



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 12 May 2022

Time: 7.00 pm

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

Membership:

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

Quorum = 6

Pages

Information for the Public

*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: To be added.

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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. Minutes

To approve the [Minutes](#) of the Meeting held on 7 April 2022 (Minute Nos. 742 - 747) as a correct record.

4. Declarations of Interest

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

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

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

(b) Disclosable Non Pecuniary Interests (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 meeting while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B reports for the Planning Committee to decide

5. Report of the Head of Planning Services

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

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 11 May 2022.

6. Exclusion of the Press and Public

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

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt

information as defined in Paragraphs 5 and 7.

5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
7. Information relation to any action in connection with the prevention, investigation or prosecution of crime.

7. Report of the Head of Planning Services

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To consider the attached report (Part 6).

Issued on Wednesday, 4 May 2022

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**

SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

12 MAY 2022

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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 – 12 MAY 2022

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

PART 2

2.1	21/503749/REM	HALFWAY	Land on the south east side of Bartletts Close
2.2	19/502484/FULL	OSPRINGE	Willow Farm Hansletts Lane
2.3	22/501431/FULL	DODDINGTON	Graces Place Homestall Road
2.4	22/501556/FULL	BORDEN	Greystone Bannister Hill
2.5	21/505769/FULL	MINSTER	Land south of Chequers Road
2.6	21/506750/FULL	EASTCHURCH	Land Adjacent To Eastchurch Village Hall Warden Road
2.7	22/500724/FULL	EASTCHURCH	17 Court Tree Drive
2.8	16/508602/OUT	FAVERSHAM	Preston Fields Salters Lane
2.9	21/500766/OUT	FAVERSHAM	Land At Preston Fields (South) Salters Lane
2.10	22/500641/FULL	SHEERNESS	Bank House Broadway
2.11	21/500204/FULL	SHEERNESS	Old House at Home High Street
2.12	22/500843/FULL	LEYSDOWN	Isle of Sheppey Holiday Park Warden Bay Road
2.13	21/505461/PSINF	EASTCHURCH	HMP Standford Hill Church Road

PART 5 – INDEX

5.1	18/506328/OUT	IWADE	Land lying south of Dunlin Walk
5.2	20/502811/FULL	MINSTER	Plough Leisure Caravan Park Plough Rd

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PLANNING COMMITTEE – 12 MAY 2022**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 21/503749/REM		
APPLICATION PROPOSAL Approval of Reserved Matters for Appearance, Landscaping, Layout and Scale pursuant of 19/503810/OUT (allowed on appeal) for - 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 the conditions below.		
SUMMARY OF REASONS FOR RECOMMENDATION The reserved matters would be in accordance with the terms of the outline planning permission and the appearance, landscaping, layout and scale of the residential scheme is acceptable and in accordance with the requirements of the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Beart		
WARD Queenborough And Halfway	PARISH/TOWN COUNCIL	APPLICANT Mr R Theobald AGENT Synergy
DECISION DUE DATE 21/10/21	PUBLICITY EXPIRY DATE 08/04/22	

Planning History

19/503810/OUT

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).

Refused Decision Date: 13.03.2020

Appeal History:

20/500073/REF (PINS ref: W/4001086)

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).

Appeal Allowed Decision Date: 09.10.2020

The appeal decision is included as an Appendix.

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. Planning permission was granted in December 2020 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 Outline planning permission was allowed at appeal on 9th October 2020 (ref W/4001086) following refusal of application reference 19/503810/OUT. Therefore outline planning permission has been granted for 17 dwellings on the site. The access to the site also benefits from planning permission and therefore this application now seeks approval of the matters reserved – appearance, landscaping, layout and scale - for 17 dwellings.
- 2.2 In respect of the height of the dwellings, two of the dwellings are single storey bungalows, with the remaining fifteen dwellings are two storey in height (with accommodation in the roofspace). The dwellings are provided in the form of semi-detached and one row of terraces made up of three units.
- 2.3 The dwellings are proposed to be provided as per the following mix:
 - 2 bed – 4 (plots 14, 15, 16 and 17)
 - 3 bed – 9 (plots 1, 2, 3, 4, 7, 8, 9 10, 11)
 - 4 bed – 4 (plots 5, 6, 12 and 13)
- 2.4 The design approach for the dwellings follows a relatively traditional style with brick, elevations with stone detailing sitting beneath tiled pitched roofs. The indicative materials include two varieties of a yellow stock brick for the external walls, and concrete roof tiles in rustic brown and slate black. The roofs are primarily to be gabled, with both side and front facing gables, and the bungalow would have a hipped pitched roof. The proposal includes a

few house types and architectural features including stone detailing above the windows, stone quoining, canopies and staggered elevations. Some dwellings include accommodation within the roofspace which are served by small rooflights on the front elevations, and projecting pitched dormer windows on the rear elevation.

- 2.5 In terms of vehicular access, this is provided via Bartletts Close (a private unmade road) and the access details include a t-shaped turning head to the south of the access. Access was considered in detail as part of the outline planning application and as a result of planning permission being granted, benefits from this consent.
- 2.6 In terms of parking spaces, these are to be provided on plot at a provision of 2 spaces per 2 bed; 2 spaces per 3 bed; and 3 spaces per 4 bed. The parking spaces are a mix of side by side arrangements, and tandem parking. 3 visitor spaces are proposed to serve the site.
- 2.7 The proposals as amended include a 5m landscape buffer along the south-western and south-eastern site boundaries. This would increase the depth of the existing hedgerow buffer and bring landscaping inwards into the site. The landscape buffer is to be a mix of mixed native hedgerow and tree planting (field maple; alder tree; silver birch; cherry tree; lime tree).
- 2.8 Within the site, soft landscaping is proposed within front gardens, areas of amenity space and rear gardens. This would be a mix of hedgerows, tree planting (Holly, hawthorn, cherry, pear, sweetgum), and turf.

3. SUMMARY INFORMATION

	Proposed
Site Area (ha)	0.55ha
No. of Storeys	1 - 2 storeys
Parking Spaces	42 (including 3 visitor spaces) (2 spaces per 2 bed; 2 spaces per 3 bed; 3 spaces per 4 bed)
No. of Residential Units	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 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).

- 5.2 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 68 (identifying land for homes); 74 (maintaining a supply of housing sites); 110, 111 and 112 (transport); 130 (achieving well designed places); 169 (sustainable drainage systems); 174 (local and natural environment); 179 (biodiversity).
- 5.3 National Planning Practice Guidance (NPPG): Consultation and pre-decision matters; Design: process and tools; Natural environment; Open space, sports and recreation facilities, public rights of way and local green space; Use of planning conditions.
- 5.4 Supplementary Planning Documents (SPD): Parking Standards (2020).
- 5.5 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 32 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
- Appeal decision is poor
- Proposed dwellings would not be in keeping with the character of the area.
- Bartletts Close is predominantly detached single storey bungalows
- Bartletts Close comprise detached single storey bungalows and chalet style properties. The proposals for semi-detached two storey dwellings and terraced town houses of three storeys are not in keeping with Bartletts Close in terms of scale and appearance
- Bungalows should replace the two and three storey dwellings
- No dwellings in the area (Bartletts Close or Upland Way) include accommodation within the roofspace
- The streetscene would be significantly altered if the proposals are approved
- The site is elevated in comparison to Bartletts Close meaning the development will dominant the area
- Density is too high
- Overdevelopment of the site, especially noting the 5m landscape buffer
- Proposals not in keeping with the building line along Bartletts Close
- What will prevent residents from changing office rooms or roof spaces into additional bedrooms, or adding dormers to properties
- Harm to residential amenity – loss of light, daylight, overshadowing (position of dwellings in relation to neighbours)
- Harm to residential amenity – loss of privacy, overlooking (from two storey dwellings & townhouse designs)
- Harm to residential amenity – harmful outlook
- Harm to residential amenity – noise
- Harmful impact on quality of life, mental health and wellbeing (application at risk of violation of the Human Rights Act 1998; Article 8: Right to a private and family life)
- Harmful impact on air quality
- Increased traffic and congestion
- Proposal will cause damage to existing unmade road of Barletts Close

- Proposal will increase maintenance costs along the unmade road of Bartletts Close, for existing residents, during construction and once site is developed
- The unmade road is unsuitable for increased residential properties
- The lack of footpaths, the uneven road surface, lack of parking on the site and the large increase in traffic that will be using the road, is a danger to highway safety.
- The site will need an area for construction parking, and wheel washing facilities
- The application was refused as the access was not safe and suitable for access to be achieved for all users.
- Increased damage to existing properties – eg. From stones breaking windows due to increased vehicular movements.
- Queries the stated improvements to the roadway and services by developer. Questions the extent of road improvements along Bartletts Close / Uplands Way, and where surface water will drain away.
- 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 (with new services, street lighting, paths and drainage etc) to be carried out before development starts and at the developers cost.
- Unsuitable access roads for construction vehicles; emergency vehicles; delivery vehicles; and service industry
- Traffic will have to access the site from Queenborough Road through existing housing via The Rise, Uplands Way then Bartletts Close.
- No provision is made for access to the south east, directing traffic to the A249 via future development
- Insufficient parking spaces, leading to an overspill on surrounding streets
- Parking provision not in accordance with SBC Parking Standards.
- The design has not factored in any on-street parking or more permeable integrated parking as per the SBC Parking Standards
- The four bedroom dwellings are only served by 2 spaces which is not sufficient
- Tandem spaces unsuitable
- Lack of visitor parking spaces
- Insufficient turning space for large refuse vehicles
- Safety risk for pedestrians, no safe footpath, only one streetlight. The unmade surface along Bartletts Close is unsuitable for pedestrians, cyclists, motorcycles, wheelchairs, mobility scooters, pushchairs.
- Increased flood risk
- Increased surface water leading to localised flood risk in nearby properties on Bartletts Close and Uplands Way
- There is poor drainage along Bartletts Close leading to localised flooding.
- Is there sufficient drainage on site to prevent nearby flooding. The development in Belgrave Road included an attenuation pond to offset the development impact
- Soakaways inadequate drainage solution
- Sewerage system at capacity. Potential for development to damage existing sewage and water pipework underneath the adopted road.
- Site clearance harmful to wildlife and ecology
- No provision for on site green space or children's play 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 – bins, healthcare, schools, nursery. Local minor injury clinic is at capacity.
- Neighbour along Bartletts 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.
- The proposed entrance is situated slightly off centre (left), and would include block paving

out into the existing road between nos. 10 and 13 Bartletts Close. This land is in the ownership of these dwellings, and therefore will need permission for the siting of block paving and planting.

- What boundary treatment is proposed to prevent residents accessing or disposing of rubbish on adjacent agricultural fields?

7. CONSULTATIONS

7.1 Natural England have no comments to make on this application

7.2 **Southern Water raise no objection on the reserved matters details.** Refers to comments in the response dated 22/08/2019 on 19/503810/OUT where no objection was raised, subject to a condition for details of foul and surface water sewage disposal (condition 9 on appeal decision), and an informative regarding connection to the public foul sewer.

7.3 **KCC Archaeology raises no objection.** Notes that advice was provided on the outline consent and a condition for a 'programme of archaeological' works was attached as Condition 22 on appeal. That condition remains to be discharged and should be attached to the Reserved Matters consent if forthcoming.

7.4 KCC Ecology raise no objection

The submitted site plans have been updated and they have confirmed that a 5m hedgerow will be created along the southern and western boundary. We are supportive of this but highlight that there is a need to ensure the hedgerow will not be removed by future residents as it will increase the size of the gardens. The submitted landscaping plans have confirmed that native species landscaping will be incorporated into the site .

More can be done to enhance the site for biodiversity but I am satisfied that details of ecological enhancement features in the buildings and site boundaries can be provided via the information to be submitted as part of Condition 11 of the appeal decision.

The ecological information submitted with the original application detailed that there is potential for hedgehogs to be present within the surrounding area and therefore we advise that all close board fencing must include hedgehog highways – we highlight that Condition 11 must also demonstrate that the hedgehog highways will be implemented.

7.5 **KCC Flood and Water Management raise no objection, and note detailed surface water design are sought via Condition 7 of the appeal scheme.** The comments include recommendations for drainage arrangements moving forward to the detailed design stage (Condition 7).

The LLFA understands from the Proposed Block Plan and Location Plan (June 2021) drawing that the layout/ design of site appears to remain the same as previously set out within the outline submission (19/503810/OUT). Whilst no drainage documentation has been provided in this submission, the Drainage Impact and Flood Risk Assessment report (27/09/19) provided at the outline stage would appear to us to still be valid, given the same site layout.

The drainage measures that were proposed for the outline stage was a combination of permeable paving for the access roads and soakaways to serve runoff from the dwellings.

The incorporation of these features are designed to control and attenuate surface water on site until gradually infiltrating into the ground. The design of these features were based upon results from infiltration testing previously undertaken on site, for which the results are contained within that report.

The LLFA are aware that a pre-commencement detailed design condition has been applied to this development (condition 7). Moving forward to discharging this condition, it would be essential that further testing is undertaken at the proposed location and depth of these features to finalise the design. Ideally, the testing should be undertaken to BRE:365 standards, notably the requirement to fill the test pit three times. As mentioned previously, permeable paving is proposed for the access roads and driveways of the properties. Full details including respective levels of the sub base have not been decided/ provided. It would be our recommendation that consideration should be given to the use of baffles/check dams within the sub base, should there be a consistent fall across the site. This is to maximise both the infiltration and attenuation capacity within the feature whilst minimising any possible exceedance.

7.6 KCC Highways raise no objection

The principle of this scale of development and details of its access have already been decided, with reserved matters now being sought for approval for appearance, landscaping, layout and scale. It is understood that the development is not going to be offered for adoption and will therefore remain in private ownership.

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

7.7 MKIP Environmental Health raise no objection on the submitted reserved matters, as they would not give rise to additional environmental factors that would pose a risk to human health

7.8 Lower Medway Internal Drainage Board:

Notes that the applicant has indicated that they intend to dispose of surface water via infiltration, however cannot see that the viability of the proposed drainage strategy has been evidenced. We would recommend that the proposed strategy is supported by ground investigation to determine the infiltration potential of the site and the depth to groundwater. If on-site material were to be considered favourable then we would advise infiltration testing in line with BRE Digest 365 (or equivalent) to be undertaken to determine its efficiency.

Officer Note: The outline application (ref 19/503810/OUT) was supported by a Drainage Impact and Flood Risk Assessment report which both KCC Flood and Water Management, and the Lower Medway Internal Drainage Board raised no objection to, subject to conditions seeking detailed surface water drainage scheme and verification report via condition (conditions 7 and 8 on the appeal decision).

7.9 Kent Police raise no objection.

Support boundary heights/types proposed. Recommend a mesh fence as additional layer of security to prevent gaps in hedge to access rear gardens. All parking is covered by natural surveillance which addresses concerns. Recommend trees with a crown of above 2m, and hedges within the site should be no higher than 1m. Recommend requirements for doorsets, windows, and security measures which will be included as an informative.

8. APPRAISAL

Principle of Development

- 8.1 The site benefits from an outline planning permission as set out in the history section above for 17 dwellings, under reference 19/503810/OUT which was allowed at appeal. The appeal decision is appended. As a result of the grant of outline planning permission the principle of residential development is established.
- 8.2 This application is seeking approval of the reserved matters, namely, appearance, landscaping, layout and scale for 17 dwellings. Due to the outline planning permission allowing for 17 dwellings on this site, this proposal is compliant with the terms of the planning permission in respect of unit numbers.
- 8.3 Due to the above position, 'in principle' matters such as the impact of the development upon the highway network, the impact upon services and facilities such as education and healthcare, the payment of developer contributions, the need for a Transport Assessment, suitability of the access, condition of Bartletts Close as an unmade road, and drainage have already been considered acceptable by virtue of the allowed appeal decision. Therefore, although these matters have been raised by neighbours, they are not subject to consideration as part of this reserved matters application.

