

AGENDA

EXTRAORDINARY PLANNING COMMITTEE MEETING

Date: Monday, 27 January 2020

Time: 7.00pm

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

Membership:

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

Quorum = 6

RECORDING NOTICE

Please note: this meeting may be recorded.

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

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

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

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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. Deferred Item

1 - 50

To consider the following application:

18/506417/FULL, Land at Southsea Avenue, Minster.

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

Requests to speak on this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Friday 24 January 2020.

5. Report of the Head of Planning Services

51 - 108

To consider the attached report (Parts 2 and 4).

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 Friday 24 January 2020.

Issued on Friday, 3 January 2020

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

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

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PLANNING COMMITTEE – 27 JANUARY 2020**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/506417/FULL		
APPLICATION PROPOSAL Residential development consisting of 72no. 3 and 4 bedroom dwellings with associated garaging, parking and infrastructure.		
ADDRESS Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea Kent ME12 2NF		
RECOMMENDATION Grant subject to conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application site is located within the existing built up area boundary where the principle of development is accepted. The Council is unable to demonstrate a 5 year supply of housing land and as such the proposal would contribute towards addressing this shortfall in a sustainable location. I am of the view that the layout and design has been well considered and any harm to biodiversity is able to be minimised by conditions that have been recommended. I have not identified any unacceptable harm in respect of highway matters and matters such as drainage have been acceptably dealt with.		
REASON FOR REFERRAL TO COMMITTEE This application was deferred by the Planning Committee on 10 th October 2019.		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Malro Home Ltd AGENT Kent Design Partnership
DECISION DUE DATE 18/03/19		PUBLICITY EXPIRY DATE 18/11/19

1. BACKGROUND

- 1.1 This application was reported to the Planning Committee on 10th October 2019. A copy of the report is attached as Appendix A. The Planning Committee deferred the application for the following reason:

“That application 18/506417/FULL be deferred so that officers discuss with the developer potential amendments to the storey heights and how they related to surrounding dwellings, including the possibility of bungalows replacing some of the proposed houses, a crossing point to be provided to allow easier access to open space and to explore whether open space could be provided within the development site.”

- 1.2 A copy of the minutes of the committee meeting is attached as Appendix B.
- 1.3 The applicant and agent have subsequently met with my Officers. Further to this meeting revisions to the scheme along with further information has been provided as follows:
- The units on plots 4-7 and 72 have been replaced with chalet bungalows;
 - Removal of Juliet balconies and replacement with high level windows on plots 28, 31, 32, 37, 40, 41, 42, 43, 51, 58, 59, 60, 69 and 70;
 - Removal of double height windows serving habitable rooms and replacement with conventional windows at first floor level and roof light in the roofslope on plots 3, 14, 15, 27, 29, 30, 39, 52, 53, 54, 55, 56, 57, 71.
 - Details of site contours, site section drawings and drawing showing separation distances between existing and proposed dwellings;
 - A commitment to contribute to off site highway works to allow for a safe pedestrian crossing to open space.

2. FURTHER REPRESENTATIONS

- 2.1 Due to the amendments to the scheme I have re-consulted with neighbouring occupiers. I have received responses from 27 addresses. The majority of the points raised have already been included in the original committee report (appended to this report) and in the interests of clarity I have not repeated these. The following are the summarised concerns which raise fresh issues:
- The proposed amendments are not adequate to reduce the harm to residential and visual amenity that would be called;
 - Lack of information on the amended drawings;
 - A proposed garage will be required to adjoin an existing garage;
 - The dwellings are not being built for local people;
 - The density of the development is too high;
 - The proposed alleyway will give rise to an increased possibility of crime;
 - A larger number of the dwellings should be amended to chalet bungalows;
 - Is the land being sold by the Council for the optimum value possible?
 - The site should be sold off plot by plot;
 - Has the land been put out to tender?;
 - The retained areas of vegetation should be extended with pedestrian / cycle routes;
 - Previous applications to construct dwellings in the surrounding area have been refused;

- Boundary treatment should be increased in height to prevent overlooking;
- No amendments have been made to the proposed dwellings;
- The NHS estimate of the number of future occupants is inaccurate;
- Vegetation has already been removed;
- Verbal abuse and threats have been made to a local resident by development representatives;
- The development is contrary to paragraphs 127, 128 and 130 of the NPPF in respect of it's design, layout and relationship with the surrounding built environment; and lack of consultation with local residents in formulating the proposals;
- There are no shopping facilities close to the application site / there should be a shop located on the site;
- The Council should pay towards the cost of additional infrastructure rather than the developer;
- There should be a roundabout at the junction of Augustine Road and The Broadway to decrease traffic speeds;
- Bollards should be placed in Scarborough Drive; Augustine Road and Sexburga Drive to prevent them from becoming through roads;
- Would like reassurances that rights of access to an existing garage and parking spaces along Augustine Road will be retained.

3. APPRAISAL

- 3.1 This section deals specifically with the queries raised by the Planning Committee in deferring the application at the 10th October 2019 meeting.

Storey Heights

- 3.2 As set out in paragraph 1.3 above, the house types on plots 4-7 and 72 have been amended from the original submission. The application now includes chalet bungalows to replace the 2 ½ storey dwellings originally proposed on these plots. The result of this is that on plot 4, the ridge height has been reduced by approximately 1.2m and the eaves height reduced by approximately 1m. On plots 5,6 and 7, the ridge height has been reduced by approximately 1.4m and the eaves height, again, has been reduced by approximately 1m. In addition to this reduction, the gables of these properties have been turned 90 degrees which I consider to quite significantly reduce the bulk of these dwellings.
- 3.3 In respect of plot 72, the ridge height has been reduced by approximately 1m, whilst the eaves have been reduced by approximately 2m. Although I previously considered this impact not to be unacceptably harmful, it follows that any the impact upon the adjacent property (an existing bungalow) has been reduced by this amendment. Due to the mix in existing built form in the surrounding area I consider that a chalet

bungalow being located adjacent to a bungalow is acceptable and would not give rise to any unacceptable harm to residential or visual amenities.

- 3.4 The agent has also provided drawings demonstrating the separation distances between the existing and proposed properties, the site topography and site section drawings. In terms of plots 4,5,6 and 7 and their relationship with existing dwellings, I note that the very closest point is between the proposed dwelling on plot 5 and the existing property known as 'Meadowbank', located on The Broadway. This rear to rear separation distance is 22.5m, although the properties are set at an angle. In the cases of plots 4-7, and their relationship with the closest dwellings on The Broadway, the submitted details show that in the worst case scenario, the difference in floor levels is 2.8m (the site slopes down towards The Broadway). As set out in the previous report, as the Council's minimum rear to rear separation distance is 21m I was of the view that this relationship was acceptable. As a result, I believe that due to the reduction in height of these properties that any impact would be further reduced. As such, for these reasons I consider the impact upon these closest properties not to be unacceptably harmful.
- 3.5 In addition to the above, revisions have also been made to a number of the proposed dwellings as also set out in paragraph 1.3 above. This has removed a number of double height windows and Juliet balconies from the plots listed. In my opinion this has further reduced opportunities for overlooking of existing surrounding residential properties. As set out in the original committee report, the separation distances are in a large number of cases, comfortably in excess of the Council's accepted minimum. It is also important to note that there are retained areas of vegetation which further disrupt views. For these reasons I believe that the amendments are appropriate and am of the view that the proposal does not give rise to unacceptable harm in respect of overlooking or a loss of privacy.
- 3.6 In terms of the visual impact, the proposed chalet bungalows are simply designed with pitched roofs. As stated in the original report, the style of properties in the surrounding area is varied and as such, adding this additional dwelling type into the development is in my opinion acceptable. The finishing materials will be controlled by the related condition which I have recommended.
- 3.7 I do note that neighbouring occupiers remain of the opinion that the proposal would give rise to unacceptable harm to both visual and residential amenity. However, I, for the reasons as set out in the original report, and above, do not share this view. I am of the opinion that the development has been coherently considered and believe that the amendments are acceptable and will further reduce the impact.

A crossing point for access to open space

- 3.8 As per the committee resolution, my Officers have explored the opportunity for providing a crossing point to allow for easier access to nearby open space. As set out in the original committee report, the Council requested, and the developer agreed to provide a contribution to the Council maintained open space known as The Glen. Therefore, Officers have explored the possibility of introducing a pedestrian crossing point on Wards Hill Road in the vicinity of this facility.

3.9 During discussions, the applicant made a commitment to meet the reasonable costs of providing this potential crossing and since the meeting I have received written correspondence to the same effect. As a result of this discussions took place between Officers and KCC Highways & Transportation to explore this possibility.

3.10 The first option explored was to provide a zebra crossing on Wards Hill Road. In respect of this issue, KCC Highways & Transportation have commented as follows:

“A zebra crossing would only be recommended where either vehicle or pedestrian flows are high, and pedestrians would otherwise have difficulty crossing the road. Wards Hill Road in the vicinity of Whybornes Chase is not particularly busy enough to meet the criteria for such a provision, and pedestrians do not appear to struggle to cross the road, as the road is not particularly wide, and the traffic is light and slow enough that there are generally plenty of gaps between vehicles to provide ample crossing opportunities.

The Highway Authority would only consider introducing a formal crossing facility where there was a proven demand with sufficiently high volumes of traffic, or a crash record identifying an existing safety issue that could be addressed. Statistically, introducing a feature such as this is likely to attract personal injury crashes over time, so it is not considered appropriate to construct these features where there is no apparent history of crashes.”

3.11 Further to the above, Officers also explored whether there was the opportunity to install an alternative facility, such a build out in the highway which would naturally direct pedestrians to cross at a certain point. In respect of these discussions KCC Highways & Transportation have commented as follows:

“Similarly, if build-outs or other obstructions to traffic were introduced on Wards Hill Road to assist pedestrian movement, this would equally be expected to generate crashes over time and the same justification for not providing them would apply.”

3.12 As a result, although the applicant's commitment is to be acknowledged, it is clear from the above that the technical advice considers that a formal crossing point would result in a reduction in highway safety. I am also very mindful of paragraph 56 of the NPPF which states that, amongst other matters, planning obligations should only be sought where they are ‘*necessary to make the development acceptable in planning terms*’. On the basis of the advice received, I am of the view that the development would be acceptable without this crossing point.

Whether open space could be provided within the development site

3.13 During the meeting between Officers and the applicant / agent, the matter of providing open space on the site was discussed. It was agreed that Officers would liaise with the Council's Greenspaces Manager as to whether this was a feasible option to take forward. In respect of this the comments of the Greenspaces Manager are as follows:

3.14 *“Given the development's location close to Minster Leas, The Glen and Scrapsgate Field, a reasonable plot size and areas of retained biodiversity value, we do not feel that additional open space within the development is necessary. With the development*

being essentially infill there is little opportunity for a focal point and small pockets of open space lend little biodiversity value and require on-going maintenance.”

- 3.15 In respect of the above comments, I am of the view that it is important to consider that this scheme is essentially, as set out in the original committee report, a large infill scheme. It is entirely surrounded by existing residential properties with an existing network of highways running through the site. The development is in the most part proposed to be constructed along these existing highways and as a result there is no logical place to introduce a meaningful area of open space.
- 3.16 It is also important to consider the retained corridors of vegetation, for which their primary purpose will be to provide opportunities for biodiversity. KCC Ecology are of the view that for these corridors to operate effectively that they receive minimal management in the long term. As such, this further eats into the available area on site. In addition, the properties all have private amenity space which in the case of many of the plots is generous in size. Therefore, I am of the view that future occupants of the units will have opportunities to access a good provision of private amenity space, in addition to the areas of public open space within the vicinity of the site.
- 3.17 As a result of the above I am of the view that the development is acceptable without the introduction of additional open space upon the site.

Other Matters

- 3.18 The public consultation exercise carried out as a result of the amended drawings and additional information received has generated a sizable response. A large number of the comments received repeated concerns which were set out and considered within the original committee report and for clarity have not been reproduced in this supplementary report.
- 3.19 Of those fresh issues which were raised, and which have not been considered by virtue of the discussion above, I comment as follows. In respect of the future occupants of the dwellings, comments regarding the value of the land, comments that may have been made by individuals, built form adjoining existing structures and rights of access, Members will be aware that these are not material planning considerations. As a result I am unable to comment further in respect of these, other than to say that they should have no bearing on the way in which this application is considered.
- 3.20 In terms of the alleyway, this provides access to the rear garden of a proposed property, I consider this to be a fairly typical arrangement and was included on the drawings previously. Kent Police were consulted and did not raise an objection, although requested a condition requiring details to be submitted which demonstrated how the development meets ‘Secure by Design’ principles. I have recommended this condition and as such consider that this deals with this matter appropriately. In respect of the comment regarding additional pedestrian and cycle routes through areas of vegetation, this would have the impact of requiring removal of this vegetation, this would, based upon the comments of KCC Ecology, have the impact of reducing the biodiversity benefits that these areas provide.

- 3.21 I note the comment that other residential schemes have been refused, however, it is also relevant to point out that an application on the site for one dwelling was approved under 16/508687/FULL. In any case, each application should be judged on its merits and I am of the view that this application is compliant with local and national planning policies. I was previously made aware of the potential that vegetation had already been removed, however, after further investigation it was clarified that this was not taking place within the boundary of the application site.
- 3.22 Comments have also been received regarding the requirement for a roundabout. In respect of this I refer back to the responses from KCC Highways & Transportation as set out in the original report where the need for this has not been raised. Finally, in respect of bollards being required to prevent the roads becoming through roads, it is considered a benefit of the scheme that the roads would be made up to adoptable standards and therefore providing better connections to the existing surrounding highway network. I also note that KCC Highways & Transportation do not require the provision of the suggested bollards.

Climate and Biodiversity Emergency

- 3.23 In June 2019 the Council passed a motion declaring a Climate and Biodiversity Emergency. As part of this motion, the Council resolved, amongst other matters *“To undertake actions including, but not be limited to, spatial and transport planning to make fewer journeys necessary, improvement to the energy efficiency of new and existing housing and buildings, improved public transport especially in rural areas; encouraging active transport, developing the infrastructure for EVs; deploying renewable energy at every opportunity, while continuing to safeguard our wild places, ancient woodlands and hedgerows.”*
- 3.24 The Council has, subsequent to the motion being passed, written to Central Government, seeking support for the resolution. A response has been received, which, amongst other points, states the following:
- 3.25 *“In determining both applications and any subsequent appeals the passing of a climate emergency motion would be a material consideration. However, as set out at paragraph 2 of the National Planning Policy Framework, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The same applies to appeals decided by the Planning Inspectorate. Therefore, in decision making it is the development plan that has primacy rather than any material consideration.”*
- 3.26 As a result of the above, it is acknowledged that the declaration is a material consideration. In terms of this I am, as set out in the original report, of the view that the site lies in a sustainable location due to its setting within the built up area boundary, and the services and facilities which are within a reasonable distance of the site. In addition to this, it is important to note in this case the applicant is a local developer and employs a local workforce. It is also important to point out the recommended conditions relating to sustainable construction techniques (condition 4), electric vehicle charging points (condition 25) and biodiversity (conditions 7-10).

- 3.27 Furthermore, the adopted Local Plan remains the key consideration which very significant weight should be given to. In this respect, I am of the view that the proposal satisfies the requirements of the Local Plan, including matters of climate change and biodiversity.

4. CONCLUSION

- 4.1 I am of the view that the amendments and additional information that have been submitted are a rational response to the committee resolution as set out above. Although I considered previously that the impact of the dwellings would be acceptable, I am of the view that any impact would now be further reduced by the amendments to the dwelling types as discussed and also the alterations made to a large number of the remaining plots. I consider that the proposal has been coherently designed and responds to what is recognised as being a challenging site.
- 4.2 In terms of potential off site highway works, based upon the technical advice received it is not considered appropriate in these circumstances and as such for the reasons set out above I believe that the development remains acceptable without this. In addition, upon further liaison with the Council's Greenspaces Manager, for the reasons as set out above the introduction of on site open space is not considered necessary to make the development acceptable.
- 4.3 Due to the above considerations, I am of the view that the application is acceptable and would contribute towards an identified housing need in a location where the principle of development is accepted. For these reasons I recommend that subject to the conditions listed below and the signing of an appropriately worded Section 106 Agreement which secures the contributions as set out in the original report, planning permission is granted.

5. RECOMMENDATION

GRANT Subject to the following conditions and the signing of a suitably worded Section 106 Agreement:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 16.16.10P; 16.16.100B; 16.16.101A; 16.16.102A; 16.16.103A; 16.16.104; 16.16.105; 16.16.106; 16.16.107; 16.16.108; 16.16.109; 16.16.100B; 16.16.111; 16.16.112; 16.16.113; 16.16.114A; 16.16.116A; 16.16.117; 16.16.118; 16.16.119; 16.16.120; KDP/1520/18 B; KDP/1520/18 B; KDP/1588/19.

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

- 3) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby

permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

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

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

- 5) The development shall be carried out in accordance with the submitted flood risk assessment (Herrington Consulting Limited, dated September 2018) and no dwelling shall be occupied until the finished floor level for all living accommodation has been set at a minimum of 4.9m AOD, and the finished floor level for all sleeping accommodation has been set at a minimum of 5.2m AOD for that dwelling.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

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

- 7) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:

- 1) Retention and protection of existing habitats during construction;
- 2) Provision of ecological features.

The EDS shall include the following:

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

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

Reason: In the interests of biodiversity.

- 8) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;
 - h) ongoing monitoring and remedial measures.

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

Reason: In the interests of biodiversity.

- 9) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of biodiversity, including bats, reptiles, nesting birds and hedgehogs, during vegetation clearance and construction works has been submitted to and approved in writing by the local planning authority. If two years from the submitted surveys (undertaken in June 2019) has elapsed before works commence, the Biodiversity Method Statement shall be informed by updated ecological survey(s). The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Working method, including timings, necessary to achieve stated objectives;
 - c) Extent and location of proposed works shown on appropriate scale plans;
 - d) Provision for species rescue;
 - e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

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

Reason: In the interests of biodiversity.

- 10) No development shall take place until a "lighting design strategy for biodiversity" for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy will:
- a) Identify those areas/features on site that are particularly sensitive;

- b) Show how and where external lighting will be installed in accordance with 'Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals);
- c) Provide for construction phase and operational phase of development.
All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

Reason: In the interests of enhancing biodiversity opportunities.

- 11) No dwellings hereby approved shall be occupied until the highway works indicated on drawing 16.16.10P have been carried out in accordance with a design and specification to be submitted to and approved in writing with the Local Planning Authority. The details shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of enhancing biodiversity opportunities.

- 12) Prior to the works commencing on site, details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following:
1. Routing of construction and delivery vehicles to / from site;
 2. Parking and turning areas for construction and delivery vehicles and site personnel;
 3. Timing of deliveries;
 4. Provision of wheel washing facilities;
 5. Temporary traffic management / signage;
 6. Measures to minimise the production of dust on the site;
 7. Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier;
 8. Design and provision of any site hoardings;
 9. Measures to manage the production of waste and to maximise the re-use of materials.

Reason: In the interests of residential amenity and road safety.

- 13) The area shown on drawing no. 16.16.10P as car parking and turning space shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to the dwellings, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

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

Reason: In the interests of highway safety.

- 15) 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.

- 16) Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, 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.

- 17) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

- 18) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report,

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

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

- 19) Prior to the commencement of development the measures undertaken to divert the public sewers shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Southern Water).

Reason: To ensure the protection of the public sewers.

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

Reason: To ensure that foul water is adequately dealt with.

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

Monday to Friday 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 23) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 24) The development shall be completed strictly in accordance with details in the form of finished floor levels for all the dwellings which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

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

- 25) Each dwelling shall be provided with 1 electric vehicle charging point and no dwelling shall be occupied until the charging point for that dwelling has been installed.

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

- 26) No development beyond the construction of foundations shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure and hard surfacing materials.

