between. There would predominantly be 2 storey dwellings around the perimeter of the site to protect the residential amenity of existing properties.

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*Planning Committee**3 October 2019*

A Member asked for more detail on the roads, parking spaces and air quality. The Senior Planning Officer explained that the width of the roads were in accordance with the aspirations of the outline planning permission. Kent County Council (KCC) Highways and Transportation had not commented on the internal layout, as these roads would not be adopted by them. However, some guidance had been received from KCC, and tracking drawings had indicated that there was adequate room for vehicles to manoeuvre around the site. The Member questioned the number of parking spaces, whether these were adequate and if not, considered parking on the pavement would decrease movement. The Senior Planning Officer referred the Member to paragraph 8.62 in the report. He explained that out of the 167 3 and 4 bedroom units, 43 of these had two independently accessible spaces. The remaining 124 had tandem spaces. Additional visitor spaces had been added to address this potential issue. The benefits of this were considered to be less visible hardstanding, and more room for landscaping. The Senior Planning Officer added that the quantum of parking was in accordance with guidelines. The Member wanted clarification with regard to air quality that the mitigation measures were effective. The Major Projects Officer referred to the second page of the tabled update which outlined the parking strategy on the site. He suggested this could be tied into the reserved matters application with an additional condition. The Senior Planning Officer explained that air quality could not be considered at the reserved matters stage as it was an 'in principle' detail which had been considered acceptable by virtue of granting planning permission.

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

The Ward Member spoke against the application.

Members were invited to debate the application.

Councillor Simon Clark moved the following motion: That the application be deferred and officers consult with the developer to address the issues raised by Members. This was seconded by Councillor Richard Palmer.

Members made the following comments on the proposal:

- A lot of the issues were relevant to the outline application, not this reserved matters application;
- the internal road layout needed to be looked at;
- 'squares' were needed to create a better sense of community;
- there needed to be additional sustainable measures on the site, including being carbon neutral by 2030;
- concerned with the height of some of the buildings;
- road layout issues;
- a northern access out of the site was needed, without crossing the traffic on the A2;
- improved permeability of the site was needed, with improved flow and alternative route options;
- an updated traffic assessment was needed;

Planning Committee

3 October 2019

- clarification on the design modelling of the Swanstree Avenue junction was needed;
- the Parish Council should be consulted;
- more healthcare facilities were needed; and
- the whole application did not need to be deferred.

The Senior Planning Officer explained that the layout of the development was in-line with the outline permission. KCC Highways and Transportation had had concerns with additional traffic coming out near the junction. The Major Projects Officer explained that as condition (12) had not been signed-off, there could be further negotiation on sustainable measures.

The Head of Planning Services explained that concerns with the internal road layout could be taken back to KCC and the applicant. Sustainability measures could be discussed further with relevant Members, and brought back to the Committee if not resolved. The heights of the buildings for this type of development was usual for this type of development and added to the mix.

On being put to the vote, the motion to defer the application was lost.

There was some discussion on the way forward which included: That the application be delegated to officers to approve subject to officers negotiating with the developer, Ward Member and Parish Council to attain more permeability through the site and to maximise the sustainability of the dwellings, and agree £518,000 towards funding healthcare.

At this point, the Head of Planning Services advised that healthcare was dealt with at the hybrid application stage, and the sustainability issues could be dealt with, via condition (12) and through discussions with the Cabinet Member for Environment and Cabinet Member for Housing. Other suggestions to include a review of the height of the properties. The Senior Planning Officer advised that car parking and use of local materials could also be negotiated at the same time that condition (12) was considered again.

Councillor Benjamin Martin moved the following motion: That the application be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee. This was seconded by Councillor Carole Jackson. On being put to the vote the motion was agreed.

Resolved: That application 18/505151/REM be delegated to officers to approve subject to negotiation with officers, the developer, the Ward Member and the Parish Council to attain more permeability through the site, review the height of some of the buildings and the design layout of the internal roads. If there was not a satisfactory resolution, the application would be brought back to the Planning Committee.

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Technical Note

To: Swale Borough Council
From: Iceni Projects Ltd
Date: 20.01.2020
Title: Land at Stones Farm, Bapchild, Kent

LAND AT STONES FARM, BAPCHILD, KENT – TECHNICAL NOTE

a. Introduction

1. Iceni Projects Ltd have been appointed by Swale Borough Council (The Client), to undertake a review of the proposed development in highways terms at Land at Stones Farm, Bapchild, in Kent (the Site).
2. Planning permission was granted in December 2017 for the following (Planning Reference: 14/501588/OUT):

“Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650sqm gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan).”
3. A reserved matters application for the first 310 dwellings was submitted in October 2018 (Planning Reference: 18/505151/REM) with Kent County Council (KCC) only providing comments on the vehicle access into the development from the A2, as they only intend on adopting this section of the development site.
4. A ‘Highways Construction Technical Note’ was produced by Ardent Consulting Engineers (November 2019) which comprised a review of the site layout which included vehicle swept path analysis of different vehicle types as well as an assessment of the roads and visibility across the site.
5. It is pertinent to note that planning approval was granted in January 2017 for the construction of a dual use netball court and drop-off point for visitors to Lansdowne School with the access connected to the western section of the site – this will accommodate up to 24 vehicle spaces (Planning Reference: 16/507289/FULL).
6. This Technical Note (TN) has been produced to review the work undertaken by Ardent Consulting Engineers and assesses the internal road layout to ensure that it meets the required design standards.

APPENDIX 4**b. Construction Details**

7. A review of the specification in which the roads will be constructed to has been undertaken by an external consultant (Steve Haswell Associates) with a copy of the drawings that include comments included in **Appendix A1**. A summary has been provided below:
- The roads have been designed to adoptable standards.
 - The widths of the carriageways shown are not to scale when measured from the drawing.
 - It is noted that footways have been shown on both sides of the carriageway. In some cases across the development, only one side of the carriageway has a footway present with a verge located opposite, as such, a cross section needs to be provided where a verge is present.
 - The material thickness should vary on each section. At present, the depths have been shown to be the same on every cross section.
 - The footway and construction depths should be shown on every cross section and not referred to separately within a technical note.
 - It has been recommended that footways adjacent to block paved roads should also be block paved.
8. It is therefore recommended that an updated set of drawings are submitted, which need not be undertaken now, assuming the more detailed layout points in this report are addressed.

c. Parking Requirement

9. The proposed development comprises circa 515sqm of commercial floorspace (A1/A3/D1) and 310 dwellings. A total of 597 car parking spaces have been provided for the residential aspect of the development (493 for residents, 84 visitors and 20 unallocated) and 30 spaces for the commercial element of the development. The relevant parking standards have been outlined in **Tables 1 and 2** which reference Kent Vehicle Parking Standards, rather than Swale Borough Council Standards as these have been outlined within the Design and Access Statement (DAS).

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Table 1 – Car Parking Standards (Kent Vehicle Parking Standards, July 2006)

Land Use	Car	Goods Vehicles	Cycle
A1 Food Retail	1 space per 18m ²	1 space per 500m ²	1 space per 200m ² (short-stay)
A1 Non-food Retail	1 space per 25m ²	1 space per 500m ²	1 space per 200m ² (long-stay)
A3 Restaurants & Cafes	1 space per 6m ² (short-stay) 1 space per 2 staff (long-stay)	Adequate facilities should be provided to enable delivery vehicles to park and manoeuvre clear of the public highway	1 space per 10 seats (short-stay) 1 space per 10 seats (long-stay)
D1 Non-Residential Institutions (likely Medical / Nursery / Day Care Centre)	1 space per 4 children/attendees (short-stay) 1 space per 2 staff (long-stay)	Adequate facilities should be provided to enable delivery vehicles to park and manoeuvre clear of the public highway	1 space per 2 consulting rooms. 1 space per 50 seats or 100m ²

Table 2 – Residential Car Parking Standards (Kent Design Guide Review, Nov 2008)

Type	Suburban Edge/Village/Rural	Form
1 & 2 Bed Flats	1 space per unit	Not allocated
1 & 2 Bed Houses	1.5 spaces per unit	1 space per unit
3 Bed Houses	2 independently accessible spaces per unit	Allocation of one or both spaces possible
4+ Bed Houses	2 independently accessible spaces per unit	Allocation of both spaces possible
Additional Visitor Parking	On-street areas, 0.2 per unit	

10. Within the Residential Car Parking Standards where the minimum standard is 2 spaces (or less), a garage will not count as a parking space. For a garage to count as a parking space, the minimum internal size should be 5.5m by 3.6m.

11. A summary of the proposed accommodation mix is as follows:

- 34 x 1-bed flats;
- 42 x 2-bed flats;
- 67 x 2-bed houses;
- 124 x 3-bed houses;
- 42 x 4-bed houses; and
- 1 x 5-bed house.

APPENDIX 4

12. When referring to Kent's residential parking standards, the proposed development is required to provide 511 resident spaces and 62 visitor spaces. The development accords with standards with 511 spaces associated with residents and 81 visitor parking bays. It is pertinent to note that plots 6, 21, 22, 25, 26, 27, 37, 84, 233, 234, 236 and 237, which are 3-bed properties, only provide one allocated parking space and will therefore have to rely on the unallocated and visitor parking spaces across the site. This is deemed acceptable as the layout provides surplus parking spaces, albeit residents will be required to walk further to their vehicles.
13. It is pertinent to note that there are four occasions across the site where there appears to be a line missing as shown below in Figure 1. These have not been included within the overall provision and therefore need to be reviewed further, and in reality provide an additional one space.

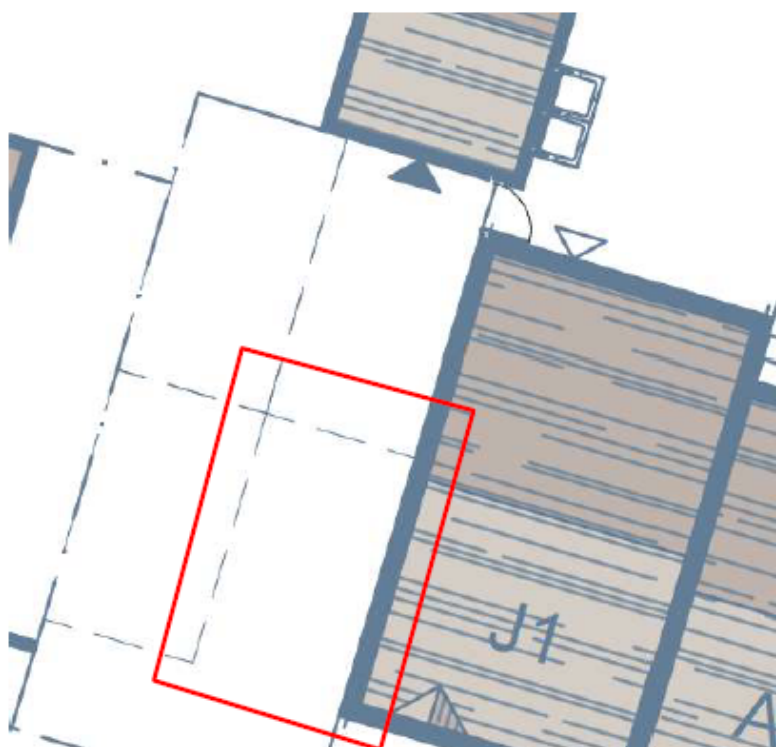


Figure 1 – Potential Error in Car Parking Space

14. The parking bays measure 2.5m x 5m and are therefore in accordance with standards.
15. For the commercial floorspace, a total of 29 car parking spaces are required. As such, the provision of 30 parking spaces is in accordance with standards albeit no allocated disabled bays have been shown in this location. Kent standards state that for use classes A1/A3/A5/D1, "a car park up to 50 spaces will require 1 designated space + 2 spaces of sufficient size but not specifically designated". To rectify this issue, it is recommended that one bay is converted into an accessible space.

APPENDIX 4

16. Although not referenced within the DAS, Swale Borough Council Parking Standards (June 2019), states that where parking spaces abut a footway or carriageway, a 0.5m setback should be provided. This appears to be lacking in a number of locations and therefore it is recommended that this is to be rectified across the entire site to prevent vehicle overhang. Furthermore, a parking space in front of a garage, car port or car barn should provide for the full length of the vehicle plus an allowance for opening of the garage door. A 1m clearance should normally be provided in front of garages. All spaces in front of garages throughout the layout do not accord as all measure only 5.5m in length between the garage door and the rear of the adjoining tandem bay. An additional 0.5m setback is therefore required to meet standards.
17. A review of the previous swept path analysis has been undertaken with Icen's drawings included in Appendix A2. The body of the vehicle overhangs a number of the verges on numerous occasions, albeit this is not considered an issue as long as there is no physical obstruction.
18. Regarding cycle parking for the development, the KDG states the following:

"All dwellings will have a suitable location to provide covered and secure storage for at least one cycle per dwelling. For dwellings with private garages, this will be deemed to be a secure location as long as the garage is large enough to fit the cycle and a car. For flat or other units with no private space, a secure cycle stand will be provided in close proximity to the building entrance".
19. It is assumed that the cycle storage areas and garages are sufficient to accommodate the required number of cycle parking, albeit it is difficult to understand the cycle parking provision across the site.

d. Road Layout Review

20. A review of the road types and widths has been undertaken. In general, there are no major issues with the layout with only some minor points to raise.
21. The main access route into the site should technically be a local distributor road, since it is just above the guidance parameters for this road type (50 to 300 units) at serving 310 units. This is not a major issue but it is recommended that the route is widened to 6.1m as this route may potentially serve a bus route which is explained in more detail within Section F. This would also accord with the DAS.
22. The major access road to the west and south of Ridgeline Park should ideally provide a footway along its edge, to provide a hard walking surface between the northern parts of the site and the A2 Fox Hill, although this is not necessary.
23. The main footpath that runs through the site measures 2m in width, which limits the potential to be shared with cyclists (minimum 2.5m). This is common across the site with all footways 2m or less. Whilst it is expected that the roads on site will be used at relatively low speeds, it is recommended that some cyclist facilities / infrastructure is separated from vehicular routes to allow for novice cyclists with paths to practice. It is therefore suggested that shared footway/cycleways are widened to 3m where land is available, although this is not a necessity.
24. There are also additional areas in which a footpath could be provided to increase the sustainability of the site and provide more direct walking routes to the school, subject to the level differences and available space, in particular between Plot 75 and 137. There also appears to be a lack of footway between Plot 110 and 118 and therefore it is recommended to extend the footway to the rear of the three visitor bays to provide this connection so that pedestrians are not forced to walk in the carriageway. Lastly, a footpath should be provided from the south of the site towards the primary school entrance to improve sustainability. It is

recommended that these routes should be provided unless there are good technical reasons. For ease of reference, these locations have been highlighted in Figure 2.



Figure 2 – Potential Error in Car Parking Space

25. It is recommended that the access road towards the primary school is widened to 4.8m in order to allow two vehicles to pass one another through the bend as this will be frequently used during school pick-up & drop-off times. This is demonstrated in Appendix A3.

e. **Visibility**

26. Both junction and forward visibility has been analysed across the site. It is confirmed that the forward visibility is unobstructed and therefore has not been analysed and further. However, a number of the junctions across the development site need further consideration with the associated drawings included in Appendix A4. The majority of comments are associated with ensuring that the verges adjacent to the visibility splays are to be kept clear of obstructions to ensure that the driver visibility is maintained (0.6m maximum height of planting). Additional comments are as follows:

- Drawing Reference: 20-T001_06.4 – Traffic calming feature to be installed to reduce vehicle speeds to ensure visibility is not obstructed by dwelling. Vehicle speeds need to be reduced to 10mph to achieve the required visibility. A speed hump will need to be installed near to the access due to the straight nature of the road.
- Drawing Reference: 20-T001_06.5 – The lateral shift will reduce vehicle speeds along this section, although to achieve the required visibility vehicles need to be travelling at 12mph. This will be difficult to achieve and therefore additional traffic calming features may be required.
- Drawing Reference: 20-T001_06.7 – Visibility shown to be obstructed by adjacent building edge although vehicles expected to be travelling less than 30mph and therefore not an issue.

f. Servicing

27. The guidance relevant to this section of the TN is as follows:

- Manual for Streets that *"waste collection vehicles should be able to get within 25m of the storage point and the gradient between the two should not exceed 1:12"*. Furthermore, British Standards (BS) 5906:2005 recommends *"a maximum reversing distance of 12m. Longer distances can be considered, but any reversing routes should be straight and free from obstacles and visual obstructions"*.
- Kent Design Guide states that *"refuse vehicles should not be expected to reverse more than 20m"* and that *"Waste collection and recycling points should not be more than 25 metres from the edge of the carriageway"*.

28. Upon reviewing the refuse vehicle swept path analysis, Icenl has provided a number of comments which have been included within **Appendix A5** with a summary provided below.