Mix of Units

- 8.4 The application proposed the following mix of units:
- 2 bed – 4 (plots 14, 15, 16 and 17) (24%)
 - 3 bed – 9 (plots 1, 2, 3, 4, 7, 8, 9 10, 11) (52%)
 - 4 bed – 4 (plots 5, 6, 12 and 13) (24%)
- 8.5 Policy CP 3 (Delivering a wide choice of high-quality homes) of the adopted Local Plan sets out the housing needs for the Borough as a whole and subsequently splits the Borough into various Local Market Housing Areas. The supporting text to the policy specifies that in the Borough in general, the greatest need is for 3-bedroom properties, and specifically on the Isle of Sheppey, the demand for family housing is greatest and should be encouraged. In terms of both the wider Borough need for 3-bedroom properties, considered along with the more specific localised need I am of the view that the above mix of 2, 3, and 4 bedroom houses meets the requirement for additional family housing in the area.

Layout

- 8.6 The layout of the development would extend the existing cul-de-sac of Bartletts Close, with dwellings fronting onto the internal highway. The outline planning permission fixed the access into the site from Bartletts Close and the T-shaped turning head. The internal roads would lead off this T-shaped area to the east, and to the west. Plots 1 & 2, and 16 & 17 would have the same orientation as the existing dwellings on Bartletts Close, with the remainder of dwellings fronting north or southwards onto the internal access road.
- 8.7 The layout of the site includes the provision of a 5m landscape buffer along the south-eastern and south-western boundaries, which are adjacent to agricultural fields. This is required by condition 19 of the outline consent.
- 8.8 In terms of the proposal's context with the wider area, the development would effectively extend the existing cul-de-sac at Bartletts Close and therefore this is considered to be an appropriate design response, especially considering the size of the application site.
- 8.9 Neighbouring objections have raised concerns about the density of the development, and siting of dwellings (notably plots 1 and 2) in front of 10 Bartletts Close. With regard to the density of the development, the outline consent permitted 17 dwellings, which would equate to a density of 31 dwellings per hectare. It is acknowledged that this is a denser form of development than on Bartletts Close, however it is considered that the level of density is appropriate and would meet the aims of para 124 of the NPPF which sets out that development makes efficient use of land. Furthermore, the recent development at Belgrave Road has a density of 29 dwellings per hectare, and therefore the proposals would not be out of keeping with the wider area.
- 8.10 In terms of the siting of dwellings, the plots closest to the access would maintain the same orientation as those on Bartletts Close. Plots 16 & 17 would maintain a similar building line to the dwellings on the western side of Bartletts Close. It is acknowledged that plots 1 and 2 would be forward of 10 Bartletts Close and other dwellings on the east side of Bartletts Close, however it is not considered that this would result in significant harm to the streetscene.
- 8.11 It is considered that the layout of the site has been designed to ensure there is sufficient spacing between dwellings, incorporates provision for front gardens and areas of soft landscaping whilst providing adequate areas of parking provision. The proposals therefore would not result in an overdeveloped or unduly cramped form of the development.
- 8.12 The plans show the location of a possible sub station which would be located to the east of plot 5. It is considered that this would be an appropriate location, as it is not in a prominent area of the site, and could be screened by landscaping. No details have been provided in of the elevations of the sub-station, and therefore details would be controlled by condition.
- 8.13 In summary, it is considered that the layout of the proposals represents an appropriate design response to the existing form of the area, whilst ensuring provision for a strong landscaped boundary and suitable spacing between dwellings. On this basis and as per the matters discussed above, I believe that the layout is acceptable.

Appearance

- 8.14 The design approach for the dwellings follows a relatively traditional style with brick, elevations with stone detailing sitting beneath tiled pitched roofs. The roofs are primarily to be gabled, with both side and front facing gables, and the bungalow would have a hipped pitched roof. The proposal includes a few house types and architectural features including stone detailing above the windows, stone quoining, canopies and staggered elevations. Some dwellings include accommodation within the roofspace which are served by small rooflights on the front elevations, and projecting pitched dormers on the rear elevation.
- 8.15 It is considered that the detailing on the dwellings, such as the stone quoining and stone detailing above the windows will create visual interest, whilst creating a visual identity to the proposed development. The use of front gables in the eaves and above windows will provide variety within the proposed house types. Where accommodation is proposed in the roofspace, the front elevations include modest scaled rooflights which do not detract from the form of the proposals, and any roof dormers are limited to the rear of dwellings and are of a modest scale. It is therefore considered that the proposed elevations are acceptable.
- 8.16 As with any residential scheme, an important aspect in respect of the success of the scheme lies in the careful selection of external finishing materials. In this case, the design and access statements notes that the finishing materials for the dwellings are proposed to be red brick with stone detailing, with tiled roofs. However, indicative materials have been provided which include two varieties of a yellow stock brick for the external walls, and concrete roof tiles in rustic brown and slate black. No stone indicative images were provided. The indicative mix of external materials is considered to be a suitable approach for the site, and full details of the external materials will be sought via condition, and will need to include the proposed stone detailing and a materials plan. The details will need to ensure that there is some variety in terms of the brick finish and roof tiles, and ensure that the proposed materials are high quality.
- 8.17 In addition to the external finishing materials of the dwellings themselves, the appropriate use of boundary treatments is also of importance in ensuring an acceptable appearance. A boundary treatment plan has been provided which shows that brick walls had been used for boundaries which are to be visible from public vantage points and therefore more prominent, with close boarded fencing used where private gardens back onto one another, and lower height post and rail fences to be used to divide the front garden boundaries of the plots. The rear garden fencing and brick wall boundaries include hedgehog highways to allow the movement of hedgehogs throughout the site. The details of boundary treatments are considered to be acceptable. Finally, I do not have details in respect of precise hard landscaping details, including the finish of the carriageways and footpaths. As such I have imposed a condition requiring these details. On the basis of the above, I am of the view that the appearance of the development is acceptable.

Scale

- 8.18 Condition 18 of the outline planning permission states that the details shall show dwellings extending to no more than two storeys in height. In respect of the height of the dwellings, two of the dwellings are single storey bungalows, with the remaining fifteen dwellings are two storey in height (with accommodation in the roofscape). The height of the two storey

dwellings range between approximately 8.6m and 9.2m, and the height of the single storey dwellings (Plots 16 and 17) is 6.1m. It is therefore considered that the scale of the proposed development, meets the requirements of condition 18 of the outline planning consent.

- 8.19 The dwellings in the surrounding area are a mixture of heights, and includes 1, 1 ½ storey and 2 storey units. Bartletts Close is comprised mainly of single storey bungalows, but does include chalet style bungalows and a two storey dwelling, with the dwellings on Bartletts Close being detached. In terms of neighbouring roads, both Uplands Way and Belgrave Road comprises a mix of bungalows, chalet style bungalows and traditional two storey dwellings, with properties being detached, or semi-detached. The new development at Belgrave Road to the east of the site (ref 19/501921/FULL) contains a mix of detached, semi-detached and terraced two storey dwellings.
- 8.20 A number of objections have set out that the scale of the development would be out of keeping with Bartletts Close, and the dwellings should be amended to be single storey bungalows. Whilst the Bartletts Close is primarily bungalows, the surrounding area has a mixed character with two storey dwellings, including some with accommodation in the roofspace. The proposals are therefore considered to be in keeping with the wider character of this part of Halfway and reflect a similar scale to nearby new development on Belgrave Road. Furthermore, the appeal decision did not require residential development to be limited to single storey.
- 8.21 In respect of the development as a whole, the provision of bungalows and two storey dwellings along with the variation in height between the properties, will in my opinion provide sufficient visual interest. In overall terms, on the basis of the above assessment I am of the view that the scale of the development is acceptable.

Landscaping

- 8.22 The site is characterised by a hedgerow which sits along the south-western and south-eastern site boundaries. The outline planning permission requires under condition 19 details to be submitted with this reserved matters application of a landscape buffer which is a minimum of five meters along the south-western and south-eastern boundaries of the site.
- 8.23 The scheme as amended has incorporated the required 5m landscape buffer along these site boundaries. This would increase the depth of the existing hedgerow buffer and bring landscaping inwards into the site. The landscape buffer is to be a mix of mixed native hedgerow and tree planting (field maple; alder tree; silver birch; cherry tree; lime tree). This would provide a strong landscaped edge to the site (once matured), and provide a suitable soft edge to the development which would be appropriate given the open agricultural fields beyond the site to the south-east and south-west.
- 8.24 The landscape buffer would be separated from the residential gardens by a 1400mm high post and top rail timber fence line, with stock fencing wire between. Furthermore, a plan has been requested which demonstrates the extent of the garden areas for the plots adjacent to the landscape buffer area, this is shown on drawing no. 21/318/19 Rev B.
- 8.25 Within the site, soft landscaping is proposed within front gardens, areas of amenity space and rear gardens. This would be a mix of hedegrows, tree and shrub planting (Holly, hawthorn, cherry, pear, sweetgum), and grass lawns.

- 8.26 The scheme would include a mix of native and non-native species, with primarily native species to be used in the landscape buffer area, and a mix of native and non-native species within the site itself. I am of the view that this is acceptable and the mix of planting that is proposed, in the form of trees, shrubs, hedges, bulbs and various grasses that the proposed landscaping will give rise to both visual and biodiversity benefits.
- 8.27 Condition 5 of the outline consent sets out that the landscape scheme shall be carried out prior to the occupation of the development, and condition 6 ensures replacement of planting for five years upon competition of the landscaping scheme in the event any of the planting is removed, dies, is severely damaged or diseased. Therefore these conditions will not be reattached to the reserved matters approval.

Residential Amenity

- 8.28 Concern has been raised from neighbouring occupiers regarding the impact of the development upon residential amenities, namely loss of privacy, loss of light, overshadowing, pollution and noise. The application site sits to the south and south-east of existing properties on Bartletts Close and to the south and south-west of properties on Belgrave Road, as a result the impact upon residential amenities will need to be carefully considered.

13 Bartletts Close

- 8.29 With regard to 13 Bartletts Close, plot numbers 14, 15 and 17 would be adjacent to this dwelling. The closest dwelling would be plot 17 which would be adjacent to the dwelling, plot 17 is a single storey bungalow with no first floor windows facing the dwelling. Plots 14 and 15 are set approximately 17m away from no. 13 Bartletts Close and are two storey dwellings. These dwellings have been angled away from the shared boundary and garden area of this neighbouring property, and no windows are proposed in the roofspace. Due to the orientation of these plots, there would not be direct views from habitable room windows towards the rear private amenity space of this neighbour. Whilst there would be some angled views into the garden area, the windows would face existing outbuildings and fields beyond the site boundary, and it is considered that the orientation will ensure this neighbour retains a sufficient level of privacy. The boundary treatment plan sets out that there will be a 1.8m fence along the shared boundary between plots 14, 15, 17 and no. 13 Bartletts Close which will ensure sufficient privacy between garden areas and at ground floor level.
- 8.30 It is considered that the separation distance, orientation of buildings, and height of the proposed dwellings ensure that the neighbouring dwelling would maintain an acceptable level of light and outlook.
- 8.31 A condition will be attached to the consent which will remove permitted development rights for the roofspace to ensure no openings or roof extensions can be added without the planning permission. This would apply to plots 14, 15 and 17.

10 Bartletts Close

- 8.32 With regard to 10 Bartletts Close, plot numbers 1, 3 and 4 would be adjacent to this dwelling. The closest dwelling would be plot 1 which would be adjacent to the dwelling and its front garden, plot 17 is a two storey dwelling which does have a first floor window on the side

elevation which is to be obscured glazed and serves a bathroom, however there is no accommodation proposed in the roofspace. Plots 3 and 4 are set approximately 11m away from no. 10 Bartletts Close and are two storey dwellings. These dwellings have been angled away from the shared boundary and immediate garden area of this neighbouring property. There is a single rooflight on the each of the rear elevations of these plots which are to serve en-suites and are noted to be obscure glazed and high level to prevent overlooking. Due to the orientation of these plots, there would not be direct views from habitable room windows towards habitable rooms on this dwelling, or the immediate amenity space of this neighbour. There would be a degree of overlooking to the rearmost part of the garden, however this would be screened by fencing and proposed planting. As such it is considered that a sufficient level of privacy will be retained. The boundary treatment plan sets out that there will be a 1.8m fence along the shared boundary between plots 1, 3, 4 and no. 10 Bartletts Close which will ensure sufficient privacy between garden areas and at ground floor level.

- 8.33 It is considered that the separation distance, orientation of buildings, and height of the proposed dwellings ensure that the neighbouring dwelling would maintain an acceptable level of light and outlook.
- 8.34 A condition will be attached to the consent which will remove permitted development rights for the roofspace to ensure no openings or roof extensions can be added without the planning permission. This would apply to plots 1, 2, 3 and 4. A condition will also be applied to ensure the first floor side window on plot 1, and the rear rooflights on plots 3 and 4 are to be obscure glazed, and non-opening below 1.7m from the internal floor level.

Belgrave Road – Nos. 28, 30, 32 and 34

- 8.35 Plots 3 and 4 would be closest to nos. 28 and 30 Belgrave Road with the properties orientated towards the rear parts of these gardens. Within both gardens there are outbuildings at the end of the garden, with the close boarded fencing and planting to be in the foreground of these. Whilst there may be some oblique views of the garden areas of these neighbouring dwellings, there would be a separation distance in excess of 21m between rear-rear. As such taking the above into account, and conditions to be attached in terms of rooflights and roof extensions there would be no significant harm in terms of privacy. Furthermore it is considered that the separation distance, orientation of buildings, and height of the proposed dwellings ensure that these neighbouring dwellings would maintain an acceptable level of light and outlook.
- 8.36 Plots 4 and 5 would be adjacent to the rear boundaries of nos. 32 and 34 Belgrave Road, and would have a separation distance of approximately 30m and 39m. It is considered that the separation distance, orientation of buildings, boundary treatments, and height of the proposed dwellings ensure that there would be no significant harm to the residential amenities of these neighbours in terms of light, outlook or privacy.
- 8.37 I have also assessed the impact of the development upon the future occupants. In respect of this, the dwellings have been laid out to comply with the Council's minimum requirements for separation distances in this respect (21m rear to rear and 11m flank to rear). There are some very limited instances where the proposed dwellings have been orientated in such a way as the closest proposed dwelling would fall below the minimum rear to flank distance, and in this instance an additional trellis fence is proposed on top of the close boarded fencing

for additional screening. Furthermore conditions will be attached to remove permitted development rights to roof openings and extensions, and obscure glazing for some plots (nos. 1, 2, 3, 4, 14, 15, 16 and 17) to ensure that amenity is maintained in future. It is considered that the dwellings would have suitable sized private amenity areas the majority of which meet the Councils requirement for 10m depth gardens, or would be no less than 9m in depth, with some gardens having amenity space to both the side and rear of the dwellings. As such, it is considered the impact upon the amenities of future occupants would be acceptable.

8.38 I also note the concern raised regarding noise. In respect of noise, the outline planning permission includes a condition (20) which restricts construction hours, and a condition (21) which limits the hours that any impact piling driving may take place. The appeal established the principle of 17 dwellings on the site, and therefore this has been accepted on the site. On this basis I am of the view that the noise impact of the development will not give rise to significant harm to neighbouring occupiers.

Highways and Parking

8.39 As set out above, the access from Bartletts Close benefits from detailed consent. However, matters such as the suitability of the internal road network within the development and the parking arrangements are to be considered under this reserved matters application.

8.40 The outline planning permission approved the access into the site from Bartletts Close and the T-shaped turning head. The internal roads would lead off this T-shaped area to the east, and to the west. Each dwelling would have access to on-site parking provision, with the visitor spaces located in either side of the site. Larger vehicles would be able to turn around in the central T-shaped turning head, with smaller vehicles able to turn around in the smaller turning heads at the western and eastern edge of the internal road. As such, it is considered there is sufficient circulation and turning space to ensure vehicles can enter and leave the site in a forward gear. It is considered that the layout of the internal road network, and parking spaces would be acceptable.