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

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

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

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

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

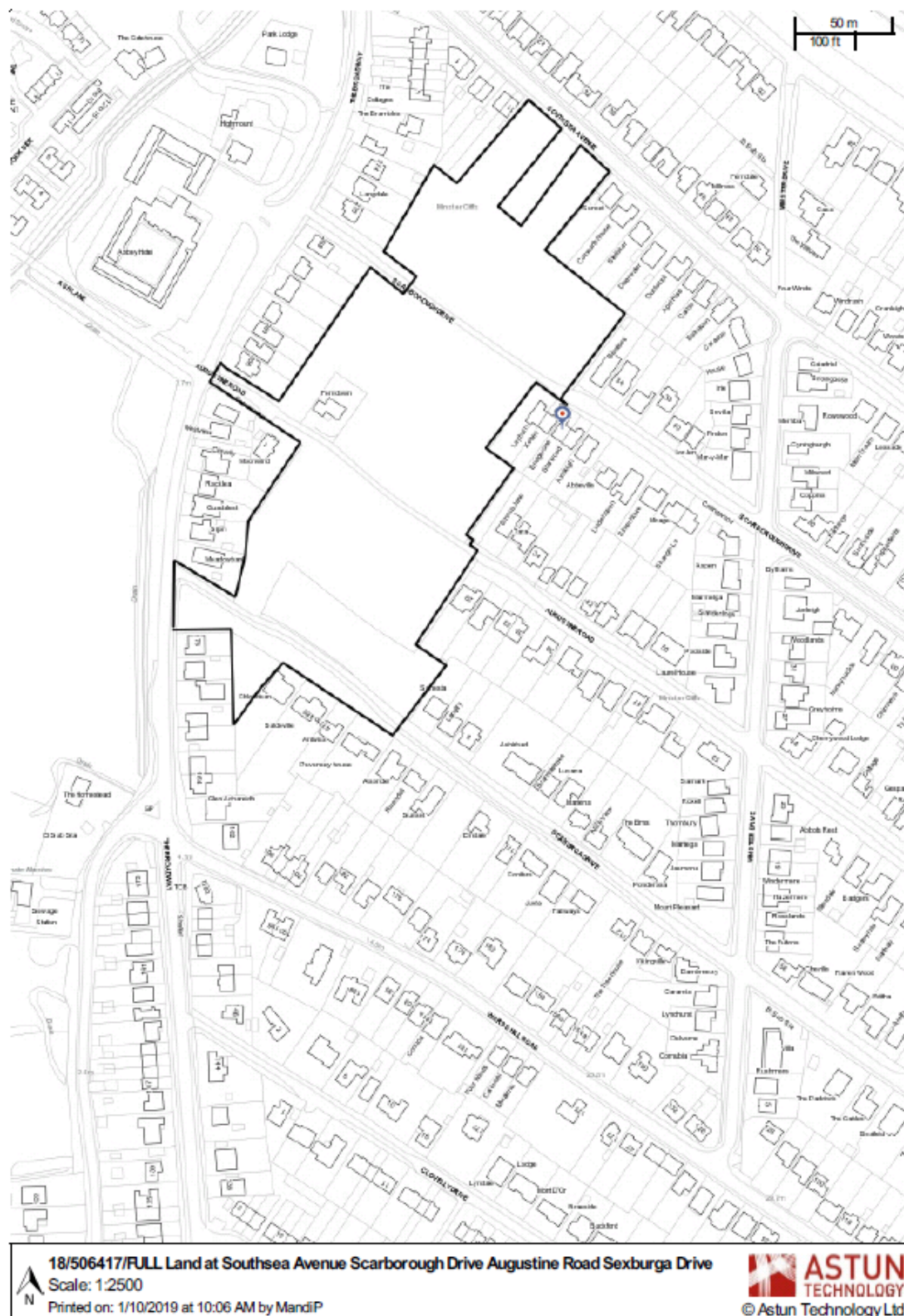
The Council's approach to the application

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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2.8 REFERENCE NO - 18/506417/FULL		
APPLICATION PROPOSAL Residential development consisting of 72no. 3 and 4 bedroom dwellings with associated garaging, parking and infrastructure.		
ADDRESS Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea Kent ME12 2NF		
RECOMMENDATION Grant subject to conditions and the signing of a suitably worded Section 106 Agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The application site is located within the existing built up area boundary where the principle of development is accepted. The Council is unable to demonstrate a 5 year supply of housing land and as such the proposal would contribute towards addressing this shortfall in a sustainable location. I am of the view that the layout and design has been well considered and any harm to biodiversity is able to be minimised by conditions that have been recommended. I have not identified any unacceptable harm in respect of highway matters and matters such as drainage have been acceptably dealt with.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection; some of the application site is owned by the Council.		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Malro Homes Ltd AGENT Kent Design Partnership
DECISION DUE DATE 18/03/19		PUBLICITY EXPIRY DATE 18/07/19

Planning History

There is no planning history relating to the site in its entirety, however the following application was submitted for an individual plot of land within the site:

16/508687/FULL - Erection of a 4 bedroom detached dwelling with associated parking spaces'. Approved 18/09/2017.

1. DESCRIPTION OF SITE

- 1.1 The application site is an irregularly shaped undeveloped parcel of land, covered in unmanaged vegetation within the built up area boundary of Minster-on-Sea. The site measures approximately 2.55 hectares and includes part of the unmade highways of Scarborough Drive, Augustine Road and Sexburga Drive which cross the site in an approximate north-west / south-east direction. Part of the application site also fronts onto Southsea Avenue and The Broadway.

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- 1.2 The site slopes downwards from east to west, sitting approximately 15m AOD at its eastern boundary and 5m AOD on the western boundary. The site is almost entirely bounded by existing dwellings. These dwellings comprise an extremely wide range of styles and designs and have in the most part been developed in a piecemeal fashion.

2. PROPOSAL

- 2.1 This application seeks detailed planning permission for the erection of 72 dwellings (39 x 4 bed and 33 x 3 bed units). A number of the dwellings will be laid out along the established alignment of Scarborough Drive, Augustine Road and Sexburga Drive. Two additional link roads are proposed, linking the above mentioned highways within the site, upon which dwellings are proposed to front. A further spur road leading from Scarborough Drive is proposed, again, fronted by dwellings.
- 2.2 The proposed properties will be in the form of a mixture of short terraces, semi detached and detached. The scale of the dwellings is proposed to be a combination of 2 and 2 ½ stories in height. The height of the proposed dwellings to the ridge ranges between 9.1m and 10.2m. The properties are laid out in a slightly staggered arrangement.
- 2.3 The design of the dwellings is contemporary with pitched roofs, projecting elements and materials comprising brick, render and weatherboarding. Larger sections of glazing, including within the apex of some of the roofs are also featured on a number of the dwellings.
- 2.4 Each property will benefit from a minimum of two parking spaces. In the majority of cases this is to be provided on plot, although for 8 of the dwellings (located on the spur road leading from Scarborough Drive) this will be provided in front of the dwellings. The total number of car parking spaces would be 172.
- 2.5 The existing unmade highways within the site are proposed to be 'made up' to adoptable standards. Corridors of existing vegetation are proposed to be retained.

3. PLANNING CONSTRAINTS

- 3.1 Environment Agency Flood Zone 2
- 3.2 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Use of planning conditions.

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- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:
ST1 (Delivering sustainable development in Swale); ST3 (The Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST6 (The Isle of Sheppey area strategy); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); DM7 (Vehicle parking); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges).
- 4.4 Supplementary Planning Guidance (SPG): 'Developer Contributions' (November 2009).

5. LOCAL REPRESENTATIONS

- 5.1 Letters of objection have been received from 31 separate addresses and they raise the following summarised concerns and observations:
- There is no need for additional housing;
 - The Isle of Sheppey does not have adequate infrastructure – schools, roads, healthcare, recreational facilities - to support the development;
 - The junction of Augustine Road and The Broadway is hazardous and the increase in traffic will be detrimental to highway safety;
 - Have Officer's visited the site to see how dangerous the vehicular exit from Augustine Way is?;
 - The Broadway should be widened further;
 - An access onto Southsea Avenue should be created as the main route out of the development;
 - The density and layout of the development and design of the dwellings is not in keeping with the surrounding area;
 - Bungalows would be more appropriate;
 - The proposed dwellings will give rise to a loss of privacy of existing residents;
 - There is a homeless man who lives within the site who would be unaware of the proposal and may have squatters rights;
 - The area should be made into a nature reserve and brownfield sites used for housing instead;
 - The development will have an unacceptable impact upon wildlife and protected species;
 - The noise created by the building work will be 'horrendous';
 - The proposal will give rise to smells and dust - what restrictions will be in place for this?;
 - The properties will have a detrimental impact upon views from surrounding houses;
 - The proposal will cause an increased risk of flooding to existing properties as the site is within a flood plain;
 - The development will give rise to traffic congestion on roads which are already over capacity;
 - The proposal will cause additional traffic noise;
 - The area has been used by children for recreation;
 - The dwellings will give rise to a loss of outlook;
 - There would be difficulties accessing existing properties due to the increase in traffic;

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- Visitors to the area currently use Augustine Road to park, this will become impossible and they will be forced to park in The Broadway which will cause traffic problems;
- The development has not been properly thought out or surveyed;
- Heavy works vehicles will have an impact upon private streets;
- *“This development will obviously be allowed as Swale council stand to make so much money from it.”*
- Swale Borough Council do not own all of the land and therefore they should not be allowed to build on land they do not own;
- Will the homes be for sale or rent and is there any social housing?
- How is the Council able to give Augustine Road to a developer?;
- There has been no consultation with the residents prior to the consultation letter;
- A 21-day consultation period is unacceptable;
- There are incorrect answers in the application form as vehicular accesses onto The Broadway via Augustine Road and Sexburga Road *[sic]* will be altered;
- Will Sexburga Drive be made up and who will pay for this?;
- All unmade roads should be made up and adopted by the Local Authority and should include highway drainage and street lighting at no cost to existing residents;
- If the roads are not made up before the proposed build takes place then residents will be restricted from using them due to construction activities;
- There is a lack of clarification as to how the road surface will be maintained where the made and unmade roads meet;
- Due to the change in road surface between the made and unmade road, there will be a diversion of surface water into existing properties;
- Existing un-made roads are maintained by existing residents and as a result there is concern that increased usage will give rise to damage to the roads, which existing residents will have to bear;
- Will there be a footpath and street lighting?;
- Object on the grounds of air pollution;
- Due to the removal of planting there will be a considerable increase in the flow of surface water which will cause hazardous driving conditions;
- During periods of heavy rain / snow melt a large quantity of mud and small stones are washed downhill to The Broadway;
- Some of the proposed dwellings do not have enough parking spaces;
- There is a lack of on street parking provided giving rise to overspill on surrounding roads;
- Would like assurances that new planting will not give rise to a loss of light to surrounding properties;
- When previous attempts were made to purchase a parcel of the land the Council considered that it could not be built on as it was a flood plain, there was not enough land to build an extension and that there was ecology that needed to be protected. It would appear that these issues are no longer relevant;
- The increased traffic will make it ‘virtually impossible’ for pedestrians to cross The Broadway to access Bartons Point, the Abbey Motel and Layzells night club;
- What impact will the development have upon the flood risk to surrounding dwellings?;
- There are no recreational facilities in Minster for the additional children / teenagers, a cinema should be built at Neatscourt rather than more food / retail outlets;
- A line of planting is proposed along the existing properties in Southsea Avenue, which should be continued to screen the development;

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- The proposal will give rise to a loss of the layby in Southsea Avenue where vehicles currently park;
- The proposal will cause a loss in property value;
- Scarborough Drive has no existing vehicular access to Southsea Avenue, Sexburga Drive or Augustine Road and therefore the traffic for the proposed properties in this part of the development would be required to use the existing unmade road;
- There are specific conditions in the deeds for this site relating to plot sizes, frontages and types of houses, does this scheme contravene these rules?;
- What assessment has been undertaken to ensure that there is not an increase in crime / antisocial behaviour?;
- Records show that the area was previously used for waste disposal, has there been an investigation of this and would there be an adverse impact on residents from any toxic waste?;
- The reptile survey carried out is inadequate;

5.2 Two letters have been received which neither object to or support that application but make the following points:

- Will Scarborough Drive be made up and who will pay for this?;
- Would like assurances that the developer is made aware for the necessity of adequate drainage so that existing properties will not suffer any damage from excess water and flooding.

6. CONSULTATIONS

6.1 **Minster Parish Council** object to the application for the following reasons:

“The site layout is unsatisfactory with regard to servicing the properties. It does not follow the historic, original proposal, evidence of which is in the road opposite No. 32 Southsea Avenue. The Parish Council believes there should be an access from Southsea Avenue and provision of turning points at the end of the cul-de-sacs. The north west portion of the estate needs two madeup accesses,- one at Southsea Avenue and one other. The Parish Council queries the validity of the ecological study as it was undertaken outside the site although it understands that further studies are planned. The Parish Council wants this [the completion of an ecological study on the site] to be a mandatory condition if permission is granted to protect the ecological value of the site. Furthermore, if in the event of permission being granted, as there is no provision for public open space within the site, the Parish Council would like some of the Section 106 funding associated with the development to be spent on enhancing The Glen Village Green as this will be accessible to the estate's residents.”

A further response was received from the Parish Council where concerns were raised regarding the ecological survey submitted with the application and a request that a full survey is undertaken. Attention is also drawn towards the occupant of the site and the Council is asked to ensure that arrangements are made to help safeguard this individual.

6.2 **Swale CCG (NHS)** have requested a contribution of £62,208 to be directed to the Shiva Medical Centre, Broadway.

6.3 **Natural England** comment that this proposal may give rise to increased recreational disturbance to the coastal Special Protection Area and Ramsar site. However, subject to the appropriate financial contribution being secured, Natural England is satisfied that

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the proposal will mitigate against the potential recreational impacts of the development on the site. However, due to the *People Over Wind* ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

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

- 6.4 **Environment Agency** have set out that the proposed development will only be compliant with the NPPF if a condition is imposed which requires the finished floor level for all living accommodation set at a minimum of 4.9m AOD and the finished floor level for all sleeping accommodation set at a minimum of 5.2m AOD.
- 6.5 **Kent Police** comment that there are a number of issues to be addressed including boundary treatments, overlooking of pedestrian routes and compliance of doors and windows with Product Assessment Specifications. A condition or informative is requested.
- 6.6 **KCC Ecology** initially responded setting out that further surveys along with any necessary mitigation for reptiles, breeding birds and bats was required. In the first instance a reptile survey was undertaken and on this basis I re-consulted with KCC Ecology. No reptiles were recorded as being present and as a result no mitigation measures for reptiles is recommended. KCC Ecology agree with this conclusion, however, given the extent of vegetation on the site and other wildlife which is likely to be present, a biodiversity method statement should be secured by condition if planning permission is granted. KCC Ecology also referred to the matters highlighted in their initial response which required addressing.

A Bat Activity Survey was undertaken and on this basis I re-consulted with KCC Ecology. KCC commented that they required further information in respect of a list of bat passes recorded during the initial survey and bat passes recorded at each spot check. In addition, the retention of 'edge habitats' in the site is recommended. Furthermore, as the site has some of the only semi natural scrub/wooded habitat in the area, KCC advise that the value of the site for bats (and other wildlife) has been underestimated and the proposed mitigation in order to 'prevent/minimise impact on the local bat population' is not agreed with.

It is also considered that the submitted layout makes no provision for biodiversity, beyond the planting of the trees shown. KCC advise that the removal of the current vegetation will present a significant loss of biodiversity in the area which is contrary to policy ST1 of the Swale Borough Local Plan. Where ecological impacts can not be avoided this needs to be acknowledged and compensatory measures may be required to enable a conclusion to be drawn that the development is acceptable on ecological grounds. However, KCC were of the view that at this point the implementation of measures recommended in the Bat Activity Survey will provide adequate mitigation for impacts to foraging and commuting bats.

Finally, in respect of breeding birds, whilst the significant loss of nesting opportunities

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could be offset to some degree by the provision of nest boxes, the reduction in the availability of foraging habitat must be taken into account if compensatory provision is not provided.

Due to the above comments further bat survey data, a revised layout, landscaping plan and lighting plan was submitted to KCC Ecology for further comment. They have commented that *“Further information has been provided to support the summary of results reported in the Bat Activity Survey. The Known Bat Roost Locations map indicates the presence of a maternity roost nearby and it is highly likely that the site currently provides foraging habitat for bats associated with this roost.*

It is therefore good to see that on the Preliminary Landscape Proposals that the landscaping has been amended with an increase in areas of retained habitat, for which additional planting is proposed. This retained habitat is well-situated in likely dark areas between gardens which will help to ensure its continued suitability for foraging bats. The retention of this habitat will also provide opportunities for nesting birds.

If Swale BC is to secure the detailed landscaping proposals by condition, we advise that the details of the proposed ecological features (as shown on the Preliminary Landscape Proposals) are sought in a Ecological Design Strategy, to ensure that specific requirements are appropriately demonstrated.” A condition is recommended.

Further to this, *“While minimal management of the areas of retained habitat will be necessary in the long term, with the proposed ecological features, the use of whips to enhance the habitat and the need to differentiate between gardens and retained habitat areas, we advise that the submission and implementation of a detailed Landscape and Ecological Management Plan must be secured by condition, if planning permission is granted.*

As previously advised in our note dated 28th June 2019, we advise that submission and implementation of a biodiversity method statement is secured by condition, if planning permission is granted.

The applicant has provided lighting proposal information and we advise that confirmation is sought regarding the extent to which these are in accordance with Guidance Note 8 Bats and Artificial Lighting (Bat Conservation Trust and Institute of Lighting Professionals). Alternatively, the details could be secured by condition, if planning permission is granted.

We advise that the inclusion of the proposed ecological features will ensure that there are opportunities for wildlife within the proposed development but in our view if a biodiversity metric was applied, a net loss of biodiversity would be apparent. While the use of such a metric is not yet a planning requirement, the applicant could choose to submit such information and take steps to ensure that the proposal demonstrates a net gain in biodiversity in accordance with the Local Plan, or off-site ecological enhancements (or contributions to ecological enhancements) could be sought to compensate for the on-site loss.

We note that the applicant has stated a commitment to contribute to the North Kent SAMMS and advise Swale BC that there will be a need for an appropriate assessment to be carried out.”

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6.7 KCC Highways & Transportation initially responded as follows:

"It is appreciated that many of the proposed houses will have direct frontage onto the existing unmade roads, and would follow the general pattern of development along these public rights of way. The highway layout and building arrangement in those instances would therefore be consistent with the historic expectation of how development was originally anticipated to proceed when Southsea Avenue, Scarborough Drive, Augustine Road and Sexburga Drive were laid out. The scale of development being proposed is sufficiently large enough and comprehensive to warrant the sections of unmade road that currently exist on the proposed housing frontages being made up of for adoption by the Highway Authority. These will require uninterrupted adoptable connection to the existing adopted highway. Whilst it has been proposed to make up the road connections of Augustine Road and Sexburga Drive to join the adopted public highway at The Broadway, it is noted that vehicular traffic associated with the Scarborough Drive development proposals would still need to gain access via unmade roads. This is not acceptable, and an adoptable vehicular route will therefore need to be provided for the Scarborough Drive element too.

Remaining with the Scarborough Drive proposals, the 2 new roads branching perpendicular from the existing alignment will require turning facilities to enable these lengths to meet adoptable standards. In addition, under the current proposals, the radii of the junction of the unmade section of Scarborough Drive with these 2 roads is too tight to accommodate the making up of that length of road in the future, unless the land required to cater for an adoptable junction is protected and doesn't form the private curtilage of plots 18 and 19.

Related to the above, vehicle tracking should also be provided to demonstrate that vehicles can manoeuvre appropriately within the development. An 11.4m size refuge vehicle should be able to proceed through the roads.

At plots 4, 7, 8, 10, 11, 20, 25, 32, 40, 41, 45, 47, 49, 50, 60, 65 and 69, the driveway length in front of the garage should be extended to 10.5m in order to avoid a tandem parked vehicle overhanging the footway. Similarly, a 10m length will be required for plots 25, 38 and 68 where 2 vehicles are likely to park in the space where garages aren't located beyond. Where only a single parking space is provided in front of the garages at plots 2, 62, 67, a 5.5m will be required.

The parking for plots 1, 61, 65, 66 and 67 does not comply with the adopted IGN3 parking standards, as the 2 spaces should not include garage provision. Furthermore, all spaces should be independently accessible, but plots 63 to 67 are solely tandem arrangements that are expected to result in additional on-street parking demand.

No visibility sightlines have been indicated where Augustine Road and Sexburga Drive are to be made up and form adopted junctions onto The Broadway. Sightlines appropriate for the 40mph speed limit applied to The Broadway should be shown. Nonetheless, it is anticipated that these are not achievable at the junction of Augustine Road under the current proposed layout, and the scheme will need to address this issue.

At the junction of Sexburga Drive with The Broadway, the proposed site plan drawing 16.1610A stops the footway short, so does not link to the existing footway outside Meadowbank. Whilst it is complete on other drawings within the submission, it should be consistent across them all to avoid any ambiguity."

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On the receipt of amended drawing I re-consulted with KCC Highways & Transportation who commented as follows:

“Further to my previous response on this application, I note that the Scarborough Drive element of the development proposals would now be connected directly to the existing adopted public highway via a new adoptable vehicular route to Augustine Road. This has addressed the concern that I had raised with regard to that aspect of the original proposals, and has also removed the need to provide turning facilities within the former cul-de-sac arrangement, as this now links all the way through.

Whilst the kerb radii on the junction between the new road construction of Scarborough Drive and the section that is to remain unmade to the south has been increased, it is still not clear whether this is sufficient to allow the future making up of the southern length to The Broadway. It must be ensured that the appropriate extent of land is kept available to accommodate a standard junction and associated footways, without requiring third party land that may be transferred to purchasers of plots 18 and 19 as part of the initial house sales.

As previously requested, swept path analysis of the proposed roads is still awaited to demonstrate that an 11.4m refuse freighter can manoeuvre through the development.

Following discussions with my colleagues in the Agreements Team regarding the making up of the existing and proposed new roads within the development, they have confirmed that no realignment of the junction of Augustine Road and The Broadway will be required. Whilst this had been suggested during a meeting held earlier between officers from K County Council, Swale Borough Council and the planning agent, it is no longer considered necessary due to the existing highway rights enjoyed over the unmade junction. Consequently, the basic making up of Augustine Road shown on the originally submitted plans will suffice.

In respect to the making up of the unmade roads, it is noted that the earlier drawings were coloured to distinguish the proposed works from those remaining unaffected. I would request that a similar drawing is provided to reflect the new layout.

As before, at plots 4, 7, 8, 10, 11, 20, 32, 40, 41, 47, 60, 65 and 69, the driveway length in front of the garage should be extended to 10.5m in order to avoid a tandem parked vehicle overhanging the footway. Similarly, a 10m length will be required for plots 38 and 68 where 2 vehicles are likely to park in tandem.

The parking for plots 1 and 61 still does not comply with the adopted IGN3 parking standards, as 2 spaces should be provided, not including garage provision.