29. The vehicle swept path analysis shows that the body of the refuse vehicle overhangs a number of verges and footways whilst manoeuvring throughout the site. This is not considered to be an issue and is not uncommon due to the infrequency of the manoeuvres and that turning is assisted by bin collection operatives. There are locations where the bin stores may need to be relocated as well as increasing either the width of the carriageway or the kerb radii which has been detailed below:

- Drawing Reference: 20-T001_01.2 – the refuse vehicle wheels overrun the kerb line and therefore it is recommended that the access is widened.
- Drawing Reference: 20-T001_01.4 – bin collection point is further than 25m away from the rear of the refuse vehicle, therefore it is recommended to relocate the bin store.
- Drawing Reference: 20-T001_01.5 – the refuse vehicle wheels overrun the kerb line and therefore it is recommended that the access is widened.
- Drawing Reference: 20-T001_01.6 – refuse vehicle is required to reverse 24m and therefore 4m greater than the permitted distance. The refuse vehicle wheels also overrun the kerb line and therefore it is recommended to redesign the turning head.
- Drawing Reference: 20-T001_01.7 – refuse vehicle is required to reverse 22m to complete the manoeuvre and therefore 2m greater than the permitted distance. The refuse vehicle wheels also overrun the kerb line and therefore it is recommended to redesign the turning head.

30. The loading bay associated with the commercial element of the development was not previously tracked. Vehicle swept path analysis of a 7.5T box van and 10m rigid vehicle has been undertaken and included in **Appendix A6**.

31. Both drawings demonstrate that the delivery vehicles will utilise the opposite side of the carriageway when undertaking the required manoeuvre. This is not considered to be an issue and is not uncommon across other developments. Drawings 20-T001_05.4 & 20-T001_05.5 show that the 10m rigid vehicle overruns the proposed kerb line and therefore it is recommended that the access is widened should this vehicle size require access to the loading area.

APPENDIX 4

32. The DAS mentioned that the principle loop road through the site should be designed to facilitate buses due to the future potential provision of a bus service. Tracking of a bus was not previously included and therefore Iceni have undertaken this which is included in Appendix A7. As shown within drawings 20-T001_04.2, 20-T001_04.3 and 20-T001_04.4 the bus overruns the kerb line as well as passing onto the opposite side of the carriageway when navigating through the bend. As mentioned previously, it is recommended that the carriageway increases in width to 6.1m as well as increasing the width of the kerb radii to the north of the loop.

g. Emergency Access

33. The proposed emergency vehicle access from the development site to Peel Drive is in accordance with standards as it measures approximately 4.6m in width. MFS states that the carriageway should be a minimum width of 3.7m outside buildings but can narrow to 2.75m for short straight sections in some areas of the UK.

34. The fire tender tracking has also been reviewed with Iceni including a number of comments which are shown at Appendix A8 with a summary provided below.

35. The comments are similar to the refuse vehicle tracking with the body of the fire tender overhanging a number of footways and verges although this is not considered to be an issue. However, the following areas require further consideration:

- Drawing Reference: 20-T001_02.2 – vehicle wheels overrun kerb line, it is therefore suggested that the access is widened.
- Drawing Reference: 20-T001_02.5 – vehicle wheels overrun kerb line, it is therefore suggested that the access is widened.

h. Conclusion

36. This TN has reviewed the previous work undertaken by Ardent and has provided a number of comments on the site layout. The majority of the site is acceptable in highways terms although some areas need additional consideration.



Technical Note

To: Swale Borough Council
From: Iceni Projects Ltd
Date: 25.02.2020
Title: Land at Stones Farm, Bapchild, Kent

LAND AT STONES FARM, BAPCHILD, KENT – TECHNICAL NOTE

a. Introduction

1. Iceni Projects Ltd have been appointed by Swale Borough Council (The Client), to provide a response to the letter provided by Chartway Group relating to a proposed development at Land at Stones Farm, Bapchild, in Kent (the Site) (Planning Reference: 18/505151/REM).
2. Iceni Projects were previously commissioned to undertake a review of the site layout in which a number of comments were provided relating to the: construction details; parking requirements; road layout; junction and forward visibility; servicing arrangements; and emergency access.
3. An updated set of drawings have been provided by Chartway Group (produced by Ardent Consulting Engineers) with an accompanying letter on the 11th February 2020 which describes the amendments that have been made.
4. This Technical Note (TN) has been produced to review the additional work undertaken by Chartway Group and assesses the internal road layout to ensure that it meets the required design standards.

b. Construction Details

5. An additional review of the specification in which the roads will be constructed to has been undertaken again by an external consultant (Steve Haswell Associates). The updated set of drawings take into consideration some of the comments that were previously made, with additional comments now provided and included on the drawings in **Appendix A1**. A summary has also been provided below:
 - It is unclear as to what the asterisk refers to after "sub-base" and therefore this needs further clarification.
 - The carriageway and footway build ups for both a Major Access Road and Minor Access Road need additional consideration with suggested depths and materials included on the drawings.
 - The sub-base on drawing reference: 180400-0082 for a Minor Access Road should be 420mm, not 480mm as this would be relevant to a Major Access Road.

APPENDIX 5

- It is recommended that a note is included on each drawing as to what has been assumed for the subgrade CBR (California Bearing Ratio) as this is unclear.

6. It is therefore recommended that an updated set of drawings are submitted, which need not be undertaken now, assuming the more detailed layout points in this report are addressed.

c. Parking Requirement

7. Icenl confirm that the points raised have now been satisfied within the updated layout in relation to parking. This includes an accessible parking bay associated with the commercial element of the development as well as a 0.5m setback provided where parking spaces abut a footway or carriageway.

d. Road Layout Review

8. Icenl confirm that the majority of points raised have now been satisfied in relation to the road layout review.

9. The spine road has been widened to 6.1m in order to future-proof the site. The access road to Lansdown Primary School has also been widened to 4.8m. Vehicle swept path analysis of two large cars passing each other at this location is included in **Appendix A2**. This demonstrates that widening the carriageway still does not allow two large cars to pass simultaneously. It is therefore suggested that the lateral shift is extended marginally in order to allow the manoeuvre to be undertaken without encroaching onto the opposite side of the carriageway. The arrangement would usually be acceptable if two-way vehicle movements were low. Due to this route providing access to Lansdown Primary School, it is anticipated that relatively high levels of vehicle movements will occur during pick-up/drop-off periods therefore increasing the likelihood of conflicts. In order to accommodate the manoeuvres, the footway outside of Plot 67 will need to be moved west. A drawing showing the updated arrangement is included in **Appendix A3** which also demonstrates that vehicles are able to pass as well as still achieving the required visibility splays.

10. The layout now includes a 2.5m footpath on the western side of the local distributor road. A footway has also been provided on southern side of Orchard Way which increases the accessibility to Lansdown Primary School, as such, Icenl are now satisfied that the comments relating to footways have been resolved.

11. It is noted that it is not possible to provide a footpath between Plots 75 and 137 due to the differences in levels.

e. Visibility

12. Icenl confirm that both junction and forward visibility is achievable across the site. This has been achieved through minor amendments to the plots as well as a build-out being introduced. The verges and private properties adjacent to the visibility splays will need to be kept clear of obstructions to ensure that the visibility is maintained (0.6m maximum height of planting). A right of view will need to be maintained for perpetuity or ideally the areas will be removed from private property and brought into estate management.

f. Servicing

13. Icenl confirm that refuse collection vehicles are able to manoeuvre throughout the site effectively. This also ensures that refuse vehicles are able to get to within the required 25m dragging distance for bins. It is noted that the refuse tracking is a robust scenario as vehicles are usually smaller than 11.997m in length.

APPENDIX 5

14. It is noted that the north-western section of the site has been reconfigured in order to ensure that refuse collection can take place effectively.
15. The widening of Stones Square now allows for a 10m rigid vehicle to access/egress the loading bay, as such, this is now deemed acceptable.
16. As mentioned previously, the widening of the spine road to 6.1m has been undertaken, this now allows a bus to pass along the loop road without encroaching onto the opposite side of the carriageway and therefore vehicles are still able to pass in the opposite direction. There is no margin for error at the bend outside Plot 17 and therefore it would be beneficial to widen the road in this location to assist with the manoeuvre. However, this is not uncommon and will only occur on infrequent occasions with any oncoming vehicles giving-way and is therefore not a necessity.

g. Emergency Access

17. Iceni are now satisfied that the changes have been made to the junction to the east of Plot 181 which allows a fire tender to manoeuvre effectively.
18. Within Paragraph 35 of the response, it states that the kerb radii adjacent to Plot 21 would be altered in order to assist with manoeuvres. This is not the case as the kerb radii appears to remain as previously proposed and therefore needs to be adjusted accordingly.

h. Additional Comments

19. As a result of the widening of various carriageways and footways across the layout, in some areas the site now falls outside the red line boundary. It is understood that this land is still within the Developers control however this will need to be taken into consideration with regard to planning. The areas to which this occurs have been highlighted on a drawing included in Appendix A4.

i. Conclusion

20. This TN has reviewed the updated site layout and accompanying letter provided by Chartway Group.
21. It is concluded that if the points raised in paragraphs 5, 9 and 18 of this TN are resolved, then Iceni Projects have no further comments to improve the site.

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

28 MAY 2020

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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 – 28 MAY 2020

- Minutes of last Planning Committee Meeting
- Deferred Items
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DEFERRED ITEM

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<u>PART 2</u>			
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2.2 Pg 93 – 117	19/500887/FULL	EASTCHURCH	Land Adjacent To 127 High Street
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PLANNING COMMITTEE – 28 MAY 2020**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 19/500990/SUB			
APPLICATION PROPOSAL Submission of Details to Discharge Condition 9 details of foul water method subject to 14/501588/OUT.			
ADDRESS Stones Farm The Street Bapchild Kent ME9 9AD			
RECOMMENDATION Grant			
SUMMARY OF REASONS FOR RECOMMENDATION The details provided have been considered acceptable by Southern Water.			
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Monique Bonney			
WARD West Downs	PARISH/TOWN Bapchild	COUNCIL	APPLICANT Chartway Group Ltd AGENT
DECISION DUE DATE 24/04/19		PUBLICITY EXPIRY DATE 11/11/19	

Planning History

14/501588/OUT - Hybrid application (part outline, part approval of detail) consisting of: Outline application for the development of 550-600 houses and all necessary supporting infrastructure including roads, open space, play areas, neighbourhood shopping/community facilities (up to 650 sq m gross) and landscaping. All detailed matters are reserved for subsequent approval except (i) vehicular access to A2 Fox Hill; (ii) emergency access to Peel Drive; (iii) landscape buffer between housing and countryside gap and (iv) layout, planting, biodiversity enhancement and management of countryside gap, as amended by drawings 5257/OPA/SK001 Rev J (new red line plan), D119/52 (Swanstree Avenue Plan) and D119/53 (junction layout plan). Approved 22.12.2017.

19/502967/NMAMD - Non Material Amendment Being Alterations to Wording of Planning Conditions 9 and 12, Please See Covering Letter for Wording, Subject to 14/501588/OUT Approved 21.10.2019.

1. PROPOSAL

1.1 This is an application seeking to discharge details required under condition 9 of planning permission 14/501588/OUT. The original condition was amended via an application for a non-material amendment, referenced above, and as such the condition is worded as follows:

9) Prior to the commencement of the development (save for (i) the vehicular access to A2 Fox Hill; (ii) the emergency access to Peel Drive; (iii) the landscape buffer between housing and countryside gap and (iv) the layout, planting, biodiversity enhancement and management of the countryside gap) hereby approved, full details of the method of disposal of foul water shall be submitted to and approved by the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and in order to prevent localised flooding; and to ensure that these details are approved before works on the relevant part of the scheme commence.

1.2 As such, the condition requires full details of the method of disposal of foul water to be submitted. Details have been submitted and the application has proceeded as follows.

2. REPRESENTATIONS

2.01 Bapchild Parish Council – Raised the following concerns:

- Previous correspondence from Southern Water stated that the sewer network in the area needed upgrading before waste from the development can be accommodated;
- An area of Bapchild required a tanker to remove raw sewerage;
- There have also been sewerage problems in Folkestone;
- A separate application (17/505851/OUT; though Members will note that this was one of nine reasons for refusal) was refused as there was insufficient capacity at the waste water treatment works;
- Development and / or occupation of dwellings should be held and the application refused until the local drainage infrastructure is adequate;
- Have a limited understanding of what is being proposed and there may be connection to a private cesspool;
- The proposal is not in the best interests of new residents, the school, local businesses, and the wider village;
- Tankers removing sewerage will cause more traffic;
- There has been a lack of transparency about this application and it should be returned for public consultation;
- Is a sewerage pumping station being proposed?

2.02 Due to the comments received from the Parish Council (and the technical consultees below), I set out in a report (which is referred to below) my consideration of the application and sent this to the Ward Member (Cllr Monique Bonney). On this basis, Cllr Bonney provided the following comments:

“Regarding this condition I would request that this matter is reviewed by the full planning committee, the original planning permission, 14/501588/OUT recorded the following;

“The outline permission imposes a condition requiring full details of the method of disposal of foul water which the applicant will be required to discharge”.

The latest report does not give a full explanation of how the foul water will actually be dealt with and discharged.

Comments “as a result of this, the strategy does not include the need for cesspits and as such I do not believe there will be a requirement for tankers to remove sewerage, a concern raised by the Parish Council”.

Tankers being used or not should be a definitive statement and not left hanging as “I do not believe”.

With reference to the Southern Water’s letter dated 2nd March 2020 the officers report is correct in stating “the submitted drainage layout is satisfactory to Southern Water relating to foul drainage”. However the following paragraphs from that communication outlines a number of observations and concerns about what is being proposed.

The submitted drainage layout is satisfactory to southern water relating to foul drainage. No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements.

As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development. Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

There is a NAV [New Appointments and Variations] agreement in place between Southern Water and Icosa Water Services Ltd for the supply of water and sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must comply with NAV agreements terms.

I believe Southern Water’s requirements should be included as conditions in any permission that might be granted. If the applicant can clarify these points (to my satisfaction) prior to the next committee then I will withdraw my request for this Condition to go to committee.

From day one occupation are these new units going to be properly connected to the main sewer? How does the public sewer reinforcement programme tie in with this requirement?”

- 2.03 As per the above comments, the applicant’s agent was provided with Cllr Bonney’s response and provided the following information:

“The development will be connected to mains foul drainage – see further detail below explaining the process.

A 15m cordon is a standard design requirement for residential properties to be off-set from a pumping station. We will ensure that residential property is located a minimum of 15m from the pumping station as we start to develop our layout for the next phase of

development (i.e. at the rear of the site). In any event, the detailed layout for Phase 2 will be subject to full review by the LPA (and other relevant consultees) as part of the consideration of any subsequent Reserved Matters application.

As stated above, the new dwellings will be connected to a mains sewer from the point of 1st occupation. As highlighted by Southern Water there is a NAV agreement in place between Icosa Water and Southern Water for the supply of water and sewerage services to the site. In practical terms this means that the developer pays a statutory 'infrastructure charge' that is used by Southern Water to upgrade their local network (where they deem this is necessary). Southern Water undertake any upgrading works to their network in line with their overall network management/upgrading regime. We construct the on-site sewerage infrastructure to an agreed specification – which as you will note in this instance has been fully agreed with Southern Water – which includes the physical connections from the houses to the pumping station and the link between the pumping station and the public sewerage network."

3. CONSULTATIONS

- 3.1 Southern Water – Initially responded on 28/3/2019 to confirm that they could not recommend the discharge of the condition as *"The submitted drainage plans are not clear and we are therefore unable to make any recommendations. Kindly submit a detailed drainage layout plan, clearly indicating the on-site foul drainage and their relevant final discharge points."*

Further comments were made regarding network reinforcement and a further condition was recommended which stated *"Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development"*

Further comments were received on 7th May 2019, reiterating the comments as set out above.

Additional comments were received on 11/11/2019 which stated:

"There is a NAV agreement in place between Southern Water and Icosa Water Services Ltd for the supply of water and sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must comply with NAV agreements terms."

Further comments received on 2/3/2020 stating the following:

"The submitted drainage layout is satisfactory to southern water relating to foul drainage. [My emphasis]

No discharge of foul sewerage from the site shall be discharged into the public system until offsite drainage works to provide sufficient capacity within foul network to cope with additional sewerage flows are complete. Southern Water is currently in process of designing and planning delivery of offsite sewerage network reinforcements. As previously advised Southern Water seeks to limit the timescales to a maximum of 24 months from a firm commitment of the development.

Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

There is a NAV agreement in place between Southern Water and Icosa Water Services Ltd for the supply of water and sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must comply with NAV agreements terms.”

- 3.2 Icosa Water Ltd – Comments were made confirming that *“Icosa Water Services Ltd. are a statutory water and wastewater undertaker licensed to operate across England and Wales by the Secretary of State in October 2016. This means we have the same license as incumbents such as Southern Water and Thames Water with the same legal powers and customer and financial obligations.”*

The letter goes on to confirm the relationship between the company and the relevant waste water incumbents and discusses the issue of capacity as referred to by Southern Water above.