8.41 With regard to parking, the site is adjacent to the built up area boundary of Halfway and would effectively form part of this existing settlement as such the suburban parking standards would apply. Therefore, the Parking SPD recommends 1-2 spaces per 2 bed, 2-3 spaces per 3 beds and 3+ spaces per 4 beds; and 0.2 visitor spaces per unit.

8.42 The proposal seeks the following parking provision; 2 spaces per 2 beds; 2 spaces per 3 beds; and 3 spaces per 4 beds. The parking spaces would be a mix of side by side arrangements and tandem parking. It is therefore considered that the proposed parking in terms of number of spaces and layout would comply with the Parking Standards SPD. The proposal includes 3 visitor spaces which would be slightly less than the SPD requirements which equates to 3.4 spaces, however given the parking provision at the higher end of the suburban standards it is not considered this would result in parking pressures in the local area.

8.43 Condition 15 of the outline consent requires 1 electric vehicle charging point for each dwelling, which has been demonstrated on the submitted plans and considered acceptable in principle. The full details will need to be discharged separately via an application to discharge this condition.

- 8.44 A number of conditions related to highway matters such as parking spaces to be retained as such; details of electric vehicle charging points; and the access to be completed prior to occupation are included on the outline consent and do not need to be included again. No details have been provided regarding cycle parking, however it is considered that there is sufficient space for this within the plots, a condition is sought seeking the details of cycle parking.
- 8.45 Neighbouring concerns have been submitted in relation to the unmade road on Bartletts Close and part of Upland Way, in relation to its unsuitability as an access to the site; and with regard to disturbance and damage to the unmade road. As set out within the appeal decision, a condition requiring the upgrading of the unmade private road would fail to meet the tests set out in Paragraph 55 of the Framework and as the link through Bartletts Close would not be upgraded to an adoptable standard it would not be possible for the Highways Authority to enter a Section 38 of the Highways Act 1980. The matter of upgrading and maintaining the private unmade road would therefore remain a civil matter.
- 8.46 Information has been submitted as part of the application documents which relate to the road surface and sets out that work to the road surface is to be carried out to ensure that it is passable and maintained during the construction work, then at the end of the construction any repairs that are required will be undertaken. The document states:

“The applicant has agreed the following as a final and permanent repair or improvement to the road surface upon completion of the project: The road surface is to be graded and skimmed of any high spots and raised areas or sections until a continuous contour is achieved. Any low spots will be cleaned of loose material and compacted with a heavily compactable crushed granite material.

Lorry loads of selected roadstone containing the required blend of stone and fines to bind the surface will be delivered and laid evenly across the surface of Bartletts close up to the edges of any grass verges. The material will be heavily compacted with roadway rollers to ensure the material binds together sufficiently. The end result will be a smooth and flat road surface devoid of any ditches or potholes that would likely pool with water and possibly freeze during colder months as per concerns raised by residents.”

- 8.47 The extent of road surface would relate to is shown on drawing 16B, and the agent notes that the area hatched in blue shows the extent of Bartletts Road that will be put into good repair as per the road statement provided by the applicants. The drawing also shows the length of Uplands Way hatched in pink which will be kept in and put back into the same state of repair as it is now at the end of the works.

Drainage

- 8.48 In respect of drainage and surface water Southern Water, the Lead Local Flood Authority (KCC) and the Lower Medway Internal Drainage Board (LMIDB) have been consulted. The outline consent includes a number of conditions that require discharging; including condition 7 to ensure that 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. Condition 8 is to ensure that flood risks from development to the future users of the land and neighbouring land are minimised. Condition 9 is to ensure that foul and surface water are adequately disposed of.

- 8.49 Information has been submitted as part of the application documents which relate to drainage in response to neighbouring comments which sets out the following, and includes provision for a drainage gulley during construction:

“The development will enable the installation of porous finishes to road surfaces and parking which are proposed to be permeable block paving finishes built on porous granular bases so there will be no run off from the roads or parking. Also, Surface water from paved patio areas and from the roofs will be going into crate system soakaways so the surface water run off problem will further be reduced.

- 8.50 *The combined detailed above will considerably reduce the run-off water into Bartletts close, thereby improving the current flooding issues that are seen today on the road.*
- 8.51 *Also, during constructions works, as a solution a small gulley will be created across the end of the road to divert water away from running down Bartlett’s Close, thereby reducing the impact of flooding.”*

Ecology

- 8.52 KCC Ecology have reviewed the submitted site plans and note they are supportive of the 5m landscape buffer along the south-western and south-eastern boundaries of the site, and native species landscaping to be used as part of the site. As set out previously, fencing will be situated in between the residential gardens and landscape buffer to separate the planting from the residential garden, and a plan has been provided which identifies the extent of residential gardens.
- 8.53 The boundary treatment plan shows that the rear garden fencing and brick wall boundaries include hedgehog highways to allow the movement of hedgehogs throughout the site which address KCC Ecology’s comments. The full details of ecological enhancements are required by condition 11 of the outline consent.

9. CONCLUSION

- 9.1 Overall, I am of the view that the details submitted demonstrate that the site can accommodate 17 dwellings as approved under the outline planning permission. I believe that the development layout represents an appropriate response to the sites context, and the provision of a 5m deep landscape buffer on the south-western and south-eastern boundaries will be a significant positive. I also take the view that the design / architectural treatment of the individual dwellings has been amended to a point which means they will make a positive impact upon the local area in general. The proposed planting within the confines of the site is acceptable.
- 9.2 I do recognise the concerns of the neighbours that have been raised. However, it is of fundamental importance to note that any comments in respect of the principle of the site coming forward for housing and the impact of this on the highway network including the unmade road, local services and infrastructure in general have already been considered acceptable by virtue of the grant of planning permission.
- 9.3 On the basis of the above, I am of the view that the reserved matters of appearance, landscaping, layout and scale of the development proposed are acceptable.

10. RECOMMENDATION

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

CONDITIONS to include

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

Proposed Site Plan, drawing no. 21 308 16 Rev B
 Proposed Landscape Plan, drawing no. 21/318/15 Rev E
 Proposed Boundary Treatment Plan, drawing no. 21 308 12 Rev D
 Proposed Garden Ownership Plan, drawing no. 21/318/19 Rev B
 Plots 1 and 2 – Proposed Floor Plans and Elevations, drawing no. 21/318/07 Rev C
 Plot 3 – Proposed Floor Plans and Elevations, drawing no. 21/318/08 Rev B
 Plot 4 – Proposed Floor Plans and Elevations, drawing no. 21/318/05 Rev B
 Plot 5 – Proposed Floor Plans and Elevations, drawing no. 21/318/14 Rev C
 Plot 6 – Proposed Floor Plans and Elevations, drawing no. 21/318/03 Rev D
 Plots 7, 8 and 9 – Proposed Floor Plans and Elevations, drawing no. 21/318/04 Rev E
 Plot 10 – Proposed Floor Plans and Elevations, drawing no. 21/318/18
 Plot 11 – Proposed Floor Plans and Elevations, drawing no. 21/318/17
 Plot 12 – Proposed Floor Plans and Elevations, drawing no. 21/318/09 Rev B
 Plot 13 – Proposed Floor Plans and Elevations, drawing no. 21/318/13 Rev A
 Plot 14 – Proposed Floor Plans and Elevations, drawing no. 21/318/01 Rev B
 Plot 15 – Proposed Floor Plans and Elevations, drawing no. 21/318/02 Rev E
 Plots 16 and 17 – Proposed Floor Plans and Elevations, drawing no. 21/318/06 Rev B

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

- 2) Notwithstanding the submitted details, no development beyond the construction of foundations shall take place until details of the external finishing materials of the dwellings has been submitted to and agreed in writing by the Local Planning Authority. The details shall include brick, stone and roof tiles. The details as approved shall thereafter be implemented.

Reason: In the interests of visual amenities.

- 3) No development beyond the construction of foundations shall take place until hard landscaping details (including the finish of the carriageways and driveways) have been submitted to and approved in writing by the Local Planning Authority. The details thereafter shall be implemented as approved.

Reason: In the interests of visual amenities.

- 4) Prior to the erection of the substation, details of size and surface finish shall be submitted to and approved in writing by the Local Planning Authority. The erection of the substation shall be implemented in accordance with the approved details.

Reason: In the interests of visual amenities.

- 5) Before the first occupation of the dwellings hereby permitted on plots 1, 2, 3 and 4 the window(s) at first floor level on the side elevation (as shown on drawing nos. 21/318/05 Rev B; 21/318/07 Rev C;) shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level

fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 6) Before the first occupation of the dwellings hereby permitted on plots 3 and 4 the window(s) in the roof on the rear elevation (as shown on drawing nos. 21/318/05 Rev B; 21/318/08 Rev B;) shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order), no development shall be carried out within Classes B and C and of Part 1 of Schedule 2 of that Order on plots 1, 2, 3, 4, 14, 15, 16 and 17.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- 8) No development beyond the construction of foundations shall take place until details of the provision and permanent retention of secure covered cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details.

Reason: In the interests of highway safety.

- 9) No development beyond the construction of foundations shall take place until full details of a Landscape Maintenance and Management Plan have been submitted to and approved in writing by the Local Planning Authority. The long term management details shall the landscape buffer along the south-eastern and south-western boundaries and communal amenity landscape areas outside of private resident ownership within the proposed development. The development shall then be carried out in complete accordance with the approved details.

Reason: In the interest of biodiversity and visual amenities.

INFORMATIVES

KCC Flood and Water:

Please refer to the advice in the consultation response dated 16th August 2021 regarding condition 7 of the appeal decision for a detailed surface water drainage scheme.

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.

Lower Medway Internal Drainage Board:

If (following testing) a strategy wholly reliant on infiltration is not viable and a surface water discharge is proposed to a watercourse, then the proposed development will require land drainage consent in line with the Board's byelaws (specifically byelaw 3). Any consent granted will likely be

conditional, pending the payment of a Surface Water Development Contribution fee, calculated in line with the Board's charging policy (available at <http://www.medwayidb.co.uk/development/>).

The Lower Medway Internal Drainage Board are not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4).

Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Byelaws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. It is recommended that any required consents are sought prior to determination of the planning application.

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 Ecology:

All close board fencing must include hedgehog highways – we highlight that Condition 11 must also demonstrate that the hedgehog highways will be implemented

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

Kent Police:

Please refer to Kent Polices comments dated 23/02/2022 in reference to the requirements for doorsets, windows, and security measures

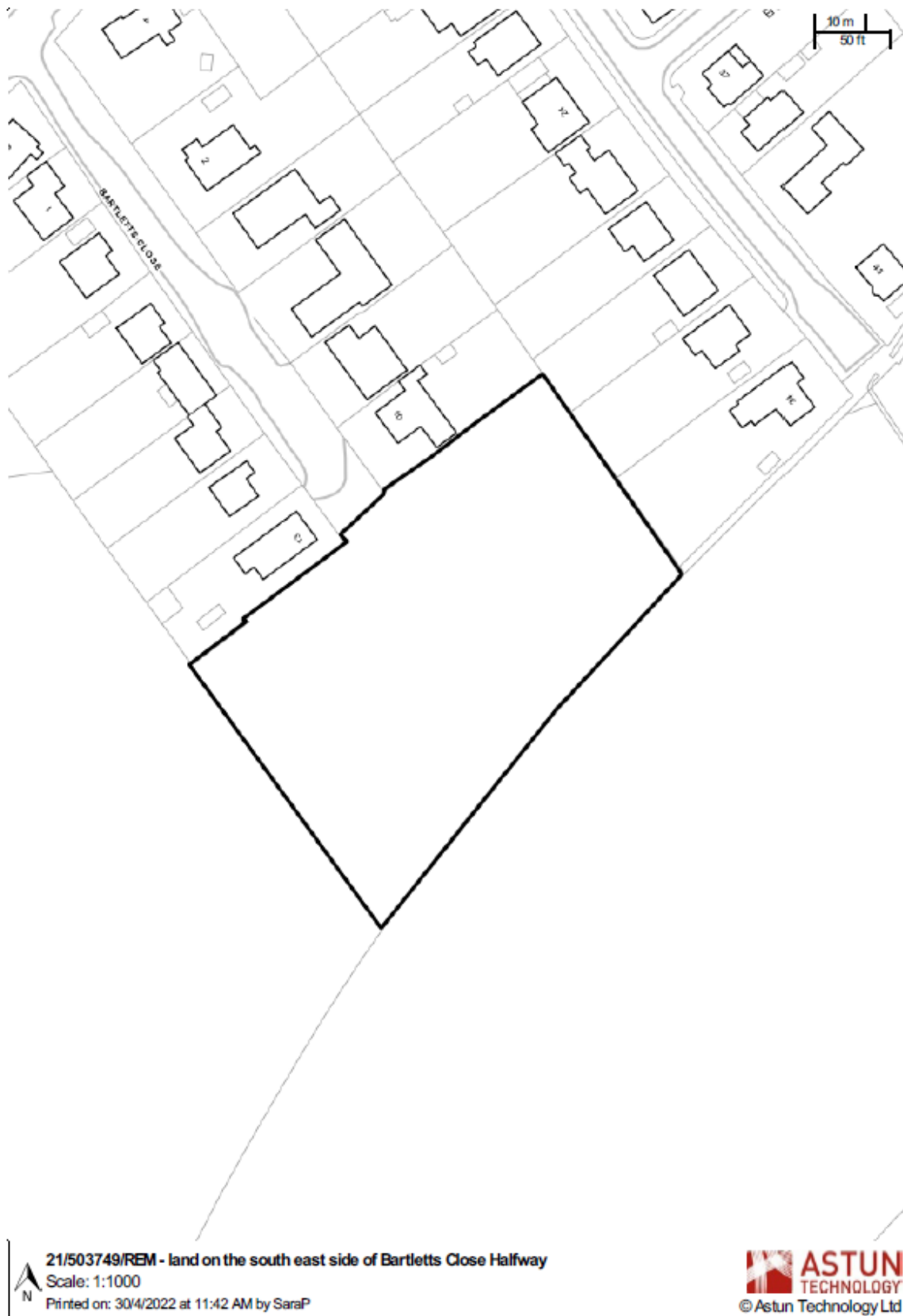
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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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Appeal Decision

Site visit made on 11 August 2020

by **P Wookey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th October 2020

Appeal Ref: W/4001086

Land on the south east side of Bartletts Close, Halfway, Sheerness, Kent, ME12 3EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Potter against the decision of Swale Borough Council.
 - The application Ref 19/503810/OUT, dated 24 July 2019, was refused by notice dated 13 March 2020.
 - The development proposed is described as 'erection of 17 dwellings, new access road, associated parking and landscaping'.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 17 dwellings, new access road, associated parking and landscaping at Land on the south east side of Bartletts Close, Halfway, Sheerness, Kent, ME12 3EG, in accordance with the terms of the application Ref 19/503810/OUT, dated 24 July 2019, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr Stephen Potter against Swale Borough Council. This application will be the subject of a separate Decision.

Procedural Matters

3. The application was submitted in outline form with all matters reserved except access. The plans submitted are for illustrative purposes only and my decision has been made on that basis.