Finally, on close inspection of the drawings, it appears that the proposed plot curtilages may along the existing unmade roads are extending over the current defined highway limits. The limits generally follow the alignment of the existing properties front boundary walls, except where encroachment may have taken place historically. The individual plots may therefore need to be set back further from the proposed back of footways.”

Due to the receipt of further amended drawings I have re-consulted with KCC Highways & Transportation who have commented as follows:

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"I refer to the amended drawings published on 20th August and 5th September 2019 in respect to the above planning application.

The swept path analysis has now been provided to demonstrate the suitability of the proposed highway layout to accommodate the movement of an 11.4m refuse vehicle through the development, and I am satisfied that this is appropriate.

As requested in my previous response, the length of the vehicle hardstandings for the identified plots have been lengthened in order to ensure that where two cars were likely to attempt to park in tandem, it can now be done without overhanging onto the footway. It should be noted that this has increased the formal amount of parking provided for these plots, exceeding the minimum level of parking required.

The drawings now confirm the extent of the unmade roads to be brought up to adoption standards, and this shows that the adoptable roads will link directly onto The Broadway with upgraded junctions for Augustine Road and Sexburga Drive. Whilst I note that sightlines of 90m have been indicated for simplicity, the most recent speed surveys indicate that the 85th percentile speed measured was 38 mph, which would equate to the provision of a 58m sightline in this instance. This would be wholly achievable within the highway boundary for Sexburga Drive, although does slightly cross third party land in the case of Augustine Road. However, it is appreciated that these are existing junctions with highway rights of access for the public to use them, and the form of the junction at Augustine Road would have remained the same, even if the Highway Authority were to have "made up" these unmade roads using it's own funds or through apportionment of the frontagers."

As a result, no objection is raised subject to conditions requiring the highway works being carried out in accordance with a design and specification submitted to the LPA; a construction management plan; the parking spaces to be provided and retained; provision for cycle parking; pedestrian visibility splays; details of estate roads, verges, junctions, lighting etc.; works between the dwellings and the adopted highway to be carried out prior to occupation.

6.8 Lead Local Flood Authority (KCC) – Initially commented that as follows:

"1) While we agree with the principles set out within the flood risk assessment, there are currently no drawings provided to show the proposed drainage layout. We recommend that a drawing is provided to show the portioning of the drainage within the development.

2) Within the Flood Risk Assessment it was proposed that further attenuation storage to be provided. However, it is not clear whether swales/ drainage basins would be used or storage tanks to provide additional storage. We therefore seek clarification which features are to be used the location of these items within the drainage layout.

We therefore recommend that this application is not determined until further details of the drainage layout have been provided for review."

Further details were provided and the Lead Local Flood Authority commented further:

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“Kent County Council as Lead Local Flood Authority have reviewed a copy of the indicative drainage layout for the development and proposes a mixture of permeable paving and attenuation tanks. As this a full planning application, we request a pre-commencement condition is attached to this application because further details of the proposed drainage system are necessary before any work on site can take place. This ensures the proposed drainage strategy is suitable to manage surface water for the site and to not increase the risk of surface water flooding.”

On the basis of the above, conditions requiring a sustainable surface water drainage scheme and a verification report have been recommended.

- 6.9 **SBC Environmental Protection Team** raise no objection subject to a condition requiring a code of construction practice.
- 6.10 **Southern Water** recommended conditions relating to the diversion of the public sewers; the occupation of the development to be phased to align with the delivery by Southern Water of any sewerage network reinforcement required and for the means of foul water sewerage.
- 6.11 **KCC Developer Contributions** originally requested £326,520.00 for primary education; £337,464.00 for secondary education; £139,115.52 for secondary education land; £4350.72 for Community Learning; £2705.99 for Youth Services; £3457.14 for Libraries and £4391.28 for Social Care. Following discussions with the agent and the applicant's consultant the amount requested for secondary education has been reduced to £63,626.13 towards Highsted Grammar School expansion and the secondary school land contribution is no longer required (as it proposed to be delivered via an alternative mechanism). The other requests have remained as set out above.
- 6.12 **SBC Greenspaces Manager** has stated *“There is understandably as this is an infill scheme, little opportunity for incorporating on-site open space into the proposal. The proposed design strongly reflects the existing block road layout and character of the existing dwellings. As such and given the scale of the submission, I consider that the proposal should contribute to improving the capacity and usability of existing open space and play facilities in Minster. We would seek a contribution of £446.00 per dwelling as identified in the Open Spaces & Play Strategy 2018-2022 towards enhancements in the local area (primary focus will be The Glen).”*

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by site layout drawings; elevations floorplans; site sections; flood risk assessment; habitat appraisal; landscaping details; species surveys; and topographical surveys.

8. APPRAISAL

Principle of Development

- 8.1 Although not specifically allocated, the application site falls entirely within the built up area boundary of Minster-on-Sea. I also note that the site lies within what is described in policy ST 6 as 'The West Sheppey Triangle'. Both this policy and ST 3 identifies this

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area as a growth area in respect of meeting the Isle of Sheppey's development needs. As such, the proposal would support this high level requirement of the adopted development plan. Furthermore, it is also important for Members to note that the Council are currently unable to demonstrate a 5 year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site within an existing built up area boundary and identified growth area should be given additional weight. As such I am of the very firm view that the principle of residential development is accepted.

Density and mix of dwellings

- 8.2 The application proposes 72 dwellings on a site 2.55 hectares in size, equating to 28 dwellings per hectare. The supporting text to policy CP 3 of the Local Plan sets out that the density of the site will be informed by local characteristics and the context of the site. In this case, the proposal shows that the layout of the site will be largely consistent with the existing surrounding pattern of development and the proposed properties will benefit from large private amenity spaces. In addition to this, the site incorporates some retained vegetation (discussed in more detail below) which impacts upon the developable area. In my opinion, the density of the site is broadly consistent with the surrounding area and on this basis is acceptable.
- 8.3 The mix of the dwellings proposed is 33 x three bed units and 39 x four bed units. Policy CP 3 of the Local Plan identifies the 'Main Issues, purpose and objectives of housing proposals' in specific local housing market areas. In terms of Minster, the following is stated: *"Demand is greatest for family housing. Future development of quality family housing that reflects the character of the area should be encouraged. If opportunities arise, improve design and/or levels of sustainability especially in the pockets of deprivation found in this market area."* I believe that the proposal sits comfortably within the objectives in this specific housing market area by providing for family housing. As such I believe the proposal is acceptable in this regard.

Visual Impact and the streetscene

- 8.4 As set out in the site description above, the existing site comprises unmanaged scrub vegetation. Further to this, the changes in site levels are quite pronounced with the site sloping downwards from east to west. As such, it is clear from these two points alone that how the site responds to these specific issues is of fundamental importance.
- 8.5 The application proposes development along the existing historic routes of the highways that pass through the development site. Further to this, there is an additional highway proposed within the site, running at 90 degrees to the existing road layout, approximately parallel to The Broadway. Since the receipt of the original application a pedestrian / cycle route linking Augustine Road and Scarborough Drive has been amended to propose a vehicular route. As a result, a vehicular route within the site now links Sexburga Drive, Augustine Road and Scarborough Road. In my view this provides a good level of connectivity both within the site and to the existing surrounding network of streets. As a result I am of the view that the site has been laid out in a logical manner which respects the surrounding pattern of development. The additional highway which has been created will in my view give rise to added benefits as set out above. Further to this, dwellings are all proposed to front onto the highways and provide dual frontages on corner plots. As such I consider the proposal to be acceptable in this regard.

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- 8.6 The surrounding pattern of development has largely evolved on a piecemeal basis and as such, there is both a varied mix of dwelling types and styles which have been constructed in a fairly informal building line along the existing highways. The dwellings that have been proposed follow this informal building line with the frontage of dwellings staggered. I believe that this aspect of the application takes the relevant cues from the existing pattern of development in the area and is in my opinion appropriate.
- 8.7 As there is not a prevailing design type in the surrounding area I do not believe that there is a clear reference point from which the proposal could draw from. The application proposes variations in the proposed house types but not to the point where the development would in my opinion appear contrived. I do not believe that it is logical to provide 72 different house types in order to reflect the inconsistent pattern of design in the surrounding area. As such, the approach that has been taken, to provide some variation, but within limits, is I believe appropriate, and in my view will allow the comprehensive development of the site to appear coherent in visual terms.
- 8.8 I consider that the bespoke design of the proposed properties, a number of which are defined by their steeply pitched roofs, glazed apex roofs and use of bricks and weatherboarding will have a positive impact upon visual amenities. Due to the above features the elevations are contemporary and I consider them to be appropriate in this context. The use of weatherboarding is common throughout many parts of Sheppey, as such I believe that this is a suitable use of materials in the wider context. In terms of the design of the properties I am of the opinion that the proposal will satisfy the specific requirement of policy CP 4 and the aims of the NPPF as set out above. I have recommended a condition requiring specific details of materials to ensure that this element of the scheme is acceptable.
- 8.9 In terms of the scale of the proposed properties, they will be a mixture of 2 and 2 ½ stories with rooms in the roofspace. Due to the mixed pattern of surrounding dwellings, there are a number of instances locally where dwellings of different scales are located adjacent to one another. As such, in my opinion, where the dwellings transition from the existing to the proposed, there is already precedent in the surrounding area for buildings of varying heights to sit side by side. Although this will be required to be assessed as to whether it is acceptable in respect of residential amenities (considered below), I am of the view that the scale of the dwellings and the transition between the existing and proposed would not be out of keeping with existing local examples.
- 8.10 In terms of the site levels, the application has been supported by site section drawings. These show how the dwellings will step down with the sloping ground levels and how they relate to existing development. In my view the details show that the development has responded appropriately to the challenging gradients on the site. However, to ensure this can be controlled, I have recommended a condition which requires details of the finished floor levels to be submitted and approved.
- 8.11 A key consideration in the assessment of the visual impact of the scheme is the soft landscaping proposals. These have been submitted in detail and show a mixture of shrub and tree planting throughout the development. In addition, to this, a corridor of the existing scrub vegetation is shown as being retained to the rear of both the proposed and existing properties. Due to the size of the plots the development benefits in the main from on plot parking with sufficient room for landscaping. As a result, I am of the view that the drawings have in the most part taken the opportunity to provide trees within the plot frontages which I believe will have a positive impact upon the street-scene. I note that no trees are proposed in the frontages of plots No.50-55. I have raised this

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with the agent who has commented that this is due to the existence of underground services running along the frontages to these properties. Therefore, on the basis that I consider the rest of the site to include sufficient levels of landscaping that on balance this is acceptable. In addition, due to the generous size of the private amenity space, trees have been proposed in the rear gardens of the properties, providing significant further benefits in terms of visual amenity and biodiversity in my view. Overall I believe the landscaping proposals to be acceptable and have included a condition to secure these details.

- 8.12 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 Amenities

- 8.13 As set out above, due to the site being surrounded by existing residential properties the impacts of the development upon these neighbouring units will be required to be carefully considered. I also note neighbouring objections which relate to a loss of privacy, loss of outlook and noise, smells and dust caused by the development.
- 8.14 Firstly, in respect of noise, smells and dust, I note the comments of the Council's Environmental Protection Team in terms of their recommendation for a code of construction practice. This will require details of how matters of noise and dust will be suppressed and managed. Due to the proximity of the neighbouring properties I am of the view that this matter is of high importance and as such I have recommended this condition which I believe will allow these matters to be assessed and controlled. In terms of smells, I do not believe that the proposal is likely to give rise to unacceptable odours. However, if this was to be the case then the Council's Environmental Protection would be able to investigate this as a statutory nuisance, although this would not be a planning matter. In addition to this, having discussed the proposal further with the Council's Environmental Protection Team I have also recommended that conditions restricting construction hours, and tighter time restrictions on any impact pile driving are imposed.
- 8.15 As development is proposed to take place along the existing highways, there are 11 dwellings which development would take place immediately adjacent to. I have, during the course of the application, undertaken an assessment of the impact that the proposed properties would have and have requested a number of amendments to the scheme. This has largely involved altering the position of dwellings within the plots to restrict instances where I believe there would be a potentially harmful impact upon the light and outlook that these existing properties would benefit from. The agent has amended the drawings in line with my suggestions and in this respect I consider that the proposal would not give rise to unacceptable harm to neighbouring properties.
- 8.16 In addition to the above the proposed properties have a rear-to-rear relationship with a number of existing properties. The Council would usually expect rear-to-rear distances of a minimum of 21m. In this case, all rear to rear distances with direct views exceed this distance. In a number of the cases the distances are around 40m and in some cases in excess of 60m. I do note that unit no.2 would be separated from the existing property at No.172 The Broadway by 18m at the closest point. However, the proposed unit due to its orientation does not have a direct view towards the rear of No.172. I also note the proposed trees along the boundary which would assist in disrupting views. As such I consider that this relationship would not be unacceptably harmful. Overall, based

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upon the above assessment I do not believe that the proposal would give rise to an unacceptable loss of privacy.

- 8.17 The proposal has also created some rear to flank relationships between dwellings. The Council would usually expect rear to flank distances to be a minimum of 11m. In this case, the closest relationship created would be 13.2m and as such I consider this to be acceptable.
- 8.18 In terms of the relationship between the proposed properties, as discussed above, a large number of the dwellings benefit from very generous gardens. In addition there is retained planting between the properties. As a result the minimum distances are exceeded, in some cases allowing separation distances of up to 50m. As a result I consider this to be acceptable.
- 8.19 In relation to garden depths, the Council would generally expect these to be a minimum of 10m. Having assessed these, I have noted one instance (unit 68), where the garden depth would be slightly below this. However, I am of the view that the shortfall is so minimal as to not give rise to any serious harm the amenities of future occupants. In most case the gardens exceed 10m in depth by some considerable margin. In overall terms, based upon the assessment above I am of the view that the proposal does not give rise to unacceptable harm to residential amenities.

Ecology

- 8.20 As referred to above, the site has been unmanaged for a long period of time and as a result is covered in vegetation. Due to this, there is the distinct possibility that the site provides a habitat for wildlife, a matter raised by the Parish Council and neighbours. The application when originally submitted was supported by a Preliminary Habitat Appraisal and a Nesting Bird Survey and KCC Ecology were consulted. As can be seen from the consultation section above, KCC Ecology advised that as the Preliminary Habitat Survey identified the potential for reptiles, breeding birds and that the habitats on the site present opportunities for foraging bats. As a result additional surveys were required to assess the ecological importance of the site.
- 8.21 Surveys were subsequently undertaken which did not record the presence of any reptiles. Therefore no specific mitigation measures were recommended and KCC Ecology have agreed with this conclusion.
- 8.22 A Bat Activity Survey was also undertaken and on this basis I re-consulted with KCC Ecology. KCC commented that they required further information in respect of a list of bat passes recorded during the initial survey and bat passes recorded at each spot check. In addition, the retention of 'edge habitats' in the site was recommended as the layout failed to make provision for biodiversity beyond the planting of the trees as shown. KCC also considered that whilst the loss of nesting opportunities for breeding birds could be offset to some degree by nesting boxes, the reduction in the availability of foraging habitat must be taken into account.
- 8.23 Due to the above comments, further ecological information was submitted which comprised bat survey data, a revised layout, landscaping plan and lighting plan. The revision to the layout now includes the retention of the existing habitat in various parts of the site. The retained habitat is located in what is likely to be dark areas between the gardens and KCC Ecology are of the view that this will help to ensure its continued

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suitability for foraging bats and will provide opportunities for nesting birds.

- 8.24 KCC Ecology have requested a number of conditions relating to an ecological design strategy; a Landscape and Ecological Management Plan; a Biodiversity Method Statement; and a lighting strategy for biodiversity. I do note KCC's comments in respect of their advice that the inclusion of the proposed ecological features will ensure that there are opportunities for wildlife within the proposed development. However, it is their view that if a biodiversity metric (which is not a planning requirement) was applied then a net loss of biodiversity would be apparent. I have discussed this further with the Biodiversity Officer at KCC. They have confirmed that although they are not objecting to the application, and that the recommended conditions would ensure that ecological impacts are minimised, due to the extent of the loss of scrub habitat they consider that there would be an overall loss of biodiversity.
- 8.25 In respect of assessing this, policy DM 28 of the Local Plan states *"Development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated."* The NPPF at paragraph 170 states (amongst other matters) that *"Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures."* In respect of this issue, I note that although the NPPF is more robust in respect of setting out that decisions should provide *'net gains for biodiversity'*, the Local Plan does state that this should be provided for *'where possible'*. Furthermore, I also note that both the NPPF and Local Plan require proposals to minimise any adverse impacts. In my view, it is clear from the comments of KCC Ecology that harm in this case will be minimised by the inclusion of the recommended conditions, which I have imposed below.
- 8.26 Furthermore, I believe it must be taken into account that the site is unable to be developed without the loss of a proportion of the existing scrub habitat. However, I must give significant weight to the benefits of delivery of housing in a sustainable location that this proposal would allow. This weight is increased further due to the Council's lack of a 5 year housing land supply. As such, I am of the view that the social benefit provided by the delivery of houses in this location would outweigh the harm which KCC Ecology are of the view can be minimised by the conditions discussed. On this basis I believe that the impact upon biodiversity should not warrant a reason for refusal.

Highways

- 8.27 As can be seen from the comments of the Parish Council and local representations set out above, a large number of concerns relate to highway matters. For clarity I have quoted the comments of KCC Highways & Transportation in the consultation section above.
- 8.28 The application site includes a number of existing unmade highways which are proposed to be made up to adoptable standards as part of this scheme. As a result, where both Sexburga Drive and Augustine Road meet The Broadway there will be sections of made roads providing links through to the existing unmade section of Scarborough Drive, Sexburga Drive and Augustine Road. As such, I consider that the proposal will allow for better connectivity through the site and within the surrounding area. As a result, I believe that the making up of the roads to adoptable standards will be a noticeable benefit to

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arise from the scheme. Some comments have been received relating to making up other sections of the highway network. For clarity, it is not proposed to make up any of the existing unmade roads outside of the application site. On the basis that these are not in the control of the applicant and that KCC Highways & Transportation do not require this I do not consider it to be reasonable to request, and I do not believe that without this taking place the development would be unacceptable. Furthermore, KCC Highways & Transportation have recommended a number of conditions in relation to the details of the highways. This will require acceptable construction details to be submitted and will ensure that the works are carried out appropriately.

- 8.29 Concern has also raised in respect of existing visibility, in particular on the junction of Augustine Road / The Broadway. KCC Highways & Transportation have paid particular attention to this and I note that their comments as set out above. For the avoidance of doubt, the visibility splay for the Augustine Road / The Broadway junction does slightly cross third party land (and as a result there can not be complete certainty about what may happen in the future). However, I give significant weight to the comments of KCC Highways & Transportation who have stated that this is an existing junction which enjoys highway rights of access for the public to use them currently. In addition, even if the junction was made up via another means then this arrangement would have remained the same. As a result, and on the basis that KCC Highways & Transportation raise no objection I consider the visibility to be acceptable.
- 8.30 In respect of parking provision, I note the initial comments of KCC Highways & Transportation which required some amendments to the parking layout. After liaising with the agent these have been provided and I have re-consulted with KCC Highways & Transportation. As can be seen from the comments, the parking numbers and layout is considered acceptable. In respect of this, a large number of the properties, due to the generous size of the plots have parking provision in excess of the requirements of the Kent Design Guide Review: Interim Guidance Note 3, Residential Parking document. In addition, the vast majority of the properties have 2 independently accessible spaces with a large number of the properties benefitting from 3 spaces. As such, I believe that the properties benefit from a generous and acceptable level of parking.
- 8.31 Finally, a swept path analysis has been provided to demonstrate that a refuse vehicle will be able to manoeuvre around the site. This has been assessed and considered acceptable by KCC Highways & Transportation and as such I believe that this matter has been acceptably dealt with.
- 8.32 Overall, I believe that although concern has been raised I am of the view that based upon the above assessment the impact of the development upon highway amenity and safety is acceptable.

Flooding and Drainage

- 8.33 I note that a number of neighbour comments relate to flooding and drainage issues. The site lies partly in flood zone 2 and partly in flood zone 3. A flood risk assessment and drainage strategy has been submitted with the application and I have consulted with the Environment Agency (EA), the Lead Local Flood Authority (KCC) and Southern Water.
- 8.34 The EA raise no objection subject to a condition relating to finished floor levels. I have recommended this condition and therefore consider this matter to have been adequately dealt with.

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- 8.35 The Lead Local Flood Authority when assessing the originally submitted details were of the view that the principle of the surface water drainage strategy was acceptable but that clarification was sought regarding the drainage layout and where the drainage features would be located. Further details were provided and I re-consulted with KCC. No objection is raised in respect of these details subject to conditions requiring a sustainable surface water drainage scheme and a verification report. I have recommended these conditions and as such believe that this will ensure that surface water drainage issues can be adequately dealt with.
- 8.36 The application will require the diversion of public sewers and Southern Water have recommended a condition requiring details of the measures undertaken to divert the sewers. I have imposed this condition. A separate formal application for sewer diversion will need to be made, however, this is under S185 of the Water Industry Act and as a result will take place outside of the planning process.
- 8.37 Southern Water have also referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.
- 8.38 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. A further condition has been recommended which requires details of foul and surface water disposal. As surface water is dealt with via separate conditions I have amended the condition to avoid repetition and have recommended a condition relating to foul water disposal. As such I am of the view that this matter can be adequately dealt with in this manner.