- 3.3 Lead Local Flood Authority (KCC) – *“Condition 9 appears to relate to the disposal of foul water only and therefore falls outside of our remit as a statutory consultee. Accordingly we have no comments to make and would recommend consultation takes place with the sewerage undertaker.”*

- 3.4 Environment Agency – *“Thank you for consulting us on the above planning application. The proposed foul drainage strategy is acceptable in principle. We would seek a conditional discharge of the foul drainage condition, such that occupation of any phase of development is not permitted until confirmation of foul connections to mains sewer is submitted in writing to the LPA.”*

4. APPRAISAL

- 4.1 At the outset it is of fundamental importance to remind Members that this is an application seeking to discharge a condition imposed on an extant planning permission. Therefore this application looks at a relatively narrow issue, namely - are the details provided acceptable in respect of what the condition requires (i.e. the method of foul water disposal).
- 4.2 I do also note that Southern Water, in their comments of 28/3/2019, and Cllr Bonney has requested that further conditions are added. However, these comments have been made in response to this current discharge of condition application and therefore there is no mechanism to add further conditions, as the application is simply seeking to confirm that the details provided are acceptable. In any case, the condition(s) requested would not meet the necessary tests as it relates to network reinforcement, which falls outside of the planning process as expanded on below.
- 4.3 In terms of the details submitted, I recognise the comments received from Cllr Bonney and Bapchild Parish Council. I also take into account the details received from Southern Water (and Icosa Water), the Lead Local Flood Authority and the Environment Agency and the applicant's agent.

- 4.4 In respect of the points made by the Parish Council, separate sewerage issues in Bapchild and Folkestone that have occurred in the past and a separate application being refused are not in my opinion material considerations in terms of the submission of details under this current application. In terms of the comments from the Parish Council and Cllr Bonney regarding there being a limited understanding about what is proposed, the 'Foul Drainage Strategy' which supports the application has been made publicly available on the file. Due to the subject matter – foul drainage – this is understandably a technical document.
- 4.5 In summarised terms, the document sets out (as confirmed by the applicant's agent) that the drainage strategy is to connect the foul drainage from the site to the foul drainage system which runs along Canterbury Road. Due to the topography of the site, a pumping station will be required, shown as being located in the northern part of the site. As a result of this, the strategy does not include the need for cesspits – and I have received confirmation from the agent that none will be installed - and as such I do not believe there will be a requirement for tankers to remove sewerage, a concern raised by the Parish Council. Although I note Cllr Bonney's comments on this issue in terms of my phraseology, this reflects my professional opinion on the matter based upon the information before me.
- 4.6 Although further comments have been made by Southern Water in respect of network reinforcement, this is a private matter between the developer and the sewerage undertaker and falls outside of the planning process (the process of which is explained further by the applicant's agent above). On this subject, Southern Water have separate, non planning related legislative powers, which ensures that the foul drainage disposal from new development meets their requirements. As such, on the basis of the requirements of condition 9, which seeks details of the method of foul drainage, I am of the view that Southern Water's acceptance of the drainage layout confirms their position. Therefore, although the points raised by Cllr Bonney and the Parish Council in respect of this element of the proposals are important in terms of the development as a whole, they do not influence whether the details provided are acceptable in respect of what this specific planning condition requires.
- 4.7 The comments from the EA are noted in that they accept the principle of the proposal. I also take into account their comment that "*We would seek a conditional discharge of the foul drainage condition, such that occupation of any phase of development is not permitted until confirmation of foul connections to mains sewer is submitted in writing to the LPA.*" However, condition 9 is worded in such a way that the approved details are to be implemented prior to any occupation. As such, this point is already dealt with.

5. CONCLUSION

- 5.1 To conclude, although the comments from Cllr Bonney and the Parish Council are noted, based upon the appraisal section above I do not believe that they would outweigh the responses of the technical consultee(s), who consider that the details submitted are acceptable in respect of the requirements of this condition.

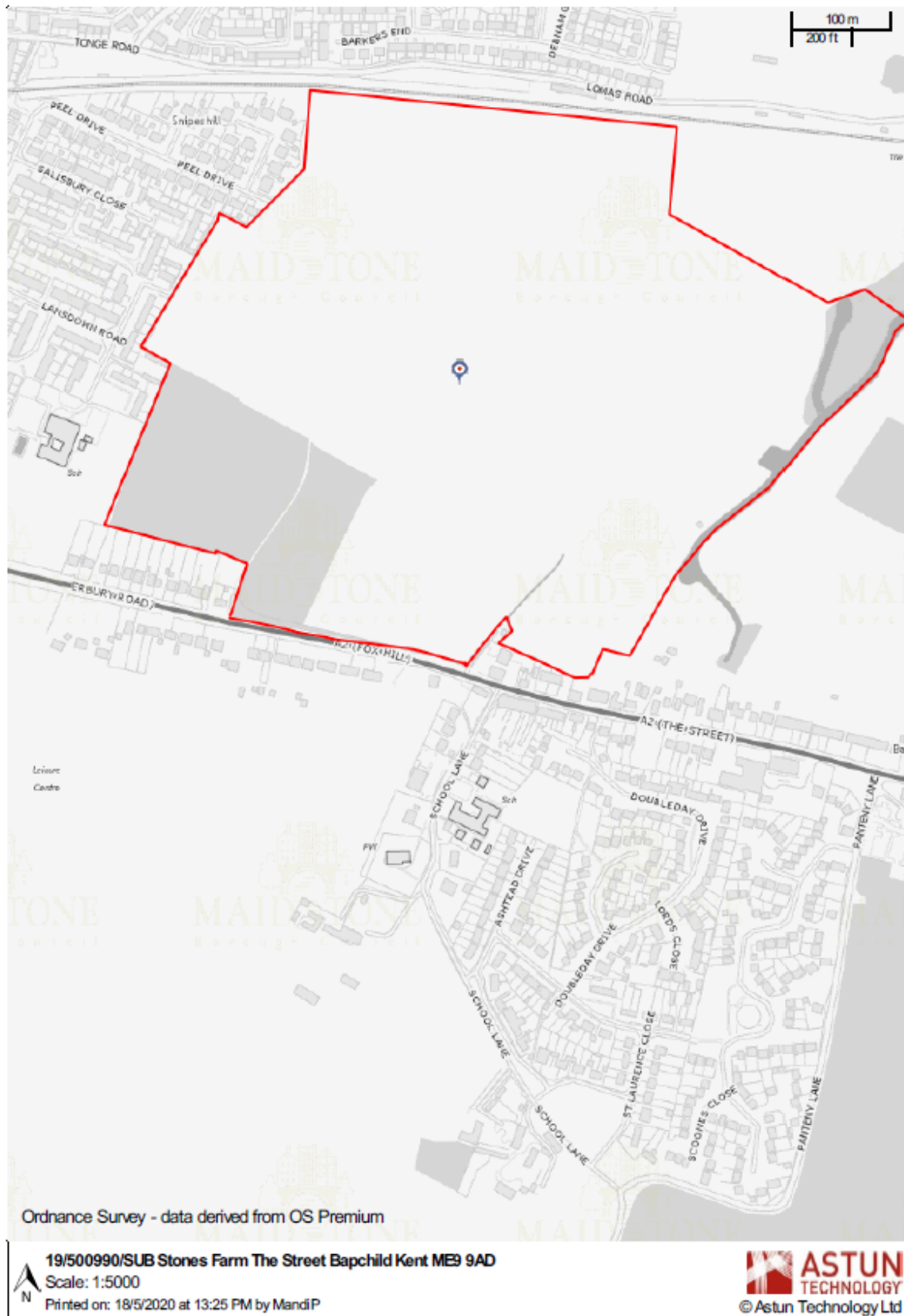
6. **RECOMMENDATION** - I recommend that the details submitted (Foul Drainage Strategy, February 2019) are approved and condition 9 pursuant to 14/501588/FULL (and as amended by 19/502967/NMAMD) is discharged.

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.



2.2 REFERENCE NO - 19/500887/FULL		
APPLICATION PROPOSAL Erection of 15 dwellings with associated parking and new road access.		
ADDRESS Land Adjacent To 127 High Street Eastchurch Sheerness Kent ME12 4DF		
RECOMMENDATION Grant, subject to the conditions below 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 would not give rise to any unacceptable impacts upon highway, visual or residential amenities. There are no objections from technical consultees.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr & Mrs W Snow AGENT Woodstock Associates
DECISION DUE DATE 30/05/19	PUBLICITY EXPIRY DATE 31/03/20	

1. DESCRIPTION OF SITE

- 1.1 The site relates to a 0.8ha parcel of land situated to the north side of the High Street adjacent to the entrance roundabout to Eastchurch village from the Lower Road which is the B2231 linking Minster and Leysdown by-passing the village centre.
- 1.2 The site is within the built up area of Eastchurch as set out within the Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 1.3 The site is currently in use as paddocks with single storey stables and associated paraphernalia along the northern part of the site, and there is an existing access gate to the site approximately mid way along the road frontage. The site is bordered by post and wire fencing along the western, northern and part of the southern boundary (to the west of the field gate). The remainder of the southern boundary is defined by post and rail fencing. The eastern boundary with 127 High Street is partially enclosed by close boarded fencing.
- 1.4 The land level on the site rises gently from the west to east.
- 1.5 To the east of the site are existing residential dwellings fronting onto both sides of the High Street, including the adjacent dwelling at 127 High Street which is in the ownership of the applicant. To the north and west of the site are agricultural fields, with a public right of way (ZS23) to the west. As noted above, to the south of the site is a roundabout linking the A2500 (Lower Road), B2231 and the High Street.

2. PROPOSAL

- 2.1 The application seeks planning permission for the erection of 15 dwellings. The dwellings will comprise 14 semi-detached dwellings and a detached dwelling, with a mix of 6 x 2 bed dwellings; 8 x 3 bed dwellings and 1 x 3/4 bed dwelling (the submitted floor plan for this dwelling shows a ground floor room as either a dining room or bedroom).
- 2.2 Five house types are proposed comprising a mix of bungalows, one and half storey dwellings and two storey dwellings;
- 4 x 'A' house type: 1 ½ storey semi-detached dwelling with three bedrooms. This house type has a mixed hipped/gable roof form with first floor windows set at eaves level. These dwellings would be finished in a mix of multi-stock brickwork, white Cedral boarding and clay roof tiles.
- 4 x 'B' house type: single storey semi-detached dwelling with two bedrooms. This house type has a gable roof form with front/rear gable element. These dwellings would be finished in a mix of multi-stock brickwork, brindle brickwork, white Cedral boarding and clay roof tiles.
- 1 x 'C' house type: 1 ½ storey detached dwelling with three/four bedrooms. The submitted floor plan for this dwelling shows a ground floor room as either a dining room or bedroom. This house type has gable roof form with projecting bay window element across the ground/first floor. This dwelling would be finished in a mix of brindle brickwork, white render, Cedral boarded bay window and clay roof tiles.
- 4 x 'D' house type: 2 storey semi-detached dwelling with three bedrooms. This house type has a hipped roof form with front/rear gable element. These dwellings would be finished in a mix of multi-stock brickwork, brindle brickwork, white render, white Cedral boarding and clay roof tiles.
- 2 x 'E' house type: single storey semi-detached dwelling with two bedrooms. This house type has a hipped roof form. These dwellings would be finished in a mix of multi-stock brickwork, white render and clay roof tiles.
- 2.3 The layout of the proposed dwellings would create two linear rows of dwellings, with single storey and 1 ½ storey dwellings along the front row, and a mix of single storey, 1 ½ storey and 2 storey dwellings among the group of dwellings in the northern part of the site.
- 2.4 The proposal would have a density of 19 dwellings per hectare, with provision for 3-metre wide landscape buffers along the western and northern site boundaries (where the site adjoins open countryside). Soft landscaping is also proposed along the southern and eastern site boundaries.
- 2.5 The existing vehicular access would be removed/closed and relocated to the east of the existing access, further away from the roundabout. The site would be served by a singular vehicular access with a turning head, and cul-de-sac layout with a shared pedestrian and vehicular surface to access the dwellings. A pedestrian access is proposed to the east of the new vehicular access and will link up with the existing

footpath on the opposite side of the High Street. The vehicular access would be located to the east of the change in speed limit from 40mph to 20mph along the High Street.

- 2.6 Each dwelling would have two car parking spaces, and four visitor parking spaces are proposed for the site. Each dwelling will be provided with an electric charging point and the supporting information notes these will be AC fast charger to enable vehicle charging in up to four hours (rather than a trickle charge which would charge overnight).

3. SUMMARY INFORMATION

	Proposed	
Site Area (ha)	0.8ha	
Approximate Ridge Height (m)	A: 7m C: 6.8m	B & E: 5.7m D: 7.7m
Approximate Eaves Height (m)	A: 3.9m C: 3.7m	B & E: 2.6m D: 4.9m
No. of Storeys	Single storey, one & ½ storey; and two storey	
Parking Spaces	34	
No. of Residential Units	15	
No. of Affordable Units	0	

4. PLANNING CONSTRAINTS

- 4.1 Inside the built up area boundary of Eastchurch

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 62 (affordable housing); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 78 (sustainable development in rural areas); 98 (public rights of way); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).

- 5.2 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 Delivering sustainable development in Swale; ST 2 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); 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); DM29 (Woodlands, trees and hedges) A21 (Smaller allocations as extensions to settlements).

For clarity, Policy A21 sets out a minimum of 15 dwellings for the site, and sets out the following expectations in relation to this site:

- *Any planning application for development proposals on this site will need to have considered the possibility of archaeological remains being on site.*
- *Financial contributions include those towards health, youth services and primary education.*

6. LOCAL REPRESENTATIONS

- 6.1 33 dwellings were consulted and site notices were erected, but no responses were received.

7. CONSULTATIONS

- 7.1 **Eastchurch Parish Council** – object to the proposal on the following grounds:

27/03/2019;

- *In its present form, there is an over intensification of the site with 15 dwellings, which in turn reduces the access roads, road widths and turning circles within the site.*
- *The Committee would like to make the following comments:*
- *There are concerns with the entrance location and its proximity to the roundabout with a 40mph speed limit.*
- *To protect the rural street scene, sufficient screening hedging needs to be agreed and planted prior to any building works. The planting needs to be sympathetic to the surrounds and needs to provide protection from head lights both for the site and road users. It should therefore be a minimum of 1.5m and provision has to be agreed for the ongoing maintenance of the hedging once the building work is complete.*
- *Highways paths should make provision for the root protection of existing trees.*
- *There is concern at the proposed location of the crossing and it is suggested that it should be sited closer to the entrance of 127, High Street.*

16/01/2020;

- *There is overall concern with the increased pressure on local services such as Doctors, Dentist and School which are already oversubscribed.*
- *Councillors do not feel that the original objections have been dealt with.*
- *Visitor parking should be increased to meet the requirements of the number and type of property suggested.*
- *There is inadequate provision for bin collection with just one central point on the development of 15 properties.*
- *There is inadequate information on the screening for the southern boundary which is an important visual amenity on the rural landscape.*
- *The members are concerned at the continuing points raised by the Police and Fire Service.*
- *Because of the shortage of visitor parking, parking restrictions should be implemented from 125 High Street to the roundabout to prevent obstructive parking.*

01/04/2020;

Eastchurch Parish Council Planning Committee would like to make the following comment having received an email from the agent regarding their concerns;

“Councillors agreed that they would have preferred the plans to have remained with the applicants original intention of bungalows for which, there is a great need. They were very mindful of the impact the development would have on the entrance to the village and the need to protect it from urbanisation. The advice from Swale Borough Council to change to mixed types of property is short-sighted as bungalows would release larger family homes from existing homeowners who wished to downsize. The screening on

the Southern side is of high importance to the visual aspect, a matter that the Councillors felt was too important to be left to delegated powers.”

- 7.2 **Natural England** comment (08/01/2020) 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 Natural England have confirmed (13/05/2020) they raise no objection, subject to the standard financial contribution.

- 7.3 **Southern Water raise no objection**, subject to conditions regarding foul and surface water sewerage disposal and the public water supply main (10/01/2020).
- 7.4 **Swale NHS Clinical Commissioning Group** requests a contribution of £12,960 towards expanding existing facilities within the vicinity of the development (Dr A S Pannu & Partners Practice located at 62 High Street, Eastchurch, approximately 450m to the east of the site). (05/04/2019).
- 7.5 **KCC Archaeology** raise no objection, subject to a condition seeking details of a programme of archaeological works (20/05/2019).
- 7.6 **KCC Economic Development** request the following contributions (15/03/19 & 19/12/19) ;
- Primary Education - £3324 per new dwelling (total £49,860) towards Minster in Sheppey Primary School
 - Secondary Education - £4115 per new dwelling (total £61,725) towards phase 1 Highsted Grammar School expansion.
 - Library Bookstock- £48.02 per new dwelling (total £720.24), towards bookstock for the mobile library attending Warden Bay.
 - An informative regarding high speed fibre optic broadband connection
- 7.7 **KCC Ecology** raises no objection subject to a lighting and ecological enhancement condition, and an informative regarding breeding birds (09/02/2020).

Comment that they are satisfied with the conclusions of the preliminary ecological appraisal and reptile survey that no additional ecological surveys or mitigation strategies are required to be submitted prior to the determination of the planning application.

- 7.8 **KCC Flood and Water** raise no objection subject to conditions seeking a detailed sustainable surface water scheme (24/03/2020).