Main Issues

4. The main issues are the effect of the development on:
 - Whether the site would be an appropriate location for housing having regard to local and national policies concerning housing in the countryside; and,
 - The character and appearance of the open countryside; and,
 - Highways safety with regards the site access road; and,
 - The integrity of the Swale and Medway Special Protection Areas (SPA)

<https://www.gov.uk/planning-inspectorate>

APPENDIX 1

Appeal Decision W/4001086

Reasons*Location*

5. The appeal site is located on open land which is adjacent to and slightly higher than the existing residential development on the cul de sac of Bartletts Close. The site is rectangular in shape and rises gently away from the boundary of the residential development on Bartletts Close. There is existing mature hedge planting along the boundaries with adjacent open fields and a mix of hedgerow and close board fencing on the boundaries with the adjacent residential dwellings on Bartletts Close.
6. For the purposes of the adopted development plan, Bearing Fruits 2031: The Swale Borough Local Plan (2017) (LP), the appeal site is on the edge of, but outside the built-up boundary of Halfway. As the appeal site is located outside the settlement boundary it would represent development in the open countryside.
7. Paragraph 79 of The National Planning Policy Framework (2019) (the Framework) seeks to avoid the development of isolated homes in the countryside. Given the close proximity of the adjacent residential development on Bartletts Close and the surrounding area, the development proposed would not constitute isolated development, in the truest meaning of the term.
8. Based on my site visit, the future occupiers of the development proposed would have good accessibility to the local facilities and services at Halfway, which the Council states forms part of the West Sheppey Triangle and which is identified as a Tier 3 'other Urban Centre' settlement in Swale's settlement hierarchy. These facilities, which include shops, services, education and healthcare facilities, would be within reasonable walking distance of the proposed new housing and would also be accessible by cycling or the use of public transport, given the close proximity of nearby bus stops on Queenborough Road. In addition, the future occupiers of the proposed housing would be within reasonable walking or cycling distance of the nearest train station and bus services, which would provide access to the employment centres locally on the Isle of Sheppey or further afield in Sittingbourne and beyond.
9. Overall, given the close proximity of Halfway and the availability of nearby public transport links, the future occupiers would have good access to local services, facilities and employment opportunities. I am satisfied, based on my site visit and on the evidence before me that these could be reached by sustainable transport means and the future occupiers of the development proposed would not be reliant on the use of a private vehicle.
10. I therefore conclude that when assessed against the development plan as a whole, the development proposed would be in a suitable location and would not be contrary to policies ST1, ST3, ST6 and CP3 of the LP or Paragraphs 8 and 11 of the Framework, which when read together seek to ensure that development takes place in suitable locations which have good access to local services and facilities and public transport links and future occupiers would not be reliant on the use of a private vehicle.

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Character and Appearance of the countryside

11. Part 3 of Policy DM25 of the LP identifies the appeal site as being within an area defined as an Important Local Countryside Gap, which seeks to maintain the separation of settlements.
12. Based on my site visit, the appeal site which has an area of approximately 0.55 hectares, is visibly contained from the surrounding area and given the residential development close to its boundaries, the development proposed would appear as a natural extension to the existing settlement boundary. The topography of the appeal site is such that any visibility of the development proposed would be limited from distant views and it would not appear as a prominent addition to the landscape.
13. Whilst the Council is concerned that the development proposed would erode the intrinsic character of the area, it has not submitted any substantive evidence which would indicate that it would result in the coalescence of settlements or have any negative impact on the limited views of the site from further afield. Based on my site visit, and having regard to paragraph 7.7.30 of the LP, the modest scale of the development proposed would have a reasonably cohesive relationship with the adjacent urban area and would maintain the separation of settlements. There would be no significant reduction to the value, landscape setting and beauty of the countryside, such that it would result in significant erosion of the countryside gap.
14. I note that reference has been made to the planning history of the neighbouring site at Belgrade Road. Whilst limited details of the scheme at Belgrade Road were submitted as evidence, when combined with the development proposed there would be a clearly self-contained contiguous edge to the settlement boundary of Halfway, mitigating a hard, prominent edge being formed by the Belgrade Road scheme.
15. I conclude that there would be no significant harmful effect on the countryside gap and the development proposed would not be contrary to policies ST3, ST6, DM24 and DM25 of the LP, which when taken together seek to ensure that the individual character and setting of settlements is maintained and there is no erosion of the identified countryside gaps.

Highways

16. Access to the development proposed would be via Bartletts Close, which is a private unmade road. The appellant does not propose to upgrade the linkages through Bartletts Close to adoptable standards and the new estate road is not being offered for adoption by the Highways Authority. The Council and interested parties have concerns that this would prejudice the safety and suitability of the access for all users and would deter pedestrian, cyclists and those in wheelchairs and would fail to promote sustainable transport modes.
17. Based on my site visit, the private road of Bartletts Close was not in a condition that would deter its use by pedestrians, cyclists or wheelchair users. Whilst I have had regard to photographic evidence submitted by interested parties showing the condition of the road in bad weather, there is no technical evidence submitted to demonstrate that in such circumstances the private road of Bartletts Close would be unsafe or would not be suitable for use by any mode of transport other than a private vehicle.

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18. I have had regard to the technical evidence submitted by the appellants transport consultant and the details of right of access over Bartletts Close available to the appellant. I have also noted that the Council does not have a policy in its LP which requires existing unmade roads to be made up to adoptable standards.
19. Further, I note that the Highways Authority, whilst not commenting on the condition of the private road, do not consider work to upgrade the unadopted access route would be necessary to support the development proposed. Also, there would be no significant traffic impacts on the local highway network as a result of the development proposed, when combined with other development planned for the surrounding area. Therefore, the development proposed would not conflict with Paragraphs 108 and 109 of the Framework which states that development should only be prevented if there would be an unacceptable impact on highway safety or the combined impact on the highway would be severe when combined with other development.
20. Whilst I have regard to the concerns of the Council and interested parties, a condition requiring the upgrading of the unmade private road would fail to meet the tests set out in Paragraph 55 of the Framework and as the link through Bartletts Close would not be upgraded to an adoptable standard it would not be possible for the Highways Authority to enter a Section 38 of the Highways Act 1980.
21. The matter of upgrading the private unmade road would therefore remain a civil matter and would not, based on the evidence before me, provide justification for dismissing the appeal on its own. I also note that the proposed access arrangements would provide some limited benefit to the occupiers of Bartletts Close, as service vehicles would be able to turn within the development proposed and would be able to enter and leave in forward gear, thus improving highway safety.
22. I conclude that the proposed access road to the development proposed would comply with policies DM6 and CP2 of the LP, which amongst other things seek to promote the use of sustainable transport and a safe route is provided for all future users.

SPA

23. The Council has brought to my attention that the appeal site is within the 6km buffer zone of the Swale and Medway Special Protection Areas (SPA) which is a European designated site, afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended. Following the recent judgement¹, handed down by the Court of Justice of the European Union, it was ruled that when determining the impacts of development on a protected area it cannot be screened out of the need to undertake an Appropriate Assessment (AA) solely on the basis of agreed mitigation measures.
24. As a result, as the competent authority, I am required to undertake an Appropriate Assessment, to assess on a precautionary basis, the effect of the development proposed on the integrity of the SPA. Whilst the development proposed is not directly connected with or is necessary to the management of the protected site, the future occupiers of the proposed dwellings have the

¹ People over Wind v Coillte Teoranta ref C-323/17

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potential, in combination with other developments in the area to cause negative impacts on the SPA by reason of increased public access and recreational use.

25. The Council states that the effects resulting from 17 dwellings and the proposed mitigation measures to be implemented within the SPA could be managed by the collection of a Strategic Access Management and Monitoring System (SAMMS) tariff. During the appeal process, I have re-consulted Natural England (NE) to ensure that the proposed mitigation measures via a tariff payment would be appropriate and proportionate given the scale of the development proposed. NE has confirmed that the effects identified in the AA could be appropriately mitigated via the proposed SAMMS tariff payment. Further, a copy of the completed Unilateral Undertaking confirming the appellants agreement to pay the SAMMS tariff has been submitted as evidence.
26. On the basis of the Appropriate Assessment undertaken, I am satisfied that the completed UU would secure adequate mitigation measures for any negative impact on the SPA and as a result, there would be no conflict with Paragraph 11 d) i) of the Framework in this case.

Other Matters

27. I have had regard to all of the concerns raised by interested parties, which have in part been considered under the main issues, but also include amongst other things: harm to the living conditions of occupiers of neighbouring residents due to loss of light, and privacy due to overlooking; lack of green space; air quality; disturbance and damage to the unmade road during the construction phase; poor drainage in the area and effect on property values on Bartletts Close.
28. Matters which relate to detailed design and layout of the development are reserved matters and will be considered at a later stage. I have no substantive evidence before me to indicate that there would be any adverse effects on air quality as a result of the development and whilst there would be some disturbance during the construction phase a condition would be imposed to minimise the short term effects on neighbouring residents. In addition, a condition would be imposed to require a sustainable surface water drainage scheme to mitigate any effects on the surrounding drainage system. As planning primarily relates to land use, the effect on property values is outside the scope of this appeal.
29. The appellant has submitted a completed Section 106 Agreement with regards financial contributions towards the additional demand on local infrastructure of primary and secondary education; community learning; youth service; library services; social care; Swale CCG (NHS); refuse bins; formal sports; play contribution and administration and monitoring fee. I am satisfied, based on the evidence submitted, the financial contributions meet the relevant tests set out in Paragraph 56 of the Framework.

Planning Balance

30. The Council accepts that it is not able to demonstrate that it has a five-year supply of housing and states that it has only a 4.6 years supply. In such situations Paragraph 11 d) of the Framework states that decision makers should apply a presumption in favour of development as the most relevant

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development plan policies for determining the applications are out of date and the tilted balance would be engaged.

31. The development proposed would deliver 17 housing units of various sizes and types which would contribute to the choice and needs of different groups of the community and would be a social benefit making an important contribution to the Councils' housing shortfall, to which I attach moderate weight. Further, with regards the economic benefits, the development would provide jobs during the construction phase and the additional expenditure of the future occupiers would support local shops and services. I attach moderate weight to these benefits.
32. With regards the environmental benefits, the development would be in a location which has good access to local services, facilities, employment opportunities and public transport links, and would therefore promote sustainable transport methods. I attach moderate weight to these benefits. The development would be on undeveloped land which would be an adverse impact to which I attach limited weight.
33. Therefore, any adverse impacts would not significantly and demonstrably outweigh the benefits in this case and Paragraph 11 d) of the Framework makes it clear that the presumption in favour of sustainable development will weigh in favour of the proposal.

Conditions

34. The Council has proposed a number of conditions, which I have considered against the advice given in the Planning Practice Guidance and where necessary have amended.
35. Condition 1, 2 and 3 are in pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Condition 4 is to ensure that there is adequate provision for the parking or garaging of cars. Condition 5 and 6 is in the interests of the visual amenities of the area and encouraging biodiversity.
36. Condition 7 is to ensure that 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. Condition 8 is to ensure that flood risks from development to the future users of the land and neighbouring land are minimised. Condition 9 is to ensure that foul and surface water are adequately disposed of.
37. Condition 10 is to protect habitats and species identified in the ecological surveys from adverse impacts during the construction phase and Condition 11 is to enhance biodiversity.
38. Conditions 12 and 13 are in the interest of the amenities of the area and highways safety. Condition 14 is in the interest of promoting energy efficiency and sustainable development and Condition 15 is in the interest of promoting the use of electric vehicles and climate change and reducing pollution. Condition 16 is in the interests of water conservation.
39. Condition 17 is in the interests of minimising opportunities for crime and anti-social behaviour. Condition 18 is in the interests of complementing the character and appearance of the surrounding area. Condition 19 is in the

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interest of the visual amenities of the area and encouraging wildlife and Conditions 20 and 21 are in the interests of residential amenity. Condition 22 is to ensure that features of archaeological interest are properly examined and recorded.

40. Condition 23 is to ensure that a satisfactory means of access is provided to the site.

Conclusions

41. For the reasons set out above, the appeal is allowed.

Paul Wookey

INSPECTOR

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Schedule of Conditions

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.
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.
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.
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.
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.
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.
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

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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.

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.

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.

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.

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.

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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

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.

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.

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.

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).

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

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

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.

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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.

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.

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

23. The access hereby approved (as shown on drawing no. 1140 SKO2 Rev A) shall be constructed and completed prior to the occupation of the first dwelling.

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2.2 REFERENCE NO - 19/502484/FULL		
APPLICATION PROPOSAL		
The proposed conversion of existing outbuilding Block 4 to Commercial units for use Class E (Commercial, Business and Service) a, b, c(ii),c(iii),e, f, g(iii) and the replacement of outbuilding Block 5 with a two storey building to form 6 no commercial units for use Class E a, b, c(ii),c(iii),e, f, g(iii) on the ground floor and Use Class E g(i) and Use Class F (Local Community) 2(b) on the first floor. The erection of a covered walkway and lean to extension to Block 1 and associated car parking provision. As AMENDED BY DRAWINGS RECEIVED ON 5 th August 2019 and 1 st and 9 th March 2021 and updated Design and Access statement.		
ADDRESS Willow Farm Hansletts Lane Ospringe Faversham Kent ME13 0RS		
RECOMMENDATION GRANT		
SUMMARY OF REASONS FOR RECOMMENDATION The proposals are policy compliant with both the NPPF and the Local Plan as they seek to secure the sustainable growth and expansion of an existing business and enterprise in the rural area and the proposals are appropriate in scale to the existing activities and the character of the wider area. The impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough in terms of the benefits to the appearance of the site, and to the AONB, the benefit to the local rural economy, in terms of enabling a local business to thrive and provide increased employment, and the continued viability of Willow Farm.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD East Downs	PARISH/TOWN COUNCIL Ospringe	APPLICANT Mr K Childs AGENT Urban & Rural Ltd
DECISION DUE DATE 30/08/19	PUBLICITY EXPIRY DATE 05/12/19	

Planning History

19/502483/FULL Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works.
Approved Decision date: 27.10.21

19/505769/ENVSCR
Environmental Screening Opinion - Erection of 4no. specialist equestrian holiday lets and 2no. stable buildings, installation of new sand school and associated site works.
Approved Decision Date: 12.02.2020

19/505770/ENVSCR
Environmental Screening Opinion - Proposed conversion of existing outbuilding Block 4 to retail use (class A1), replacement of outbuilding Block 5 with a two-storey building to form 6no. retail units with farm office/storage space above, and erection of a covered walkway and lean to extension to Block 1.
Approved Decision Date: 12.02.2020

17/506246/FULL

Variation of condition 8 of planning permission 16/504755/FULL - erection of three agricultural buildings comprising of hay store, machinery and tractor, tool and workshop to also allow the use of barn 2 only for storage of goods for the onsite country store.

Approved Decision Date: 03.05.2018

SW/05/1472

Weather boarded equipment store.

Grant of Conditional PP Decision Date: 04.01.2006

SW/05/1020

Manager's chalet and equipment store

Refused Decision Date: 12.10.2005

SW/05/0361

New sole access for Willow Farm Caravan Park

Grant of Conditional PP Decision Date: 07.06.2005

SW/04/1597

New sole access for Willow Farm Caravan Site

Refused Decision Date: 18.02.2005

SW/01/0944

Demolition of pole barn type building and replacement with portal frame building on same site
Granted

1. DESCRIPTION OF SITE

- 1.1 Willow Farm is located on Hanslett's Lane within the Parish of Ospringe, Faversham, the site falls within the designated countryside and on the edge of the Kent Downs Area of Outstanding Natural Beauty (AONB)
- 1.2 The farm as a whole covers approx. 50 acres (20 ha) and straddles the M2 with land on both sides being accessed by a motorway bridge in the centre of the site.
- 1.3 The main farmyard area consists of a country store, cafeteria, indoor riding school, machinery store, workshop, tool store, hay store and a few stables, some of which are currently used as storage units together with a general parking area, for approx. 50 cars, these are all in very close proximity to each other and accessed from Hansletts Lane. It is this area that is the location for the proposed development. The application site measures 0.8 hectares, while the land holding controlled by the applicant measures 20 hectares.
- 1.4 To the north of the current application site, planning permission was granted under reference 16/504755/FULL for the erection of three agricultural buildings (located immediately to the south of the M2) comprising of a hay store, a machinery and tractor store, and tool and workshop building. Subsequently planning application 17/506246/FULL was submitted to allow the use of barn 2 only, for the storage of goods for the onsite country store (Gilletts). This was approved and is currently being used as such.