Developer Contributions

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

Primary Education - £326,520

Secondary Education - £63,626.13

KCC Community Learning - £4,350.72

KCC Youth Service - £2,705.99

KCC Libraries - £3,457.14

KCC Social Care - £4,391.28

NHS, Swale CCG - £62,208

Open space and play facilities - £32,112

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Wheelie Bins - £7,437.60
 SPA mitigation (SAMMS) - £17,680.32
 Administration and Monitoring Fee – 5% of the total – £26,224.46)
 Total - £550,713.64
 Plus 1 x wheelchair adaptable home

- 8.40 The applicant has agreed to pay these contributions. Members will note that the contributions for secondary education has been reduced following KCC's original request and the request for secondary school land has been removed. These contributions were challenged by the applicant's consultant on the grounds that they did not meet the tests for planning obligations as set out in paragraph 56 of the NPPF, which for clarity are as follows:

*"a) necessary to make the development acceptable in planning terms;
 b) directly related to the development; and
 c) fairly and reasonably related in scale and kind to the development."*

- 8.41 This led to KCC reassessing the impact that this development would have upon education facilities and seeking the revised contribution as set out above. I am of the view that this meets the tests for planning obligations along with the remainder of the contributions. Furthermore, despite local concern regarding a lack of local infrastructure, I have received no objection from the relevant consultees on this basis.

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

Affordable Housing

- 8.43 Policy DM 8 of the Local Plan sets out that on the Isle of Sheppey, the affordable housing percentage sought will be 0% and the application proposes nil provision of affordable housing.

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

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

- a) provides solely for Build to Rent homes;*
- b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);*
- c) is proposed to be developed by people who wish to build or commission their own homes;*
or
 - d) is exclusively for affordable housing, an entry-level exception site or a rural exception site.*

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

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- 8.46 As can be seen from footnote 29, the dwellings to be available for affordable home ownership are as part of the overall affordable housing contribution from the site. However, the Local Plan, due to the viability testing which has taken place, seeks 0% of affordable dwellings on the Isle of Sheppey. I give the Local Plan, which is area specific, a significant amount of weight. Therefore, as the overall affordable housing contribution from the site is 0%, there is no requirement for a provision of affordable home ownership as referred to in paragraph 64 of the NPPF.
- 8.47 In addition, the NPPF reference to affordable home ownership is different from affordable housing that the Local Plan seeks developments to deliver (in circumstances where it is viable to do so) which is heavily weighted towards affordable rent.
- 8.48 I am also aware that subject to planning permission being granted, the Council has expressed an initial interest in purchasing 8 of the dwellings. These would not be secured under the terms of the Section 106 Agreement (or via a planning condition) and if this option is taken forward would be a separate matter outside of the planning process. However, if secured they would be provided as affordable housing.
- 8.49 Therefore, although the planning permission, if granted, would not secure any affordable housing, I am of the view that as the Council is the owner of a proportion of the site there is potential that 8 of the units will be able to be secured as affordable dwellings. In addition to this, there is also the possibility that by not including this within the terms of the Section 106 Agreement allows access to Central Government grant funding which would potentially accelerate this process. As such, in the circumstances I believe that the possibility has been created for the site to meet the affordable housing needs of specific groups. Although the weight I am able to give to this is heavily restricted by the fact that the planning permission will not secure any affordable units, I believe that Members should be aware of this.

The Conservation of Habitats and Species Regulations 2017

- 8.50 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.51 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.52 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when

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determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.

- 8.53 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (72 dwellings within the built up area boundary with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.54 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

Other Matters

- 8.55 Although a large number of the matters raised by the Parish Council and neighbouring properties have been considered as part of the discussion above, of those that remain I comment as follows. I have been made aware that there is a person residing on the site. Although this is not a planning matter I have passed this information onto the relevant department within the Council who have followed up the matter separately.
- 8.56 In respect of the comments relating to loss of views, impacts on property values and property deeds, Members will be aware that these are not material planning considerations and as such I will not elaborate further on these matter. Furthermore, I note the comment in respect of children using the site as a play area. This may be the case, however I note that there is open space provision at The Glen, which is located less than 500m away from the application site. I also note the open space contribution that the applicant has agreed to pay which will be channelled towards improving this local facility. As such, I consider the proposal acceptable in this regard.

CONCLUSION

- 8.57 Overall, I give very significant weight to the sustainable location of the site within the built area boundary. The adopted Local Plan directs development towards these areas and upon the Isle of Sheppey itself, there is clear aspiration in the Local Plan for growth within the West Sheppey Triangle, this includes the settlement of Minster-on-sea. I am of the view that the design and layout of the dwellings has been well considered and will lead to a logical and comprehensive development of what is essentially a large infill site. I believe that the layout and scale of the dwellings will not give rise to an unacceptable impact upon residential amenities and via the inclusion of conditions relation to

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construction management and hours that this will limit any harm to an acceptable degree.

8.58 I do note the comments of KCC Ecology and have considered this detail above. To summarise, the conditions recommended would minimise the harm that is caused to biodiversity. Having considered the application as a whole, I am of the view that the benefits of housing delivery in this sustainable location would outweigh this minimised harm. I also note that no objection is raised from technical consultees.

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

9. RECOMMENDATION - GRANT Subject to the following conditions:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: 16.16.10N; 16.16.100; 16.16.101; 16.16.102; 16.16.103; 16.16.104; 16.16.105; 16.16.106; 16.16.107; 16.16.108; 16.16.109; 16.16.110; 16.16.111; 16.16.112; 16.16.113; 16.16.114; 16.16.115; 16.16.116; 16.16.117; 16.16.118; KDP/1520/18 Rev A; and KDP/1521/18 Rev A.

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

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

Reason: In the interest of visual amenity.

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

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

- 5) The development shall be carried out in accordance with the submitted flood risk assessment (Herrington Consulting Limited, dated September 2018) and no

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dwelling shall be occupied until the finished floor level for all living accommodation has been set at a minimum of 4.9m AOD, and the finished floor level for all sleeping accommodation has been set at a minimum of 5.2m AOD for that dwelling.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

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

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

- 7) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
- 1) Retention and protection of existing habitats during construction;
 - 2) Provision of ecological features.
- The EDS shall include the following:
- a) Purpose and conservation objectives for the proposed works.
 - b) Review of site potential and constraints.
 - c) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - d) Extent and location/area of proposed works on appropriate scale maps and plans.
 - e) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g) Persons responsible for implementing the works.
 - h) Details of initial aftercare.

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

Reason: In the interests of biodiversity.

- 8) No development shall take place until a landscape and ecological management plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
- a) description and evaluation of features to be managed;
 - b) ecological trends and constraints on site that might influence management;
 - c) aims and objectives of management;
 - d) appropriate management options for achieving aims and objectives;
 - e) prescriptions for management actions, together with a plan of management compartments;
 - f) preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) details of the body or organisation responsible for implementation of the plan;

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- h) ongoing monitoring and remedial measures.

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

Reason: In the interests of biodiversity.

- 9) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of biodiversity, including bats, reptiles, nesting birds and hedgehogs, during vegetation clearance and construction works has been submitted to and approved in writing by the local planning authority. If two years from the submitted surveys (undertaken in June 2019) has elapsed before works commence, the Biodiversity Method Statement shall be informed by updated ecological survey(s). The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
 - b) Working method, including timings, necessary to achieve stated objectives;
 - c) Extent and location of proposed works shown on appropriate scale plans;
 - d) Provision for species rescue;
 - e) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

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

Reason: In the interests of biodiversity.

- 10) No development shall take place until a “lighting design strategy for biodiversity” for the site has been submitted to and approved in writing by the local planning authority. The lighting strategy will:
- a) Identify those areas/features on site that are particularly sensitive;
 - b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals);
 - c) Provide for construction phase and operational phase of development.
All external lighting will be installed in accordance with the specifications and locations set out in the strategy and will be maintained thereafter in accordance with the strategy.

Reason: In the interests of enhancing biodiversity opportunities.

- 11) No dwellings hereby approved shall be occupied until the highway works indicated on drawing 16.16.10 Rev N have been carried out in accordance with a design and specification to be submitted to and approved in writing with the Local Planning Authority. The details shall thereafter be carried out in accordance with the approved details.

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Reason: In the interests of enhancing biodiversity opportunities.

- 12) Prior to the works commencing on site, details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include the following:
1. Routing of construction and delivery vehicles to / from site;
 2. Parking and turning areas for construction and delivery vehicles and site personnel;
 3. Timing of deliveries;
 4. Provision of wheel washing facilities;
 5. Temporary traffic management / signage;
 6. Measures to minimise the production of dust on the site;
 7. Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier;
 8. Design and provision of any site hoardings;
 9. Measures to manage the production of waste and to maximise the re-use of materials.

Reason: In the interests of residential amenity and road safety.

- 13) The area shown on drawing no. 16.16.10 Rev N as car parking and turning space shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to the dwellings, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

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

Reason: In the interests of highway safety.

- 15) 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.

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- 16) Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, 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.

- 17) Prior to the commencement of development a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

- 18) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled

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waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 19) Prior to the commencement of development the measures undertaken to divert the public sewers shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Southern Water).

Reason: To ensure the protection of the public sewers.

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

Reason: To ensure that foul water is adequately dealt with.

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

Monday to Friday 08:00 – 18:00 hours, Saturdays 08:00 – 13:00 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 23) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 24) The development shall be completed strictly in accordance with details in the form of finished floor levels for all the dwellings which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

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

- 25) Each dwelling shall be provided with 1 electric vehicle charging point and no dwelling shall be occupied until the charging point for that dwelling has been installed.

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

- 26) No development beyond the construction of foundations shall take place until full details of hard landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include means of enclosure and hard surfacing materials.

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

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

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

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

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

The Council's approach to the application

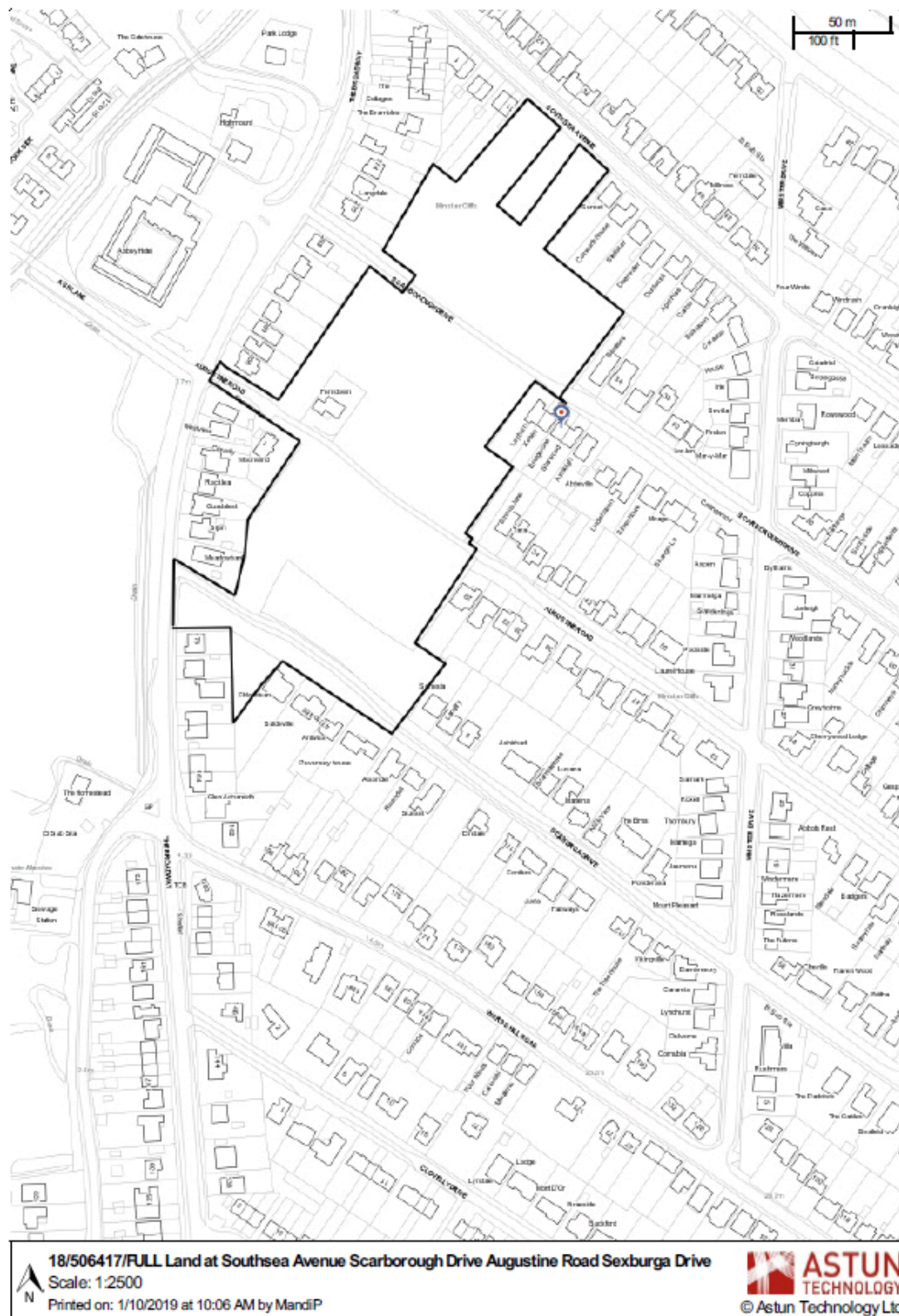
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where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

Using this checklist

Please refer to the full Building for Life document

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

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

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

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SITE ADDRESS: Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway, Minster-on-sea
APPLICATION NO.: 18/506417/FULL

1. CONNECTIONS

ITEM	COMMENT	(SBC use) ✓/✗
1a Where should vehicles come in and out of the development?	There are a number of existing and improved access arrangements in and out of the development.	✓
1b Should there be pedestrian and cycle only routes into and through the development?	Pedestrians and cycles will use the same routes as vehicles, I consider this appropriate.	✓
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 development is largely based around an existing network of streets. Due to the making up of existing highways I take the view that linkages through the scheme are appropriate and will provide additional benefits in terms of connectivity for surrounding occupiers.	✓
1d How should the new development relate to existing development?	The site is adjacent to existing development and the layout respects the surrounding pattern of dwellings.	✓

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 is located within the built up area boundary, no objection received from infrastructure providers and the applicant has agreed to pay development contributions to mitigate against the increased demand.	✓
Where new facilities are proposed: 2b Are these facilities what the area needs?	No new facilities proposed.	N/A
2c Are these new facilities located in the right place? If not, where should they go?	N/A	N/A
2d Does the layout encourage walking, cycling or using public transport to reach them?	As above, the layout provides for good connectivity, residents would access existing facilities.	✓

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 good connectivity with the surrounding area giving residents the opportunity to access existing public transport.	✓
3b Where should new public transport stops be located?	N/A	N/A

4. Meeting local housing requirements

ITEM	COMMENT	(SBC use) ✓/✗
4a What types of homes, tenure and price range are needed in the area (for example, starter homes, family homes or homes for those downsizing)?	The application provides dwellings, the size of which satisfies an identified need.	✓

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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 is within an area where affordable housing is not viable.	N/A
4c Are the different types and tenures spatially integrated to create a cohesive community?	N/A	N/A

5. Character

ITEM	COMMENT	(SBC use)✓/✗
5a How can the development be designed to have a local or distinctive identity?	The design of the dwellings is contemporary and bespoke and will in my view be distinctive.	✓
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?	The piecemeal way in which the surrounding dwellings have been developed is reflected in the proposed layout with the staggered relationship of dwellings with the highway. The use of weatherboarding is appropriate in this coastal location.	✓

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?	There are views into the site from the surrounding network of streets. The distinctive characteristic of the site is the change in land levels which has been considered in the layout of the development.	✓
6b Are there any existing trees, hedgerows or other features, such as streams that need to be carefully designed into the development?	The site is covered in scrub vegetation. Corridors of this have been retained for ecological purposes.	✓
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 largely continues along the established road frontages in the area which is appropriate.	✓
7b Do buildings turn corners well?	Yes, buildings upon corner plots have dual aspects.	✓
7c Do all fronts of buildings, including front doors and habitable rooms, face the street?	Where possible.	✓

8. Easy to find your way around

ITEM	COMMENT	(SBC use)✓/✗
8a Will the development be easy to find your way around? If not, what could be done to make it easier to find your way around?	Yes, the site layout largely respects the existing street pattern.	✓

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8b Are there any obvious landmarks?	No	N/A
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?	The site is located within an existing residential area where I believe the majority of drivers would respect these surroundings.	✓
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?	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 development provides parking provision in excess of the minimum requirements.	✓
10b Is parking positioned close to people's homes?	Yes.	✓
10c Are any parking courtyards small in size (generally no more than five properties should use a parking courtyard) and are they well overlooked by neighbouring properties?	N/A	N/A
10d Are garages well positioned so that they do not dominate the street scene?	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?	There is open space provided but for ecological purposes and will not be readily accessible. Local areas of open space will provide for the needs arising from this development.	✓
11b Is there a need for play facilities for children and teenagers? If so, is this the right place or should the developer contribute towards an existing facility in the area that could be made better?	A contribution is being made.	✓
11c How will they be looked after?	N/A	N/A

12. External storage and amenity areas

ITEM	COMMENT	(SBC use) ✓/✗
12a Is storage for bins and recycling items fully integrated, so that these	Yes – all properties have private amenity space for bin storage.	✓

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items are less likely to be left on the street?		
12b Is access to cycle and other vehicle storage convenient and secure?	Yes – the large plots mean that access is convenient and secure.	✓

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2.8 REFERENCE NO - 18/506417/FULL		
APPLICATION PROPOSAL		
Residential development consisting of 72no. 3 and 4 bedroom dwellings with associated garaging, parking and infrastructure.		
ADDRESS Land At Southsea Avenue, Scarborough Drive, Augustine Road, Sexburga Drive And The Broadway Minster-on-sea Kent ME12 2NF		
WARD Minster Cliffs	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Malro Homes Ltd
		AGENT Kent Design Partnership

The Senior Planning Officer drew Members' attention to the tabled paper for this item. This included an update on affordable housing on the site, and a request from KCC that an informative in relation to broadband connection be added. The Senior

Planning Committee

10 October 2019

Planning Officer also reported that two further letters had been received in objection to the application which raised issues already noted in the report.

Annette Kin, an objector, spoke against the application.

The Chairman invited Members to ask questions.

A Member asked if the un-adopted roads on site would be adopted? The Senior Planning Officer stated that the roads would be brought up to an adoptable standard, with links from The Broadway onto the site. The Senior Planning Solicitor advised that providing a route touched an adopted highway, under Section 37 of the Highways Act 1980, a notice would be sent to KCC to require the road to be adopted.

A Member asked whether there were any planning constraints as the application site was within flood zones two and three. The Senior Planning Officer advised that the Environment Agency had been consulted and had recommended a condition to mitigate this, and referred the Member to condition (5) in the report.

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

A Ward Member spoke against the application.

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

- Had the appropriate ecology surveys been undertaken?;
- character of the area was a mix, so this would fit in;
- the 2.5 storey design would effect visual amenity and residential amenity;
- this was not the best design;
- large gardens on The Broadway reduced the issue of overlooking;
- concern with the distance of the open space in relation to the application site, and the need to cross a public highway to reach it, and a crossing should be provided; and
- there should be a site visit; and
- design should be amended to provide open space on site.

Councillor Tony Winckless moved the following motion: That the application be deferred so that a better design could be achieved, and a crossing point to the open space be provided. This was seconded by Councillor Richard Palmer. There was some discussions on the motion and the detail of what Members wanted to include. On being put to the vote the motion was agreed.

Resolved: That application 18/506417/FULL be deferred so that officers discuss with the developer potential amendments to the storey heights and how they related to surrounding dwellings, including the possibility of bungalows replacing some of the proposed houses, a crossing point to be provided to allow easier access to open space and to explore whether open space could be provided within the development site.

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

27 JANUARY 2020

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

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

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

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

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

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

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 27 JANUARY 2020

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

DEFERRED ITEM

Def Item 1 Pg 1 – 50	18/506417/FULL	MINSTER	Land at Southsea Avenue
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PART 2

2.1 Pg 51 – 57	19/503100/FULL	EASTCHURCH	Rides House Warden Road
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2.2 Pg 58 – 62	19/505108/FULL	IWADE	Iwade County Primary School School Lane
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2.3 Pg 63 – 86	19/503810/OUT	MINSTER	Land south east of Bartletts Close
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2.4 Pg 87 – 103	19/501845/OUT	KEMSLEY	Bramblefield Lane
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PART 4

4.1 Pg 104 – 108	19/504918/COUNTY	IWADE	Mvv Environment Ridham Lord Nelson Rd Ridham Dock
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PLANNING COMMITTEE – 27 JANUARY 2020**PART 2**

Report of the Head of Planning

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

2.1REFERENCE NO - 19/503100/FULL

APPLICATION PROPOSAL

Creation of a new agricultural vehicular entrance and access track (Part retrospective).

ADDRESS

Rides House Warden Road Eastchurch Sheerness Kent ME12 4HA

RECOMMENDATION

Grant subject to conditions

SUMMARY OF REASONS FOR RECOMMENDATION

Based upon the location and individual site characteristics, minimal harm would be created to the countryside and this harm would not be significant to outweigh the future benefits in terms of accessibility to agricultural land.