21/01/2020: Commented that the proposed strategy for managing surface water for the site is for cellular soakaways on site to manage the bungalows and access road with permeable paving for parking areas. KCC raised concerns regarding the infiltration rate for this proposed method noting that the infiltration rate was marginal, and recommended other options for surface water management should be explored.

24/03/2020: Amended information was submitted which outlined changes to the drainage design from soakaways to permeable paving with subbase for gradual infiltration. KCC agree that the low infiltration rate obtained on site from the test requires infiltrating features with a large surface area, of which permeable paving achieves this. KCC advise further infiltration testing is undertaken prior to detailed drainage design to better inform the design. Ideally, the testing should be taken at in various locations around the site and at the proposed depth of the subbase. It is on this basis on the information supplied KCC recommend conditions seeking a detailed sustainable surface water scheme are attached to this application should permission be granted.

7.9 **KCC Highways** raise no objection subject to conditions (23/01/2020).

21/03/2019: “I am satisfied that the submitted Transport Statement has addressed the aspects of the proposed development I outlined in my initial pre-application response. I consider its findings in relation to trip rate robust enough for the purpose of demonstrating a minimal increase in vehicle movements on the highway in relation to these proposals, even with the increase in dwellings over the pre-application proposals, and the road safety record of the immediate vicinity offers little cause for concern for resultant highway safety. The proposed access meets our current standards and appears fit for the purpose of providing safe access to 15 dwellings for all likely vehicle types.”

KCC Highways also made observations for the original site plans regarding; need for a Stage 1 Safety Audit; an adoption plan to be subject to a Section 23 agreement; bin collection points to be no more than 25m from the highway; siting of visitor spaces; boundary treatments; details of vehicle tracking; and electric charging points. The original plans also included a footpath on the north side of the High Street, KCC Highways outlined this may cross the root protection areas of street trees, however this pedestrian footpath has been removed from the proposals.

07/01/2020: KCC Highways sought further information comprising a Stage 1 Road Safety Audit in relation to the pedestrian access to the site; details of delivery van swept path drawings; and details of electric charging points.

23/01/2020: KCC Highways comment “I have examined the additional documents and consider them to address the points I raised previously. I agree with the points raised by the Stage 1 Road Safety Audit and consider these to have been suitably addressed in the designer's responses. In relation to section 2.4 however, I would expect that our agreements team would reserve the right to take a view on the necessity of additional street lighting in this location, given the proximity of an existing column.” Subject to conditions KCC Highways raise no objection to the development.

- 7.10 **Kent Police** recommends a condition is imposed if the application is approved to ensure that crime prevention is fully dealt with (19/03/2019 & 06/01/2020). The comments note crime prevention methods should be considered regarding boundary treatment; parking; landscaping and defensive parking; windows/doors; lighting; and electric charging points.
- 7.11 **SBC Environmental Protection Team** raise no objection, subject to conditions seeking details of a code of construction (18/03/2019) and an electric vehicle charging point and low NOx boiler installed in each property (24/12/2019).

Comment that the site is allocated under the latest Local Plan. No technical documents have been provided regarding air quality, noise and land contamination however the officer is satisfied there is no necessity to do so, because of the location and lack of traffic numbers, i.e. there is not likely to be either an air quality or noise issue affecting this site. There is no evidence of any historic contamination on this site or within any nearby distance. The latest Air Quality Planning Technical Guidance indicates that the minimum mitigation measures should be installed in all new development and this is no exception. Therefore there should be an electric vehicle charging point and low NOx boiler installed in each property.

- 7.12 **SBC Affordable Housing Manager** confirms that Policy DM8 requires zero percent affordable housing for the Isle of Sheppey and therefore has no comments in respect of the scheme.

8. BACKGROUND PAPERS AND PLANS

- 8.1 Location Plan; Block Plan; Elevations and Floor Plans; Site Landscaping Plan; Site Sections; Construction Details; Surface Water Management Plan; Surface Water Disposal Strategy; Foul Water Disposal Strategy; Design and Access Statement; Preliminary Ecological Appraisal; Archaeological Desk-Based Assessment; KCC Highways Pre-App; Transport Statement & Appendices; Sustainability Appraisal; Road Safety Audit Stage 1: Letter in response to KCC Highways & KCC SUDs

9. APPRAISAL

Principle of Development

- 9.1 The application site is allocated in the adopted Local Plan under policy A21 for a minimum of 15 dwellings and is situated within the built up area boundary. The proposal would provide 15 dwellings which would contribute towards the Council's housing supply on a site which is specifically allocated for this type of development. To reach the point whereby the site has been allocated in the Local Plan it has gone through a rigorous selection process and has been independently assessed by a Planning Inspector, reaching the opinion that it is suitable for residential development. In addition to this, it is also relevant to note that the Council is unable to currently demonstrate a 5-year supply of housing land. As such, it is considered that even greater weight should be given towards the suitability of this site for housing. On this basis it is considered that the principle of this development on this site is accepted.

The quantum of housing and mix of units

- 9.2 As set out above, the proposal seeks planning permission for 15 dwellings – which is the minimum number of dwellings that Local Plan envisaged for the site - on a site of 0.8 hectares. This equates to a density of 19 dwellings per hectare. The site is to comprise a new edge to the built up area before opening out into the rural landscape to the north and west.
- 9.3 In regards to national and local policy, the NPPF (paragraph 122) states that *'decisions should support development that makes efficient use of land, taking into account'*, amongst other matters, *'the desirability of maintaining an area's prevailing character and setting'*. Furthermore, Local Plan policy CP3 states that proposals will *"Use densities determined by the context and the defining characteristics of the area"*. The proposal would meet the minimum number of dwellings required by Policy A19, and the proposed layout and density allows sufficient space for a landscaped boundary along the northern and western boundaries which adjoin the open countryside. A denser form of development would not be reflective of the low density form of the existing settlement pattern in Eastchurch and may look at odds with its siting adjacent to the countryside. As such, in the context of the site, which is located adjacent to the open countryside it is considered that this is an appropriate scale of development and is compliant with the NPPF and Local Plan in this regard.
- 9.4 The overall aim of policy CP3 is to deliver a wide choice of high quality homes. In this case, the proposal would provide a mix of 6 x 2 bed units (40%), 8 x 3 bed units (53%), and 1 x 3/4 bed unit (7%). Furthermore Table 5.3.1 of the Local Plan sets out for ME12 *'demand is greatest for family housing. Future development of quality family housing that reflects the character of the area should be encouraged'*. It is considered that the proposed mix of housing in terms of bedroom numbers, and inclusion of both two storey dwellings and bungalows will ensure the provision of family housing, and scope for those looking to downsize. As such it is considered that the proposed mix of housing is acceptable and enables the scheme to sit comfortably in its context.
- 9.5 The Parish Council raised concerns that the proposed development of 15 dwellings would result in an over intensification of the site. As set out above the adopted policy requires a minimum of 15 dwelling; it is considered that the proposed dwellings and housing mix are acceptable for the site, and there is sufficient spacing for landscaping and the density (19 dwellings per hectare) is reflective of the site's location adjacent to the countryside. The sections below outline that the layout, design and future amenity for the site are acceptable, and therefore it is not considered there is an over intensification of the site.

Visual Impact and Landscaping

- 9.6 The proposal site has an undeveloped nature, comprising equestrian paddocks and small scale stables, and at the current time the start of the built up area becomes apparent from the roundabout and the 20mph entry markers along the High Street heading into Eastchurch. As such, development of the site for residential use will provide a new definition of the start of the built-up area of Eastchurch.

9.7 The application site does not lie within any designated landscapes and as such the proposal is required to be considered in terms of policy DM24 which states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to;

- 1. The minimisation and mitigation of adverse landscape impacts; and*
- 2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.*

In addition to this, policy A21 of the Local Plan requires development to achieve design, layout, density and landscaping appropriate to the context of the site (criteria 2), and also seeks a substantial integrated landscaping scheme (criteria 4) to mitigate visual impacts and maintain the integrity of settlements.

9.8 Significant weight is given to the allocation of the site in the Local Plan for residential use, and it has been accepted in principle that the site in visual terms will alter quite significantly. In addition, and as set out above, the application proposes 15 dwellings, which is the minimum number which would be acceptable on this site.

9.9 The existing character of the area within Eastchurch along the High Street comprises dwellings fronting onto either side of the road, with small garden areas or driveways to the front/side of the dwellings. The dwellings along the High Street include detached and semi-detached dwellings comprising both bungalows and two storey properties. There is a mix of different type of dwellings with varying roof forms, and external material palette including brickwork, render, concrete fascias, with plain concrete/clay roof tiles.

9.10 The proposal would be an extension to the existing residential development in Eastchurch, and would continue residential form fronting onto the High Street. The proposed development would introduce a mix of bungalows and 1 ½ storey dwellings fronting onto the southern boundary, with a mix of bungalows, 1 ½ storey dwellings, 2 storey dwellings along the northern part of the site resulting in a staggered building form within the site. The proposal includes provision for soft landscaping along the southern boundary, and parking areas within the site which is reflective of the form of nearby dwellings. The proposed mix of house types and varying design and scale will create visual interest in the site itself, whilst also complimenting the mixed character of the area.

9.11 A key issue in terms of the success of this scheme from a visual perspective will be the careful selection of materials. The submitted plans note that the external facing materials will be comprised of a mix of multi-stock brickwork, brindle brickwork, white render, Cedral boarding, and clay roof tiles (Marley Eden clay pantiles and Marley Ashdowne clay tiles). The details of the proposed materials are considered to be broadly acceptable with the exception of the proposed clay pantiles which would not be reflective of the area and a flatter clay tile would be required. As such condition (3) below will seek alternative roof tiles where the pantile is noted on the submitted plans and elevations.

- 9.12 In terms of landscaping, a landscape screening buffer is proposed along the western and northern boundaries of the site which will be separate to the residential garden areas. This is noted to comprise a 3m shelter belt of mature tree planting and mixed hedgerows to be maintained by a landscape management company. Further details of this area and other landscaping in the site will be sought by condition, but it is considered that the proposed buffer area is of sufficient size to create a suitable native landscape buffer which will create an appropriate landscaped edge to the extended built form of Eastchurch, and will provide screening from the wider open countryside to the west and north. To the south of the site, existing trees beyond the site boundary are shown to be retained, and a new mixed species hedgerow behind a 1.2m post and rail fence is proposed along the southern site boundary. The site plan also shows there is sufficient space within the site for landscaping opportunities adjacent to the internal roads, parking areas and to form front gardens for the dwellings. A condition will be attached to the permission requiring a detailed landscaping scheme to include appropriate native species, and details of landscape management to secure long term management for the 3m shelter belt area and areas beyond the residential curtilages of dwellings. As such, it is considered that there is sufficient space within the site to provide good quality landscaping along key boundaries to maintain the character of the area, and create a suitable boundary between the open countryside and edge of the settlement to meet the aims of policy A19.
- 9.13 The Parish Council raised concerns that there should be sufficient landscaping and screening to help protect the “rural streetscene”. It is considered that the 3m shelter belt along the western and northern site boundaries, and the proposed hedging and soft landscaping along the southern boundary and within the site will provide suitable boundaries reflective of the site’s location adjacent to the open countryside. As noted, further details will be controlled by condition, including a detailed landscaping scheme and details of landscape management.
- 9.14 A further contributory factor to the success or otherwise of the development will be the boundary treatments. The submitted proposed location plan shows 1.8m close boarded fencing to enclose garden areas, it is considered this is likely to be suitable for rear garden areas not visible from the public realm; however alternative boundary treatments will be required for areas fronting the internal roads/parking areas and front of the site to achieve a higher quality of design/character. There is the potential that if these boundaries are not treated sensitively then this could have a detrimental impact upon visual amenities. As such, further details for boundary treatments will be sought by condition.
- 9.15 Internally within the site the layout works well with active frontages overlooking the internal access road and surveillance of the parking areas. Overall it is considered that the dwellings have been well designed within their context and display good planning principles such as dwellings positively engaging with the High Street. As such, through the careful choice of materials, a well considered landscape approach and the appropriate choice of boundary treatments that the proposal will not give rise to any significant harm to this designated landscape or visual amenities.

Impact upon residential amenities

- 9.16 The closest residential dwelling is 127 High Street which would be adjacent to plots 7, 8 and 9 and there would be a separation distance of approximately 23m between plots 8 & 9 and the dwelling at 127 High Street. The proposed dwellings adjoining 127 High Street are bungalows and therefore there would be no overlooking concerns to this existing neighbour, and a hedgerow is proposed along the eastern boundary to maintain privacy. There is sufficient spacing between the existing dwelling and proposed dwellings to ensure no significant harm in terms of light or outlook. Nor is it considered that the proposed development would result in the significant harm to the residential amenity of any other neighbouring property, due to the separation distance of the proposal from other neighbouring dwellings.
- 9.17 In relation to the residential amenity of the future occupiers, the site has been arranged internally so that there are limited opportunities for overlooking. The plots have been arranged to ensure there is either sufficient distance between plots, or the relationship/angle between first floor windows and private amenity areas does not result in direct overlooking. The proposed dwellings have a minimum garden depth of 10m and/or are a suitable width/size to provide adequate outside amenity space for each of the dwellings.
- 9.18 The proposed dwellings are sited next to a roundabout, but would be set back by existing landscaping between the site and highway network, and the proposed internal access roads within the site. The SBC Environmental Protection Team has considered potential noise impact, and has not raised any concerns due to the low traffic numbers and therefore does not consider there would be a noise issue affecting the site. As such it is considered the site would provide suitable amenity for future occupiers.
- 9.19 There is a potential for construction works, if carried out at unsociable hours, to cause harm to residential amenities. Therefore a condition which controls construction hours will be included.
- 9.20 On the basis of the above, I do not believe that the proposal would give rise to unacceptable harm to residential amenities.

Highway safety and amenity

- 9.21 The proposal has been considered in detail by KCC Highways & Transportation. It is noted that the Parish Council have raised concern regarding the vehicular access and proximity to the roundabout, and that there is a lack of visitor parking.
- 9.22 With regard to the vehicular access, the existing vehicular access serving the site would be closed, and a new vehicular access is proposed to the east of the existing access and approximately 10 metres further away from the roundabout. The proposed access would be located within the 20mph section of the road, and would be adjacent to where the speed limit changes from 40mph off the roundabout, to 20mph along the High Street. As part of the consultation comments, KCC Highways have outlined that the proposed access meets the current standards and appears fit for the purpose of providing safe access to 15 dwellings for all likely vehicle types. Furthermore, a Transport Statement was submitted with the application, and KCC Highways are

satisfied that the findings and that there would be a minimal increase in vehicle movements on the highway and that road safety record of the immediate vicinity does not cause concern for resultant highway safety.

- 9.23 The proposal includes an uncontrolled pedestrian crossing adjacent to the access which links to the existing footway on the south side of the High Street and KCC Highways outlined there was no objection to the principle of this subject to A Stage 1 Road Safety Audit being undertaken which was submitted during the course of the application. KCC Highways outlined they were satisfied with the findings of the Stage 1 Road Safety Audit including tactile paving for the new crossing points; road gullies to prevent surface water from entering the highway; and a restriction of planting height within the visibility splays of the access. KCC Highways therefore raise no objection to the proposed vehicular and pedestrian access subject to conditions which will be attached to any planning permission.
- 9.24 In summary, the conclusion has been drawn that due to the relatively modest scale of the development, the limited increased usage of the surrounding road network is unlikely to significantly increase congestion, and that the proposal would have a suitable vehicular access.
- 9.25 In terms of parking provision, each dwelling would have two car parking spaces, the majority of which would be independently accessible parking spaces, with some dwellings having tandem parking (plots 3, 4, 11 and 12). This meets the parking standards for a village location which requires 1.5 spaces per 1 & 2 bed houses, and 2 spaces for 3 & 4 bed houses as set out within the KCC Residential Parking standards. The parking standards set out that visitor parking should be calculated from 0.2 per unit, and therefore 3 visitor parking spaces would be required for 15 dwellings. The submitted block plan shows there are 4 visitor parking spaces proposed, which would exceed the requirement set out in the parking standards. As such the level of residential parking and visitor parking is considered to be acceptable for the site.
- 9.26 Each dwelling is shown to have a cycle storage area within the external amenity space which is considered to be acceptable and will be secured via condition. Two bin collection points are shown within the site, both of which are in a suitable location to allow for collection by refuse vehicles.
- 9.27 The Transport Statement outlines that the turning head would be built to adoptable standards. Members will be updated as to whether the internal road layout is being offered for adoption by the Highway Authority.
- 9.28 Overall, it is noted that KCC Highways & Transportation raise no objection subject to a number of conditions which are recommended below. On this basis and for the reasons set out above, it is considered that the impact upon highway capacity, safety and amenity would not be unacceptable.