- 1.5 The farming activities previously in the farmyard were re-located to this new yard next to the M2 for the safety of the public/families visiting the store and for those attending the sand school for lessons and events and the efficiency of the workings on the land.
- 1.6 Willow Farm as a whole has evolved over a number of years and whilst it is still involved in farming practices it also offers farming supplies to the local rural community through the Gillett Cook Country Store located on the farm. This business has been located at the farm for over 30 years and currently employs 17 full and part time staff in a building of 432m². Additionally, there are leisure activities as there are many equestrian events now held on the farm making use of the existing indoor sand school and in the future the recently approved outdoor sand school. This facility now provides year-round leisure and education service, and the site has developed into a significant equine enterprise.
- 1.7 Application 19/502483/FULL was considered by Members at the Committee in October 2020 for the erection of four specialist equestrian holiday chalets and two stable buildings for owners to bring their own horses with them, along with the installation of new sand school and associated site works, in order to extend and diversify the site's attractions.
- 1.8 Members resolved to approve the application subject to a Unilateral Undertaking being entered into to require that a SAMMs payment is made, and directional details being provided to visitors stating:
- “That in any publicity relating to use of the new sand school the preferred route to gain access to and from the aforesaid school shall be shown as via Brogdale Road and then Painters Forstal, and at the same time any such publicity shall request that no vehicular access to or from the site shall be via Water Lane, Ospringe.”*
- 1.9 The application was subsequently approved, in October 2021.

2. PROPOSAL

- 2.1 The movement of the farming activities to the new yard next to the M2 results in the existing yard now being redundant and the opportunity for the area to be redeveloped, predominantly it leaves two, unused buildings, known as Block 4 and Block 5.
- 2.2 The submission is for the conversion of one of these existing outbuildings known as Block 4 to Use Class E (commercial business and service user) including the following uses:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public
 - (b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
 - (c) professional services
 - (d) any other services which it is appropriate to provide in a commercial, business or service locality

- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
 - g) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
- 2.3 The conversion of Block 4 (to commercial/retail use) (class E) involves no increase in the current size of the building and will comprise a total area of 152m², in the form of 2 commercial units (74m² and 35m²) and an entrance lobby area. The 2 units are modest in size and available on ground floor level only. The building's exterior currently with the dominant existing grey concreted blockwork will be enhanced and faced with a high-quality brick but the majority of the work will require only internal alterations. The covered walkway will run in front of the building to provide pedestrian access.
- 2.4 Block 5 is currently a single storey stable/storage/workshop building its replacement is to be with a larger two-storey building to accommodate 6no. modestly sized commercial units on the ground floor (ranging from 61m² to 76m² a total of 420m²) use class E (commercial business and service user) including the following uses:
- (a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public
 - b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises
 - c) professional services
 - d) any other services which it is appropriate to provide in a commercial, business or service locality
 - e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner
 - f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public
 - g) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit
- 2.5 The space on the first floor above these will provide 6no. offices (Use Class E gi) an office to carry out any operational or administrative functions) for lease/rent including space for the relocation of Willow Farms administrative staff. (412m²). A meeting room, room (Use Class F2: Local Community b) a hall or meeting place for the principal use of

- the local community) available to the community to hire/use (66m²) Access will be via the front of the building or the secondary external staircase.
- 2.6 It is expected that the development will result in at least an additional 10 jobs at the site.
 - 2.7 A covered walkway is proposed to enable uninterrupted pedestrian access around the site from Block 1 to Block 5.
 - 2.8 Finally, a lean-to extension is proposed along the side elevation of the existing Block 1 (in which Gillets Country Store operates). This will be of a similar size and appearance to the existing lean to and will measure 5m in depth and will run the depth of the building of 19m
 - 2.9 The existing landscape to this area is generally extensive hard standing in and around the farmyard with no soft landscaping in the farmyard. However, landscaping has been proposed to create a visual buffer to the parking, with hedging planted around the parking area to provide some screening.
 - 2.10 A Transport Statement and a Design and Access Statement, and a second updated version, along with a Written Statement and accommodation schedule were submitted with the application. Amended drawings were received following the initial consultation period and the bund adjacent to the M2 was removed from the proposal along with the additional car park proposed on the open land to the east of the access driveway. Block 5 building was also reduced in scale and size.
 - 2.11 The Transport Statement assesses the impact of the proposals on the local road network. It considered initially the existing site arrangements and the related uses, vehicle movements and routes to the site. The survey analysis was taken on a typical weekday, a Tuesday, and on a Sunday when equestrian show events were being held at the site. In the interpretation of the figures, it must also be acknowledged that visitors to the site also have to use the same access to visit Gillets Country Store.
 - 2.12 The survey found that on the Tuesday the existing traffic flows associated with the Willow Farm operations, including Gillets Country Store, as well as those on Hanslett's Lane are very low in the typical morning peak, between 8.15am and 9.15am. The daytime mid-peak period in the day for Willow Farm showed an increased level of activity when the equestrian, retail and commercial uses were operational. The recorded two-way flows on the Willow Farm access was 15 vehicles (9 inbound and 6 outbound) and this was representative of the typical hourly demands throughout the day. The survey concluded that on a typical weekday, Willow Farm generates low levels of traffic throughout the working day.
 - 2.13 On the Sunday when the survey was taking place, equestrian jumping competitions were taking place on two rings, and a further competition event was taking place; this represents the largest type of show Willow Farm hosts. The survey results show that, as expected, vehicle trips were higher than on a typical weekday. The peak inbound was between 8-9 am when 45 vehicles entered, and the outbound peak was between 2-3pm with 44 vehicles leaving the site after the competitions had been completed and the participants were departing. The peak flow of vehicles in and out of the site was 62 over the period of 1 hour. It is worth noting that the survey identified that there were no

recorded operational problems at the site access given the low traffic flows onto the network and the flows being spread out over the day.

- 2.14 The survey concluded that the traffic generation for the site is typical of a working Farm accommodating a variety of land uses (retail/commercial/equestrian) with the traffic flows tending to be low volumes per hour with demands spread out over the working day.
- 2.15 It then moved on to assess the potential impact of the development proposal and concluded the access and parking arrangements that exist on the site were sufficient for the proposal.
- 2.16 Of particular interest is the estimate of future traffic demands given the nature of the proposal. Due to the mix of equestrian, holiday chalet, retail and commercial uses, the traffic flows and approximate floor areas of each were broken down to present trip rates for each of the specific uses for Willow Farm. These trip rates were then applied to the proposed floor areas to give a general indication of the likely additional trips attracted to the local road network. And they considered the “worst case scenario” for a retail use where all the trips were new to the network
- 2.17 It considered that as the proposed Willow Farm management team already operate on the site this will not attract any additional trips to Willow Farm and parking is already provided on site for them.
- 2.18 Taking the “worst case scenario” they concluded the proposal will likely introduce a maximum of 37 additional two-way vehicle movements onto the Willow Farm Access during the peak demand, with the majority being cars or light goods vehicles. However, there is a high chance many visitors already visiting Willow Farm for either equestrian purposes or the existing retail use will then visit the new elements. A more typical scenario would be to allowing for 30% of the retail trips to be linked to other uses (e.g. Gillett Cook retail and equestrian uses) This results in a more likely 13 inbound and 13 outbound trips into Willow Farm during peak time reducing to 11 inbound and 8 outbound in the lower PM peak demand time.
- 2.19 The new SPD Parking Standards requires that a total of 54 parking spaces are provided of which 27 will be provided in the courtyard area and the remainder to the rear of Block 5 to the north. This area is currently used as an informal parking for the site and particularly when equestrian events are held here. Of the spaces provided, 3 will need to be designed for the mobility impaired and provision made for 5 active charging spaces for Ultra Low Emission Vehicles (ULEV).
- 2.20 The conclusion of the report was that the predicted increase in the vehicle trips from the proposals will result in a negligible impact on traffic flow on the surrounding highway network.
- 2.21 Additional information has been provided by the applicant as to the context and reasoning for the proposals, summarised below:
 - Willow Farm is an existing rural business. The farm had to diversify to try and sustain its financial viability.

- The wider farm now sits on just over 50 acres (or 20 hectares). Within the farm there is an active equestrian facility providing leisure service to the local community. The farm has a large indoor sand school providing year-round training and events. A recent planning application has been approved at Committee to allow the existing equestrian/rural leisure facility to construct a large-scale sand school which is aimed to raise the quality of the facility and their riders.
- The farm also has existing employment and retail on the site with the existing Gillett Cook Country Store, a family run business
- The café on the farm has a large viewing window into the indoor sand school and provides refreshments to the spectators using the seating area during events and training times.
- The 2017 planning application was approved to re-locate the commercial farming activities out of the existing yard and into a new farmyard this has now left a previously developed area of the farm with no active use.
- the farm is an existing rural employer through their farming activities, equestrian

facility, retail and café. As part of the farm's ongoing diversification to meet the needs of a modern sustainable rural business, we are proposing to increase our offering by providing accommodation for local rural business to sell their locally grown and made produce. As part of this offering, there will be small lettable spaces that will help and aid existing local rural business.

- Currently using woodland and fields at the farm Joe's Bows offers falconry and archery experiences in Kent. They also offer everything from axe throwing and archery to hawk walks and flying falcons. As a small rural business, Joe's Bows are interested in potentially having a base for their business on the farm. This will provide secure storage, welfare facilities for their existing service, as well as a potential small retail outlet for sales of specialist archery equipment. This would allow the business to grow and provide a healthy educational and leisure service to the local community, appropriate to this setting.
- A local artisan producer of fruit preserves, made from the locally grown Faversham fruit. Their existing small start-up business is currently run from their kitchen and is starting to supply the Faversham market, as well as a local tearoom in Faversham town centre
- Through the equestrian community and their existing involvement with the farm, there is an identified need for a specialist equestrian chiropractor service. A local chiropractor whose small mobile business has started to specialise with clients who have injuries related to equestrian riding, has shown an interest in potential renting a space on the farm.
- An increasing amount of local people living in the surrounding villages are now working from home. Many of the office-based worker were commuting out of Faversham to large offices based in the city of Canterbury or even London, via the use of the highspeed train. There are many daily commuter car journeys to the

neighbouring city or the train station in the centre of Faversham. The office space proposed on Willow Farm, if approved, can provide a flexible, small, serviced office to the immediate local rural community. In turn prevent several car movements to Faversham train station and Canterbury from the rural villages

- We feel the small local business this could support, would have a massively positive impact on our rural community, as well as assisting in the long-term financial stability of Willow Farm.
- Willow Farm is having to diversify as the equestrian use cannot financially sustain the farm. The previous owner of the farm, unfortunately, ended up having the farm taken from them by the bank and we are determined to make this farm in the long term a financially sustainable business.
- We feel this can happen and by providing a vital role in the local community by continuing to provide the equestrian, leisure, retail and educational services we are, Willow Farm can be a successful rural business operating in a sustainable manner for the long term.

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

3.2 Swale Article 4 directive (placed in 1973 on land at Little Coxett Farm (former name of Willow Farm) to restrict the stationing of caravans on the land. The Article 4 covers land currently owned by Willow Farm, including the application site.

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) paragraphs 8 (objectives for sustainable development) and 11 (presumption in favour of sustainable development) are relevant to this proposal.

4.2 The National Planning Policy Framework (NPPF) in paragraph 84 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that the support of all types of rural businesses and developments can be achieved through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land based rural businesses.

4.3 Paragraph 84 states that support should be given to the reuse of rural buildings, well designed new buildings, the diversification and development of land-based businesses and the development of accessible local services, community facilities, meeting places and local shops

4.4 Paragraph 85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances they should be sensitive to their surroundings and not

have an unacceptable impact on local roads. The use of previously developed land should be encouraged where suitable opportunities exist.

- 4.5 Paragraph 126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is seen as a key aspect of sustainable development, as it creates better places in which to live and work and helps make development acceptable to communities.
- 4.6 Paragraph 174 states that both planning policies and decisions should contribute to and enhance the natural and local environment, in particular in this case by protecting and enhancing valued landscapes, and by recognising the intrinsic character and beauty of the countryside and minimising impacts on and providing net gains for biodiversity.
- 4.7 Additionally, paragraph 176 of the NPPF advises that great weight should be given to conserving and enhancing the natural beauty of the AONB and that the scale and extent of development within these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.
- 4.8 Paragraph 177 continues that when considering applications for development within Areas of Outstanding Natural Beauty, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of the need for the development and the impact of permitting or refusing it on the local economy, the scope for developing outside the designated and any detrimental effects on the environment, the landscape and recreational activities and the extent to which they can be moderated.
- 4.9 Bearing Fruits 2031: The Swale Borough Local Plan 2017

ST1 (Delivering sustainable development in Swale),
 ST3 (The Swale settlement strategy),
 ST7 (The Faversham Area and Kent Downs Strategy)
 CP1 (Building a strong, competitive economy),
 CP4 (Requiring good design),
 DM3 (The rural economy),
 DM6 (Managing transport demand and impact),
 DM7 (Vehicle Parking)
 DM14 (General Development Criteria),
 DM19 (Sustainable design and construction),
 DM21 (drainage)
 DM 24 (Conserving and enhancing valued landscapes)
 DM 26 (Rural lanes)
 DM 28 (biodiversity)
 DM29 (woodlands and trees).

Policy DM3 is of particular relevance stating:

Planning permission will be granted for the sustainable growth and expansion of business and enterprise in the rural area. Planning permission for residential development will not be permitted where this would reduce the potential for rural

employment and/or community facilities unless the site/building(s) is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable.

Development proposals for rural based employment will:

1. For all proposals:

SGN

- a. in the case of larger scales of development, be located at the rural local service centres and urban areas as defined by Policy ST3 and in accordance with Policy CP1;*
- b. firstly consider the appropriate re-use of existing buildings or the development of other previously developed land, unless such sites are not available or it is demonstrated that a particular location is necessary to support the needs of rural communities or the active and sustainable management of the countryside;*
- c. retain or enhance the rural services available to local communities and visitors without undermining or resulting in the loss of existing services unless demonstrated to be unviable for the existing use or other employment/community use;*
- d. for new buildings and ancillary facilities, the design and layout will need to be 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; and*
- f. avoid scales of traffic generation incompatible with the rural character of the area, having regard to Policy DM 6 and Policy DM 26.*

2. For tourism and leisure:

- a. in the case of green/sustainable tourism proposals, be demonstrated by reference to their principals.*
- b. provide for an expansion of tourist and visitor facilities in appropriate locations where identified needs are not being met by existing facilities in the locality or where able to increase facilities available to local communities as well as visitors; and*
- c. where relating to holiday parks, proposals are also in accordance with Policy DM 4*

Policy DM24 states in relation to the AONB

The value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Part A. For designated landscapes areas:

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

- 1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 - a. conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*

- b. *furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
- c. *minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
- d. *being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.*

4.10 In July 2020 a significant reform of the Use Classes Order was announced and the permitted changes were made effective from 1st September 2020 with transitional arrangements expiring on 31st July 2021.

Use Class E was introduced and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class.

Use Class E – Commercial, Business and Service –

Use, or part use, for all or any of the following purposes—

- a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public, **(shops – formerly use class A1 includes Post Offices)**
- b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises, **(cafes and restaurants – formerly use class A3)**
- c) for the provision of the following kinds of services principally to visiting members of the public—
 - (i) financial services, **(banks and building societies – formerly use class A2)**
 - (ii) professional services **(other than health or medical services), or (estate and employment agencies etc. – formerly use class A2)**
 - (iii) any other services which it is appropriate to provide in a commercial, business or service locality,
- d) for indoor sport, recreation, or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,
- e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner, **(Doctors, clinics & health centres, acupuncture clinic etc. (must be medical or health related) (but not beauticians, nail bars, massage parlours etc. see sui generis – formerly use class D1(a)) ,**
- f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public

- g) or—
- (i) an office to carry out any operational or administrative functions, (**Offices – formerly use class B1(a)**)
 - (ii) the research and development of products or processes, or (formerly use class B1(b))
 - (iii) any industrial process, being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. (**Light Industrial – formerly use class B1(c)**)

4.11 The new Swale Parking Standards requires that a total of 54 parking spaces are provided. Of the spaces provided, 3 will need to be designed for the mobility impaired and provision made for 5 active charging spaces for Ultra Low Emission Vehicles (ULEV).

