

AGENDA

EXTRAORDINARY PLANNING COMMITTEE MEETING

Date: Thursday, 3 October 2019

Time: 7.00pm

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

Membership:

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

Quorum = 6

RECORDING NOTICE

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Pages

1. Emergency Evacuation Procedure

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

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

The Chairman will inform the meeting that:

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

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

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

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

2. Apologies for Absence and Confirmation of Substitutes

3. 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. Report of the Head of Planning Services

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To consider the attached report (Part 2).

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 2 October 2019.

Issued on Tuesday, 24 September 2019

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

Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Extra-Ordinary
Planning Committee

3 OCTOBER 2019

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PART 2 Applications for which permission is recommended

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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PART 2

2.1 Pg 1 – 50	18/505151/REM	BAPCHILD	Land at Stones Farm, The Street
2.2 Pg 51 – 62	19/502967/NMAMD	BAPCHILD	Land at Stones Farm, The Street

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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 housing and countryside gap and (iv) layout, planting, biodiversity enhancement	Approved	22.12.2017

	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 personnel 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	
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,	Pending Consideration	

	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.		
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.
- 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.

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

- 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:

- 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 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.

- 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;

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:

- 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 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 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.

- 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.

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;

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 accordance with it in order to satisfy condition 7 as set out above. On this basis, I assess the reserved matters as follows.

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.

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.

- 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.'*
- 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.
- 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 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 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.
- 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.

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 – its 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 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.
- 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 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 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 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 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 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; 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; 180400-0051-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 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.

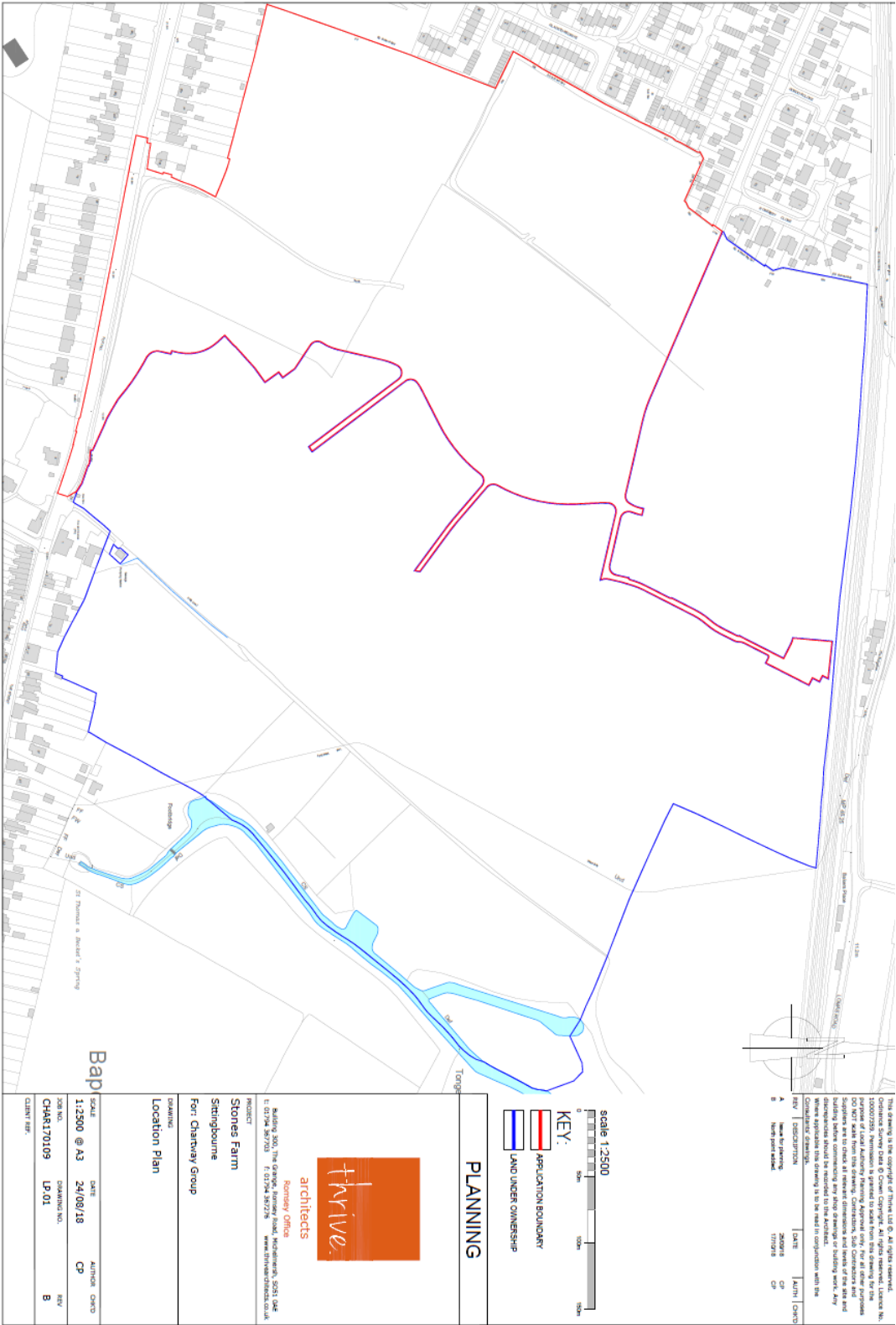
In this instance:

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

Extra-Ordinary Planning Committee Report – 3 October 2019

Item 2.1



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APPENDIX 1

The Manager
C/O Mr Paul Sharpe
24 Beech Lea
Blunsdon
Swindon
Wilts
SN26 7DE



22 December 2017

PLANNING DECISION NOTICE

APPLICANT:	The Manager
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	14/501588/OUT
PROPOSAL:	<p>Hybrid application (part outline, part approval of detail) consisting of:</p> <p>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).</p>
ADDRESS:	Land At Stones Farm The Street Bapchild Kent ME9 9AD

MKPS – Working in Partnership with: Swale Borough Council
Please Note: All planning related correspondence for SBC should be sent to:
 Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ
 Email: planningsupport@midkent.gov.uk
 Access planning services online at: www.swale.gov.uk or submit an application via
www.planningportal.gov.uk

APPENDIX 1

The Council hereby **GRANTS** OUTLINE planning permission subject to the following Condition(s):

- (1) Details relating to the appearance, landscaping, layout and scale (the reserved matters) of the proposed buildings within the approved housing area of the site shall be submitted to and approved by the Local Planning Authority in accordance with the approved indicative phasing plan 5257 / OPA / SK 007 Rev H before any development is commenced within that phase of development.

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

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

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

- (3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

- (4) The areas shown for development as a countryside gap, landscape buffer and detention basin on the approved drawings as listed in condition (5) below, and all landscape planting so shown, shall be implemented in conjunction and in parallel with the construction of the first phase of housing development and shall be in place and ready for their intended purpose before occupation of the 200th dwelling on the site. These areas shall thereafter be reserved as public open space and no permanent development whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities and wildlife interests of the area.

- (5) The landscape buffer, design of detention basin, layout of the countryside gap, landscape planting and access arrangements for the site shall be carried out in accordance with the following approved drawings:

D119/40 Rev F, D119/45 Rev A, D119/47 Rev C, D119/52, D119/53, 1930_DR_100 Rev B, 1930_DR_007 Rev J, 1930_DR_011 Rev H, 1930_DR_012 Rev H, 1930_DR_013 Rev H, 1930_DR_014 Rev H, 1930_DR_015 Rev H, 1930_DR_016 Rev H, 1930_DR_017 Rev H, and 1930_DR_018 Rev H,

APPENDIX 1

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

- (6) The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secured by Design'. The development shall be implemented in accordance with the approved details.

Reason: In the interests of public amenity and safety.

- (7) 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) The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

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

- (9) Prior to the commencement of the development 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 commence.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record; and to ensure that these details are approved before works commence.

- (11) No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and, if retained, the protection of the badger sett within the site has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works, demonstrating that the mitigation hierarchy has been followed;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed, reptile and badger surveys carried out in accordance with good practice guidelines;
 - c) Extent and location of proposed works (including identification of receptor sites) shown on appropriate scale maps and plans;
 - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
 - e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In the interests of conserving protected species; and to ensure that these details are approved before works commence.

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

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works commence.

- (13) The details submitted pursuant to condition (1) shall include infrastructure - including ducting - to provide each dwelling with a broadband connection. The development shall then be implemented in accordance with the approved details.

Reason: In the interests of ensuring that each dwelling benefits from a broadband network connection.