Archaeology

- 9.29 Policy A21 sets out that for this site, any development will need to have considered the possibility of archaeological remains being on site. The application has been supported

by an Archaeological Desk-Based Assessment which has been reviewed by KCC Archaeology, and they have provided the following comments;

- 9.30 *"I have reviewed the case and our own records and note that the applicant has commissioned an archaeological desk based assessment that sets out the known finds in the area. The archaeological record for this area suffers from a limited amount of development activity in the past. It lies on the western edge of the historic settlement of Eastchurch alongside the principal route into that settlement. Topographically it falls below the higher ridge of Sheppey and is overlooked by the important and extensive prehistoric sites at Kingsborough Manor and on elevated land close to the marshes. Such locations would be attractive to local peoples taking advantage of the resources of the marshes as has been seen elsewhere on Sheppey. Metal detecting finds in the lands around Eastchurch are revealing evidence of early peoples and as noted in the desk study Iron Age gold coinage has been found.*

The site is presently undeveloped and new development has a potential for impacting archaeology. I am satisfied that further archaeological measures can be secured through a requirement on any consent and suggest that the following clause for a programme of archaeological works be attached. (condition 10).

The archaeological works should initially comprise an evaluation through trial trenching that would inform whether further measures are needed."

- 9.31 As such, it is considered that the development has met the requirement of Policy A21, and KCC Archaeology raise no objection subject to a condition seeking details of a programme of archaeological works (condition 10).

Ecology

- 9.32 Paragraph 174 of the NPPF 2018 advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. The site is predominately comprised of grassland which is grazed by horses, however there are trees and hedges in close proximity to the site. The application has been supported by ecological surveys and KCC Ecology are satisfied with the conclusions of the preliminary ecological appraisal and reptile survey and outlined that no additional ecological surveys or mitigation strategies were required during the course of the application.

- 9.33 As a result, KCC Ecology raise no objection to the application subject to a number of conditions being imposed such as the requirement for ecological enhancements including native species hedgerow and hedgehog gaps within the boundaries of the dwellings, and a details of lighting to be sought by condition to ensure there is no harmful impact on bats. These conditions will be included, and this will help achieve the aim of providing net gains for biodiversity.

Drainage

- 9.34 In regards to drainage, a Flood Risk Assessment and Drainage Strategy was originally submitted in support of the application. As set out in the consultation section above, the Lead Local Flood Authority (KCC) required further information to demonstrate that

adequate drainage can be accommodated within the proposed layout. Amended information was submitted which outlined changes to the drainage design from soakaways to permeable paving with subbase for gradual infiltration. KCC agree that the low infiltration rate obtained on site from the test requires infiltrating features with a large surface area, of which permeable paving achieves this. Further details would be required, some of which would be necessary prior to the commencement of the development, however the Lead Local Flood Authority take the view that this can be adequately dealt with via condition. On this basis, no objection is raised subject to the imposition of these conditions.

- 9.35 Southern Water have requested a condition requiring details of the means of foul sewerage and surface water disposal. This condition is amended to remove reference to surface water disposal as this is dealt with under conditions recommended by the Lead Local Flood Authority and consider that this adequately deals with this issue. Southern Water have also requested a condition seeking details of measures to be undertaken to protect the public water supply main and this has been attached.
- 9.36 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.

Sustainable design and Construction

- 9.37 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. The application has been supported by a sustainability appraisal which sets out measures to meet the aims of policy DM19 (Sustainable design and construction) and the Climate Change and Biodiversity Emergency.
- 9.38 This includes measures to ensure a thermally efficient design; details for sourcing local materials and responsible sourcing will be pursued; measures to prevent dust and air pollution during the construction process; limiting water consumption for the dwellings (to a maximum of 115 l/person/day); the use of low energy light fittings; and the provision of electric vehicle charging points. Each dwelling will be provided with an electric charging point and the supporting information notes these will be AC fast charger to enable vehicle charging in up to four hours (rather than a trickle charge which would charge overnight).
- 9.39 Conditions have been incorporated to this application (nos. 22, 25 and 26) to ensure that the development incorporates sustainable measures. Condition 25 (which relates to achieving at least a 50% reduction in Dwelling Emission Rates) is a pre-commencement condition, and Members will note that the applicant has agreed to it. Condition 26 is seeking a water consumption rate of no more than 110 litres per person per day in the interests of water conservation and sustainability which is considered reasonable for new developments.

Developer Contributions

- 9.40 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 - £3324 per new dwelling.	Total	£49,860
Secondary Education - £4115 per new dwelling.	Total	£61,725
Library Bookstock- £48.02 per new dwelling.	Total	£720.24
NHS CCG - £360 per new resident (2.4 people per unit)	Total	£12,960
SPA Mitigation (SAMMS) – £250.39 per dwelling.	Total	£3755.85
SBC Refuse Bins –£105.20 per new dwelling.	Total	£1578
SBC Play contribution– £446.00 per dwelling.	Total	£6690
SBC Formal Sport - £593.00 per dwelling.	Total	£8895
Administration and Monitoring Fee	Total	£5000
Total Developer Contributions:		£151,184.09

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

9.42 It is also considered that a Section 106 Agreement is the best mechanism for addressing the SAMM contribution (of £250.39 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'.

Affordable Housing

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

9.44 Paragraph 6 of Policy DM 8 sets out possible exceptions to the adopted 0% requirement for the Isle of Sheppey and states that *'If evidence demonstrates that economic conditions, or the proposed characteristics of the development or its location, have positively changed the impact of viability of the provision of affordable housing, the Council will seek a proportion of affordable housing closer to the assessed level of need, or higher if development viability is not compromised.'* It is not considered that there is any evidence that would demonstrate that the economic circumstances on the Isle of Sheppey have improved since the adoption of the Local Plan in 2017 to be able to sustain the provision of affordable housing in this location.

9.45 It is noted that paragraph 64 of the NPPF states the following:

9.46 *"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.”

9.47 Therefore the Local Plan, which is area specific, must be given a significant amount of weight and due to the above considerations it is not considered that affordable housing could be insisted upon on this site.

Other Matters

9.48 The Parish Council also raise concerns about the comments from the Police and Fire Service. With regard to the comments made by Kent Police, it is considered many of the details can be addressed via condition (24). No comments have been submitted by the Fire Service.

The Conservation of Habitats and Species Regulations 2017

9.49 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.

9.50 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 (£250.39 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.

9.51 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.

9.52 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (15 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. The consultation response from Natural England (13/05/2020) outlines that they raise no objection to the Appropriate Assessment undertaken, subject to securing appropriate mitigation via the SAMMS payment. 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.

9.53 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 In overall terms, significant weight is given to the allocation of the site in the Local Plan for a minimum of 15 dwellings and that the Council can no longer demonstrate a five year supply of housing land. As such, the proposal would contribute towards the Council's housing supply in a location which is accepted in principle.

10.2 Taking into account the views of consultees and the appraisal of the application as set out above it is considered that subject to the imposition of the conditions below that the proposal would not give rise to unacceptable harm in regards to residential or visual amenity, landscape character or highway safety and amenity. Additionally, matters in relation to ecology, drainage, archaeology and sustainability can be adequately dealt with by virtue of the conditions recommended. The applicant has committed to the payment of the developer contributions to mitigate against increased demand on local infrastructure.

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

11. RECOMMENDATION

GRANT Subject to the following conditions and suitably worded Section 106 Agreement, to cover the matters itemised at paragraph 9.40 above, (including authority to make such minor amendments to the wording of the legal agreement and the conditions as may reasonably be required):

CONDITIONS to include

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

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: SN/17/138.01 Rev F; SN/17/138.04 Rev F; SN/17/138.05 Rev D; SN/17/138.06 Rev D; SN/17/138.07 Rev D; SN/17/138.08 Rev D ; SN/17/138.09 Rev D ; SN/17/138.10 Rev D; SN/17/138.11 Rev D; SN/17/138.12 Rev D; SN/17/138.13 Rev D; SN/17/138.14 Rev D; SN/17/138.15 Rev D; SN/17/138.16 Rev D ; SN/17/138.17 Rev D ; T-2019-050-04 Rev 00; T-2019-050-02

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

3. Notwithstanding the submitted details, no development beyond the construction of foundations shall take place until details of the external roof 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 detailed drawings at a suggested scale of 1:20 of the verge details for the new dwellings; and details of the feature window on plot 5 at a suggested scale of 1:20 have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

5. No development beyond the construction of foundations shall take place until manufacturers details of the rooflights 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. The rooflights should be of a flush design, similar to conservation style rooflights.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

6. Manufacturers details of the windows and doors to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. Works shall then commence in accordance with the approved details.

Reason: In the interests of visual amenity.

7. 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, hard surfacing materials, an implementation programme, and details of long term management. The long term management details shall include the shelter belts on the west and north boundaries, southern boundary and amenity landscape areas outside of private resident ownership within the proposed development. 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.

8. 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.

9. No development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details before the 1st dwelling is occupied or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and highway amenity.

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

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

11. Construction of the development shall not commence until details of measures to be undertaken to protect the public water supply main have been submitted, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

Reason: To ensure suitable access to the public water supply.

12. 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 and surface water is adequately disposed of.

13. 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 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.

14. 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 and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of 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.

15. Submission of a Construction Management Plan before the commencement of any development on site to include the following:

- (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
- (e) Temporary traffic management / signage

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

16. 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.

17. 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, with the exception of the wearing course;

(b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety.

18. The access hereby approved (as shown on drawing no. SN/17/138.04 Rev F) shall be constructed and completed prior to the occupation of the first dwelling, and the existing access shall be closed prior to the use of the site commencing, in accordance with details to be submitted to an approved by the Local Planning Authority.

Reason: To ensure that a satisfactory means of access is provided for the site.

19. The off-site highways works as shown in drawing no. SN/17/138.04 Rev F will need to be delivered by the applicant via a Section 278/38 agreement with the Highways Authority prior to the use of the site commencing.

Reason: in the interests of highway safety

20. The visibility splays shown on drawing no. SN/17/138.04 Rev F shall be provided prior to the first occupation of the dwellings hereby approved and maintained at all times and any obstruction exceeding a height of 0.9 metres above the level of the nearest part of the carriageway within the visibility splays shall be removed. A bound surface shall be used for the first 5 metres of the access from the edge of the highway.

Reason: To ensure provision of the visibility splays and in the interests of highway safety

21. The area shown on the submitted plan as vehicle parking spaces, cycle parking facilities, vehicle loading/unloading and turning facilities shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users.

22. Each dwelling shall be provided with 1 electric vehicle charging point as shown on drawing no. SN/17/138.04 Rev F 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. 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:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)

- 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)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The arrangements for public consultation and liaison during the construction works

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

24. 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.

25. The dwelling(s) hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);
No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

26. 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.

27. Prior to occupation an ecological enhancement plan, must be submitted for approval in writing by the Local Planning Authority, detailing what ecological enhancements will be incorporated in to the site. They must include the creation of a native species hedgerow and hedgehog gaps within the boundaries of the dwellings. The development shall then be completed strictly in accordance with the approved details.

Reason: In the interests of biodiversity.

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

- A 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.
- Lighting design strategy for biodiversity (taking into account Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

29. Upon completion, no further development, whether permitted by Classes B or C 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) or not, shall be carried out.

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

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

Reason: In the interests of residential amenity.

31. 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.

INFORMATIVES

KCC Ecology:

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees, scrub, hedgerows and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Vegetation and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.

The Council's approach to the application

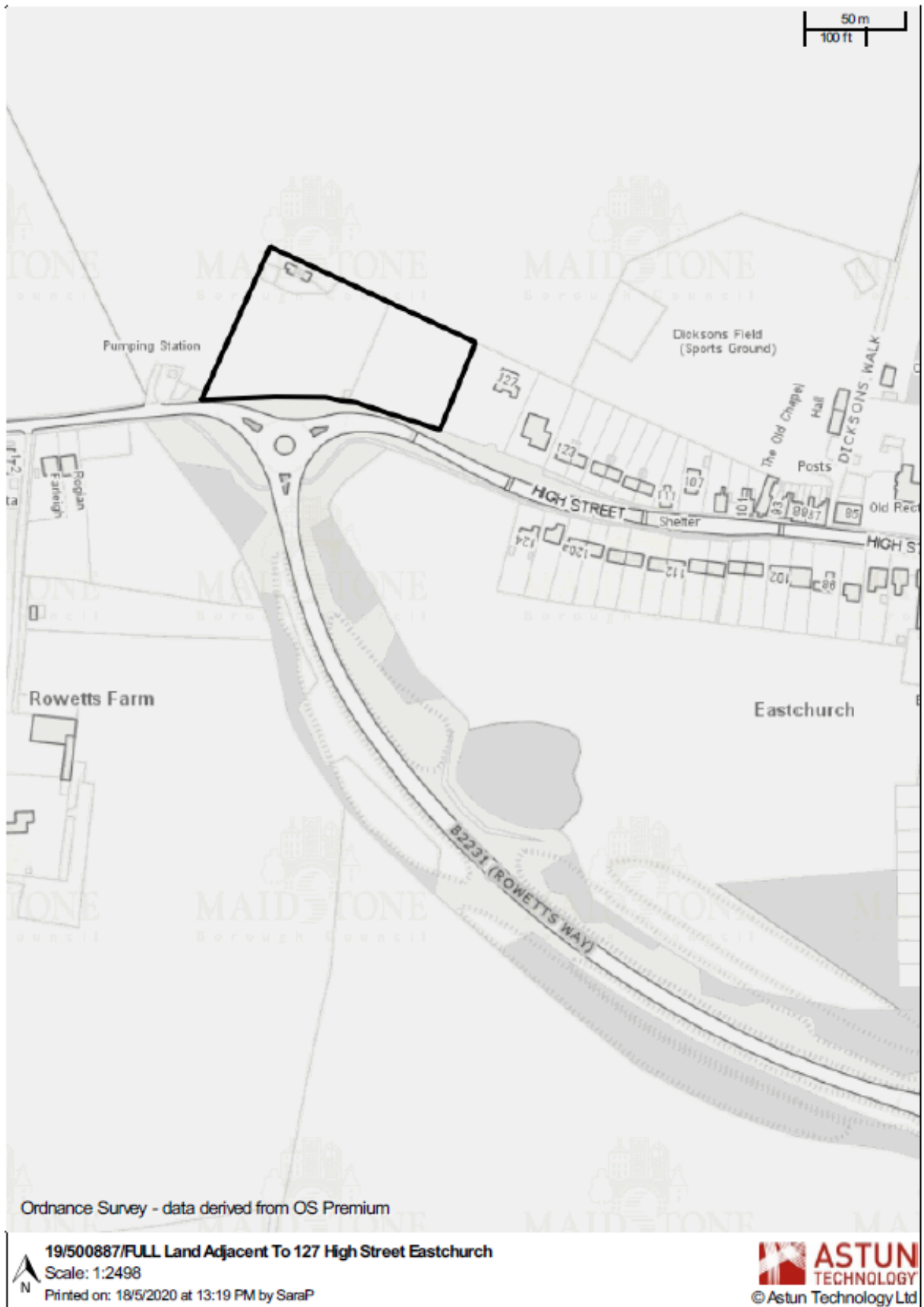
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development

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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2.3 REFERENCE NO - 19/503530/FULL			
APPLICATION PROPOSAL			
Proposed development of 8no. new dwellings, comprising of 7no. three bedroom and 1no. four bedroom houses with associated parking and new access road.			
ADDRESS Woodcombe Sports And Social Club Church Road Sittingbourne Kent ME10 3RT			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The proposal entails development within the built up area boundary which is acceptable as a matter of principle. The loss of a minor sports provision, in a sustainable town centre location where alternative sports facilities of this type are widely available is considered to be out weighed by the wider benefits presented, and more specifically, the provision of housing supply given that the Council is currently unable to demonstrate a 5-year supply of housing. All matters relating to visual and residential amenity, Environmental Health and Highways have been reasonably addressed.			
REASON FOR REFERRAL TO COMMITTEE			
Called in by Cllr Hall			
WARD Murston	PARISH/TOWN COUNCIL	APPLICANT Mr Gary Hirons AGENT Mark Carter Design	
DECISION DUE DATE 23/09/19		PUBLICITY EXPIRY DATE 14/10/19	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/05/0143	Changing rooms and groundkeepers store	Grant of Unconditional PP	17.03.2005
SW/99/0429	Renewal of Planning Permission SW/96/303 for siting of metal storage container.	Grant of Renewal of PP	
SW/95/1057	REFURBISHMENT OF TENNIS COURTS AND PROVISION OF CRICKET PRACTICE NET	Grant of Conditional PP	
SW/87/0087	NEW CLUB ENTRANCE PORCH	Approved pre 1990	19.03.1987

1. DESCRIPTION OF SITE

- 1.1 The subject site is located within the built-up area boundary of Sittingbourne situated on the west side of Church Road. The main access point utilises an existing single lane vehicle access with a grass verge either side which leads around to the rear. The

access road is bounded by Woodcombe Sports Social Club to the north and a two storey end of terrace dwelling to the south, No 93 Church Road.