5. LOCAL REPRESENTATIONS

5.1 Ospringle Parish Council - when originally consulted - strongly objected to the application, they proposed that this application should be considered along with a second application at the site 19/19/502483/FULL which was for the erection of four specialist equestrian holiday chalets and two stable buildings, along with the installation of new sand school and associated site works. That was subsequently approved by Members

On the application in question, they commented as such:

- it had the potential to very significantly increase traffic movements on the local road network which is not suited to further increases in traffic levels
- the retail units and office/storage will have the potential for very large increases in traffic movements of all kinds including large delivery vehicles to service the retail usage
- the Design and Access Statements gives no meaningful information on the likely types and numbers of additional vehicles, nor timings or frequency, and there is little useful traffic data or analysis to assist
- already, the businesses at Willow Farm put great stress on the parish road infrastructure for e.g the Gillett Cook vans, Horse trailers and boxes travelling to Willow Farm also tend to use the most direct routes from the A2 and A251 which takes them down the same narrow lanes
- the larger vehicles damage road verges and wildlife and with few passing places the horse vehicles find it difficult to reverse and cause problems for local residents
- the large car parking area proposed for the retail/office application underlines the potential additional traffic impact and would involve the loss of open grazing/agricultural land and lead to loss of visual amenity in this area
- 6 retail units is of serious concern. It has the potential to change the character and nature of Willow Farm from an equestrian centre to a retail outlet

- the parish council recognises and supports the wish for owners of rural businesses to sensitively and appropriately develop their enterprises, and recognises that the Local Plan allows for this, but these proposals do not appear to the parish council to meet the criteria either in the local plan or national planning guidance for what are deemed to be exceptions to the general principle of restrictions on development in rural areas. We therefore question the planning justification for either retail or office in this location
- the two-storey retail and office/storage building proposed appears overlarge in scale and height, and would be intrusive in its location adding to the appearance of “building up” the area and urbanising it, notwithstanding the M2 motorway running a short distance to the north. It is also unattractive in design
- we also have concerns regarding the proposed bund, details of which are not entirely clear on the documentation provided. We doubt the need for the bund along the motorway boundary, other than as a means of disposing of waste material generated onsite during demolition and reconstruction, as well waste brought from offsite as happened with the bund built further to the west

Following receipt of the Transport Statement and amended drawings showing the removal of the bund, the additional car park area and a reduction in size of replacement building known as Block 5, they maintained their objection and offered additional comments as follows:

- The Parish Council does not find the Traffic Assessment to be a credible document, It contains a number of material errors and incorrect information within the body of the Assessment which must therefore affect the accuracy and credibility of the conclusions
- it does not touch upon the HGV traffic generated by the numerous existing uses and users of Willow Farm, nor recognise that these will be increased by the proposed developments there
- there is no evidence that the proposed office space will be occupied only by the “farm management team” - there is nothing to this effect in the planning application the office space could be let out to third parties and generate additional traffic movements. Yet the Traffic Assessment assumes no traffic movements for this part of the application
- the methodology used to underpin the assertions in the Traffic assessment in section 4 – that trip rates have been allocated by assumption only to specific land uses and then applied to floor areas to “give a general indication of likely additional trips” - is arbitrary and lacking an evidence base
- the application will increase further the impact of land uses which are already too extensive for the location and the rural network around it.

Most recently the Parish Council commented on the revised accommodation schedule and additional information as follows:

- The proposals to create additional commercial/office space will increase vehicular movements
 - The location of the site - where access is necessarily via narrow country lanes - makes it unsuitable for further development which would increase traffic volume
 - question the unverified demand for additional commercial space at the location considering that office and commercial space already exists nearby, including at the Brogdale Farm site and allocated for development at Perry Court development
- 5.2 Swale Footpaths Group commented that ZR 670 (referred to on one plan as "existing access road") is nearby, but it does not seem it would be affected.
- 5.3 Faversham Society raised concern at providing 6 additional retail units on a site which is remote from Faversham Town Centre. It is suggested that conditions should restrict the mix of items that can be sold so that they relate to the primary use of the site as an Equestrian Centre.
- 5.4 Four responses were received from local residents after the initial consultation, objecting to the proposal their comments are summarised below:
- a transport statement should be made available for public comment
 - existing businesses at Willow Farm already create an unacceptable level of traffic on the surrounding rural road network with particular impact being created by large HGVs travelling through the village of Painters Forstal
 - The number and size of HGVs travelling through the village has increased significantly over the last year or so as activity on the site has increased
 - additional traffic that will be generated by these proposed developments will only serve to increase the level of traffic and the consequential danger and disturbance to residents, and damage to the grass verges and roadway edges
 - Willow Farm is clearly an unsuitable and inappropriate location for such vehicle generating development
 - no improvement over the years to the local road network and the size of traffic using these roads has increased dramatically
 - agricultural activities at Willow Farm appear to be limited so how much office space does this require
 - plans for the bund are difficult to interpret
 - the expansion of Willow Farm can only be sanctioned if accompanied by major improvements to the road infrastructure it will be grossly unfair to local residents
 - A number of comments were made in relation to the construction of the access road (to the agricultural storage barns to the north of the site) and its use by vehicles at all hours and the fumes, dust and pollution it produces – NOTE: This is not part of this planning application.

Additional comments were received following receipt of the Transport Statement and amended drawings showing the removal of the bund, the additional car park area and a reduction in size of replacement building known as Block 5 and these are summarised below:

- the traffic survey was limited to 2 days and fails to regard the use by traffic of the additional access further along Hasletts lane where goods to the equestrian centre and Gillets arrive usually in HGV's
- the survey, therefore, ignores the HGV traffic currently serving the Willow Farm site, and singularly fails to have regard to the inevitable increase in HGV activity that will arise by stealth as a result of the proposed developments
- the survey shows that there will be a significant increase in the amount of traffic travelling to and from the site though this is dismissed as negligible but without regard to the fact that the roads involved are rural in nature
- a major part of the traffic currently accessing Willow Farm passes through Painters Forstal, and seemingly in future it will be specifically directed to do so because access to the primary highway network is so difficult from this rural location
- the transport statement ignores a short cut along a stretch of unnamed road that is used when passing through Painters Forstal, traffic as traffic does not tend to use the Painters Forstal/Eastling Road. This road also has school traffic on it and now is extremely dangerous and cannot tolerate additional traffic. And "unsuitable for HGV's" sign is now on the road but ignored.

6. CONSULTATIONS

- 6.1 Environment Agency offered no objection to the proposal providing conditions related to potential contamination of the site and surface water drainage are imposed on any permission granted.
- 6.2 Natural England commented they considered the application and the subsequent amendments and made no objection.
- 6.3 National Highways (previously Highways England) when originally consulted requested further details regarding the potential vehicular trip generation to and from the site and the potential impact it will have on the SRN, particularly during the network peak periods at the junctions specified (M2 Junc 5 6 and 7 and A2/A251 junction). This should include a breakdown of existing and proposed traffic related to each activity (existing and proposed leisure, farm, retail and employment and any other related day to day and special event activities) on a daily and hourly basis. Traffic related impacts during construction should also be specified.

Following receipt of the Transport Statement and amended drawings showing the removal of the bund and the additional car park area and a reduction in size of replacement building known as Block 5 they commented as follows:

- As the bund has been removed they have no further comments to make on this issue

- They reviewed the Transport Statement and the amendments and considered that the level of peak hour traffic movements onto the SRN arising from the proposed development would not materially impact on the reliability, operation or safety of the SRN
- Therefore, we do not offer any objection or requirements.

6.4 KCC Highways when originally consulted requested a Transport Statement or assessment and details particularly in relation to potential traffic generation. Following receipt of the Transport Statement and amended drawings showing the removal of the bund and the additional car park area and a reduction in size of replacement building known as Block 5 they commented as follows:

- The access on Hansletts Lane would be suitable for the additional number of vehicles generated by these proposed developments. To ensure the existing vehicle visibility is maintained there should be no obstruction within the visibility splays over 0.9m above the carriageway level
- satisfied that the proposed retail units will not result in a significant number of additional vehicle trips, it is expected that the majority of visitors to the retail units will be drawn from the local area, and it is likely that many of the trips will be dispersed across local roads.
- also satisfied that the new office space will not generate additional vehicle trips as it will host existing farm management uses on site
- The proposed parking provision will meet the necessary requirements and there is sufficient room for parking within the development
- The 4 disability spaces, which are shown on the proposed masterplan, should be retained and the provision made for electric vehicle charging facilities and a secure covered cycle store is required.

As such, they now raise no objection subject to the imposition of suitable conditions, which are included below.

6.5 Southern Water stated they required a formal application for any new connection to the public foul sewer and that other technical staff should comment on surface water proposals and general guidance. This advice was repeated on further consultations.

6.6 SGN advised gas pipeline locations are available online to view and did not comment further on the proposal.

6.7 KCC Public Rights of Way Officer commented that whilst ZR670 is a public footpath which passes along the access and directly through the application site, having reviewed the application and noted the proposals for the development, the path will remain unaffected and as a result, he did not have any objections against the application. He advised that the route should remain unobstructed during and after the development to pedestrians and the Highway Authority, should be notified of any proposed surface changes to the Public Right of Way.

- 6.8 Kent Downs AONB unit when originally consulted they considered the proposal would fail to achieve the landscape character objectives of the area that include conserving the small scale of the roads and villages and the remote quality of the countryside and to control urban fringe pressures.

They considered that the development would increase the amount and height of building on the site and would appear out of scale and design in its rural context and the design would fail to strengthen the locally distinctive character of the Kent Downs AONB. The proposal would also result in increased general activity at the site including an increase in traffic on rural single-track roads.

Harm would also arise as a result of the large area of hardstanding required in connection with the proposed car park and as a result of parked vehicles, in a location away from existing built development associated with the holding.

Both the car park and the new building would be visible from Hansletts Lane, due to the open nature of field boundary with the lane and the removal of vegetation along the access track to the site, as well as from the public right of way through the site.

The proposed bund would also have a detrimental effect on the landscape character, introducing an engineered feature that would be wholly out of keeping with this generally open landscape.

In conclusion, it is considered that the proposal would weaken the characteristics and qualities of natural beauty and landscape character and disregard the primary purpose of the AONB designation, namely the conservation and enhancement of its natural beauty.

Following the submission of amended details, they welcomed the removal of the bund but maintained their concerns raised in connection with the proposed new building and increased activity at the site and associated traffic on the rural single-track lanes that provide access to this site.

- 6.9 SBC Environment Health offered no objection but did require a condition to restrict the construction hours to protect the residential amenity during the construction phase.
- 6.10 Rural Planning Consultant considered as the proposal relates to non-agricultural development on part of the Willow Farm premises there are no matters arising within the advisory remit
- 6.11 Kent Police had no significant concerns however they advised the applicant/agent to consider: Planting to the 1.5m high post and rail fence should be maintained at a maximum of 1m, the parking area could benefit from increased natural surveillance e.g., windows, door sets should meet PAS 24: 2016 UKAS certified standard, windows on the ground floor or that that are potentially vulnerable e.g. from flat roofs so should meet PAS 24: 2016 UKAS certified standard

7. BACKGROUND PAPERS AND PLANS

7.1 19/502484/FULL and existing plans.

8. APPRAISAL

8.1 Principle of Development

8.2 The determining factors here are the growth and expansion of this established business and the potential implications for the vitality of Faversham town centre, the design and visual impacts of the proposal, the landscape impact of the proposal given its location with the Kent Downs Area of Outstanding Natural Beauty (AONB) the sustainability credentials of the proposal, the implications for residential amenity, and any highway implications

8.3 At the heart of National policy is the presumption in favour of sustainable development and the Local Plan is developed in line with this positive approach.

8.4 It must therefore be considered if this proposal is a sustainable development and as such The Swale Borough Local Plan 2017, defines built up area boundaries and the countryside for planning purposes. The site is situated outside of any established built-up area boundary, where policies of rural restraint apply. The site is remote from any settlements and Painters Forstal, the nearest village, is approx. 700m by road to the south-east and Faversham town centre is approx. 1.8 miles to the north-east.

8.5 However, the NPPF in paragraphs 81 and 84 supports economic growth in rural areas to create jobs and prosperity by taking a positive approach to sustainable new development. The Local Plan continues this with Core Policy CP1 supporting the goal of strengthening economic development within the Borough whilst Policy DM3 recognises this and balances the support for sustainable economic growth with the limiting and managing of adverse impacts upon the wider countryside. Policy DM3 in this case requires that the new building's design and layout be sympathetic to the rural location and appropriate to its context, resulting in no significant harm, and avoiding scales of traffic generation incompatible with the rural character of the area.

8.6 There are therefore competing policy considerations, the desire to enhance the rural economy and the need to ensure sustainable development.

8.7 As a rural business, Willow Farm argue they are investing in the long-term success of the existing facilities by developing and improving the physical facilities and services Willow Farm Equestrian can offer the local community. The underlying aim of this proposal to provide additional retail, commercial and office space to aid other, small scale local complimentary rural business to give them a place to base their business from. Although no end users have been confirmed a mix of occupants is anticipated, leisure, retail and service sector, all with the aim that this will support and aid the sites viability as a whole. It is likely that not just this site will benefit but nearby tourism, at the Willow Farm Caravan Site etc could also benefit. Additional employment will result directly in the form of the applicant's estimate that at least 10 additional jobs are expected to be created here on the site, dependent on the businesses coming in, and also indirectly thus providing further income to the rural economy.

- 8.8 In terms of fulfilling the economic objective of sustainable development in this case there is an historic retail presence at Willow Farm via Gilletts Country Store which has operated here for approx. 30 years and currently employs 17 staff (on a full and part time basis) Additionally the renowned equestrian centre and its cafe and a landscape business operate from the site and offer local employment. The recent approval for 4 holiday lets adds to the leisure/tourist provision at the site. This is a successful, modern rural business and site.
- 8.9 The NPPF (July 2021) paragraph 83 states that “*planning policies and decisions should recognise and address the specific locational requirements of different sectors.*” Given the equestrian nature of the main business, the proposals are appropriate within the context of businesses being able to invest, expand and adapt. Paragraph 84 continues to support the reuse of rural buildings, well designed new buildings, the diversification and development of land-based businesses and the development of accessible local services, community facilities, meeting places and local shops, all elements addressed within this proposal. Paragraph 85 states that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. Given many of the trips to the proposed new elements are likely to be from those already visiting the site I am satisfied the proposal would not cause adverse impact.
- 8.10 I understand that Employment Land Review evidence prepared for the Local Plan Review shows that there is an identified need for approximately 51ha of business and commercial floorspace and although the proposals would make only a small contribution, it is a contribution none the less that is appropriate in scale to its surroundings.
- 8.11 Policy DM24 seeks to protect the natural beauty of the AONB but also allows for its socio-economic needs. I consider that the appearance of the new build element fits with the current aesthetic of this modern farming business and with the other more small-scale improvements to the site. The proposal will both enhance the site specifically (and not project beyond the existing complex of utilitarian buildings), given its current appearance and the character and the natural beauty of the AONB generally. This part of the AONB is characterised by utilitarian buildings as well as featuring the M2 motorway and the neighbouring caravan site and the proposal must be seen within this context.
- 8.12 I do not consider the development would detract from the AONB designation particularly when considered in the context of the site and its surroundings. With the uplift in the appearance and impact of the site on the AONB, the additional proposed soft landscaping together with the benefit of further supporting the rural economy helping to sustain its own and nearby business and local tourist attractions.
- 8.13 I further consider its location and the scale and the makeup of the development is sufficiently removed from and diluted to not impact upon Faversham Town centre and its long-term vitality and viability. Here, there is a potential mix of small-scale retail, leisure, commercial and office space proposed to acknowledge the rural offer the site can make.