APPENDIX 1

- (14) Adequate underground ducts shall be installed before any of the buildings hereby permitted are occupied to enable telephone services and electrical services to be connected to any premises within the application site without resource to the erection of distribution poles and overhead lines, and notwithstanding the provisions of Article 3 of The Town and Country Planning (General Permitted Development) (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 the amenities of the area.

- (15) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To protect groundwater; and to ensure that these details are approved before works commence.

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

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

- (17) Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect groundwater quality.

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

Reason: To protect groundwater quality.

APPENDIX 1

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

Reason: In the interests of residential amenity; and to ensure that these details are approved before works commence.

- (20) As an initial operation on site, adequate precautions shall be taken during the progress of the works to prevent the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the development.

Reason: In the interests of amenity and road safety.

- (21) Prior to the works in any phase of the development commencing on site, details of parking for site personnel / operatives / visitors for that phase of the development shall be submitted to and approved by the Local Planning Authority. Such off-street facilities shall first be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the relevant phase of the development. No construction traffic shall park on the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any housing after the landscape buffer/countryside gap/detention basin area have been laid out and landscaped.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents; and to ensure that these details are approved before works commence.

- (22) During construction provision shall be made on the site to accommodate operatives' and construction vehicles loading, off-loading or turning on the site within the area intended for house building. No construction traffic shall use the area intended as the landscape buffer, countryside gap or detention basin for operations supporting the construction of any housing after the landscape buffer/countryside gap/detention basin area have been laid out and landscaped.

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

- (23) The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

APPENDIX 1

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

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

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

- (25) 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.

- (26) Before the first occupation of any dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
- (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) Highway drainage, including off-site works,
 - (2) Junction visibility splays,
 - (3) Street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (27) No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Reason: In the interests of biodiversity.

- (28) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:-
Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

APPENDIX 1

- (29) No works or ancillary operations 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. Deliveries to the site and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.

Reason: In the interests of residential amenity.

- (30) Upon completion of the approved landscaping planting, 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.

- (31) Prior to the first occupation of the first dwelling on the development alterations to the traffic signal detector loops at the Swanstree Avenue junction, generally as shown on drawing D119/53 shall be installed and completed.

Reason: In the interests of highway safety and convenience

Informative(s):

- (1) Please note that there is an Agreement under Section 106 of the Town and Country Planning Act 1990 relating to this development.

Please note you must comply with all the conditions attached to this permission. Otherwise the permission may not be valid and any development may be unauthorised.

The Council's approach to this application:

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

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance the application was considered to be fundamentally acceptable and in accordance with the provisions of the Development Plan and the NPPF, and a Section 106 Agreement was intended to provide safeguards not possible under planning conditions.

APPENDIX 1

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



James Freeman
Head of Planning Services
Swale Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

APPENDIX 1**NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS**

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. Please see "Development Type" on page 1 of the decision notice to identify which type of appeal is relevant.

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks in the case of a householder or minor commercial application decision]** of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

APPENDIX 2



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.

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 and 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

4. Meeting local housing requirements

ITEM	COMMENT	(SBC use) ✓/✗
4a What types of homes, tenure and price range are needed in the area (for	The application provides a range of dwellings and tenure types of which there is clear identified need.	✓

APPENDIX 2

example, starter homes, family homes or homes for those downsizing)?		
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.	✓
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.	✓

APPENDIX 2**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) ✓/✗
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	There is a range of play facilities provided.	✓

APPENDIX 2

developer contribute towards an existing facility in the area that could be made better?		
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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2.2 REFERENCE NO - 19/502967/NMAMD		
APPLICATION PROPOSAL Non Material Amendment Being Alterations to Wording of Planning Conditions 9 and 12, Please See Covering Letter for Wording, Subject to 14/501588/OUT		
ADDRESS Land At Stones Farm The Street Bapchild Kent ME9 9AD		
RECOMMENDATION Approve		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed amendment to the wording of the conditions would still require adequate details to be submitted and approved by the Local Planning Authority prior to commencement of the elements of the scheme to which the conditions relate.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD West Downs	PARISH COUNCIL Bapchild	APPLICANT C/O Agent AGENT Miss Rosie Cavalier
DECISION DUE DATE 11/07/19	PUBLICITY EXPIRY DATE 31/07/19	

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

18/505151/REM

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

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

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 (Swanstree 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

1. DESCRIPTION OF SITE

- 1.1 The site extends to 33.4ha and lies immediately adjacent to the existing built up edge on the eastern side of Sittingbourne. 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, the railway line north and and Tonge conservation area to the east.
- 1.2 In terms of land levels, in broad terms the site slopes downwards from west to east, 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.
- 1.3 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. The site is crossed by two public footpaths and is easily visible from the A2 except where houses front the A2 along the western part of the site frontage. Housing opposite offers a good view across the site because it is largely set at an elevated position along the southern side of Fox Hill.
- 1.4 The site is crossed by two public footpaths, ZR191 in the eastern part of the site and ZR205 in the western part of the site.