REASON FOR REFERRAL TO COMMITTEE

Parish Council Objection

WARD

Sheppey East

PARISH/TOWN COUNCIL

Eastchurch

APPLICANT

Mr W. Love

AGENT

Bloomfields

DECISION DUE DATE

15/08/19

PUBLICITY EXPIRY DATE

07/08/19

RELEVANT PLANNING HISTORY

Application No	Description	Decision	Date
19/503515/FULL	Proposed cladding of open bays to existing agricultural barns, including insertion of doors to the east and south elevations.	Grant	10.10.2019
19/503931/FULL	Demolition of conservatory. Erection of a single storey front and single storey rear extension with a raised patio. Hip to gable roof extension with raised ridge and loft conversion with 3 no. roof lights to front and 6 no. dormer windows to rear. Changes to fenestration.	Refused	25.09.2019
19/500979/PNQCLA	Prior notification for the change of use of 2no. agricultural buildings to 2no. dwellinghouses and for associated operational development. For its prior approval to: - Transport and Highways impacts of the development. - Contamination risks	Refused	26.04.2019

	on the site. - Flooding risks on the site. - Noise impacts of the development. - Whether the location or siting of the building makes it otherwise impractical or undesirable for the use of the building to change as proposed - Design and external appearance impacts on the building.		
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1. DESCRIPTION OF SITE

- 1.1 The site is located within the countryside, outside any defined built up area boundary.
- 1.2 The site forms part of a larger land area comprising of a collection of farm buildings and associated open land collectively referred to as Rides Farm.
- 1.3 The subject site relates to the area of open land immediately to the west of Rides Farm House that fronts the northern side of Warden Road and links to agricultural land to the north.
- 1.4 To the north east of Rides House Farm there is a farm yard area and a number of associated farm buildings that are accessed off of the existing track from Warden Road.
- 1.5 To the north are open fields in association with the holding with surrounding residential development and farms to the south, east and west

2. PROPOSAL

- 2.1 Part retrospective planning permission is sought for the creation of a new agricultural vehicular entrance and associated access track. The track would provide access from Warden Road, leading north across an area of open land to a field beyond.
- 2.2 The vehicle access is retrospective. The proposed track would continue for a length of 67 square metres. It would have and have a width of 5.5 square metres
- 2.3 The first 6m of the access track would be constructed in a bound material on top of a suitable sub-base described in full detail within section No.7 of the application form.

3. PLANNING CONSTRAINTS

- 3.1 Countryside setting
- 3.2 Agricultural land classification grade 3

4. POLICY AND CONSIDERATIONS

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

Policy CP 4 Requiring good design
 Policy DM3 The rural economy
 Policy DM 14 General development criteria
 DM31 Agricultural land

5. LOCAL REPRESENTATIONS

5.1 No local representations received

6. CONSULTATIONS

6.1 Eastchurch Parish Council objects to this application for the following reasons:

- There is already an existing agricultural access for the site which had been in situ for many years.
- The site is under two current enforcement actions because of the removal of established hedgerows and mature trees in order to create two new entrances for a housing application(withdrawn).

6.2 Council's Rural Agricultural Advisor - Further to your request for agricultural advice regarding the above, the proposal for a new vehicular access appears to be based on an assumption that this will be required as a result of proposed residential development. However it seems such development has yet to be approved. As matters stand, therefore, the proposal appears premature.

Planning Officer Response: The applicant submitted further evidence in the form of a written statement received from an agricultural contractor confirming recent crop yield.

Agricultural Advisor (upon receipt of additional information above) - I note from the attached particulars that Rides House was advertised for sale including all the land to the rear. Details of the current ownership /legal access arrangements remain unclear. However, given that the agricultural use of the land to the rear has been continuing, with contractors taking a recent hay crop, using an existing access, I don't consider that this submission demonstrates any clear agricultural need for the proposed new access.

Further correspondence was then received from the agent to which the Agricultural advisor then considered that the current access arrangements are not suitable/sufficient for modern machinery. In addition, the access is a shared and given that the farm house is for sale this has the potential to create future problems.

Agricultural Officer (upon receipt of additional information above) -

Based on this latest information, I can see that continued access to the field, with farm equipment, in between two residential properties, is likely to be problematic, and therefore there would appear to be a good case for the agricultural land to the rear to have its own discrete access.

6.3 KCC Highways - I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority:-

- Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the

highway.

- Provision of measures to prevent the discharge of surface water onto the highway.

7. APPRAISAL

Principle of Development

- 7.1 The proposal seeks permission for development within the rural countryside. Policy DM3 of the Local Plan 2017, supports development in the countryside where:

- d) For new buildings and ancillary facilities, the design and layout is sympathetic to the rural location and appropriate to their context*
- e) Result in no significant harm to the historical, architectural, biodiversity, landscape or rural character of the area.*

- 7.2 The proposal is for ancillary development to support existing services. No additional buildings are proposed and thus ensuring the development represents a sympathetic addition, which was demonstrated during the course of this application to be appropriate in its content and therefore compliant with Policy DM3 as set out above.

- 7.3 In accordance with policy DM31 the development proposal involves works to improve access and associated functionality of Grade 3 agricultural land. The applicant has demonstrated that the current access is increasingly unviable, with manoeuvrability of machinery problematic and in the event of the sale of Rides House, potential access problems. A new access and associated track is therefore considered consistent with policy to ensure appropriate access to Grade 3 high quality agricultural land.

- 7.4 Notwithstanding the Agricultural Consultant has been consulted and is satisfied that sufficient justification has been provided to reasonably support the application and as such raises no objection to the principle of development within this rural setting.

Visual impact

- 7.5 The existing parcel of land is generally flat with some low rise vegetation. The track does not propose the removal of existing trees or hedgerow or result in increased bulk or scale therefore it is not considered that any significant harm would be caused to visual amenities or indeed the wider countryside.

Residential Amenity

- 7.6 The proposal is located in relatively close proximity to Rides House to the east and Clover Lodge to the west. In terms of increased intensification, given that the existing access, located 35 metres to the east, has been used without formal objection, I do not consider that any potential additional activity created as a result of this track being used regularly would cause significant disturbance to the adjacent neighbours over or beyond the existing situation. There will be no additional overlooking or sense of overbearing created and therefore acceptable in this regard.

Highways

- 7.7 The access is provided on a straight road. There are no trees or hedgerows immediately adjacent to the access and therefore the site provides high levels of

visibility. KCC has raised no objection to the proposal subject to safeguarding conditions and therefore in this regard the application is acceptable.

8. CONCLUSION

- 8.1 In this instance, a balancing exercise of harm is necessary against the impact upon the visual amenities of the country side compared to the viable provision of access to Grade 3 agricultural land. I am therefore of the opinion, given the location and individual site characteristics that minimal harm would be created to the countryside and this harm would not be significant to outweigh the future benefits in terms of accessibility to agricultural land.

9. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

1. No development shall take place other than in accordance with the following approved plans: P.12.026.2076

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the streetscene.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

Reason: In the interests of residential amenity.
3. The development hereby permitted shall not take place until the provision and maintenance of:
 - visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.
 - Use of a bound surface for the first 5 metres of the access from the edge of the highway.
 - Provision of measures to prevent the discharge of surface water onto the highway.
Reason: In the interest of highway safety
4. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

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

Reason: In the interests of residential amenity.

INFORMATIVES

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.

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

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



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2.2 REFERENCE NO - 19/505108/FULL			
APPLICATION PROPOSAL			
Erection of a single storey extension within existing courtyard to form a new hall and addition of 8no. rooflights to existing buildings.			
ADDRESS Iwade County Primary School School Lane Iwade Sittingbourne Kent ME9 8RS			
RECOMMENDATION Grant subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The application will not cause unacceptable impacts on visual or residential amenities.			
REASON FOR REFERRAL TO COMMITTEE			
Parish Council objection			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN Iwade	COUNCIL	APPLICANT Ms Dee Stacey AGENT Kent Design Studio Ltd
DECISION DUE DATE		PUBLICITY EXPIRY DATE	
13/01/20		25/11/19	

Planning History

17/500660/FULL

Continuation of use of temporary car park created during building works as an overflow car park now that building works are complete (retrospective)

Approved Decision Date: 04.05.2017

14/500739/R3REG

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

No Objection Decision Date: 03.11.2014

1. DESCRIPTION OF SITE

- 1.1 Iwade County Primary School is located to the north of School Lane, within the built up area boundary of Iwade. The school was extended following the approval of the County application referenced above. As the school is now an academy, planning control sits with Swale Borough Council. The school fronts School Lane, School Mews and Meadow Close to the south, east and south west with playing fields to the north and north west. The surrounding area is primarily residential in nature.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a single storey flat roof extension within the existing school grounds. The extension will be located within the courtyard at the centre of the school. It will have a footprint of 13.6m x 9m and will have a flat roof with a height of 2.9m. Nine rooflights will be located in the extension, whilst five rooflights will be added to the existing classrooms to the north of the extension, and three rooflights will be added to the existing classroom to the south. High level windows will also be added between the classrooms and the proposed hall.

- 2.2 The extension will provide an additional hall at the school, and will be accessed both internally from the corridor to the west and externally from the remaining courtyard to the east.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies CP4, CP6, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 None

6. CONSULTATIONS

- 6.1 Environmental Health – No comments to make.
- 6.2 KCC Highways – No objections subject to a condition being imposed relating to Construction Management Plan.
- 6.3 KCC Archaeology – No archaeological measures required.
- 6.4 Iwade Parish Council – *“At its meeting yesterday evening Iwade Parish Council objected to this application and has the following serious concerns:*

“Has ventilation been considered? There is no mention in the D&A as to how the rooms will be ventilated. Has a ventilation strategy been developed? Councillors understand there has to be a minimum level of natural ventilation; if it is windy or rainy, how will the rooms be naturally ventilated?

Has a light analysis been undertaken on the class rooms? Looking at the plans, the two classrooms with no courtyard access will be dark.

Means of escape: if there is a fire in the corridor pupils are stuck. There is an inner room situation going on which we understand doesn't comply with Part B of the Building Regulations. Fire escape is seriously compromised with this infill.”

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to application 19/505108/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The main considerations in this application concern the principle of development and its impact on the character of the area and upon neighbouring amenities. The proposed extension will provide an additional hall for primary school students. I consider that this would assist, albeit in a small way the on-going function of the school and is in general accordance with policy CP6 of the adopted Local Plan. As such I believe the proposed plans are in line with the related policy and are therefore acceptable in principle.

Visual Impact

- 8.2 The location of the proposed extension within the existing courtyard at the school will result in it not being visible from any public viewpoint. The existing school buildings have both flat and pitched roofs, and taking into account the extension will not be visible from the wider area, I consider its flat roof design is acceptable. The application form confirms that matching materials will be used in the construction of the extension. I therefore believe the proposal will have minimal impacts on the visual amenities of the area.

Residential Amenity

- 8.3 The flat roof will be the same height as the eaves height on the surrounding pitched roof buildings, and therefore any impact on the nearby residential properties (the closest of which lies 25m to the south west) will be minimal in my view. I include a condition below restricting hours of construction to ensure neighbours amenity is protected during the construction of the extension.

Impact on existing school

- 8.4 The proposal will result in the loss of the majority of the outdoor courtyard. This area however is currently underutilised due to the fact it is exposed to the elements, and the proposed hall will provide additional indoor space for students. Therefore I do not consider the loss of the courtyard to be unacceptable. The extension will result in the loss of windows serving three existing classrooms that face out onto the courtyard. Rooflights and high level windows between the classrooms and hall are proposed to serve these classrooms. Taking into account the proposed hall is likely to receive a lot of natural light from both the windows and rooflights serving the building, I believe the rooflights and high level windows in the classrooms will provide an adequate level of light into the rooms. I acknowledge the Parish Council's concern regarding the potential darkness in these classrooms, but nonetheless, I believe the proposal is acceptable from this regard.

Highways

- 8.5 The development will not impact any car parking at the school, nor will it increase the number of students enrolled at the school. KCC Highways have requested a Construction Management Plan is submitted and I impose this condition below.

Other Matters

- 8.6 The Parish Council has also raised concern regarding ventilation and means of escape. These matters are dealt with via building control regulations, and therefore are not considered as part of the planning process.

9. CONCLUSION

- 9.1 The application will not cause significant impacts on either visual or residential amenities. I consider the proposal will support the on-going function of the school and therefore recommend planning permission is approved.

10. RECOMMENDATION – GRANT subject to the following conditions:

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

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

- (2) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

- (3) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. routing of construction and delivery vehicles to/from the site
- ii. the parking and turning areas for construction and delivery vehicles and site personnel
- iii. timing of deliveries
- iv. wheel washing facilities
- v. temporary traffic management/signage

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

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

Monday to Friday 0800 – 1800 hours, Saturdays 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

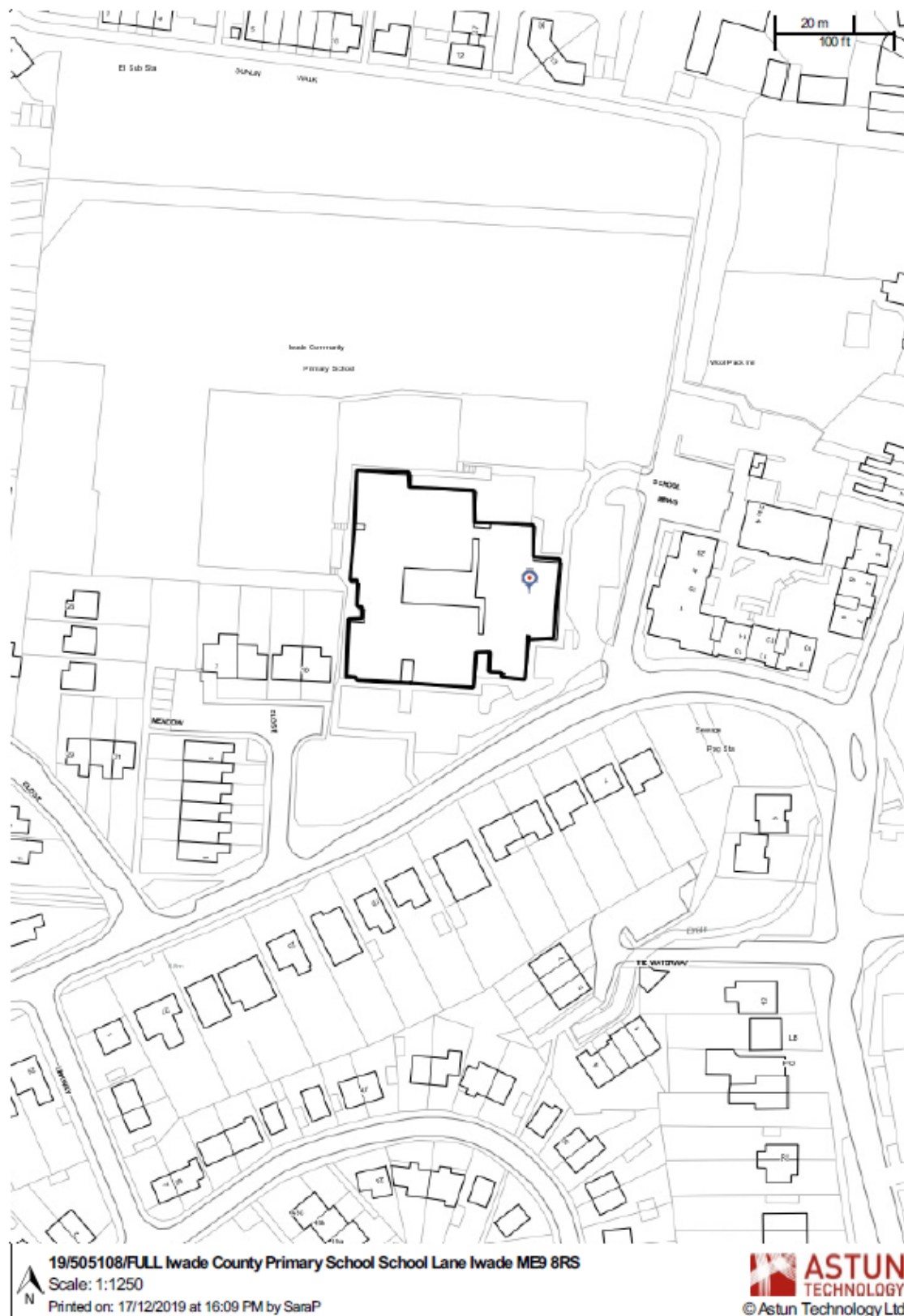
The Council's approach to the application

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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2.3 REFERENCE NO - 19/503810/OUT		
APPLICATION PROPOSAL Outline application for the erection of 17 dwellings with new access road, associated parking and landscaping. (Access being sought, all other matters reserved for future consideration).		
ADDRESS Land On The South East Side Of Bartletts Close Halfway Kent ME12 3EG		
RECOMMENDATION Grant subject to conditions and a suitably-worded Section 106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The Council is currently unable to demonstrate a 5-year supply of housing sites and a result of this development would contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes, and there are a range of public transport options which enable connectivity to nearby larger urban areas. When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. Whilst there would be an adverse impact from the development on undeveloped land, it is not considered that this adverse impact would significantly and demonstrably outweigh the identified benefits of the scheme. As such when assessed against paragraph 11 of the NPPF, the proposal is considered to comprise sustainable development, and the principle of this development is considered acceptable.		
REASON FOR REFERRAL TO COMMITTEE Called in at the request of Cllr Beart		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Mr Stephen Potter AGENT Penshurst Planning Ltd
DECISION DUE DATE 28/10/19	PUBLICITY EXPIRY DATE 01/11/19	

Planning History

SW/04/0739

9 units consisting of 4 three bedroom chalet bungalows, 2 four bedroom houses and 3 five bedroom houses

Refused

Decision Date: 16.09.2004

Summarised reasons for refusal of SW/04/0739;

1. *Release of the site for residential development is contrary to the objective of PPG.3 which gives priority to the re-use of previously developed land within urban areas. The site is not an allocated site and there are other alternative previously developed sites available within the existing developed area of Sheerness, Queenborough and Minster.*
2. *The proposal would fail to protect the countryside for its own sake and result in the loss of land that is of importance for landscape and settlement separation.*
3. *The proposed development would result in development at a low density, making*

inefficient use of land.

4. *The proposed development would result in a mix of houses and chalet bungalows that would be incongruous with existing development in the vicinity.*

1. DESCRIPTION OF SITE

- 1.1 The application site is situated to the south of a residential cul-de-sac at Bartletts Close and adjoins the built up area boundary of Halfway/Minster. The site itself therefore falls within the open countryside.
- 1.2 The site is roughly rectangular in shape and comprises grassland. In terms of land levels, the site rises gently to the south east where in the southern corner the site is 15.69mAOD and the northern corner is 12.62mAOD. There is existing mature hedge planting along the south-west and south-east boundaries. The north-east boundary comprises a mix of hedge planting and close boarded fencing (with existing dwellings), and the north-west boundary comprises a mix of close boarded fencing (with dwellings) and planting.
- 1.3 There is an existing vehicular access to the site from Bartletts Close, and currently comprises a pair of 2m high entrance gates with close boarded fencing either side. Bartletts Close is an unmade private road which provides access to 12 detached dwellings.
- 1.4 There are residential dwellings to the north, north-west and east of the site, with open agricultural fields to the east, south and west. There is a pending planning application for 153 dwellings (Land at Belgrave Road, reference 19/501921/FULL) on the land to the east/north-east of the proposal site.
- 1.5 The site falls within a designated Important Local Countryside Gap as outlined in Policy DM25 of the Local Plan with regard to the separation of settlements at Queenborough, Sheerness, Minster and Halfway (The West Sheppey Triangle).

2. PROPOSAL

- 2.1 The proposal seeks outline planning permission for the erection of 17 dwellings with an internal access road connecting onto Bartletts Close. Details of the access are sought at this outline stage, with all other matters reserved for future consideration.
- 2.2 The proposed development would have a density of 31 dwellings per hectare.
- 2.3 The application has been supported by an illustrative proposed site plan, which indicates that the site could support a mix of detached, semi detached and terraced properties which would either be bungalows, chalet bungalows or two storey houses. The illustrative plan indicates there would be 6 x two bedroom properties; 8 x 3 bedroom properties; and 3 x 4 bed properties.
- 2.4 The indicative layout indicates each dwelling would have two car parking spaces, with three visitor car parking spaces for the site.
- 2.5 The site would be accessed via a shared vehicular and pedestrian access road which adjoins the existing road along Barletts Close, which is a private road. The internal site

road would be T shaped with the arms extending south-west and north-east, with dwellings located either side.

- 2.6 The indicative layout indicates hedge and tree planting is proposed around the site boundaries, and within the site around the internal access road and parking areas.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.55ha	0.55ha	None
No. of Storeys	0	1 -2 storeys	+ 1 -2 storeys
Parking Spaces	0	37	+ 37
No. of Residential Units	0	17	+ 17

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance
- 4.2 Public Footpath (ZS11) approximately 375m to the south/south-east of site.

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 102 (transport); 127 and 130 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 5.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Use of planning conditions.
- 5.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:
 ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); ST6 (The Isle of Sheppey area strategy); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM25 (The separation of settlements – Important Local Countryside Gaps); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM31 (Agricultural land).
- 5.4 Landscape SPD – Swale Landscape Character and Biodiversity Appraisal 2011. The site falls within character area 13: Central Sheppey Farmlands which comprises of the

Clay Farmland Landscape Types. The landscape condition is described as 'poor' with a 'moderate' sensitivity. The guidelines for this area are to restore and create.