- 1.2 The site comprises of two sections, the existing access and proposed new main approach into the site that is roughly dogleg in shape and which leads to a larger rectangular shape area to the rear which forms part of the Woodcombe Sports Club, currently a neglected double tennis court. The total area of the site is 0.14ha.
- 1.3 The site is bounded to the north by Woodcombe Social Club and further north west the area is characterised by a number of small industrial estates accessible via Castle Road which runs parallel to Church Road to the west. The industrial character continues south west of the site where a number of small industrial estates are also accessible from Banham Drive that leads onto Church Road.
- 1.4 To the north east there is a large expanse of open recreation space marked by football pitches and beyond this at a distance of approximately 300m is Central Park Stadium which holds frequent speedway events.
- 1.5 To the south west of the site, the area is predominantly residential in form comprising of small rows of two storey dwellings, constructed of brick with pitched roofs and rear amenity spaces

2. PROPOSAL

- 2.1 The proposal involves the erection of eight (7 x three bedroom and 1 x four bedroom), two storey, residential dwellings together with vehicular parking and associated hardstanding, rear amenity space and landscaping.
- 2.2 It is intended to use the existing access point described which currently serves the dwellings located along Church Road. This would lead to a new access and hard surfaced area that would provide a central forecourt and vehicle turning area within the forecourt.
- 2.3 The properties would be traditional in design, comprising of two storey dwellings with dual pitch roofs. They would be constructed in a brick with large dark grey windows together with a dark tiled pitch roof. Each dwelling would have a width of 6m and a length of 9.4m. They would have a relatively low rise height with an eaves of 5.3m reaching to a ridge height of 8.3m.
- 2.4 There would be one row of seven (7) x 3 bedroom dwellings, comprising of one small staggered terrace of five dwellings and a pair of semi-detached dwellings, this built form of development would sit parallel to the south western boundary. The proposal also includes (1) x 4 bedroom detached dwelling. This would sit directly across from the terrace against the north eastern boundary.
- 2.5 Of the eight dwellings, seven would benefit from rear garden areas of approximately 10m in length, the detached dwelling would have a length of 9.1m which has been extended through the course of this application. Each property would also benefit from 2 vehicle car parking spaces and there is a provision of 3 additional visitor car parking spaces. A total of 6 electric charging points are also proposed.

3. PLANNING CONSTRAINTS

No planning constraints identified

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework (NPPF): Paras 8 (three dimensions of sustainable development); 10, 11 (presumption in favour of sustainable development); 47 (Determining applications); 54, 55, 56, 57 (planning conditions and obligations); 61 (delivering sufficient supply of homes); 124, 127, 128, 130, 131 (good design).
- 4.2 National Planning Practice Guidance (NPPG): Design.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies 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); ST5 (The Sittingbourne Area 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).

5. LOCAL REPRESENTATIONS

- 5.1 Councillor Hall, one of the Ward Members, called the application in to Planning Committee.
- 5.2 The Council received 5 letters of **objection**, all of which objected to the application. Summary of objections on the following grounds:
- Highway safety – concealed bends, pedestrian hazard
 - Incorrect existing parking arrangements
 - Visual amenity – materials out of keeping
 - Neighbouring amenity – loss of privacy, increased footfall, noise
 - Insufficient refuse storage facilities – associated smells
 - Environmental impacts – air quality
 - Flood risk – associated pressure on main sewage system
- 5.3 In addition to the objections as set out above, a petition was also received on 22nd January 2020 which contained a total of 140 signatures. The reasons of objection sited on the petition was for more green spaces and less toxic spaces.
- 5.4 KCC Highways: **No objection**, subject to conditions
- 5.5 Environmental Health: **No objection** subject to conditions
- 5.6 Natural England: **No objection**, subject to SAMMS Payment

Officers comments: A payment of £250.39 per dwelling has been received. A total of £2003.12.

6. BACKGROUND PAPERS AND PLANS

- 6.1 Existing, proposed plans and elevations 3149-008 Rev B, 3149-009 Rev A, 3149-010 Rev A, 3149-012 Rev A, 3149-014; Vehicle Tracking T-2019-081-01 Rev 02, Design and Access Statement

7. APPRAISAL

Principle of Development

- 7.1 The site is located within the built confines of Sittingbourne which is the main borough Urban Centre. It is identified as the most sustainable location within the settlement hierarchy as set out in Policy ST3 of the Local Plan (2017).
- 7.2 It is considered that the positive impacts of the development in terms of its sustainable location comply with both the environmental and social objectives of sustainable development. The proposal would also help contribute towards the Borough's housing land supply and whilst the proposal is a relatively small provision it will make a positive contribution when the extent of the existing housing deficit is considered.
- 7.3 The proposal would result in the loss of two tennis courts. Policy CP6 stipulates that Councils should safeguard existing community services where they are viable or where they can be made so. The tennis courts have not been in use for a number of years and the hardstanding is in a state of disrepair. It is stated that the sale of the land would provide financial security for the future of the club. In this instance, the loss of a small fraction of Woodcombe Sports and Social Club to release funds to be reinvested in the wider business is considered a gain for the district as a whole.
- 7.4 As such, the loss of a minor sports provision, in a sustainable location where alternative sports facilities of this type are available, are considered to be outweighed by the wider benefits presented, and more specifically, the provision of housing and thus consistent with the aims of policies ST3 and CP3 of the Local Plan (2017).

Visual Impact

- 7.5 I consider the development to be of a good architectural quality and of a height and scale which respects the local residential character along Church Road and south east of the site. The dwellings are traditional in design, comprising of two storeys dwellings with dual pitch roofs. They would be constructed in a brick with large dark grey windows together with a dark tiled pitch roof. The choice of materials and appearance of the fenestration would assist in integrating the proposal within its surroundings allowing for it is reasonably assimilate within the context of its setting, consistent with the aims of policies CP4 and DM14 of the Local Plan (2017)

Residential Amenity

- 7.6 The site is rectangular in shape with the access at one end which is adjacent to a row of existing houses of Church Road. The layout is based on the continuing line of the exiting terrace houses along the long length of the site facing towards the existing open space of the sports club and therefore no direct overlooking would occur.

- 7.7 In terms of proximity no. 101 Church Road is the closest dwelling to the site. In this instance the first plot is stepped back from no. 101 with a distance of 4.8m retained between properties. Due the siting of the new dwelling and separation distance between properties, the proposal would not result in loss of light, overshadowing, sense of enclosure or loss of privacy and is therefore acceptable in this regard.
- 7.8 I acknowledge concerns raised regarding the potential impact upon no. 97 Church Road specifically the relationship between this dwelling and the site access. I note that this is an existing vehicle access, however I acknowledge the use will be intensified as a result of the development.
- 7.9 A footpath 1.8m would be introduced along the existing northern boundary of no.97 drawing vehicles away from the boundary. Furthermore, in terms of location the site is within close proximity of a large industrial area to the west and Woodcombe Social Club to the north, and is serviced by Church Road. This is not a rural setting and when consideration is given to the type of use classes within close proximity of the site, the increase in vehicle movements can be reasonably accommodated, in my opinion.
- 7.10 On amenity for future residents, the proposed internal living space for the 7 x 3 bedroom dwellings would be 92m² and for the 1 x 4 bedroom dwelling would be 128m². The Department for Communities and Local Government: Technical Housing Standards stipulates the provision for a two storey, 3 bedroom x 4 person occupancy to be 84sqm and 4 bedroom x 6 person occupancy to be 106m². As such the size of accommodation provided satisfies the national requirement for new build properties.
- 7.11 The dwellings would provide a good source of outlook, sunlight and ventilation and suitable levels of privacy given that no direct overlooking would occur. Each dwelling would be provided with a usable rear garden area with a length varying from 9.1m to 10.3m which I consider to be a suitable size provision for family accommodation of this scale.

Environmental Impacts

- 7.12 A noise survey has been submitted to demonstrate external noise levels affecting the proposed development site. The report pays particular regard to the acoustic requirements of the residential facades, so as to achieve suitable internal noise levels within the new dwellings. The report has been reviewed by the Council's Senior Environmental Health Officer who is satisfied that the report has sufficiently investigated background, traffic and industrial noise sources that could adversely impact on the site. The assessment is based on noise readings taken on the site and from which current acceptable guidance has been followed, As such, no objection is raised to the proposal in relation to elevated noise levels.

Highways

- 7.13 In terms of highways and related safety concerns, following correspondence and pre-application advice sought directly from KCC Highways, KCC Highways support the application subject to a number of conditions that would be implemented in the event of an approval. Given that KCC Highways support the application I see no reason to

dispute their recommendation and consider the application would not give rise to adverse highway safety concerns.

- 7.14 Suitable manoeuvrability for vehicles and pedestrians has been demonstrated through the provision of Vehicle Tracking Plan no. T-2019-081-01 Rev 02. In addition, The Kent Design Guide Review: Residential Parking states that a dwelling with 3 or 4 bedrooms has a requirement of 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. Sufficient off street parking has been provided for each unit and a further 3 spaces have been provided for visitor parking.

Landscaping

- 7.15 Policy DM14 requires the provision of an integrated landscape strategy that would achieve a high standard of landscaping scheme within the development. The proposed landscaping scheme, with the introduction of trees and various shrubbery is considered to be an improvement of the existing situation and would soften the visual impact whilst encouraging natural bio-diversity and natural habitat which is encouraged.

Ecology

- 7.16 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. An HRA/AA is appended below. 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 £250.39 per dwelling. A total payment of £2003.12 has been received.

8. CONCLUSION

- 8.1 The proposal entails development within the built up area boundary which is acceptable as a matter of principle. The loss of a minor sports provision, in a sustainable town centre location where alternative sports facilities of this type are widely available, are considered to be out weighed by the wider benefits presented, and more specifically, the provision of housing supply given that the Council is currently unable to demonstrate a 5-year supply of housing. I consider an additional 8 units can be reasonably accommodated without giving rise to unacceptable impacts to residential or visual amenities. All concerns relating to Environmental and Highway matters are reasonably addressed.

9. 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. The development hereby permitted shall be carried out in strict accordance with the following approved plans: 3149-008 Rev B, 3149-009 Rev A, 3149-010 Rev A, 3149-012 Rev A, 3149-014; Vehicle Tracking T-2019-081-01 Rev 02, Design and Access Statement

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 written details of the materials to be used in the construction of the external surfaces of the new build dwellings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

4. 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.

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 a programme agreed in writing with the Local Planning Authority

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

6. 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.

7. 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.

8. 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
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

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

9. If during construction/demolition 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: In order that the site is appropriately remediated and fit for purpose.

10. The dwellings hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

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

Reason: In the interests of residential amenity

14. 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 or garaging of cars is likely to lead to car parking inconvenient to other road users

15. No development beyond the construction of foundations shall take place until detailed plans showing the 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, driveway gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed wholly in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

16. No development beyond the construction of foundations shall take place until details of covered cycle parking facilities have been submitted to and approved in writing by the Local Planning Authority. These shall be completed prior to the first occupation of any of the dwellings hereby approved, and shall be retained thereafter.

Reason: To encourage the use of sustainable forms of transport.

INFORMATIVES

INFORMATIVE: 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.

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.

Habitat Regulations

Appropriate Assessment under the Conservation of Habitats and Species Regulation 2017

The Appropriate Assessment (AA) have been undertaken without information provided by the applicant.

The site is within 6km south of the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated site 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.

The proposal therefore has the potential to affect the site's special 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 (AA) solely on the basis of the agreed Strategic Access

Management and Monitoring Strategy measures (SAMMS), and needs to progress to consideration under an AA.

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 recommendations of the North East Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of the development there is no scope to provide on site mitigation such as on site dog walking area or signage to prevent the primary cause 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 is 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 a s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts would 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 organizations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and other (<https://birdwise.org.uk/>).

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability

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.



2.4 REFERENCE NO - 20/500490/FULL		
APPLICATION PROPOSAL Erection of nine chalets to replace existing units		
ADDRESS Seaview Holiday Camp Warden Bay Road Leysdown Sheerness Kent ME12 4NB		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The replacement chalets are of an appropriate scale and design and as such will not cause harm to visual or residential amenities.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Leysdown	APPLICANT Wickland (Holdings) Ltd AGENT Forward Planning And Development Ltd
DECISION DUE DATE 03/04/20		PUBLICITY EXPIRY DATE 10/03/20

Relevant Planning HistoryOccupancy

15/509228/LDCEX

Lawful Development Certificate for 12 month annual use of 11 chalets nos. 1 - 10 including 1A

Approved Decision Date: 16.12.2015

15/509233/LDCEX

Lawful Development Certificate for 12 month annual use of 10 chalets Nos.59-68

Approved Decision Date: 21.01.2016

SW/13/1204

Variation of condition 1 of NK/8/63/326 to allow 10 month occupancy of caravans.

Grant of Conditional PP Decision Date: 16.12.2013

SW/12/0404

Lawful Development Certificate for 12 month annual use of 9 chalets nos.81-89 (inclusive) shown on plan enclosed WS/01/OP. (Proposed)

Granted Decision Date: 16.05.2012

Replacement units

19/500303/FULL

Erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

Approved Decision Date: 25.05.2018

Appeal allowed to remove condition limiting occupancy of chalets which are replacing caravans.

18/501184/FULL

Erection of 8 Chalets to replace existing chalets, 4, 5, 6, 7, 62, 66, 70 & 76 and removal of chalet 8.

Approved Decision Date: 21.03.2019

16/508497/FULL

Erection of replacement chalets for 63, 67, 71, 73, 75, 78 and 88.

Approved Decision Date: 07.03.2017

15/510027/FULL

Erection of chalets to replace existing nos. 80, 81, 83, 87 and 89.

Approved Decision Date: 19.02.2016

15//502729/FULL

Retention of two replacement chalets, nos. 84 and 85 (retrospective)

Approved Decision Date: 25.09.2015

SW/12/1548

Lawful development certificate for moving 5 existing chalets within site. (Proposed)

Refused Decision Date: 14.02.2013

Appeal History:

19/500141/COND

Erection of 7no. chalets to replace existing units 13, 14, 31, 32, 33, 34, and 77.

Appeal Allowed and or Notice Quashed Decision Date: 16.01.2020

1. DESCRIPTION OF SITE

- 1.1 The site is a holiday park situated on Warden Bay Road, roughly halfway between Leysdown and Warden. There are approximately 89 chalets and 90 caravan pitches on site. Chalets are generally situated around the site perimeter and static caravans in the centre.
- 1.2 The site has planning permission for 12 month occupancy of chalets, This situation arises from an appeal decision against NK/8/53/127, where the Inspector granted temporary permission for use of the land as a holiday park with stationing of caravans and chalets (for 10 years), and subsequent grant of permanent permission under NK/8/63/326. Neither of those permissions imposed an occupancy condition upon chalets, and only restricted the occupancy of the caravans on site to the standard March-October period. Application SW/13/1204 varied the original caravan occupancy restriction to allow an extended, 10-month occupancy for the caravans only. This is in accordance with the majority of the parks on the Island.
- 1.3 As such, the chalets on site are not subject to a condition restricting their occupancy, but the caravans are restricted to the Council's standard 10-month occupancy conditions.
- 1.4 Several permissions have been granted for replacement of a number of dilapidated chalets and caravans, as set out above. Notably, application 19/500303/FULL included a condition restricting the occupancy of the new chalets that replaced caravans to 10 months, as this is the occupancy restriction on all caravans on the site. The applicants appealed the imposition of this condition, and the Inspector allowed the appeal, granting permission for all replacement chalets to have 12 month occupancy. In his appeal

decision, the Inspector stated the following regarding the conditions limiting occupancy:

“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.”

2. PROPOSAL

- 2.1 This application seeks permission for the removal of 4 chalets and 6 caravans, and the erection of 9 chalets to replace units on the western side of the site.
- 2.2 46, 47, 48 and 49 are existing chalets which will be replaced. E29, E30, F30, F31, G31 and G32 are static caravans which would be removed and replaced with the proposed chalets. The application will result in a reduction of one unit.
- 2.3 The replacement chalets would have a footprint of 10m x 5.5m and will have a pitched roof with an eaves height of 2.7m and a ridge height of 4m. They would be of a relatively standard design, common across the holiday parks on the Island and regularly permitted as replacements.

3. PLANNING CONSTRAINTS

- 3.1 Environment Agency Flood Zone 2
- 3.2 Designated holiday park area

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) support appropriate economic and tourist development, subject to general amenity considerations.
- 4.2 Policies ST1, CP4, DM4, DM5, DM14, and DM21 of the adopted Swale Borough Local Plan 2017 are relevant.
- 4.3 The Local Plan Panel has recently resolved to support an interim policy document which would see year round residential use being granted planning permission at suitable sites. This resolution has yet to be considered by the Cabinet, and in any case, it is not relevant to this application.

5. LOCAL REPRESENTATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Warden Parish Council provide the following comments:

“The Parish Council are extremely concerned that a further 9 chalets are going to be replaced with new units. Surely any new build has to conform to existing legislation on

holiday parks. This site according to its literature has 89 holiday chalets. So far it has caused concern that some 15 chalets have been completely re-built. This additional 9 is in effect another 9 families living in our area with already over stretched services. If this is the intention of the site; to replace all 89 units surely this needs to conform to residential building regulations. If this is as listed as their site license states “A Holiday Park”. Please can you inform us if this means holiday accommodations available all year, or FULL RESIDENCY? If the latter is true, then this will mean 89 new families in our area without benefit of this being in the borough plan, or any consideration for the general population.”