- 8.14 I am conscious of para 87 of the NPPF requiring a sequential test to be applied to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. However, para 89 continues that this is not necessary for small scale rural offices or other small scale rural development. In this case the scale of the office accommodation being offered is in part of the first floor of 1 building whilst the remainder of the offering is aimed at rural enterprises and of a scale that the town centre by reason of size, cost or location is not an option.
- 8.15 However, acknowledging the E Use Class covers both commercial and retail activities, I have included condition 17 which limits the Class E (a) use (retail) to a maximum of 529m² floorspace - the level within the ground floor of Block 4 and Block 5. This will limit the maximum amount of potential retail activity to ensure the anticipated and expected mix of uses is maintained. It will also ensure that it will remain no more than an ancillary use to the main activities of Willow Farm. As such, I am of the opinion that the proposal is acceptable in principle and in accordance with Local Plan principles.
- 8.16 I note the comments from the Faversham Society made in July 2019, but also recognize that they have not commented on the revised details of the new mix of proposed uses. Their concern centred on 6 retail units where the proposal now is not solely for retail but for a mix with commercial uses too. They suggested that conditions should restrict the mix of items that can be sold so that they relate to the primary use of the site as an Equestrian Centre. However, I am concerned as this could well restrict the other potential users, for eg Joes Bows leisure business with the ancillary retail element would fall foul of such a condition as would a plant nursery for example.
- 8.17 The context of the site is important as it is a busy modern site with its immediate neighbour a caravan park to the west, the M2 motorway to the north, the relocated farmyard to the north and the farms original farmhouse to the south. A number of residential properties are in the vicinity of the site though the closest to the west, along with the Caravan Park will be screened by the existing buildings on the site and given the access remains to the east are unlikely to be able to view or note any change in circumstances by the proposals. Those further to the east whilst likely to continue to have a view of the site however I consider given the improvements to be made in the appearance of the buildings and the proposed increase in landscaping overall the appearance of the proposal would be of benefit to what currently exists. With the additional evidence regarding the limited increase in traffic and conditions specifically related to protect residential amenity I do not consider the proposal will result in the detriment to the amenity of those nearby.
- 8.18 It is my view that the proposals are policy compliant with both the NPPF and when considered against policy DM3 as the proposals seek to secure the sustainable growth and expansion of the business and enterprise in the rural area. Furthermore, I consider the proposals are appropriate in scale to the existing activities on the site and the wider area and would not adversely impact on residential amenity.

Visual Impact

- 8.19 Accepting there is sufficient national and local policy support for the proposal the detail of the design and impact of the building must be assessed.

- 8.20 Paragraph 126 of the NPPF states that *'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'* The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 8.21 Policy CP4 of the Local Plan requires development proposals to be of a high-quality design that is appropriate to its surroundings. Development proposal should create safe, accessible, comfortable, varied, and attractive places, enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place, and make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists and biodiversity. Policy DM3 requires sympathetic design and DM14 requires proposals to reflect the positive characteristics of a site and locality, be well sited and of a scale, design, appearance, and detail that is sympathetic and appropriate to a location and cause no significant harm to amenity.
- 8.22 Given that the site is within the AONB consideration of the impact on the wider landscape is important, so the design and materials of the proposal need to be of a particularly high quality, and sympathetic and responsive to the wider landscape in this case.
- 8.23 The scheme in general will provide a much more attractive site than currently exists. Although in the AONB, Willow Farm is a collection of mostly large modern but dated buildings that all to a degree require updating and improvement. This is particularly relevant to the external appearance of Block 4, currently with a grey concrete block base, which would be recovered with brick, and this would lift this rather unattractive modern agricultural building and be a benefit of the scheme.
- 8.24 The resurfacing and formalisation of the current hard standing parking area within the courtyard area would also be an advantage of the scheme. The addition of soft landscaping here will soften the appearance of this courtyard and make the area more cohesive with the wider landscape. The designated parking areas, utilising existing hardstanding areas will also ensure the parking stays in the specified areas and does not spread around the site. I have included a condition to ensure this and that the soft landscaping will consist of native hedging and plants to increase biodiversity, currently lacking on this area of the site.
- 8.25 The lean-to extension to Block 1 is limited in size given the size of the building and with appropriate tiles on the roof would disguise somewhat this rather large and unsightly elevation which can be viewed from outside the site, on the approach from Hansletts Lane.
- 8.26 The main development here is to be the removal of the existing dilapidated building (annotated as Block 5) and its replacement with the larger retail/commercial and office building so some degree of benefit from its removal is accepted. It is proposed this

building would be of a simple design to adhere to the current character of this modern yard and the buildings within it.

- 8.27 It is proposed to be finished in a mixture of metal sheeting for both end elevations and the roofing and a brick base. Metal sheeting with timber panelling and glazing on the front and rear elevations will soften the appearance of the building. Although it is of a similar design to many other agricultural buildings, such as, the often-seen larger grain stores that pepper the local countryside. It is not considered the building would be overly prominent within the site, given its comparative size or when viewed from any public vantage points and would read generally as an agricultural building in an appropriate setting. The front elevation however offers an element of interest with its mix of metal work, bricks, wooden panelling and glazing but retains its simple design approach. This continues to the rear, which will also be visible elevation to those visiting and using the equestrian facilities at the site.
- 8.28 The impact of the building is mitigated by its siting behind the existing indoor arena and the large Gilletts store so would only be visible on approaching the site from the east. Native planting and a grassed area will break up the car parking area to the front and will soften this aspect of the proposal.
- 8.29 I note the original comments of the AONB unit however in light of these comments amendments were made to the proposal with the bund and the additional car park area being removed from the scheme, the two areas they were particularly critical of. I note they referenced that the car park and the new building would be visible from Hansletts Lane, “*due to the open nature of field boundary with the lane and the removal of vegetation along the access track to the site, as well as from the public right of way through the site.*” However, there is no proposal to remove any vegetation in fact additional planting forms part of the submission.
- 8.30 Furthermore, the objection to the new building (Block 5) “*being out of scale and design to its rural context*” in the original objection remains and its amendment is not addressed in their later comments. However, the building was reduced in size with the height of the building decreased and the eaves of the first floor now only offers a reduced, compromised floor to ceiling height. The height of the ridge is 7.2m from the ground whilst the heights of the other buildings on the site generally range between 6m to 9.5m. The proposed replacement building has a footprint of 508m² whilst the three existing neighbouring buildings in the yard have an average footprint of 869m², with the existing buildings at 2,096m², 345m² and 168m². Over the whole site the house, annex and garaging (under construction) have an approved footprint of 437m² and the buildings in the farmyard next to the M2 are 450m², 450m² and 900m². Thus, the existing average size of a building footprint on this site is 692m².
- 8.31 In light of this the context of this rural setting is that of large fit-for-purpose rural buildings and the proposed building at just 508m² is under the average size of building on the site. I further consider that, as argued above, the building is of a simple design that adheres to the current character of this modern yard and the buildings within it. Furthermore, it is located within the existing farmyard, where the AONB best practice/design guidance recommends that new development should be placed when diversifying existing farm settings to create a sustainable flexible future.

- 8.32 I do consider the AONB units concern regarding the potential harmful increased activity and traffic to the site has arguably failed to consider fully the existing level of use of the site, the diversity of the existing and proposed elements on the site and the conclusion by both Highways England and KCC Highways that the level of increase in traffic due to the proposal and its relationship to the existing site use would be minimal and at an acceptable level.
- 8.33 Willow Farm has historically, over the last 30 years, developed and grown in this sensitive setting and the remaining buildings on the site are testament to this expansion of the farm and when its expansion took place. I consider what is proposed now is a modern and more sympathetic development that provides the additional benefit that it will upgrade the existing buildings and their setting and many of the existing harmful elements in the AONB which will be of benefit to the AONB as a whole, compared to what currently exists here.
- 8.34 Residential Amenity
- 8.35 There are a number of residential properties in the vicinity of the site, but I note those to the south and east are over 180m away from the main proposed new building in the application site. Whilst the closer neighbour to the southwest and the Willow Farm Caravan Park are located beyond the existing equestrian indoor arena building and the Gillets building towards the front of the site.
- 8.36 The proposal would mostly be for a change in use at the site to enable retail/commercial/office premises to open from which they would be screened by these existing substantial buildings. Additionally given the Transport Assessment determined the minimal increase in additional trips to the site I do not consider their proximity to the site would be adversely impacted particularly as the access is also be removed from their location.
- 8.37 I have included conditions to protect amenity in the locality such as restricting additional lighting and working hours and a restriction on delivery times and with these in place I do not consider that the proposal would have an adverse impact upon residential amenity.
- 8.38 Highways/Parking
- 8.39 Access is to be provided to the site via the existing access off Hansletts Lane, this is considered satisfactory for the proposal, and I have included a condition at the request of KCC Highways that ensures the existing vehicle visibility is maintained and that there should be no obstruction within the visibility splays over 0.9m above the carriageway level.
- 8.40 I note the concerns of the Parish Council and other objectors regarding their view of the impact the current proposals would have on the local road network, although I note the main body of the objections appear to be regarding the current stresses on the local road network from the use of a variety of vehicles attributed to the site.
- 8.41 What is to be considered with this application is the impact of the vehicle movements likely to arise from the development being proposed and this being in the context of Hansletts Lane being a designated rural lane whereby development that creates

resultant traffic levels which significantly harm the character of such a rural lane are unacceptable.

- 8.42 The Transport Assessment was submitted with the application and assessed by Highways England and KCC Highway engineers, The report took the “worst case scenario” for this proposal and as such they concluded the proposal would then likely introduce a maximum of 37 additional two-way vehicle movements onto Willow Farm during the peak demand, with the majority being cars or light goods vehicles. However, they also considered that there is a high chance many visitors already visiting Willow Farm for either equestrian purposes or the existing retail use will then visit the new retail/commercial outlet. A more typical scenario would then be to allow for 30% of the retail/commercial trips to be linked to other uses (e.g. Gillett Cook retail and equestrian uses) This resulted in a more likely 13 inbound and 13 outbound trips into Willow Farm during peak time reducing to 11 inbound and 8 outbound in the lower PM peak demand time.
- 8.43 However, I note the Parish Council commented that they did not finding the Transport Statement a “*credible document*”. The Transport Statement provided evidence of traffic movements for typical operational days at the site, which is common practice for Transport Statements and Assessments. Owing to the nature of the site and its mixture of uses, I am advised that a site-specific methodology is appropriate in this instance and appeared robust enough in the view of the Highways England’s highway engineers to predict the additional trips generated.
- 8.44 The assumption made for linked trips with other site uses was acceptable in the view of Kent Highway engineers, and additionally Highways England who were also content that the proposal would not create sufficient traffic to warrant objecting to the proposal. Much as I have every sympathy with the concerns of local residents, in this matter I must take the expert advice of the Highway Authority.
- 8.45 Many objectors were making general points about the lack of investment in the rural road network and the increase in its use by larger vehicles, the damage they cause and the inconsiderate driving practices. Whilst I am sure some vehicles can be attributed to the site it is not conclusive that current or future visitors, whatever vehicle they may be in currently do or would cause further problems. Even so, drivers’ behaviour cannot be the responsibility of the premises they are visiting.
- 8.46 I consider that the Transport Statement informs us that this proposal would result in a negligible increase in vehicle trips to the site and the analysis has not demonstrated that the impact of any additional traffic generation would constitute a severe or overbearing impact as such I do not consider it is contrary to Policy DM26 which aims to protect designated rural lanes.
- 8.47 There was some contradictory information regarding the parking provision on site however it is now clear that the majority of the parking will be provided in the “courtyard area” between the buildings, currently used as a parking area, with overspill to the rear of Block 5, again an existing hard surfaced area. Additionally, I have included a condition for this to be provided and approved including details of how the provision of electric vehicle charging points will be accommodated and managed

- 8.48 Finally, I note objectors refer to the use of the historic agricultural track to the west of the main farmyard, adjacent to Willow Farm Caravan Park, which continues on to the agricultural buildings to the north of the site.

Significant time was spent by Enforcement Officers investigating the claims this was not authorised in 2018 and in 2019 and it became clear that the evidence showed that the track had existed for many years and that, whilst the new farm buildings close to the M2 had been approved and the planning permission (16/504755/FULL) restricted their use to agricultural purposes, the planning permission did not restrict which access route can be used to access them. The applicant was therefore free to use this track or the main farm driveway to access his land and his buildings. Furthermore, as the track had previously been used, and continues to be used, for agricultural purposes on agricultural land, there are wide ranging permitted development rights to construct such a road. This is not the proposed access to the current proposals, is not included within the application site and I do not see this issue as material to the assessment of the current application.

8.49 Landscaping

- 8.50 The key to achieving a good quality development on this site is very much wrapped up not only with the design of the buildings but with the boundary details. Fencing and landscape details are lacking in detail, so I have included a condition to ensure this is clarified and that the species used are indigenous and the use of trees incorporated.

- 8.51 The existing landscape to this site area is generally hard standing and going forward the hard landscape materials should be natural and block paving and should be permeable to accommodate storm water drainage.

- 8.52 However, a greater element of soft landscaping has been proposed now to create a visual buffer to the parking, with hedging planted around the parking area to provide some screening. I have included a condition to ensure it is appropriate.

8.53 Other Matters

- 8.54 The Council declared a climate and ecological emergency on 26th June 2019. The purpose of the declaration was to draw attention to the urgent need to reverse the decline in biodiversity in Swale and to take effective action to reduce carbon emissions in the Borough. The declaration sets the goals for carbon emissions from the Council's operations to be carbon neutral by 2025 and for the Borough to be carbon neutral by 2030. In response to this and by fulfilling the environmental objective of sustainable development I note the building will be constructed to be BREEAM very good or equivalent standard required by Policy DM19 and the submission confirms that sustainability has been one of the initial design drivers for the scheme. As such they propose to deliver a highly insulated modern building delivering a comfortable environment, without the need for excessive heating or cooling. The building will utilise natural light, a rainwater collection system, use modern low use taps, an A rated boiler, low energy light fittings and specify insulating materials that avoid the use of substances that have global warming potential, this carries weight in the decision-making process. Members will note condition (13) below.

9. CONCLUSION

- 9.1 It is acknowledged that there has been some local opposition to the proposal. However, following consideration of national and local plan policy It is my view that the proposals are policy compliant with both the NPPF and when considered against policy DM 3 (The rural economy) as the proposals seek to secure the sustainable growth and expansion of a business and enterprise in the rural area and the proposals are appropriate in scale to the existing activities and the wider area.
- 9.2 Along with the amendments to the scheme I have taken into account the potential impact of this proposal on the character and appearance of the countryside and the AONB, and to the comments of local residents and the Parish Council and other 3rd parties. I am of the view that the impact on the countryside and AONB has been mitigated and would be minimal compared to the benefits it would bring to the Borough in terms of the benefits to the improved appearance of the site, and to the AONB, the benefit to the local rural economy. Additionally, the proposal complies with the aims of Policy CP1 in supporting the local economy and creating new jobs for the area in terms of enabling a local business to thrive and provide increased employment, and the continued viability of Willow Farm weighs heavily in its favour. In this case the scale of the office accommodation being proposed and the remainder of the offering is aimed at typically rural enterprises and to be of a scale that the town centre by reason of size, cost or location is not an option and thus I do not consider it would be adversely affected by the scale of this proposal. Furthermore, conditions have been recommended below to ensure the development has the minimum impact on visual and residential amenities as is possible.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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 and maintained in accordance with the following drawings: A21-050, A21-100 Rev P7, A21-102 P2, A21-103, A21-105 Rev P3, A21-106 Rev P2, A21-110 Rev P2, A21-111 Rev P2, A21-112 Rev P2, A21-113 Rev P1, A21-114 Rev P3, A21-115

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

- (3) No development beyond the construction of foundations shall take place until detailed drawings to show adequate land reserved for and set out in accordance, where appropriate, with the currently adopted Swale Borough Council Parking Standards for the particular development proposed, in the courtyard and to the rear of Block 5, for

- i) all proposed parking spaces,
- ii) for the loading and off-loading of commercial vehicles
- iii) and the details of the provision of active and passive electric vehicle charging facilities

These details shall be submitted to and approved by the Local Planning Authority. The approved plan shall then be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to the reserved parking spaces including the EV charging facilities.

Reason: Development without adequate provision for the parking, loading or off-loading of vehicles is likely to lead to parking inconvenient to other road users and in a manner detrimental to highway safety and amenity

- (4) No development beyond the construction of foundations shall take place until details in the form of British Standards or commercial specifications of the proposed external facing materials have been submitted to and approved by the Local Planning Authority.

Reason: In the interest of visual amenity.