6. LOCAL REPRESENTATIONS

6.1 Fifty-six letters and emails of objection have been received. Their content may be summarised as follows:

- Outside the built up area as defined by policy ST3
- Within the designated countryside gap as defined by policy DM25
- The boundaries/separation between Halfway, Minster & Queenborough will get smaller
- The site is not on an allocated housing site as set out within the Swale Local Plan, adopted in 2017.
- Outline approval would be premature to the Local Plan review.
- Proposed dwellings would not be in keeping with the character of the area.
- Bartletts Close is predominantly detached single storey bungalows
- Harm to residential amenity – loss of light, daylight
- Harm to residential amenity – loss of privacy, overlooking
- Harm to residential amenity – noise, smells and disturbance
- Harmful impact on air quality
- Increased traffic
- Significant increase in traffic when taking into account 153 dwellings at Belgrave Road site.
- The transport assessment doesn't reflect the traffic problems in the area in the afternoon or early evening
- Proposal will cause damage to existing unmade road of Bartletts Close
- Proposal will increase maintenance costs along the unmade road of Bartletts Close, for existing residents
- Increased damage to existing properties – eg. From stones breaking windows due to increased vehicular movements
- Increased dust during construction
- No development should occur unless the developer undertakes to make up Bartletts Close and the unmade section of Uplands Way, to a reasonable highway surfaced standard.
- The previous application (SW/04/0739) included a condition requested from the Highways Manager requesting Bartletts Close and the length of Uplands Way from the junction with Bartletts Close to the junction with Belgrave Road to be made up to adoption standards including drainage and street lighting.
- Unsuitable access roads for construction vehicles
- Traffic will have to access the site from Queenborough Road through existing housing via The Rise, Uplands Way then Bartletts Close.
- Highways England have objected to development along the A249 corridor.
- Lack of parking spaces
- Safety risk for pedestrians
- Increased flood risk
- Increased surface water leading to localised flood risk
- There is poor drainage along Bartletts Close leading to localised flooding.
- Localised flooding has increased since the site was cleared of vegetation
- Sewerage system at capacity
- Ecology report undertaken after the site was cleared.
- Site clearance harmful to wildlife and ecology
- No provision for on site green space

- No local parks/playgrounds for children. The nearest to the site (King George Playing field in Queenborough) is 15-30minute walk via crossing a dual carriageway.
 - Lack of services and infrastructure locally – healthcare, schools, nursery. Local minor injury clinic is at capacity.
 - Misleading information provided
 - Proposal would “block” existing solar panels
 - Proposal represents overdevelopment of the area
 - Neighbour along Bartlets Close will not give access permission, nor consent for the developer/future developers for rights of vehicle access, or connecting any surface or foul drain outside of their land.
 - Existing houses available for sale or rent, as evident from estate agent
 - Devaluation of existing properties
 - Lack of notification for residents
- 6.2 A representation has been received from Gordon Henderson MP for Sittingbourne and Sheppey. The letter supports a letter of objection by a constituent and refers specifically to points regarding the site not being an allocated housing site within the Swale Local Plan adopted in 2017, and conflict with Policy ST3 as the site is outside the built up area boundary.

7. CONSULTATIONS

7.1 Natural England raise no objection (12/08/2019)

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

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

7.2 Southern Water raise no objection (22/08/2019) subject to a condition for details of foul and surface water sewage disposal, and an informative regarding connection to the public foul sewer.

7.3 KCC Ecology raise no objection (21/05/2019) subject to conditions

The ecological information submitted in support of the planning application is considered to have provided sufficient information. If planning permission is granted, it is advised that conditions securing the production of a biodiversity method statement and an ecological enhancement plan are attached. Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence (6 km) of the Swale Special Protection Area.

KCC Ecology advise that due to the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

7.4 KCC Economic Development raise no objection (22/08/2019) subject to the following requested developer contributions:

- Primary Education - £77,095.00 (£4535 per dwelling)
- Secondary Education - £69,955 (£4115 per dwelling)
- Community Learning - £1027.24 (£60.43 per dwelling)
- Youth Service - £638.91 (£37.58 per dwelling)
- Library - £816.27 (£48.02 per dwelling)
- Social Care - £1036.83 (£60.99 per dwelling)

7.5 KCC Flood and Water Management raise no objection (28/10/2019) subject to conditions

22/08/2019: Requested a surface water drainage strategy.

28/10/2019: Kent County Council as Lead Local Flood Authority have reviewed the Drainage Impact and Flood Risk Assessment by Tridax Consulting (September 2019) and have no objections at this outline stage. Infiltration testing appears to have been already undertaken at two locations at the site of which the results are presented within the report. A relatively low infiltration value of 0.01m/hr was obtained. While this infiltration value is not ideal, infiltration features with large surface areas including proposed permeable paving can reduce the pressure on site. Requests a detailed surface water drainage scheme and verification report via condition, and an informative regarding infiltration.

7.6 KCC Highways and Transportation raise no objection (28/10/2019) subject to conditions

02/10/2019: 1) I would not expect the traffic from 17 dwellings to constitute a significant impact on the capacity of the local highway network and the distribution of trips from this site will likely see the majority of journeys coming and going in a westerly direction along the A250/Queenborough Road in order to access employment and amenities available in Queenborough, Sheerness and the mainland. Consequently I have no objection to the principle of development. 2) The submitted Transport Statement suggests that the extension to Bartletts Close may be subject to a Section 38 Agreement. With no existing connection to the public highway this will not be possible unless the applicant wishes to upgrade the necessary linkages to an adoptable standard. This will need to be clarified as a matter of priority.

28/10/2019: It is noted that the applicant has confirmed that the new estate road is not to be constructed to adoptable standards and the estate road and its linkages to the public highway are not being offered for adoption. Consequently the proposals do not

directly concern this authority and I raise no objection on behalf of the local highway authority.

7.7 Kent Police raise no objection (19/08/2019)

Kent Police request a condition to address matters to design out crime including lighting, boundary treatment, planting, windows/doors, and security measures.

7.8 Environmental Protection Team Leader raises no objection subject to conditions (06/12/2019)

They have requested conditions regarding suppression of dust and hours of construction work

7.9 Swale Clinical Commissioning Group (NHS) raise no objection (28/10/2019) and request that a financial contribution of £16,164 towards refurbishment, reconfiguration and/or extension of Sheppey NHS Healthcare Centre and or Sheerness Health Centre (Dr Chandran's branch surgery).

7.10 SBC Greenspaces Manager raises no objection (01/08/2019)

It is noted there are limited opportunities for the provision of onsite open space, and therefore an off site contribution should be sought towards the increase in capacity and enhancement of nearby play and sport facilities at King George's Playing Field, Queenborough. The Swale Open Spaces & Play Strategy and Sports Pitch Strategy both seek to enhance limited/poor provision through investment including the use of off-site planning contributions. An off-site contribution (at King George's playing field, Queenborough) for formal sports of £593 per dwelling and for play contribution of £446 per dwelling is requested.

7.11 Medway Internal Drainage Board raise no objection (12/12/2019)

Medway IDB agree with the comments raised by KCC Flood and Water and request that the conditions seeking further details at design stage and included on any permission.

8. BACKGROUND PAPERS AND PLANS

- 8.1 The application has been supported by a site location plan and an illustrative proposed block plan. The application has also been supported by a planning, design and access statement (including appendices); Transport Statement; Preliminary Ecological Appraisal Report; Drainage Impact and Flood Risk Assessment; and a letter in response to KCC Highways comments.

9. APPRAISAL

Principle of Development

- 9.1 The site is located on the edge of, but outside, the built up area boundary of Halfway. The main relevant planning policy is ST3 of the Local Plan, which states that at locations in the open countryside outside the defined built up area boundaries, development will not be permitted unless supported by national policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting,

tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.

- 9.2 The National Planning Policy Guidance (NPPF) seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities and avoid isolated new homes in the countryside.
- 9.3 Paragraph 79 of the NPPF states that the local planning authority (LPA) should avoid isolated homes in the countryside. Given the site's position adjoining the settlement boundary and close proximity to existing residential dwellings, it is not considered that the site would constitute isolated homes in the countryside.
- 9.4 Paragraphs 11 and 73 of the NPPF requires the Council to meet the full, objectively assessed needs (OAN) for housing and other uses as well as any needs that cannot be met within neighbouring areas. In addition, the Council should annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer. The Council's latest position was published in February 2019 following the publication of the Housing Delivery Test (HDT) that saw the Council meeting 74% of its requirement. As a result, a 20% buffer (rather than a 5% buffer) must be applied to the housing land supply figures in assessing the 5 year HLS position. To this end, the Council can demonstrate only a supply of 4.6 years and therefore cannot demonstrate a 5 year housing supply. In such situations, the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development. For making decisions this means that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

11.d) i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
11.d) ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 9.5 The site is within the 6km buffer zone of the Swale and Medway Special Protection Areas (SPAs) which is covered by para 11.d) i. As such, an appropriate assessment has been carried out (as set out in para 9.48-9.52) that there would be no adverse impact on the integrity of the SPA subject to appropriate mitigation (SAMMS payment). As such, being within the SPA would not represent a reason for refusal, and the application must be considered against para 11.d) ii. Therefore it needs to be considered whether the proposal constitutes sustainable development.
- 9.6 Para 11 of the NPPF details that there is a presumption in favour of sustainable development which should be seen as a golden thread running through decision taking.
- 9.7 Para 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places

and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 9.8 Paragraph 8 of the NPPF sets out in c) that part of the environmental objective of sustainable development is to move to a low carbon economy. Paragraph 78 states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It can be seen that sustainability is thus a multi-faceted and broad-based concept. It is often necessary to weigh certain attributes against each other in order to arrive at a balanced position.

Environmental Role

- 9.9 With regard to the proposed dwellings, a key consideration is whether future occupants of the dwellings would be likely to meet some/all day-to-day needs by walking to facilities, therefore reducing the need to travel by private car which would reduce greenhouse gas emissions (para 148 of the NPPF).
- 9.10 The site adjoins the built up settlement boundary of Halfway. Halfway itself forms part of the West Sheppey Triangle which is a Tier 3 'Other Urban Local Centre' settlement within the Councils settlement strategy which is considered to provide a reasonable range of services. Policy ST6, the Isle of Sheppey area strategy states that the focus of development and long-term change is at settlements within the West Sheppey Triangle. The site is considered to relate well to the existing urban settlement of Halfway and the West Sheppey Triangle which itself is considered to be sustainable as it has access to shops, services, education and healthcare facilities.
- 9.11 As noted above the site adjoins the existing settlement boundary within an urban area and therefore benefits from good connectivity to the existing footpaths and roads within the urban area. There are a number of services within walking distance of the site in Halfway which include Halfway House Primary School, pharmacy, cultural centre and a range of shops/services at the junction of Halfway and Queenborough Road (approx. 1300m-1420m from the site); a church, football and sports clubs, social club and pre-school along Queenborough Road (Halfway) (approx. 250m-555m from the site) and there is a secondary school (Oasis Academy Isle of Sheppey) approximately 1990m from the site. To the west of the site there are a number of services within Queenborough including a train station, primary school and nursery, open space and play area, library and post office. It is considered that many of these services are within walking distance, and could also be reached by cycling.

- 9.12 In terms of public transport, there is a bus stop located on Queenborough Road approximately 410m to the north of the site. Halfway is serviced by routes 334 and 341 (Sheerness to Maidstone); 360, 362 and 365 (Rushenden to Leysdown); 368 (Minster to Rushenden), and the more frequent provide up to two services per hour. Hourly services operate towards Sittingbourne and Maidstone (Monday-Saturday). The nearest train station is located at Queenborough approximately 1310m to the west of the site, and provides services to Sheerness, together with London and the Kent Coast via Sittingbourne.
- 9.13 Taking into account the above, it is considered that the location of the site has suitable connectivity to public transport routes including various bus services connecting the site to both nearby settlements on the Isle of Sheppey and Sittingbourne and Maidstone, and access to the train station providing wider connections. It is considered there is a good range of services and facilities within Halfway to the east of the site, and also services in Queenborough to the west of the site, many of which can be reached by sustainable travels modes including walking, cycling or public transport.
- 9.14 The Council's settlement strategy requires residential development to be steered to sustainable locations, whilst the site is situated in the open countryside, its location adjoining the settlement boundary in a sustainable urban area. As such it is considered that the site is a suitable location for this scale of residential development, having regard to the settlement strategy and accessibility to services and facilities. It is therefore considered that the site would comply with policies ST1 and ST3 of the Local Plan which seek, amongst other matters, to deliver sustainable development that accords with the settlement strategy. Therefore the proposal is considered to contribute toward a move to a low carbon future as advocated by paragraph 148 of the NPPF. This is considered to be a positive in terms of whether the proposal comprises sustainable development.
- 9.15 However the site comprises of undeveloped greenfield land and cannot be considered as brownfield or previously developed land. Therefore the development would take place on an undeveloped site which is considered to have a significant adverse impact.

Social and Economic Role

- 9.16 The proposal is for 17 dwellings (the indicative plan outlines this could accommodate 6 x 2 bed, 8 x 3 bed and 3 x 4 bed dwellings) which would be of some social benefit. As outlined above, the site has good connectivity with an existing urban area with has a good range of services. As such it is considered that the proposed dwellings would help support the social viability of the existing urban area including existing shops, schools and nearby employment opportunities. It is considered that this would result in a positive impact.
- 9.17 As economic benefits from the construction of these dwellings would be short-term, these are limited and would carry little weight. It is considered that there would be a neutral impact.

Principle of Development Summary

- 9.18 The proposal site is considered to be in a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel

modes, and there are a range of public transport options which enable connectivity to nearby larger urban areas. The sustainability of the site in terms of location and access to services is considered to be positive. The social benefits of the additional dwellings are considered to be positive, and the economic benefits are considered to be neutral. The development would occur on undeveloped land which is considered to have a significant adverse impact.

- 9.19 When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. The proposal would also help contribute towards the Borough's housing land supply, and whilst the proposal is a relatively small site it will make a contribution in a sustainable location and is a significant positive when the extent of the housing deficit is considered. Therefore it is not considered that the adverse impact in terms of developing an undeveloped parcel of land would significantly and demonstrably outweigh the benefits of the scheme outlined above. As such, the proposal is considered to comprise sustainable development, and the principle of this development is considered acceptable.

Access, Highways and Parking

- 9.20 The proposed development would be accessed via a shared vehicular and pedestrian access road which adjoins the existing road along Bartletts Close which is a private unmade road. The internal site road would be T shaped with the arms extending south-west and north-east, with dwellings located either side as shown on the illustrative block plan.
- 9.21 In terms of the impact upon the local highway network, KCC Highways have outlined that the traffic from 17 dwellings would not constitute a significant impact on the capacity of the local highway network. KCC Highways note that the distribution of trips from the site will likely see the majority of journeys coming and going in a westerly direction along the A250/Queenborough Road in order to access employment and amenities available in Queenborough, Sheerness and the mainland. On this basis, KCC Highways raise no objection to the principle of residential development on this site.
- 9.22 The internal road layout being T shaped takes into account the need for a turning head that can accommodate a refuse vehicle and large vehicles to access and egress the site in a forward gear. This will be subject to detailed design, and further discussions with the highway authority for determination at a later date as part of a layout reserved matters submission, although the general principles of the road layout are acceptable.
- 9.23 The submitted Transport Statement outlined that the access road to serve the development site itself (from Bartletts Close) would be provided under a Section 38 Agreement of the Highways Act 1980 and constructed to adoptable standards. As the site connects to an unmade private road, KCC Highways sought clarification as whether the applicant intended to upgrade the necessary linkages to the public highway to an adoptable standard (ie. along Bartletts Close and Uplands Way), as it would not be possible to do a Section 38 Agreement as the site does not connect to the public highway. Further information was provided which outlined that the new estate road will

be private and maintained by the future residents, and thus the application is not offering to upgrade the linkages to adoptable standards, and neither the new estate road nor linkages are being offered for adoption by the highways authority. KCC Highways have therefore commented that as the proposals do not directly concern the highways authority and no objection is raised by KCC Highways.

- 9.24 Local residents have raised concerns regarding the impact on the unmade road along Bartletts Close and part of Uplands Way are noted in terms of damage to the road surface, and increased maintenance costs. These concerns are noted, however these would be civil matters between the existing property owners and the site developer. Furthermore, KCC Highways have not requested that the site and linkage roads are made up to adoptable standards. As such, it is not considered that the development could be refused on this basis.
- 9.25 In terms of parking, the illustrative block plan indicates each dwelling would have two car parking spaces, and three visitor spaces would be provided across the site. It is considered that adequate parking provision can be provided on site and this would be considered in depth when a detailed layout is available at reserved matters stage. As such I do not consider the proposal would be likely to increase parking pressure on the nearby area.
- 9.26 KCC Highways have requested a condition seeking a Construction Method Statement plan, which will be included at condition 12.

Visual Impact

- 9.27 The site falls under Policy DM25 the separation of settlements – Important Local Countryside Gaps and therefore a key consideration is whether an appropriate countryside gap will be maintained. Halfway is identified within part 3 of the policy and relates to the maintaining the separation of settlements between Queenborough, Sheerness, Minster and Halfway. Policy DM25 outlines that within the identified important countryside gaps “unless allocated for development by the Local Plan, planning permission will not be granted for development that would undermine one or more of their purposes” – their purpose being to retain the individual character and settling of the settlement.
- 9.28 The proposal site is a relatively small site (0.55 hectares) which adjoins the built up urban area on two sides to the north and east. It is considered the proposal site forms a natural continuation of the existing built up area and would provide a natural extension to the settlement boundary. The proposal would also have a similar alignment to the allocated housing site at Belgrave Road (ref; 19/501921/FULL) to the north-east and east of the site, and taking both sites into consideration would provide a clear settlement edge to Halfway. Furthermore the site is visually well contained, both by the existing residential development to the north and east, but also by existing residential development to the north-west and the rising ground to the west, south west, south and east (Furze Hill and Barrows Hill) which will limit the prominence of residential development on the site. There is existing landscaping along the site boundaries in the form of tree and hedge planting, and this can be enhanced to further screen the site from any wider vantage points which would be considered at the reserved matters stage.

Whilst the proposal is only at outline stage, it is considered that the site can accommodate 1-2 storey dwellings due to its visual containment.

- 9.29 Therefore taking into account the above it is considered that the proposal would retain the individual character and setting of the settlement of Halfway, and due to the sites visual containment and small scale it would maintain the separation of settlements between Queenborough, Sheerness, Minster and Halfway. As such, whilst the proposal falls within the important local countryside gap, it is considered that the modest scale residential development would not conflict with the aims of Policy DM25, and that the detailed scheme at reserved matters can control the scale and form of development, and provide an appropriate landscaped edge to the site.
- 9.30 Local representations have raised concerns that the proposed development would be out of character with the area as the majority of dwellings along Barletts Close are detached bungalows, and the proposed indicative scheme includes bungalows, two storey dwellings (including semi-detached and terraced properties). Whilst Barletts Close is predominantly detached bungalows, the adjoining roads including Belgrave Road and Uplands way have a greater variety of dwellings including semi-detached and detached two storey dwellings. Furthermore the submitted plans at the Belgrave Road site (application 19/501921/FULL) includes a range of dwellings including detached, semi-detached and terraced properties. The detailed design of the dwellings are not being considered at this stage, but it is considered that a mix of housing types indicated on the indicative block plan would not cause any harm to the character of the area taking into account the range of dwellings within the surrounding area.

Residential Amenity

- 9.31 DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or area. The detailed scheme for the new dwellings would be secured at the reserved matters stage and this will include the design, form and scale of the dwellings including details such as window/door placement and details of boundary treatments.
- 9.32 The closest residential properties are nos. 10 and 13 Bartletts Close immediately to the north of the site, and no. 30, 32 and 34 Belgrave Road immediately to the north-east of the site. Whilst layout and design are matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between proposed dwellings and existing neighbouring properties. It is considered that the site can accommodate 17 dwellings without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity.
- 9.33 Taking the above into account, it is considered that the development could be designed to avoid unacceptable impacts on neighbours, and comply with the above policies.

Ecology

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

Appraisal and KCC Ecology are satisfied the appropriate level of ecological survey work has been undertaken. KCC Ecology are satisfied with the outlined mitigation measures in principle, and recommend that a condition is attached to any planning permission which secures the recommended mitigation and ensures that the finer details on how protected species and habitats will be safeguarded are provided (including any updated surveys, as required) at the reserved matters stage.

- 9.35 As such, KCC Ecology raise no objection to the proposed development subject to conditions seeking a biodiversity method statement and ecological enhancements which are included in conditions 10 and 11.
- 9.36 It is noted that representations from objectors received refer to the site being cleared of vegetation prior to the submission of the planning application and therefore a harmful impact upon biodiversity has occurred. Planning applications need to be determined on the basis of the information available and the current site condition. The assessment above outlines that the proposed development would be acceptable in terms of ecology and biodiversity, and the conditions will ensure appropriate mitigation and safeguarding for protected species, and secure a net gain in biodiversity via the ecological enhancement condition.

Drainage

- 9.37 It is noted that local residents have raised concerns regarding localised flooding which occurs from run-off from the site and leads down to Bartletts Close. The application has been supported by a surface water drainage strategy and flood risk assessment. The submitted information outlines that onsite measures will include permeable paving for the access roads and parking areas, and cellular soakaways to collect surface water.
- 9.38 KCC Flood and Water as the Lead Local Flood Authority raise no objection to development at this outline stage. They note that a relatively low infiltration value was obtained for the site and while this is not ideal, infiltration features with large surface areas including proposed permeable paving can reduce the pressure on site. As such, KCC Flood and Water raise no objection to the proposed development subject to conditions including a detailed surface water drainage scheme, verification report and an informative regarding infiltration. Medway IDB have been consulted on this application and agree with the points raised by KCC Flood and Water and support the further details sought via condition. Therefore it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.