2. PROPOSAL

- 2.1 This application seeks confirmation as to whether the following amendments to planning permission 14/501588/OUT can be considered as non-material:

- Revision to the wording of condition 9 and 12 to allow for those matters which already have detailed consent to commence prior to the details in respect of these conditions being submitted to and approved by the Local Planning Authority.

- 2.2 Condition 9 currently reads as follows:

"Prior to the commencement of the development 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 commence.”

- 2.3 The application proposes to change the wording of condition 9 to the following (I have emboldened the text that is proposed to be altered for ease of reference):

“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 commence.”

- 2.4 Condition 12 currently reads as follows:

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

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works commence.

- 2.5 The application proposes to change the wording of condition 12 to the following (again, I have emboldened the text that is proposed to be altered for ease of reference):

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

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works commence.

3. CONSULTATIONS

- 3.01 **Bapchild Parish Council** object to the application and comment *“We would also point out the client has applied to change the clause relating to disposal of foul water. This must be resisted because as shown in the attached letter from Southern Water the protection of the drinking water aquifer and disposal of effluent needs to be fully understood.”*

3.02 **Southern Water** have stated that they *“have no objection to the Non Material Amendment submitted by the applicant. The comments in our response dated 26/08/2014 remain valid.”* [For clarity the letter from Southern Water is provided at Appendix 1]

3.03 The Council’s **Climate Change Officer** comments as follows: *“I am ok with this. It isn’t a change to the actual condition, just a change in the sequencing. The conditions don’t need to be achieved ahead of the infrastructure works.”*

4. BACKGROUND PAPERS AND PLANS

4.1 The agent has submitted a covering letter setting out that Section 96A of the Town and Country Planning Act 1990 allows the removal, alteration or imposition of conditions if the Local Planning Authority is satisfied that the change is non material. The covering letter goes on to set out that as the works to the elements of the scheme that have detailed consent do not entail any works to the foul water network (condition 9) and are not relevant to the sustainable construction techniques (condition 12) then it follows that altering the timings as to when the details are required to be submitted and approved is non material.

5. APPRAISAL

5.1 As referred to in the agent’s covering letter and subsequently in paragraph 4.1 above, I firstly refer Members to Section 96A of the Town and Country Planning Act 1990 which states the following:

(1) *“A local planning authority in England may make a change to any planning permission relating to land in their area if they are satisfied that the change is not material.*

(2) *In deciding whether a change is material, a local planning authority must have regard to the effect of the change, together with any previous changes made under this section, on the planning permission as originally granted.*

(3) *The power conferred by subsection (1) includes power—*

(a) *to impose new conditions;*

(b) *to remove or alter existing conditions.*” [my emphasis]

5.2 As a result of the above, it is clear from the wording of the relevant section of the Act that it is possible to alter existing conditions by virtue of a non material amendment application.

5.3 As to the question of whether the amendment sought is non-material, I refer to the Planning Practice Guidance which states that *“There is no statutory definition of ‘non-material’. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.”*

5.4 I believe it is important to note that the planning permission granted under 14/501588/OUT, under which condition 9 and 12 were imposed, gave detailed consent to (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 and outline consent for the dwellings and retail units / community facilities.