- 6.2 Environment Agency – Assessed application and it is covered by our Flood Risk Standing Advice. The standing advice suggests ensuring there are procedures for site evacuation in place, means of escape for occupants, and raised floor levels.
- 6.3 KCC Highways – Proposal does not meet the criteria to warrant involvement from the Highways Authority.
- 6.4 Economy and Community Services – *“This is a well-known premium park on the Isle of Sheppey promoted on Visit Swale and in membership of The British Holiday & Home Parks Association with a good trading history of family focused provision including good amenities, services and facilities. The application is seeking to provide nine chalets to replace existing units on a park that demonstrates continuous investment and improvements (this application cites renewable energy provision on site through solar panel which is acknowledgement of new global pressures. Happy to support the application.”*
- 6.5 KCC Flood and Water Management – Development falls outside their remit.
- 6.6 Natural England – No comments
- 6.7 Environmental Health – No objections subject to standard hours of construction condition.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 20/500490/FULL.

8. APPRAISAL

- 8.1 The proposed replacement chalets are of an appropriate scale and design, and I have no serious concerns in respect of their impact upon the character and appearance of the local area or upon the amenity of nearby residents. I include a condition restricting hours of construction to ensure the development does not cause harm to residential amenity during the construction phase. I also include a condition removing permitted development rights for the replacement chalets, in order to prevent the uncontrolled expansion of the units.
- 8.2 I note that the Environment Agency do not object, and I therefore do not consider flood risk to amount to a reason for refusal. I also note that this is for *replacement* units rather than entirely new, additional plots. In that regard there is also no requirement for a SAMMS contribution to be secured as there is no net gain in accommodation.

- 8.3 As set out in the section 1 of the report, none of the chalets on the site have occupancy restrictions. With regard to the recent appeal decision for application 19/500303/FULL, I do not consider it appropriate to impose occupancy conditions on the proposed chalets that are replacing caravans. Therefore, whilst some of the proposed chalets are replacing caravans that are subject to 10-month occupancy, I do not recommend imposing a condition restricting occupancy on any of the replacement chalets.
- 8.4 Following the objection from Warden Parish Council, I responded to their comments, setting out the planning history for the site relating to the occupancy of both chalets and caravans, and also explained that due to the recent appeal decision for application 19/500303/FULL, we are not recommending imposing conditions restricting occupancy on the proposed chalets that are to replace caravans. I received no response.

9. CONCLUSION

- 9.1 The replacement chalets will not cause any harm to visual or residential amenity. The development is therefore acceptable and as such, I recommend planning permission be approved.

10. RECOMMENDATION - GRANT Subject to the following conditions:

CONDITIONS

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

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

- (2) No development shall take place other than in accordance with the details shown on the following drawings: 3957_PL02, PL-5732_14 and PL-5732_15.

Reasons: For the avoidance of doubt and in the interest of visual amenity.

- (3) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of local amenity.

- (4) Upon completion, no further development, whether permitted by Classes A, B, C, D, E or F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.

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

INFORMATIVES

- (1) 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. 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>

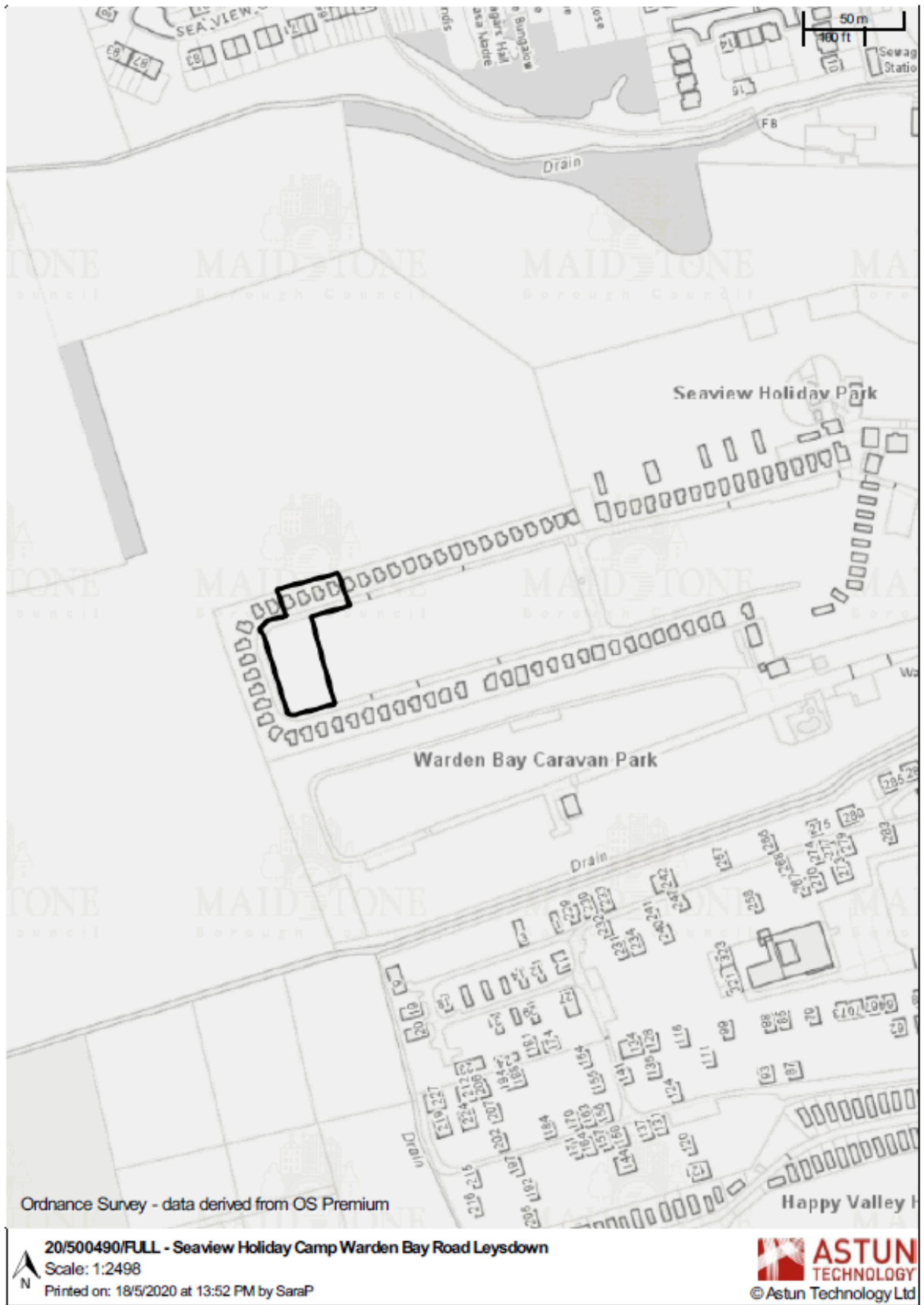
The Council's approach to the application

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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PLANNING COMMITTEE – 28 MAY 2020**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/503511/FULL		
APPLICATION PROPOSAL		
Retrospective application for a new front wall with drive way access from main highway (Plough Road).		
ADDRESS Cripps Farm Plough Road Minster-on-sea Sheerness Kent ME12 4JH		
RECOMMENDATION - Refuse		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site is located outside of the built up area boundary where countryside constraints apply. The development has an unsympathetic and incongruous presence that would detract from the intrinsic character and beauty of the surrounding countryside.		
REASON FOR REFERRAL TO COMMITTEE		
Called in by Cllr Beart		
WARD Sheppey East	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT D.Buckley Limited AGENT Deva Design
DECISION DUE DATE 25/11/19	PUBLICITY EXPIRY DATE 21/11/19	
RELEVANT SITE HISTORY		
19/502305/FULL	Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension, loft conversion and detached triple garage to rear (Resubmission to 19/500129/FULL)	Approved - 06.09.2019
19/500129/FULL	Demolition of existing outbuilding. Erection of two storey side extension, rear infill extension and two detached two storey triple garages.	Refused - 02.05.2019
SW/98/0554	Outbuildings comprising a wildlife shed a storage shed and a garage/hobby shed.	Approved – 31.07.1998
SW/98/0273	New vehicle access, conversion of barn to dwelling at Crips Farm (Amendments to approved scheme)	Approved – 20.05.1998
SW/98/0163	Replacement dwelling	Approved – 24.04.1998

1. DESCRIPTION OF SITE

- 1.1 The application site comprises of a rectangular parcel of land located on the north side of Plough Road. The site identified in red on the location plan has an area approximately 0.22ha, however it also forms part of the larger Cripps Farm site, identified in blue and which spreads along the north and eastern boundary of the adjacent property Appleyard Barn.
- 1.2 The site comprises of a large modern detached dwelling set back from Plough Road by approximately 15m. Alteration works are currently underway at the property and this includes the construction of a large two storey side extension, recently approved under planning application Ref: 19/502305/FULL dated 06.09.2019
- 1.3 The surrounding area forms part of the open countryside as defined by the Local Plan. Appleyard Barn a detached dwelling lies approximately 25 metres to the east of the application property with open agricultural land to the west and north of the site. On the opposite side of the road but obscured from view is the residential development of Kingsborough Manor.

2. BACKGROUND

- 2.1 The original building at the site was a small cottage which was replaced following the grant of planning permission under application reference number SW/98/0163. This permission included a planning condition restricting further enlargement of the new dwelling in view of the Council's rural restraint policies.
- 2.2 A subsequent application for a two storey side and rear infill extension, including the demolition of an existing garage and replacement triple garage (ref: 19/500129/FULL) was approved by the Planning Committee in September last year.

3. PROPOSAL

- 3.1 Retrospective planning permission is now sought for the retention of a new front boundary wall. The wall is of red brick construction broken every 5m with column plinths and decorative black iron detail surround. A single row of wooden sleepers have been placed on the ground immediately in front of the boundary.
- 3.2 The wall runs across the front southern (roadside) boundary of the site for approximately 38m. The existing vehicle access has been retained and is framed on both sides by the boundary wall for 9.5m. Along the west side of the site the boundary has a length of approximately 20m which wraps around at the rear by 12m and meets in a central position with the side flank wall of the dwelling. The height of the wall varies significantly due to the change in level of the road. The height at the south-eastern corner is 2m and this rises to 3.5m at the south-western corner.

4. PLANNING CONSTRAINTS

- 4.1 Located in the countryside outside of any defined built up area boundary.
- 4.2 The site lies in an area of Potential Archaeological Importance.

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 118, 124, 128, 130,131, are relevant.
- 5.2 Development Plan: The Swale Borough Local Plan 2017: Policies CP4 DM14 and DM26

6. LOCAL REPRESENTATIONS

- 6.1 No representations received following public consultation

7. CONSULTATIONS

- 7.1 Minster Parish Council objects to the application on the grounds that the wall appears to be very intrusive due to its height in the rural setting. There is further concern that the proposal is not in keeping with the surrounding countryside and about its impact on visual amenity. Clarification is requested as to whether the scale and height of the wall meets planning regulations.

- 7.2 Natural England (summary of comments)

Natural England has a duty to align the English Coast Path (ECP) around the whole of the English Coast. The ECP is a new National Trail and is currently being developed in Sheppey. Plough Road is a complex area for aligning the coast path. It has been the intention to propose the coast path alignment along the northern verge of Plough Road, adjacent to the application site. Kent Highways correspondence with Swale Borough Council indicates that the verge may have been part of the highway.

The new wall prevents the provision of a suitable width verge here. As a consequence an alternative route is proposed through the fields seaward of Plough Road, which will affect landowners, including the applicant themselves.

The preferred option for the England Coast Path would be to create a safe verge alongside Plough Road in this location, which would be sought if the space was made available in the future.

- 7.3 County Archaeological Officer – No objection

- 7.4 Kent Highways and Transportation – No objection (summary of comments)

The wall and driveway in question have been investigated by both our highway engineers and KKC Transport Officer and we are satisfied that the proposed presents no concerns from a highways safety perspective, with the new alignment offering no detriment to the available visibility splay at the access.

In the event of an Approval the following Safeguarding conditions are advised:

- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision of measures to prevent the discharge of surface water onto the highway

- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Any gates to open away from the highway and to be set back a minimum of 5 metres from the edge of the carriageway

8. BACKGROUND PAPERS AND PLANS

8.1 Application papers and correspondence for 19/503511/FULL, 19/502305/FULL, 19/500129/FULL, SW/98/0554, SW/98/027 and SW/98/0163

9. APPRAISAL

9.1 The application site lies outside of any defined built up area boundary within the designated countryside where policies of rural restraint apply.

9.2 The Government attaches great importance to the design of the built environment. The National Planning Policy Framework (NPPF) states that good design is a key aspect of sustainable development and advises that permission should be refused for development of poor design that fails to improve the character and quality of an area.

9.3 ST3 sets out the settlement hierarchy within the Borough, with sites lying in the countryside being within the least desirable tier for development:

“5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”

9.4 As such, I consider the main issues for consideration most relevant are the site's prominent location outside of the built-up area boundary, the visual impact of the proposed development on the character and appearance of the countryside, together with any adverse harm to highway safety.

Visual impact and impact on the character and appearance of the countryside

9.5 The applicant has provided photographic evidence to show that the height of the wall is consistent with the original boundary. These photographs show a low rise timber fence with a highly vegetated verge including a number of trees around the site entrance, all of which have since been removed. Furthermore, they also demonstrate that this is not a like for like replacement. The original boundary was typical of a height, material and type sympathetic to its countryside setting.

9.6 I note the proximity of the site to Kingsborough Manor opposite, however, this not visible from this section of the road side and, based on different site constraints of both sites I do not consider the sites to be comparable in this instance. I do however note that Plough Road is in part a designated Rural Lane and that this designation begins only 21m east of the site boundary outside the neighbouring property. In my opinion the character of a rural lane is pertinent to this countryside setting and the introduction of a high redbrick wall with decorative columns appears is an incongruous and

unsympathetic addition to the detriment of the character and appearance of this countryside setting.

- 9.7 In matters relating to the visual impact, there is a sharp change in levels, with the road falling away steeply to the west. As a result the height at this south-western corner is 3.5m above road level. This has resulted in a vast, bulky and visually dominant structure particularly on the approach eastwards toward the designated Rural Lane. In my opinion, the cumulative impact of the boundary in terms of its height, excessive bulk, design and choice of materials results in an incongruous, overbearing and dominant addition which falls to sympathise with this natural setting to the detriment of the appearance of the streetscene and character and appearance of countryside.

Highways

- 9.8 Regarding matters relating to highways, during the course of the application concerns were raised in relation to the 2m encroachment on to the highway, realignment of the existing access and possible obscuring of views due to the built form of development.
- 9.9 The original access is shown with a wider entrance and with curved boundary lines, affording a softer approach and greater visibility onto the highway. This has been replaced with a narrower access which is bounded by a solid brick wall with a 90° angle at the point of access. Notwithstanding this, a Kent Highways Inspector has visited the site and is satisfied with the levels of visibility, and that the proposal does not result in harm to highway safety. As such, no objection is raised from a highway perspective, subject to the provision of conditions as set out below.

Other matters

- 9.10 Regarding the scale of development, there has been some speculation that the development has encroached onto the public highway and that the original verge has been lost. This is consistent with the view of Natural England given their intention to use this verge to create England Coastal Path (ECP). In this regard the existing plan does show the site of the new boundary 2m forward of the original boundary line. However, the applicant maintains that this area is within his ownership as outlined in red on the site location plan.
- 9.11 I note the comments of Natural England. However, the provision of the coastal path is a separate legal matter and not a matter to which I feel great weight should be given in the consideration of this scheme; especially as the final route is not yet determined and may in fact depend on the outcome of the application.

10. CONCLUSION

- 10.1 I conclude that the development causes significant harm to the character and appearance of the countryside and the visual amenities of the streetscene. I therefore recommend that planning permission is refused.

11. RECOMMENDATION - REFUSE for the following reason:

- (1) The boundary wall due to its height, bulk, design and materials amounts to unjustified and incongruous development within the countryside which falls to

harmonise with its countryside setting, harmful to the character and appearance of the streetscene, and intrinsic character and beauty of the surrounding countryside. The development 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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3.2 REFERENCE NO - 20/501605/FULL		
APPLICATION PROPOSAL Erection of a front facing dormer window.		
ADDRESS Kendor Lodge Chequers Road Minster-on-sea Sheerness Kent ME12 3QL		
RECOMMENDATION - Refuse		
SUMMARY OF REASONS FOR REFUSAL The development would amount to poor design, harmful to the character and appearance of the property.		
REASON FOR REFERRAL TO COMMITTEE Applicant is a Borough Councillor, Parish Council support		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Peter MacDonald AGENT LBF Design Services
DECISION DUE DATE 03/06/20	PUBLICITY EXPIRY DATE 30/04/20	

1. DESCRIPTION OF SITE

- 1.1 Kendor Lodge is a detached chalet bungalow located on a large plot within the built up area boundary of Minster. The property has a pitched roof with a projecting gable feature on the front elevation, as well as a small flat roof front facing dormer window. To the north west of the property is an attached double garage and bathroom extension, both of which sit in front of the original eaves line and have a flat roof. There is a flat roof conservatory at the rear of the dwelling.
- 1.2 The property is situated to the south of Chequers Road and is located on higher ground than the road and set well back from the road. Due to this change in land levels and substantial planting along the front boundary, views of the property from Chequers Road are limited. To the north, east and west are residential dwellings, whilst to the south is open countryside.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a front roof extension. The existing small dormer window will be removed, and the front first floor extension constructed in its place. This will be built above both the original front roof slope and over most of the single storey flat roofed front extension to the property. It will have a maximum width of approximately 7.5m. The extension will have a mono-pitch roof with a maximum height of 6.5m (the same height as the overall ridge height of the property) and will project a maximum of 5.5m from the front roof slope, bringing it out almost level with the original front gable ended wing of the property.
- 2.2 The extension will be clad with brown Cedral weatherboarding and will have a dark green steel sheet roof. The development will allow the creation of a larger study on the first floor.