Developer Contributions

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

9.40 Primary Education - £77,095.00

Secondary Education - £69,955

Community Learning - £1027.24

Youth Service - £638.91

Library - £816.27

Social Care - £1036.83

Swale CCG (NHS) - £16,164

SPA Mitigation (SAMMS) - £4174.52

Refuse Bins - £1756.10

Formal Sports - £10,081

Play Contribution - £7582

Administration and Monitoring Fee —£9464.98

Total - £198,764.61

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

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

Affordable Housing

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

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

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

9.46 *"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for*

affordable home ownership²⁹, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:

a) provides solely for Build to Rent homes;

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

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

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

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

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

The Conservation of Habitats and Species Regulations 2017

- 9.48 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 9.49 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 9.50 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.

- 9.51 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (17 dwellings with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Subject to Natural England confirming that the existing approach by the Council securing appropriate mitigation, via the SAMMS payment is suitable, then this will prevent harmful effects on the protected sites and members will be updated at committee regarding this. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 9.52 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

10. CONCLUSION

- 10.1 The Council is currently unable to demonstrate a 5-year supply of housing sites and this development would help to contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes, and there are a range of public transport options which enable connectivity to nearby larger urban areas. When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. Whilst there would be an adverse impact from the development on undeveloped land, it is not considered that this adverse impact would significantly and demonstrably outweigh the identified benefits of the scheme. As such when assessed against paragraph 11 of the NPPF, the proposal is considered to comprise sustainable development, and the principle of this development is considered acceptable.
- 10.2 It is considered that the principle of residential development at the site, and the details of access being considered at this outline stage do not conflict with either local or national planning policies. On the basis of the above, it is considered that planning permission should be granted for this development subject to the conditions listed below and an appropriately worded Section 106 Agreement to include the contributions as set out in this report.

11. RECOMMENDATION

GRANT Subject to the signing of a suitably-worded Section 106 agreement (see paragraphs 9.40 to 9.43 above) and the following conditions

CONDITIONS as follows:

1. Details relating to the appearance, landscaping, layout and scale and appearance of

the proposed the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

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

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

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

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

4. The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking or garaging of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

5. All hard and soft landscape works submitted and approved pursuant to condition (1) above shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

7. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and

intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

8. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

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

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

10. No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the safeguarding of badger, reptiles, great crested newt, breeding birds and hedgehog has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
 - a) Purpose and objectives for the proposed works;
 - b) Detailed design and/or working methods necessary to achieve stated objectives including any required updated surveys;

- c) Extent and location of proposed works, including the identification of a suitable receptor site (where appropriate), 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 during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

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

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

11. Prior to the commencement of any above ground works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of native planting where possible. The approved details will be implemented and thereafter retained. The provision and installation of enhancements should take place within 6 months of the commencement of works, where appropriate.

Reason: To enhance biodiversity

12. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - a) Routing of construction and delivery vehicles to / from site
 - b) Parking and turning areas for construction and delivery vehicles and site personnel
 - c) Timing of deliveries
 - d) Provision of wheel washing facilities
 - e) Temporary traffic management / signage

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

13. The commencement of the development shall not take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

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

14. No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water

conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any dwelling.

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

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

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

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

Reason: In the interests of water conservation and sustainability.

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

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

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

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

19. The details submitted pursuant to condition (1) above shall include details of a landscape buffer which is a minimum of five meters along the south-western and south-eastern boundaries of the site.

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

20. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-
Monday to Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

INFORMATIVES

KCC Flood and Water:

Any infiltration should occur into clean, uncontaminated, natural ground and an unsaturated zone be provided between the invert levels of each soakaway and any groundwater.

KCC Ecology:

There is a risk that invasive non-native species may be present on site, principally those listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that any invasive species are eradicated prior to commencement of development, and that precautionary working methods are followed during site works, to ensure that no offences occur.

Southern Water:

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

KCC Economic Development:

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that gigabit capable fibre to the premise Broadband connections. Access to gigabit broadband is an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest gigabit connection. We understand that major telecommunication providers are now offering fibre to the premise broadband connections free of charge to the developer. For advice on how to proceed with providing broadband access please contact broadband@kent.gov.uk

The Council's approach to the application

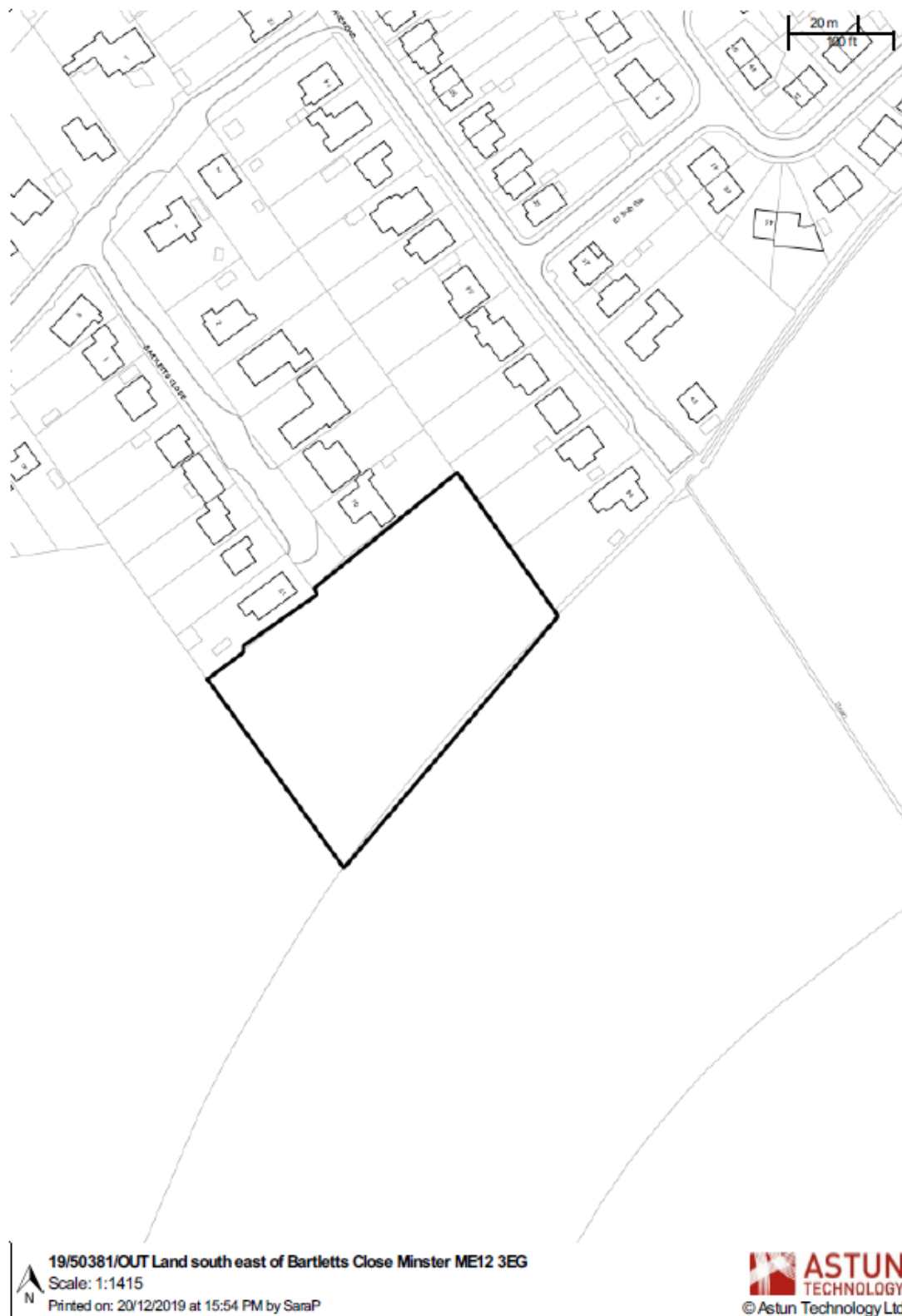
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) February 2019, the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service,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

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

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

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

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



2.4 REFERENCE NO - 19/501845/OUT		
APPLICATION PROPOSAL		
Outline application (All Matters Reserved) for the demolition of existing house and the erection of 23 dwellings with access road on land to the rear of the existing dwellings at Bramblefield Lane.		
ADDRESS 2 Bramblefield Lane East Of Iwade Pass Sittingbourne Kent ME10 2SU		
RECOMMENDATION: Grant subject to conditions and a suitably-worded Section 106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION		
The development would be sited on land within the built-up area boundary, where the principle of residential development is acceptable. The development would contribute to the Council's five-year housing land supply. The development would not give rise to any unacceptable planning impacts, including in respect of potential impacts on the amenity of the residents of the adjacent dwellings.		
REASON FOR REFERRAL TO COMMITTEE:		
Called in by ward Members and a Member for an adjacent ward.		
WARD Kemsley	PARISH/TOWN COUNCIL	APPLICANT Mr Tony Hutchins AGENT RDA Consulting Architects
DECISION DUE DATE 12/07/19	PUBLICITY EXPIRY DATE 06/09/19	

Planning History

The site has no relevant planning history.

1. DESCRIPTION OF SITE

- 1.1 The application site is located immediately to the north of the rear gardens to the existing dwellings on the northern side of Bramblefield Lane and to the west of the rear gardens of dwellings on the western side of Grovehurst Road at Kemsley.
- 1.2 The dwelling at 2 Bramblefield Lane - which would be demolished to allow access to the site – fronts directly on to the public highway, which is a residential cul-de-sac. The main part of the site, where the 23 dwellings would be sited, is enclosed to the south and east by the rear boundary treatments of the dwellings on Bramblefield Land and Grovehurst Road. To the west, the site adjoins a heavily vegetated area, while to the north the site is enclosed by a low fence, with farmland beyond.
- 1.3 The Design and Access Statement explains that the existing site levels range from 18.8 metres AOD, where the site adjoins Bramblefield Lane, to a high point of 20.2 metres AOD at the north-west corner. As such, it is considered to be relatively flat.

- 1.4 Number 2, Bramblefield Lane, which is a two-storey dwelling, is the only building on the site. The remainder of the site has been cleared of vegetation and all built structures and is currently vacant, having previously been a residential garden.
- 1.5 The residential development to the south and east is a mix of bungalows, chalet bungalows and two storey houses.
- 1.6 To the north and west, the site adjoins land allocated under Policy MU1 of the Swale Borough Local Plan, which envisages a minimum of 1500 dwellings, two schools, open space and supporting infrastructure on a substantial site that extends from Quinton Road in the south to Swale Way in the north. The part of the allocation that adjoins the application site is subject to a hybrid planning application for 1200 dwellings, two schools, open space, strategic landscaping and supporting infrastructure. The application (reference 18/502190/EIHYB) is currently under consideration by officers, and on the land adjoining this application site the proposals are fully detailed and envisage a mix of 2- and 2.5-storey dwellings.
- 1.7 Members will note that the site is located approximately 250 metres from the Kemsley railway station and the Medical Centre adjacent to the station. The site is also located close to bus stops on Grovehurst Road.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the demolition of existing house and the erection of 23 dwellings with access road on land to the rear. All matters of detail - namely access, layout, scale, appearance and landscaping – are reserved for future consideration.
- 2.2 The application is supported by, among other things, a comprehensive design and access statement and a set of illustrative drawings that show how the site could be developed for a mix of 2-, 3- and 4-bedroom houses, though as Members will appreciate approval is not sought for this – or any other – mix of dwellings; it simply seeks to illustrate that the amount of development proposed could be accommodated on the site.
- 2.3 The ‘Sketch Site Layout’ shows how following the demolition of Number 2, Bramblefield Lane, a new access for the development would be provided running north from the public highway, between the side garden of 4, Bramblefield Lane and the rear of the gardens to Numbers 115 to 125, Grovehurst Road. The drawings show how an access to a standard acceptable to KCC Highways and Transportation, featuring a footpath along one side, two visitor parking spaces and areas of landscape planting could be accommodated on the site of the house to be demolished, which measures 9.4 metres in width where it joins Bramblefield Lane and 7.2 metres at its northern end, where it joins the main part of the site.
- 2.4 In addition to the Design and Access Statement, the application is supported by technical statements dealing with issues such as ecology, drainage and sustainable design and construction.
- 2.5 The application is supported by a location plan, a topographic plan and an existing block plan. In addition, the following illustrative plans have been provided: sketch site

layout, over-looking and bin strategy, diagrammatic site layout, ground floor plans, first floor plans, sample elevations and a sketch landscaping plan.

2.6 The density of development would be approximately 35 dwellings per hectare.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.65	0.65	NA
Parking Spaces	2	5 visitor spaces and 33 allocated spaces are shown on the indicative layout*.	+36
No. of Residential Units	1	23	22
No. of Affordable Units	0	3	+3

*As noted above, approval is not sought for the layout so the final number of car parking spaces would be agreed at the reserved matters stage, if outline permission is granted.

4. PLANNING CONSTRAINTS

4.1 None present.

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF): Paragraphs 7, 8, 11 (sustainable development); 59 – 76 (delivering a sufficient supply of homes); 102 (transport); 127 and 130 (achieving well designed places); 165 (sustainable drainage systems) 170 (local and natural environment); 175 (biodiversity) are relevant to this proposal.

5.2 As Members will be aware, the Council has declared a Climate Change and Biodiversity Emergency. Recent correspondence with Government advises that this declaration is a material planning consideration in the determination of planning applications. The annex to letter also advises, however, that it remains the case that applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies ST1 (delivering sustainable development in Swale); ST3 (the Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST5 (The Sittingbourne area strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); DM6 (managing transport demand and impact); DM7 (Vehicle parking); DM8 (affordable housing); DM14 (general development criteria); DM17 (open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (sustainable drainage / flood mitigation); DM24 (conserving and enhancing valued landscapes); DM28 (biodiversity conservation), and MU1 (land at North West Sittingbourne, which is referred to at paragraph 1.6 above).

6. LOCAL REPRESENTATIONS

6.1 The application has been advertised by site and press notices, and direct consultation with 46 local residences.

6.2 Eight responses have been received from seven addresses, and the comments made are summarised as follows:

- Security of existing properties will be reduced by this development;
- Adjacent properties and their outbuildings could be damaged during demolition and subsequent construction of the development;
- What form will boundary treatment take?
- The vehicular access would be better sited elsewhere, possibly via the new roads proposed as part of the housing development proposed immediately to the north (see 18/502190/EIHYB);
- Vehicle movements on Bramblefield Lane and Grovehurst Road would increase significantly as a result of this development, adding to existing concerns about road safety due to traffic speeds, visibility at the junction, and on-street parking, and potentially could “cause havoc leaving the Lane”;
- Application amounts to over-development, especially taking into account other development planned in the immediate vicinity;
- Is the extra housing needed?
- Will conifer trees be removed to facilitate the development?
- Concern that a through-route will be created, connecting new development to the north to Bramblefield Lane;
- Concern about disturbance during the construction process – dust, noise and construction vehicles;
- Proposed access road is too close to boundaries with gardens of existing dwellings, and there may not be sufficient space for vehicles to manoeuvre at junction with Bramblefield Lane;
- Residential amenity will be undermined by vehicles using the access road, notably from ‘beaming headlights and vibration’; and
- The demolition of a “perfectly good house” would be regrettable.

7. CONSULTATIONS

7.1 **KCC Highways and Transportation** consider that the illustrative access details shown on the submitted plan ref. 18.109.03A are acceptable. Members will note conditions (1) and (15) below and that in due course, details of the vehicular access will need to be formally agreed.

- 7.2 They raise no objection subject to conditions to secure a Construction Management Plan, a highway condition survey, cycle storage details, car parking details, estate road details, and the completion of the access as shown on drawing 18.109.03. With regard to developer contributions, they have requested £2,657.00 per dwelling, index linked, towards off-site highway works and £350 per dwelling to be used to provide bus vouchers for households.
- 7.3 **Highways England (HE)** have considered the implications of the development for the strategic road network, which includes the A249 and the M2 and note that the development would generate a relatively small number of additional peak hour movements on their network. With regard to the M2 Junction 5 they note that there is very little spare capacity, however, and also note the potential for cumulative impacts. As such, they have requested a condition tying the occupation of this development to the delivery of the proposed upgrade of the junction. Members will note condition (20) below. HE have also requested a Construction Traffic Management Plan, and Members will note condition (13) below.
- 7.4 The **Environmental Protection Team Leader** raises no objection subject to conditions in respect of a closure report relating to land contamination, hours of construction, details of electric vehicle charging points and a Code of Construction Practice.
- 7.5 The **Environment Agency** “assessed this application as having a low environmental risk. We therefore have no comments to make.”
- 7.6 **Kent Police** have provided comments on the application, and request the imposition of a condition to ensure that the application incorporates measures relating to Designing out Crime. They also suggest that the applicant / agent liaise with a Designing out Crime Officer to help design out opportunities for crime, fear of crime, anti-social behaviour, nuisance and conflict. Members will note condition (23) below.
- 7.7 The **Greenspaces Manager** raises no objection and agrees that it would not be appropriate to provide open space on site. Instead, developer contributions of £446 per dwelling for play provision and £593 per dwelling for sports pitches are requested, in line with Local Plan Policy DM17 and the Council’s ‘Open Spaces Strategy 2018 – 2022’. The money would be directed towards improving the existing Kemsley Recreation Ground. Members will have noted that the site adjoins a large proposed housing development to the north, which will incorporate sizeable areas of open space. A condition is recommended below to ensure that, if permission is granted, in due course a path will be provided to ensure that residents are able to directly access the open space within this adjacent development.
- 7.8 **UK Power Networks** have no objection to the application.
- 7.9 **Natural England** note that the development would result in extra dwellings, which could result in extra impact on local Special Protection Areas as a result of more people visiting them for recreation. The Council is advised to carry out the Appropriate Assessment process and ensure that the appropriate financial contribution is made to mitigate potential impacts.

7.10 The **Strategic Housing and Health Manager** comments as follows:

- In accordance with Policy DM8, 10% of the dwellings should be delivered on site as affordable dwellings, amounting to three dwellings;
- The tenure split should be 90% affordable rent and 10% shared ownership;
- Noting the indicative mix of house types, it is requested that these be provided as 1 two-bed affordable rented unit, 1 three-bed affordable rented unit and 1 four-bed shared ownership unit; and
- The Swale Housing Register demonstrates that there is a need for all types and sizes of affordable housing in the Iwade and Sittingbourne areas.

7.11 **KCC Flood and Surface Water Management** initially requested the provision of a Surface Water Drainage Strategy. On receipt of this document, a further response raising no objection subject to conditions (in respect of (i) a detailed surface water drainage scheme and (ii) a verification report) and confirmation from Southern Water Services that they have sufficient capacity for the surface water system from this scheme to connect to their network. They also advise that in the light of testing on site, infiltration of surface water will not be possible and therefore surface water will need to drain to the public sewer.

7.12 **Southern Water Services** have requested a number of conditions, firstly, requiring that the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. Secondly, that the construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been agreed. In a separate response, they accept that, as a last resort, surface water could be drained from the site to the public sewer network.

7.13 **KCC Ecology** following clarification of the suitability of surrounding vegetation for roosting bats (which confirms the potential is low), no objection is raised subject to an Appropriate Assessment being carried out and suitable mitigation being secured, and to a condition in respect of ecological enhancements (in accordance with paragraph 175 of the NPPF). Members will note condition (24) below.

7.14 The **Climate Change Officer** notes the contents of the 'Sustainable Design and Construction Statement' and considers it to be acceptable in pursuance of Policies DM19 of the Local Plan.

7.15 The **NHS Clinical Commissioning Group** have requested a contribution of £360 per new resident who would be living on the development. As the final mix of dwelling sizes is not known at this stage, I have applied the standard multiplier used by the £19008 for the development as a whole (net 22 additional dwellings).

7.16 **KCC Economic Development** raise no objection, subject to the payment of developer contributions as follows (for the net 22 additional dwellings that would be provided):

- Primary school land* - £2026.22 per dwelling (or £44,576.84 in total);
- Primary education - £4535 per dwelling (or £99, 770 in total);

- Secondary education £4687 per dwelling (or £103,114 in total);
 - Secondary school land* - £1932.16 per dwelling (or £42, 507.52 in total)
- *These payments will not be imposed, if the school land has already been provided to KCC at no cost.
- Community learning - £60.43 per dwelling (or £1329.35 in total);
 - Youth services - £37.58 per dwelling (or £826.84 in total);
 - Library - £227 per dwelling (or £4994 in total); and
 - Social care - £53.36 per dwelling (or £1173.92 in total).

This would amount to a grand total of **£298, 292.47**.

In addition, it is requested that the affordable housing provision includes one wheelchair adaptable dwelling.

8. APPRAISAL

8.1 *Principle of Development*

The application is located within the built up area for Sittingbourne as defined in the adopted Local Plan. Members will also be mindful that the Council currently does not have a five-year supply of housing sites. As such, the principle of development is established.

- 8.2 The application seeks to establish the principle of building 23 dwellings on the site, which has a site area of 0.65 hectares, providing a development density of 35 dwellings per hectare. This is an appropriate density for the site given the character and mix of existing development on adjacent land. The development would make efficient use of land (as required by the NPPF) without resulting in a scheme that would be out of character with the adjacent development.

8.3 *Visual Impact*

As set out above, all matters of detail are reserved for future consideration should this application be approved. As such, this is largely an issue to be dealt with at the reserved matters stage. Nevertheless, it is reasonable to conclude that 23 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.