- 5.5 In this case, it must be assessed as to whether altering the conditions, in effect to allow for development to commence on those details listed above which have detailed consent, prior to approving the details of foul water disposal and sustainable construction techniques would have a material impact. In relation to this, I firstly take into consideration that the conditions would be solely related to the elements of the scheme which benefit from outline consent. As such, allowing development to commence on those elements of the scheme which have detailed consent would have no bearing on the details required by these conditions.
- 5.6 Further to the above, any application to discharge these conditions would require the views of Southern Water and the Council's Climate Change Officer. As a result of this I have considered it sensible to obtain their views on this amendment. As Members can see from the consultations section above, neither consultee is raising an objection. In my view, the Climate Change Officer's comments summarise the situation quite succinctly insofar as this is not changing the requirements of the conditions or the need to satisfy them, it is simply changing the timings of when this needs to be done by.
- 5.7 I do note the comments of the Parish Council and firstly comment that protection of the aquifer would largely be a matter for the Environment Agency rather than Southern Water. However, along with the Parish Council I also consider that details relating to foul water are of fundamental importance. However, this application does not alter the requirement for details to be submitted and approved by the Local Planning Authority in relation to this matter. As set out above, this application is seeking to allow development to commence upon those matters which do not require disposal of foul water or sustainable construction techniques. However, these details will still need to be submitted and considered acceptable before works on those matters to which these conditions relate (namely the housing and retail / community facilities) can begin. On this basis I also recommend that words clarifying this are added into the reasons for the condition.

6. CONCLUSION

- 6.1 The proposed alteration to the wording of these conditions will still require satisfactory details to be submitted in respect of disposal of foul water and sustainable construction techniques, ahead of those elements of the scheme to which these details will relate. As such, the amendment is simply altering the timing of when these details will be required. Therefore, on this basis, and taking into account the comments of Southern Water and the Council's Climate Change Officer I believe that the alteration would have no material bearing on the scheme in respect of either the disposal of foul water or sustainable construction techniques. As a result I am of the opinion that the amended wording of conditions 9 and 12 as proposed above would constitute a non material amendment. I therefore recommend approval of the application.

7. RECOMMENDATION

Under the provisions of Sec. 96A of the Town and Country Planning Act 1990, it is considered that amending the wording of condition 9 and 12 imposed on planning permission 14/501588/OUT constitutes a non material amendment to planning permission 14/501588/OUT. The amended conditions read 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.

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

Reason: In the interest of promoting energy efficiency and sustainable development; and to ensure that these details are approved before works on the relevant part of the scheme commence.

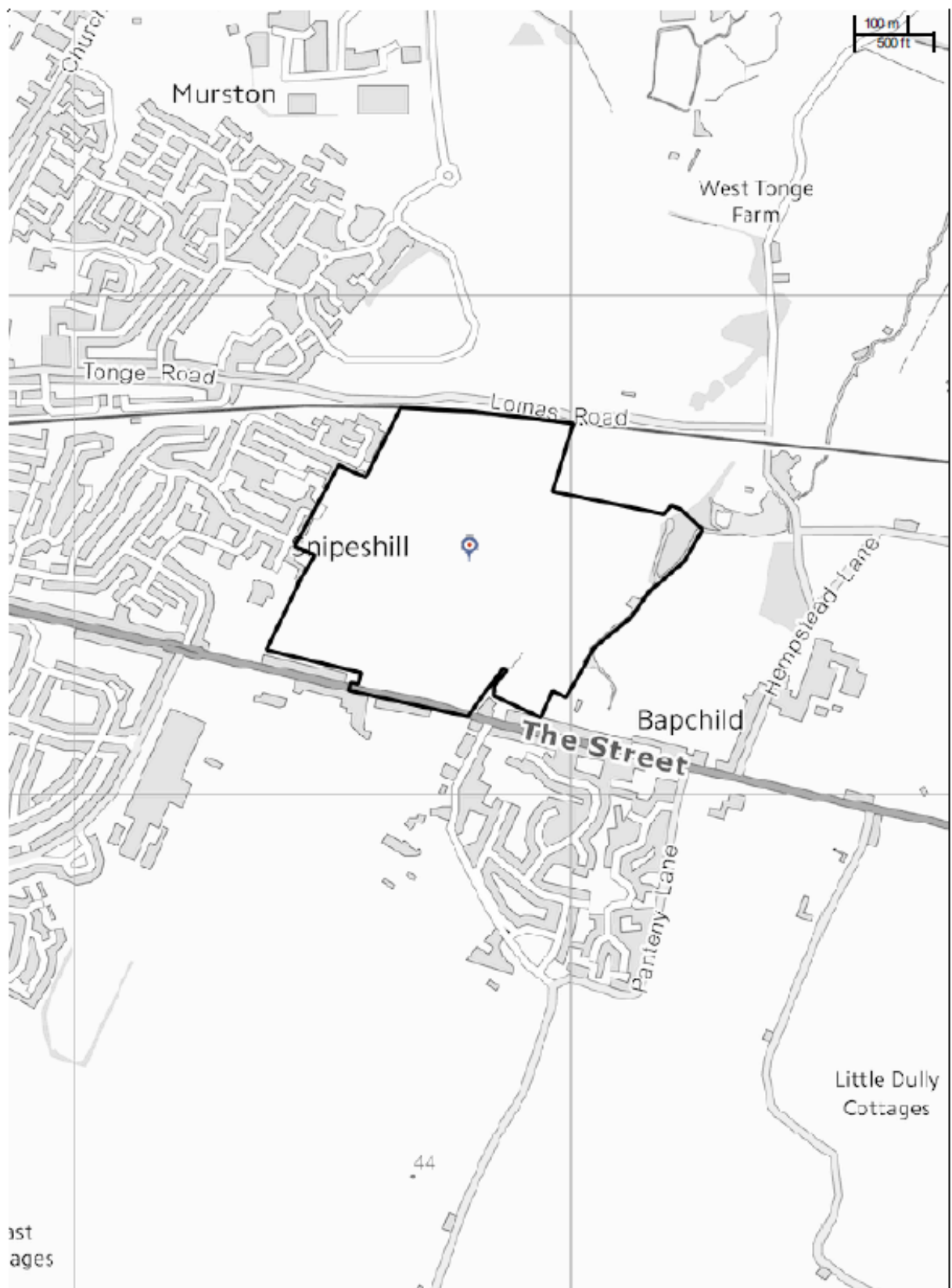
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