- 2.3 A similar proposal was submitted under application 19/506303/FULL. This application was withdrawn due to concerns raised by the planning officer relating to the design of the extension. This application proposes a reduction in the scale of the development when compared to the scheme previously submitted.
- 2.4 The applicant has stated the existing flat roof on the extension to the front of the property currently suffers from persistent leaking, and the erection of the proposed front extension will reduce the amount of flat roof to the front making it more manageable.

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 CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017
- 4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders'

5. LOCAL REPRESENTATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Minster Parish Council supports the application.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 20/501605/FULL.

8. APPRAISAL

- 8.1 The site lies within the built up area boundary of Minster, where the principle of development is accepted. The main considerations in this case involve the impact on residential and visual amenities.
- 8.2 Whilst the proposal does have a mono-pitch roof, I believe the extension will have the appearance of a flat roof dormer window when viewed from the front of the dwelling. When considering the impact of the proposed extension upon visual amenity, I pay particular attention to paragraphs 5.4 and 5.5 of the Council's SPG entitled "Designing an Extension – A Guide for Householders". These state that dormer windows can have a serious impact on the street and should therefore be in proportion to the roof, usually being no deeper than half the depth of the roof slope and preferably with pitched roofs with tiles that match the main roof. The SPG contains an illustration of the sort of flat roofed box dormer design that should be avoided.

- 8.3 I have serious concerns about the proposed extension, which would cover a large area of the front roof slope. I believe the design of the roof of the extension leads to it appearing largely flat roofed, which is wholly unacceptable when taking into account the width of the extension. I take the view the proposal is completely contrary to the advice of the SPG. It would amount to an intrusive, bulky feature that would be significantly harmful to the character and appearance of the property. I also have concerns about the external materials to be used in the construction of the extension. The dark green metal roof and brown plastic cladding will not be appropriate materials in my view, as neither material is currently present on the property.
- 8.4 Whilst I appreciate that wider views of the front roof extension in the streetscene are limited due to the change in land levels and the extensive soft landscaping to the front of the property, I still consider the proposal to be unacceptable. In my opinion, this harmful impact identified above would amount to a reason for refusal.
- 8.5 The proposed extension will increase the bulk of the front roof, however I note the proposal will be located 5m from the western boundary of the site and roughly 12m from the nearest property to the west, Bramble Down. Taking into account the separation distance and the fact this neighbouring property is set much further back from the host property, I believe any overbearing or overshadowing impact to this property will be minimal. Due to the distance between the proposal and other neighbouring properties, I don't envisage there will be any unacceptable overshadowing impacts at any other property.
- 8.6 I also consider that any overlooking will be limited, as the additional windows in the extension will provide views similar to the existing windows in the front elevation. I therefore have no concerns from this regard.

9. CONCLUSION

- 9.1 To conclude, I consider that the scale, roof design, external materials and overall bulk of the proposed extension would constitute poor design that would be harmful to the character and appearance of the property. It is contrary to the advice given in the Council's SPG and would cause detrimental harm to the property. As such, I recommend that planning permission be refused.

10. RECOMMENDATION - REFUSE for the following reason:

- (1) The proposed front roof extension would, by reason of its bulk, scale, external materials and roof design, be a significant, obtrusive, poorly designed and prominent feature on the property in a manner harmful to its character and appearance. The proposal is therefore contrary to policies CP4, DM14 and DM16 of "Bearing Fruits 2031: The Swale Borough Local Plan 2017" and to the advice of the Council's adopted Supplementary Planning Guidance entitled "Designing an Extension – A Guide for Householders".

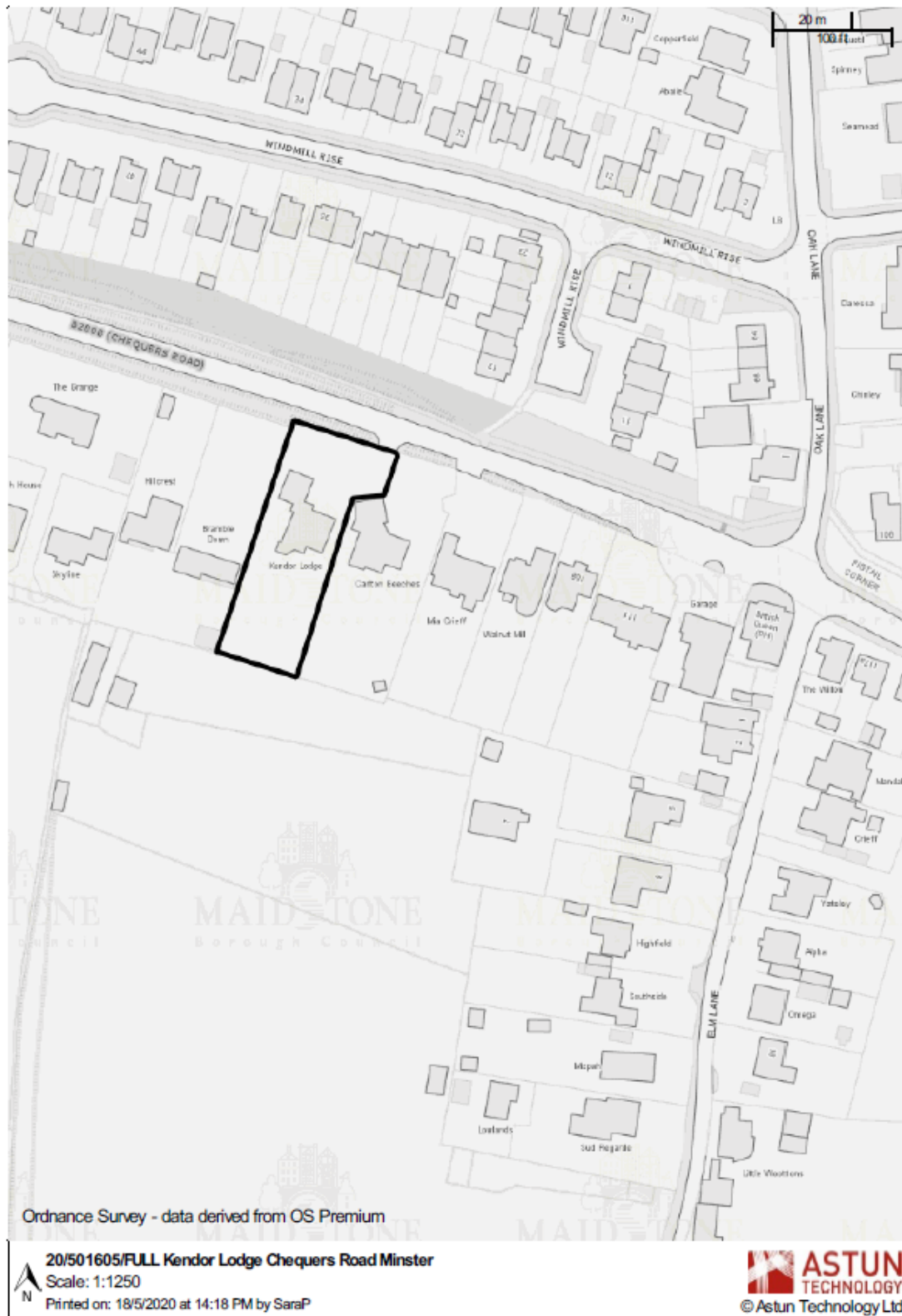
The Council's approach to the application

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.

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PLANNING COMMITTEE – 28 MAY 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 – My Retreat Norman Road Warden**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Support for the Council's refusal of planning permission for this residential caravan in the countryside, which the Inspector found would cause significant harm to the intrinsic value and setting of the countryside.

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Appeal Decision

Site visit made on 11 March 2020

by **Ian Harrison BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 April 2020

Appeal Ref: APP/V2255/W/19/3243925

My Retreat, Norman Road, Warden, Kent ME12 4EU

- 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 James Bird against the decision of Swale Borough Council.
 - The application Ref 19/504182/FULL, dated 30 August 2019, was refused by notice dated 11 November 2019.
 - The development is the use of land for the siting of 1no. static caravan for residential use.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description used in the heading above has been taken from the decision notice of the Council. The siting of two caravans at the site has already occurred, without planning permission, and the description of development used by the appellant within the application form and the appeal form reflects the existing situation. However, the main parties have confirmed that the development for which planning permission is sought is the siting of one caravan at the appeal site. As such, the description used in the heading above is the most accurate and I have assessed the proposal on that basis.
3. The Council's first reason for the refusal of the application indicated that the site was located within an Area of Outstanding Natural Beauty. However, it has subsequently been clarified that this is not the case.
4. The Council's second reason for the refusal of the application relates to the effect of the development on The Swale Special Protection Area and Ramsar Site. This matter only need be addressed if the appeal is likely to be allowed. As such, I will address it after I have considered all other matters.

Main Issue

5. The main issues are:
 - Whether the site is a suitable location for the development, having particular regard to the character and appearance of the site and the surrounding area and the accessibility of employment and services.
 - Whether other considerations, including housing delivery and the personal circumstances of the appellant, would outweigh any harm and indicate that planning permission should be granted.

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Reasons

Location of Development

6. The appeal site is located within a rural area that features sporadic housing and large fields that are enclosed by hedges and trees. The fields are the dominant feature of the locality and, along with the large residential plots that serve the dwellings within the area, they create a spacious and green environment that gives the area a rural character that reflects its countryside location. Holiday parks and large agricultural buildings exist within the wider area, but they are distant from the appeal site and viewed in a different context.
7. The appeal site is accessed from Norman Road and is enclosed by hedges and trees to the front. A belt of vegetation at one side of the site separates the plot from the dwelling of Barbara Crest and at the other side of the site is the property of Collin Ridge which has a fence at the side boundary. The site is open to the rear with largely open views towards the property of Fairlea. The site mostly consists of grassed land, with two caravans and a timber structure close to its frontage. Planning permission is sought for the siting of one of the caravans at the site and its use as the residence of the appellant.
8. Policy ST3 of The Swale Borough Local Plan¹ (SBLP) states that development in the open countryside will not be permitted unless it is supported by national planning policies and contributes to the protection or enhancement of the intrinsic value, landscape setting, tranquillity and beauty of the countryside. No case has been made by the appellant that the development accords with national planning policies or that the exceptions relating to affordable housing or rural worker dwellings, as set out within policies DM12 and DM9 of the SBLP, are applicable. Nor have I found any reason to believe that the appeal scheme would accord with those Policies. Therefore, from the information before me, the development clearly appears to be at odds with the spatial strategy set out within the SBLP.
9. The use of the site, without planning permission, for the siting of two caravans gives the clear impression that the site is used for residential purposes. Whilst the existing boundary fencing and vegetation partially restrict views into the site, the existing caravans can be seen from Norman Road and from surrounding land, thereby causing the residential use to be noticeable within the locality. No evidence has been provided to demonstrate that the land at the appeal site has previously been used for any other purpose and, as such, it appears that the siting of caravans at the site has caused the domestication of the plot and the erosion of the green and spacious character of the rural locality.
10. Although this appeal relates to the siting of a single caravan rather than two, a single caravan at the site would still be a noticeable feature in the rural setting and would cause the site to have a residential appearance. Whilst the visual effect of the use of land would be less than the existing situation, it would still not be mitigated by the vegetation at and around the site and would cause the domestication of the plot. Moreover, it is likely that the residential use of the site would lead to the presence and accumulation of associated domestic paraphernalia at the site and this would emphasise the visual effect of the development. Accordingly, the use of the site for the siting and occupation of a single caravan would represent an intrusion into the rural setting and would cause significant harm to the intrinsic value and tranquil setting of the countryside.

¹ Bearing Fruits 2031 - The Swale Borough Local Plan. Adopted July 2017.

Appeal Decision APP/V2255/W/19/3243925

11. Policy CP2 of the SBLP also requires development to be located in accordance with Policy ST3 in order to minimise the need to travel for employment and services and to facilitate the use of sustainable transport. In this regard, the site is remote from all settlements and there appears to be no public transport connections within close proximity. Furthermore, the location of the site and the absence of footpaths would be likely to discourage walking to any nearby settlements or facilities, particularly in times of bad weather and at night. Therefore, any occupiers of the site would be likely to be highly reliant upon private modes of transport to access places of employment and all facilities and services required for day-to-day living.
12. For these reasons, the site is not a suitable location for the development, having particular regard to the character and appearance of the site and the surrounding area and the accessibility of employment and services. The development, therefore, fails to accord with policies ST1, ST3, DM14 and CP2 of the SBLP which combine to create a spatial strategy for development in the interests of protecting the countryside, providing access to services and facilities and promoting sustainable transport. The development also fails to accord with paragraph 79 of the National Planning Policy Framework (The Framework), which states that the development of isolated homes in the countryside should be avoided.

Other Considerations

13. The evidence indicates that the Council cannot currently demonstrate a Framework compliant supply of housing land and therefore, in accordance with paragraph 11 of the Framework, the so-called tilted balance is engaged. In this regard, whilst the development represents a boost to the supply of housing, as it relates to a single caravan, the arising benefit would be modest.
14. The appellant's submissions set out the personal circumstances that led to the occupation of the caravans at the appeal site and that, had this not occurred, the appellant and his wife would have been homeless. In this context, I have had regard to the First Protocol to the European Convention of Human Rights as incorporated by the Human Rights Act 1998 and have identified that dismissing the appeal may lead to the removal of accommodation from the site. This would represent a form of interference with the rights of the appellant, particularly in relation to Article 8 of the First Protocol. However, such interference would be in accordance with the law and in pursuance of a well-established and legitimate aim, i.e. managing development in the interests of sustainability.
15. Whilst I acknowledge the circumstances of the appellant and his wife, no evidence has been provided to demonstrate that other forms of accommodation have been considered or that other housing options have been explored. Furthermore, no evidence has been provided that children reside at the site or that the occupiers have any specific needs which limit the type of accommodation that they could occupy. As such, it has not been demonstrated that other suitable accommodation would not be reasonably available. Conversely, I consider it to be in the public interest to avoid the harm that has been identified above and the associated conflict with national and local planning policies. As such, I find that dismissing the appeal would be a necessary and proportionate action.
16. Given that the appellant's submissions indicate that steps are being made to address the abovementioned personal circumstances and as it is necessary for any interference with human rights to be proportionate, I have had regard to the possibility of granting a temporary planning permission. However, I do not find that, even on a temporary basis, the personal circumstances of the appellant represent grounds to allow the conflict with the development plan or the harm caused by the development.

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Appeal Decision APP/V2255/W/19/3243925

17. For these reasons, whilst I have had regard to the personal circumstances of the appellant and the implications of dismissing the appeal, I find that the interference with the human rights of the appellant is a proportionate and necessary action and that the objective of managing development in the interests of sustainability could not be achieved through lesser forms of interference. In this respect, I acknowledge the appellant's comments in relation to the manner in which the Council reached its decision. However, as the implications of the Human Rights Act 1998 have been considered in reaching this appeal decision, I do not find that the approach taken by the Council is, in itself, a reason to allow the appeal.

Planning Balance

18. The siting of a caravan at the appeal site addresses the personal circumstances of the appellant and also represents a small boost to housing supply, the importance of which is highlighted by The Framework. However, the Framework also states that planning decisions should recognise the intrinsic character and beauty of the countryside, ensure that developments are sympathetic to local character and the landscape setting, promote sustainable transport and, other than in certain circumstances, avoid the development of isolated homes in the countryside. In this case, I find that the harm that has been identified in terms of the accessibility of the site and the visual effect of the development significantly and demonstrably outweigh the modest public benefits of the development.
19. As such, the conflict with the development plan that has been identified above is not outweighed by other considerations, including The Framework and its presumption in favour of sustainable development. Furthermore, I find that the interference with the human rights of the appellant that would arise from the dismissal of this appeal is lawful, necessary and proportionate.

Other Matter

20. The site is located within the identified 6km Zone of Influence of The Swale Special Protection Area and Ramsar Site, which are afforded protection by the Conservation of Habitats and Species Regulations 2017. The second reason for the refusal of the application related to the potential effect of the development on the protected areas as a result of increased recreational disturbance. Whilst the Council identified that a financial contribution towards off-site works of mitigation could address this matter, no steps were taken towards securing a planning obligation. This matter has not been addressed by the appellant and no mechanism is in place to secure any mitigation.
21. Given my findings in respect of the main issue and all other matters, there is no prospect of planning permission being granted and, as such, it is not necessary for me to ascertain the appropriateness of the scheme or the necessity for mitigation within an Appropriate Assessment. Consequently, as the appeal is to be dismissed for other reasons, I have not taken this matter further.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Ian Harrison

INSPECTOR

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