- 8.4 The site is well contained by existing development on two sides (namely the south and the east), mature vegetation to the west and on the northern boundary adjoins land that is, as noted above, allocated in the Local Plan for residential development. As such, the development will not have significant impacts on the wider landscape.
- 8.5 I am confident that, in due course, reserved matters details can be agreed for landscape planting such that any local visual impacts are well mitigated.

- 8.6 Given the predominant scale of development in the vicinity, which is generally no more than two storeys in height, I have suggested a condition below to limit the height of the new development to two storeys.

8.7 *Residential Amenity*

The application is supported by an illustrative 'Overlooking and Bin Strategy', which shows the relationship between the site and adjacent dwellings to the south and east, and demonstrates that separation distances between the site boundaries and habitable rooms to existing dwellings would be greater than 21 metres, the minimum standard that the Council applies. In addition, generally the separation distances will be greater than these distances as the proposed dwellings are set off the site boundaries. Members will also note that the height of the dwellings will be limited, by way of condition (25), to no more than two storeys in height.

- 8.8 With regard to the vehicular access, Members will note that a dwelling is to be removed to allow a vehicular access to be provided from Bramblefield Lane, although the details provided are illustrative, there is sufficient space available to provide an access to a standard acceptable to KCC Highways and Transportation together with space for a reasonable level of landscape planting. Although the use of this access by residents of the 23 dwellings will generate some vehicle movements, the number of movements is likely to be relatively low and the impact on the amenity of the adjoining dwelling in Bramblefield Lane (Number 4) and on those properties on Grovehurst Road that would back on to the new access, is not such that the refusal of planning permission would be justified.

- 8.9 Members will have noted at paragraph 7.3 above, that the Environmental Protection Team Leader raises no objection. The conditions requested are included below.

8.10 *Highways*

As set out above, both KCC Highways and Transportation (who are responsible for the local road network) and Highways England (who manage the strategic road network), raise no objection subject to the imposition of appropriate conditions and the payment of developer contributions as set out in paragraph 7.2 above. These payments will be secured under the Section 106 agreement that would accompany any planning permission granted for this development.

- 8.11 With regard to the access and parking layout, as set out above, these matters are amongst those reserved for future consideration. With specific regard to the access, the applicant has provided illustrative details to demonstrate that a suitable access can be provided from Bramblefield Lane. As mentioned above, KCC Highways raise no objection, and appropriate details can be secured at the reserved matters stage.

8.12 *Drainage*

Members will have noted the comments of Southern Water Services (SWS) and KCC Flood and Surface Water Management, at paragraphs 7.11 and 7.12 above, and that neither raise objection subject to the imposition of conditions. These conditions are included below, with the exception of the condition suggested by SWS in respect of the phasing of the development linked to the delivery of drainage infrastructure. Southern Water have referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be

part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.

- 8.13 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 SWS against the six tests I am of the view that the requirement for the development to align with the delivery by SWS 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 SWS and dealt with outside of the planning process, for that reason I have not recommended this condition.
- 8.14 Members will also note that KCC have subsequently confirmed that surface water will need to drain to the public sewer as infiltration testing has shown that this is not an option for drainage at this site. While SWS state that drainage to the public sewer is a last resort, they acknowledge that in circumstances such as this where this is no alternative, it will be necessary.

8.15 *Developer Contributions*

Members will have noted the contributions requested by various consultees as set out above. These are summarised as follows:

- KCC Highways and Transportation – £66, 154
- Greenspaces Manager – £22, 858
- NHS Clinical Commissioning Group – £19,008
- KCC Economic Development – £298, 292.47

In addition, payments for SPA mitigation (£5402.32), wheelie bins (£2272.60) and a 5% monitoring charge will be payable.

- 8.16 In addition to these payment, 10% of the dwellings will need to be provided as affordable units and one of these will need to be wheelchair adaptable.

8.17 *Sustainable Design and Construction*

As set out at paragraph 5.2 above, the Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration.

- 8.18 Members will note that the applicant has provided a statement making a commitment to incorporate a package of sustainable design and construction measures in the development. Attention is also drawn to conditions (4), (9), (10), (21) and (24) below, which will enable the Council to ensure that the final development incorporates such measures. In addition, if outline permission is granted, the subsequent reserved matters submission(s) will allow the Council to ensure the scheme is designed in a way that takes steps to minimise the environmental impacts.

8.19 *The Conservation of Habitats and Species Regulations 2017*

- 8.20 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.21 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.22 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.23 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the relatively modest scale of development (a net gain of 22 dwellings on a site with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.24 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

8.25 On-site biodiversity

As set out above, KCC Ecology and Natural England both raise no objection. Members will note condition (24) below in respect of ecological enhancements. I am confident that using this condition, a net gain in biodiversity can be achieved. Among other things, Members will note that the density of development is reasonably low, meaning that there will be a good level of space for the provision of native species planting, which is key to enhancing biodiversity.

9. CONCLUSION

- 9.1 As set out above, this site – located within the defined built-up area boundary – is a suitable one for residential development. The number of dwellings proposed is also considered to be appropriate for the size of the site. Weight also needs to be given to the lack of a five-year housing land supply. As such, I consider that outline planning permission should be given subject to conditions set out below and the signing of a s106 agreement.

10. RECOMMENDATION

GRANT Subject to the signing of a suitably-worded Section 106 agreement (to secure the contributions and affordable housing as set out at paragraphs 8.15 and 8.16 above and the appropriate SAMMS payment) and conditions as follows:

CONDITIONS to include

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

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

- (2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years from 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 five years from the date of the grant of the outline planning permission; or two years from the final approval of 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) Notwithstanding the information set out in the 'Sustainable Design and Construction Statement', no development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy

efficiency. Upon approval, the details shall be incorporated into the development as approved, and retained as such in perpetuity.

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

- (5) 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.

- (6) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and any 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:
 - (i) highway drainage, including off-site works,
 - (ii) junction visibility splays,
 - (iii) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- (7) The details submitted pursuant to condition (1) above shall show adequate land reserved for the parking or garaging of cars and such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

- (8) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Reason: In the interests of water conservation and sustainability.

- (10) The hard and soft landscape details (which shall consist of native species chosen to

enhance biodiversity) agreed pursuant to condition (1) above shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority

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

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

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

- (12) Prior to the occupation of any dwelling or other building secure, covered cycle parking facilities shall be provided for the dwelling or building in accordance with the details that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to facilitate the use of alternative, non-car means of transport.

- (13) A Construction and Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority before the commencement of any development on site, and it shall include the following:
- (a) Numbers and routing of construction and delivery vehicles to / from site;
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel;
 - (c) Timing of deliveries;
 - (d) Provision of wheel washing facilities;
 - (e) Temporary traffic management / signage;
 - (f) Measures to minimise the production of dust on the site;
 - (g) Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier;
 - (h) Design and provision of site hoardings;
 - (i) Measures to minimise the potential for pollution of ground water and surface water; and
 - (j) The location and design of site office(s) and storage compounds.

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

- (14) Before and after construction of the development, highway condition surveys for highway access routes should be undertaken, in accordance with details that shall first have been agreed in writing by the Local Planning Authority, and a commitment provided to fund the repair of any damage caused by vehicles related to the development.

Reason: In the interests of highway safety

- (15) No other development shall take place until completion of the access in accordance with such details as may be agreed pursuant to condition (1) above, and the applicant has secured a Section 278 agreement with the Highway Authority for Highway Works associated with the connection to the adopted Highway.

Reason: in the interests of highway safety.

- (16) The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path (including surface treatment and lighting) to connect the development hereby approved to the development proposed under 18/502190/EIHYB on the adjoining land. Before the occupation of the 10th dwelling, the path shall be provided (together with lighting) up to northern site boundary together with a gate in this boundary.

Reason: In the interests of ensuring connectivity and encouraging non-car modes of transport.

- (17) Construction of the development shall not commence until details of the proposed means of foul sewerage disposal has been submitted to, and approved in writing by the Local Planning Authority.

Reason: in the interests of ensuring that appropriate arrangements are in place to deal with foul drainage requirements arising from the development.

- (18) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the SurfaceWater Management Strategy (Herrington Consulting Ltd, October 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

- (19) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage

scheme as constructed.

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

- (20) No part of the development hereby approved shall be first occupied until the contract to construct the Roads and Investment Strategy scheme at M2 Junction 5 (the scheme of works in the May 2018 Preferred Route Announcement) has been let.

Reason: to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

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

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

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

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

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure potential contamination is adequately dealt with.

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

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

- (24) No development beyond the construction of foundations shall take place until a scheme of Ecological Enhancements (based upon but not limited to the information in the 'Sustainable Design and Construction Statement') has been submitted to and approved by the Local Planning Authority. The agreed measures shall then be incorporated in the development and retained in perpetuity.

Reason: In the interests of enhancing biodiversity.

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

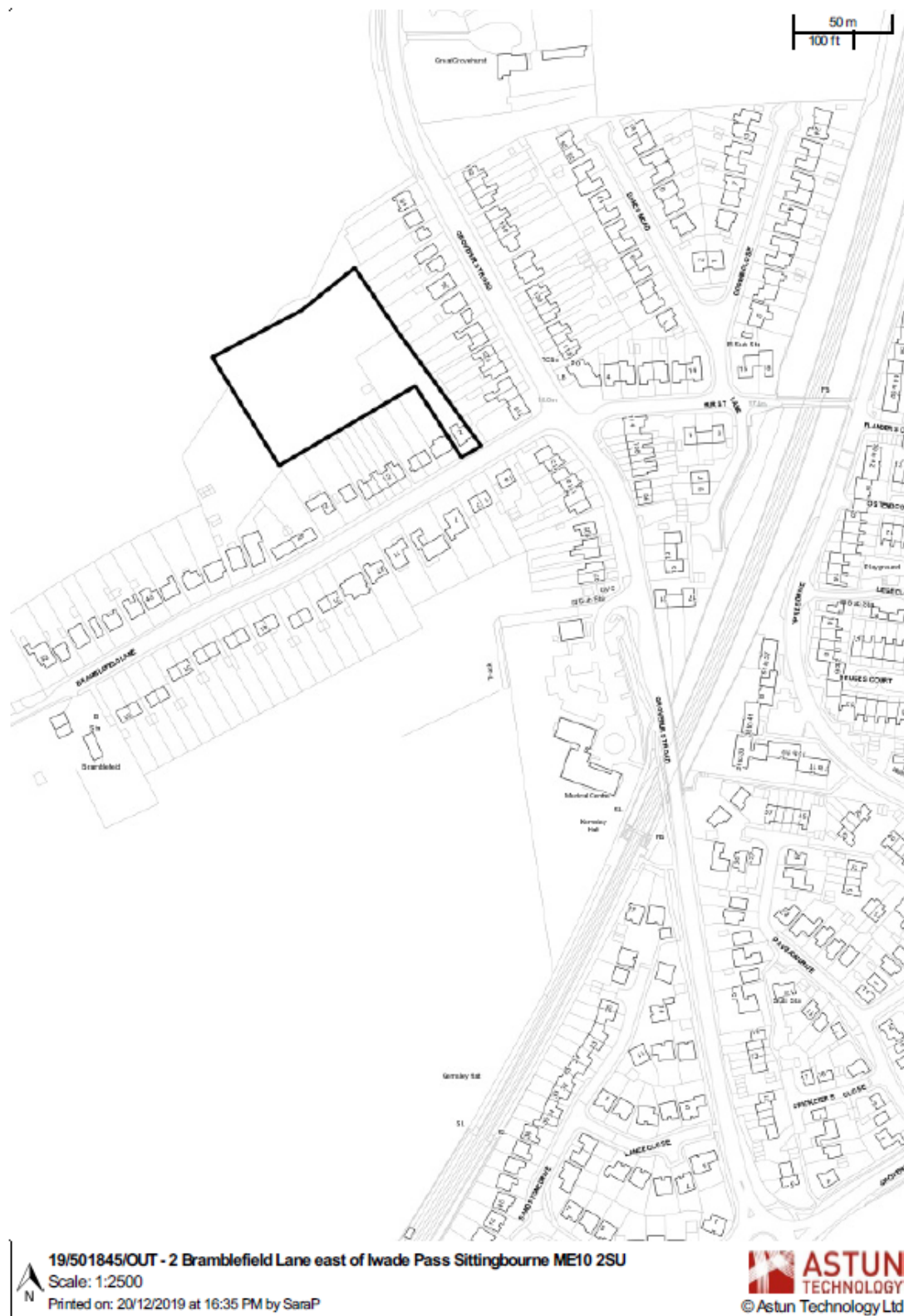
Reason: In the interests of complementing the character and appearance of existing development in the vicinity of the site.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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PLANNING COMMITTEE – 27 JANUARY 2020**PART 4**

Report of the Head of Planning

PART 4

Swale Borough Council's own development; observation on County Council's development; observation of development by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

4.1 REFERENCE NO - 19/504918/COUNTY		
APPLICATION PROPOSAL County Matters -Amendments to surface water and process water arrangements at Ridham Dock Biomass Facility, Iwade, Kent to enable discharge to the River Swale (KCC/SW/0210/2019).		
ADDRESS Mv Environment Ridham Lord Nelson Road Ridham Dock Iwade Kent ME9 8FQ		
RECOMMENDATION No objection		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed works will not have any significant amenity impacts.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Mr Bruce Braithwaite AGENT KCC Planning Applications Group
DECISION DUE DATE 28/10/19		PUBLICITY EXPIRY DATE 23/10/19

Planning History**15/507191/COUNTY**

County Matter - Stores building.
 No Objection Decision Date: 06.10.2015

17/504559/COUNTY

County Application - Revised interim ecological management plan (EMP) pursuant to condition 5 of planning permission SW/14/76
 No Objection Decision Date: 25.09.2017

19/504919/COUNTY

County Matters - Construction of a footbridge to provide safe staff access from the Ridham Dock Biomass Facility to the SUDS Pond (KCC/SW/0220/2019)
 Pending Consideration (concurrent application)

1. DESCRIPTION OF SITE

- 1.1 The application site is an attenuation pond situated within a flat and level field immediately to the south of the Ridham Dock biomass plant. The land is largely open and grassed. An overgrown ditch runs along the road (western) boundary, and a drainage ditch and grassed bund run along the coastal (eastern) boundary. Land levels rise gently to the north.

2. PROPOSAL

- 2.1 This is a county application seeking comments on proposals to amend drainage details for surface and process water arising from the biomass plant. It is proposed to create a new drainage outfall into the Swale, re-line the existing attenuation pond, and install monitoring stations and additional pumping equipment (below ground and within the confines of the existing biomass plant site).
- 2.2 At present surface water from the biomass plant drains into the existing attenuation pond, and then into the Swale via a short pipeline discharging next to the pond. This application proposes to extend the outfall to a discharge point further to the south. It is also proposed to run a “process water” discharge pipeline from within the site to meet with the new surface water discharge point to allow (clean) water from the biomass process to be discharged into the Swale.
- 2.3 Two monitoring points will be installed within the biomass plant site to monitor / regulate flow.

3. SUMMARY INFORMATION

	Proposed
Site Area	1.2ha

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance.
- 4.2 Environment Agency Flood Zone 3.

5. POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework and National Planning Policy Guidance generally support development which would support economic activities subject to no serious harm being caused to the natural environment and biodiversity, or unacceptable drainage impacts arising.
- 5.2 Policies ST1 (sustainable development), DM14 (general development criteria), DM21 (water, flooding and drainage), and DM28 (biodiversity) of the adopted Swale Borough Local Plan 2017 are relevant.

6. LOCAL REPRESENTATIONS

- 6.1 None received.

7. CONSULTATIONS

7.1 Iwade Parish Council objects to the proposal, commenting:

“Councillors note that this company has had its environmental permit taken away because of contaminated water.

Members object to this application until such time as confirmation is given that an independent company is monitoring the water to ensure it is not contaminated, evidence of this is produced to the relevant authorities and the necessary strategies are put in place so that in future contaminated water from the plant is not fed into the Swale, which is an important SSSI/Ramsar area.”

7.2 Natural England has requested additional information to determine the impacts of the proposed development upon the SSSI, and to evaluate the extent of any mitigation required.

8. BACKGROUND PAPERS AND PLANS

8.1 The application is supported by relevant plans and drawings.

9. APPRAISAL

9.1 The concerns of Iwade Parish Council are understood, but the lack of an environmental permit is not a material planning consideration and is a matter to be dealt with by other legislation outside of the planning process.

9.2 The proposed works largely amount to the installation of pipework and would therefore not be intrusive or incongruous features within the context of the area, in my opinion. There is a public right of way running along the northern and eastern edges of the site which gives an elevated view across the application site, but again I have no serious concerns. Views of the site from the road are at some distance, and partially screened by existing roadside vegetation.

9.3 The proposed monitoring points and pumping stations are below ground and therefore will have very little impact.

9.4 The site lies close to the SSSI, but, as above, I recommend that we defer to the expertise of Kent County Council’s (KCC) ecological officers, the EA, and Natural England, who will respond directly to the KCC Planning team in respect of potential impacts upon ecology and biodiversity.

9.5 Similarly I recommend that the Council defer to Southern Water and KCC Flood Risk officers in respect of site drainage, and to the EA in respect of environmental permitting for the proposed discharge.

9.6 Taking the above into account I recommend that the Council raises no objection to this application, but subject to any comments KCC may receive from statutory consultees on matters within their particular fields of expertise.

10. CONCLUSION

- 10.1 This is a county application seeking comments on a proposal to amend drainage arrangements at Ridham Dock biomass plant. The proposed works would have a limited impact, and other agencies (Natural England, Environment agency, etc.) will be responding directly to KCC on their respective areas of concern. The Parish council has objected but their concerns are not material planning considerations.
- 10.2 Taking the above into account I recommend that Swale Borough Council does not object, subject to any comments KCC may receive from other statutory consultees.

11. RECOMMENDATION

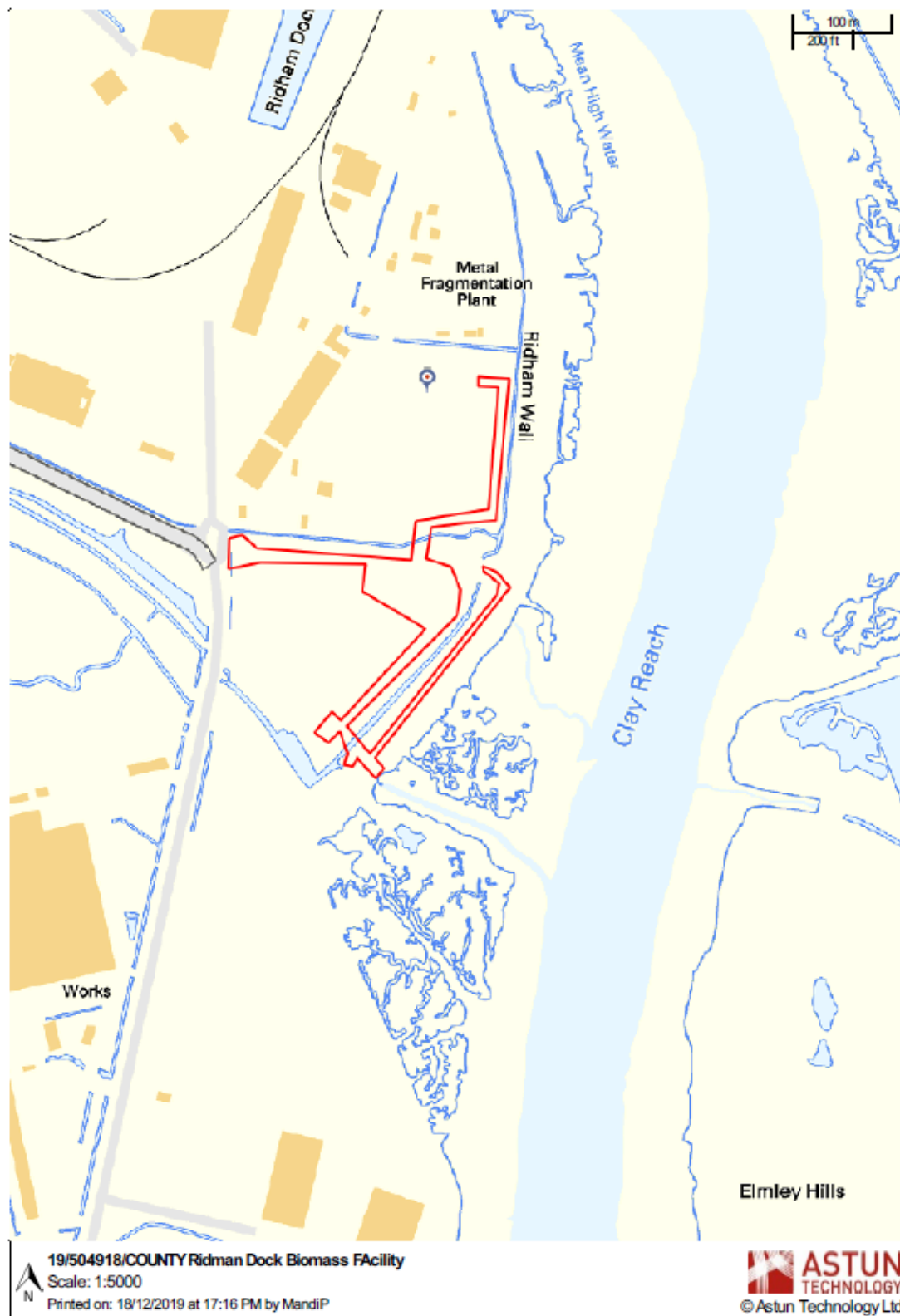
NO OBJECTION subject to the conditions set out below:

CONDITIONS to include

1. Any recommended by statutory consultees.

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

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



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