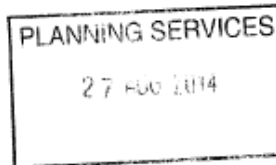


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APPENDIX 1



Planning Administration Manager
Swale Borough Council
Swale House
East Street
Sittingbourne
Kent
ME10 3HT



Developer Services
Southern Water
Sparrowgrove House
Sparrowgrove
Otterbourne
Hampshire
SO21 2SW

Tel: 0330 303 0119

Email: developerservices@southernwater.co.uk

Your Ref
14/501588/OUT

Our Ref
PLAN-007033
Date

26/08/2014

Dear Sir

Proposal: 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 650m2 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. Site: Land At Stones Farm, The Street, Bapchild, Kent, ME9 9AD. 14/501588/OUT

Thank you for your letter of 31/07/2014.

Please find attached a plan of the Southern Water records showing the approximate position of public water trunk main, foul rising main and foul sewer within the site. The exact position of the public water trunk main, foul rising main and foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised.

Please note:

- No new soakaways should be located within 5 metres of a water trunk main and foul rising main and foul sewer.
- No development or new tree planting should be located within 6 metres either side of the centreline of the water trunk main.
- No development or new tree planting should be located within 3 metres either side of the centreline of the foul rising main and foul sewer.
- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works

Southern Water Sparrowgrove House Otterbourne Winchester Hampshire SO21 2SW www.southernwater.co.uk

Southern Water Services Ltd Registered Office: Southern House Yeoman Road Worthing BN13 3NX Registered in England No. 2366670

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Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk."

In order to protect drainage and water apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example "The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers and water mains, prior to the commencement of the development."

Following initial investigations, there is currently inadequate capacity in the local network to provide foul water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.

Should this application receive planning approval, please include, as an informative to the permission, the following requirement:

"The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

Our initial investigations indicate that Southern Water can provide surface water disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The planning application form makes reference to drainage using Sustainable Urban Drainage Systems (SUDS).

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Under current legislation and guidance SUDS rely upon facilities which are not adoptable by sewerage undertakers. Therefore, the applicant will need to ensure that arrangements exist for the long term maintenance of the SUDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SUDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SUDS scheme
- Specify a timetable for implementation
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The application details for this development indicate that the proposed means of surface water drainage for the site is via a watercourse. The Council's technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.

We request that should this application receive planning approval, the following condition is attached to the consent: "Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water."

Following initial investigations, there is currently inadequate capacity in the local network to provide a water supply to service the proposed development. Additional off-site mains, or improvements to existing mains, will be required to provide sufficient capacity to service the development. Section 41 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to supply a specific site. We request that should this application receive planning approval, the following informative is attached to the consent:

"A formal application to requisition water infrastructure is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

The proposed development would lie within a Source Protection Zone around one of Southern Water's public water supply sources as defined under the Environment Agency's Groundwater Protection Policy. Southern Water will rely on your consultations with the Environment Agency to ensure the protection of the public water supply source.

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