- (5) No development beyond the construction of foundations shall take place until details of the colour finishes to be used for the external materials have been submitted to and approved in writing by the Local Planning Authority. Works shall proceed in accordance with the approved details.

Reason: In the interest of visual amenity

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

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

- (7) No development beyond the construction of foundations shall take place until, construction details, including materials and colouring specifications for the pedestrian walkway have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual 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) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason(s) To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 170 of the National Planning Policy Framework

- (10) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason(s) To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- (11) The buildings hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the buildings the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

- (12) 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.

- (13) No floodlighting, security lighting or other external lighting shall be installed or operated at the site, other than in accordance with details that have first been

submitted to and agreed in writing by the Local Planning Authority. These details shall include:

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

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

- (14) The use of the premises hereby permitted shall be restricted to the hours of 0730 to 1700 hours on weekdays and Saturdays, 1000 and to 1600 on Sundays and Bank Holidays.

Reason: In the interests of the amenities of the area

- (15) The Class E (a) use shall be limited to a maximum of 529m² floorspace within Block 4 and Block 5.

Reason: In the interests of protecting the vitality and viability of existing retail locations.

- (16) No deliveries to the site shall take place outside the times of 7am and 7pm Mondays to Saturdays and 10am and 4pm on Sundays and Bank Holidays.

Reason: In the interests of residential amenities

- (17) The hereby approved development shall be completed in exact accordance with the submitted drawings and details and no further sub-division of the buildings shall take place unless it has been agreed in written by the Local Planning Authority.

Reason: In order that there be no intensification of use on the site.

- (18) 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.

- (19) There shall be no external storage of equipment, raw materials or products on the site hereby approved.

Reason: In the interest of visual amenity

INFORMATIVES

A formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused
- on-site providing they are treated to a standard such that they fit for
- purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and
- cluster project formally agreed with the EA
- some naturally occurring clean material can be transferred directly between
- sites.
- Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed-on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- The Environment Agency recommends that developers should refer to:
- the Position statement on the Definition of Waste: Development Industry Code
- of Practice and;
- the Environmental regulations page on GOV.UK

The use of DoWCoP precludes the charging of any gate fees for any imported soils materials. This restriction is paramount and any import of materials where a gate fee is charged must be covered by a relevant environmental permit for recovery or disposal.

Any re-use of excavated materials not undertaken formally using the CLAIRE DoWCoP would require an environmental permit for deposit, unless materials are solely aggregates from virgin sources, or from a fully compliant Quality Protocol aggregates supplier. Any deposit of materials outside of these scenarios could be subject to enforcement actions and/or landfill tax liabilities

1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
3. No hedging or shrubs should be planted within 1.5 metres of the edge of the public path.

The granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

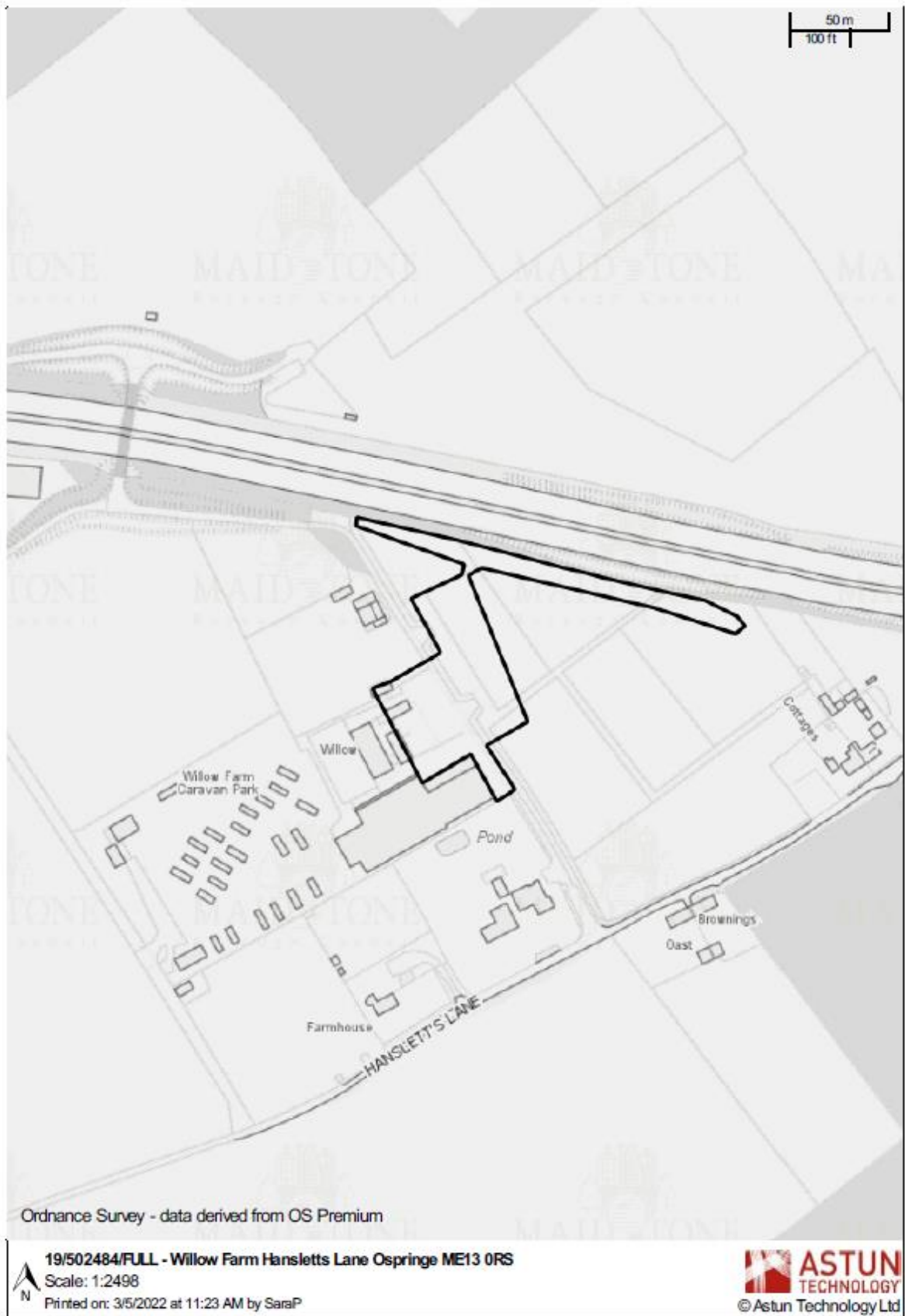
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

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

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



2.3 REFERENCE NO - 22/501431/FULL		
APPLICATION PROPOSAL Siting of 1 no. additional mobile home at existing traveller's site (retrospective).		
ADDRESS Graces Place Homestall Road Doddington Kent ME9 0HF		
RECOMMENDATION Grant		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD East Downs	PARISH/TOWN COUNCIL Doddington	APPLICANT Mr Smith AGENT Target Carbon Management
DECISION DUE DATE 18/05/22		PUBLICITY EXPIRY DATE 02/05/22

Planning History

17/500185/ENF

Appeal against Enforcement Notice - Non-compliance with condition (1) of planning permission SW/06/0126 - Change of use to residential for one gypsy family for one mobile, one tourer, one shed.

Appeal Allowed and Notice Quashed
Five year temporary permission to

Decision Date: 18.07.2018
18.07.2023

16/503982/FULL

Retrospective application for change of use to residential - for one gypsy family, comprising one mobile home, one touring caravan and one utility shed.

Refused

Decision Date: 06.03.2017

Appeal Allowed

Decision Date: 18.07.2018

Five year temporary permission to

18.07.2023

SW/06/0126

Change of use to residential for one gypsy family for one mobile, one tourer, one shed.

Approved

Decision Date: 28.07.2011

Three year temporary permission to

28.07.2014

1. DESCRIPTION OF SITE

1.1 This site is a small piece of open land mid-way along Homestall Road, a designated rural lane which runs parallel to, and just north of the M2, between Lynsted Lane and Newnham Valley. The site is broadly rectangular with its narrow end to the highway, and is generally bounded by tree lines. It is not near any built up area, but lies directly opposite a pair of cottages, which are otherwise quite isolated. The nearest settlement of any size is Newnham which is 1.6km away as the crow flies (with the M2 in between) but 2.8km by the shortest road route. Shops in Teynham are 5.3km by most convenient road route albeit a shorter route can be taken via narrow lanes. Faversham station and town centre are 7.5km away.

1.2 In July 2011 an application was approved on a personal basis for a three year period on the basis of the Council's recognition of the personal circumstances of the three children

then living on the site. The permission was a temporary and personal permission for one mobile home and one touring caravan even though it was clear at that time that the site was not seen as suitable for a permanent or temporary gypsy and traveller permission due to its extreme isolation and remoteness from services and facilities. The temporary permission was intended to allow time for the family to find an alternative site without undue disruption to the children's education.

1.3 That permission expired in July 2014 and an application was then submitted to renew the permission in 2016. By 2016 the site occupants were almost all different from those that the temporary permission granted in 2011 had related to. The Council refused the 2016 application on the basis that the site was unacceptable due to its isolated position far from amenities and facilities. The refusal was appealed and the Planning Inspector agreed that the site was unsuitable as a permanent gypsy and traveller site due to its remoteness and harm caused to the character of the area. The appellants at that time acknowledged that, with the exception of Luke Smith who did meet the PPTS definition of a gypsy or traveller and needed a permanent base at that time to see his son, that they did not meet the PPTS definition. However, the inspector considered evidence to the effect that the Council's Local Plan does not make provision for persons who do not meet the PPTS definition, but who have a cultural aversion to living in conventional bricks and mortar. In the light of the forthcoming review of the Local Plan in which this omission could be addressed, the Inspector granted a temporary personal permission for a period of five years which will end on 26th July 2023.

1.4 The Inspector placed the following conditions on the permission:

1) The use hereby permitted shall be carried on only by the following: Jacob Smith, Sybil Smith, Dennis Doughty and Luke Smith and their resident dependants, and shall be for a limited period being the period of five years from the date of this decision, or the period during which the premises are occupied by them, whichever is the shorter.

2) When the premises cease to be occupied those named in condition (1) above, or at the end of five years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.

3) No more than two caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended (of which no more than one shall be a static caravan) shall be stationed on the site at any time.

4) The site shall be used for residential purposes only and shall not be used for any business, industrial or commercial use. No open storage of plant, products or waste shall take place on the land and no vehicle over 3.5 tonnes shall be stationed, parked or stored on the land.

5) No floodlighting, security lighting or other external lighting shall be installed or operated on the site other than in accordance with details which shall have been previously submitted to and agreed in writing by the local planning authority.

6) The area between the carriageway edge and a line drawn between a point 2m back from the carriageway edge in the centre of the access and a point on the nearside carriageway edge 30m to the west of the centreline of the access shall, at all times, be kept clear of any tree, plant or other obstruction over 1.05m above carriageway level.

- 1.5 The mobile home with temporary permission sits towards the front corner of the site and has been clad in timber with a shed added to extend the accommodation. It remains a mobile home but with the appearance of a timber building. A storage building and shed sit further into the site. A second mobile home now sits in the rear corner of the site and is the subject of this application.

2. PROPOSAL

- 2.1 The application seeks retrospective planning permission for the siting of an additional mobile home in the rear corner of the site measuring approximately 15.9m x 6.6m.
- 2.2 The application is accompanied by a Design and Access Statement/Planning Statement which states that the additional caravan is required to enable the site owner to reside on the site to take care of his mother Sybil Smith who is elderly and registered disabled. I understand from the applicant Mr John Smith that Dennis Doughty who was listed on the 2016 personal permission has since died, that Luke Smith has moved off the site, and that Jacob Smith (Mr Smith's son and one of the children originally living on the site) travels extensively for work thus meaning Sybil no longer has a support network around her.
- 2.3 The Statement relies heavily on gypsy and traveller planning policies although the previous Inspector determined that the site was not suitable as a gypsy and traveller site due to its remoteness. I take from the Statement the following sentences:

This Planning Statement forms part of an application for the stationing of one additional mobile home, on land habituated by only one other traveller's mobile home. The existing mobile home is occupied by a senior member of the family who needs care. The additional mobile home will be habituated by her son (the applicant) who is her registered carer.

The site comprises a plot of land in a rural location approximately 0.3ha.

The main issues in this case are:-

The proposed development would contribute towards meeting the need for gypsy sites in the Borough and as planning provision is still to be resolved, significant weight must be given in the decision making process to this;

Although not within a development boundary, it is sustainably located;

The proposed introduction of the development does not introduce any materially visually harmful development and the site is will be well screened and therefore would not cause harm to visual amenity;

The development would not have an adverse impact upon the residential amenity of the closest neighbours;

There is sufficient space for parking and turning facilities and there would be no harm to highway safety.

The development would go some way to meeting the identified need for further gypsy sites. The Council currently has a lack of suitable alternative sites in the short to medium term.

The proposal complies with Local Plan policies and the guidance contained within the NPPF and planning policy for traveller sites 2015.

3. PLANNING CONSTRAINTS

None

4. POLICY AND CONSIDERATIONS

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

ST1 (Delivering sustainable development)
 ST3 (The Swale Settlement Strategy)
 CP3 (Delivering a wide choice of high quality homes)
 CP4 (Requiring good design)
 DM6 (Managing transport demand and impact)
 DM7 (Vehicle Parking)
 DM10 (Gypsy and Traveller sites)
 DM14 (General development criteria)
 DM26 (Rural Lanes)

National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS)

4.2 The national policy position comprises the National Planning Policy Framework (NPPF) and Planning Policy for Traveller Sites (PPTS). Both documents were released in 2012 but the PPTS was re-issued in August 2015 and the NPPF in 2021 with amendments. Together they provide national guidance for Local Planning Authorities on plan making and determining planning applications for gypsy and traveller sites. A presumption in favour of sustainable development runs throughout both documents and this presumption is an important part of both the plan-making process and in determining planning applications. In addition there is a requirement in both documents that makes clear that Councils should set pitch targets which address the likely need for pitches over the plan period and maintain a rolling five year supply of sites which are in suitable locations and available immediately.

4.3 I consider that the following extracts from paragraph 8 of the NPPF are particularly pertinent:

“Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways....:

- ***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;

- **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*
- **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.”*

4.4 In relation to rural housing the NPPF (at paragraphs 79 and 80) states;

79. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

80. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

*d) the development would involve the subdivision of an existing residential dwelling;
or*

e) the design is of exceptional quality, in that it:

- is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

4.5 In relation to conserving and enhancing the natural environment the NPPF, at paragraph 174, states;

174. *Planning policies and decisions should contribute to and enhance the natural and local environment by:*

a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and

f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

Planning Policy For Traveller Sites (PPTS)

4.6 The PPTS was originally published in March 2012 but it was re-issued in August 2015 with minor changes. Its main aims now are:

“The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.” (para 3 PPTS)

To help achieve this, Government’s aims in respect of traveller sites are:

a. that local planning authorities should make their own assessment of need for the purposes of planning

b. to ensure that local planning authorities, working collaboratively, develop fair and effective strategies to meet need through the identification of land for sites

c. to encourage local planning authorities to plan for sites over a reasonable timescale

d. that plan-making and decision-taking should protect Green Belt from inappropriate development

- e. to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites*
- f. that plan-making and decision-taking should aim to reduce the number of unauthorised developments and encampments and make enforcement more effective*
- g. for local planning authorities to ensure that their Local Plan includes fair, realistic and inclusive policies*
- h. to increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply*
- i. to reduce tensions between settled and traveller communities in plan-making and planning decisions*
- j. to enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure*
- k. for local planning authorities to have due regard to the protection of local amenity and local environment.” (para 4 PPTS).*

4.7 In terms of plan making the PPTS advice is that;

“Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.” (para 13 PPTS).*

4.8 For sites in rural areas and the countryside the PPTS advice is that;

“When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.” (para 14 PPTS).

4.9 In relation to the determination of planning applications the PPTS says that;

“Applications should be assessed and determined in accordance with presumption in favour of sustainable development and the application of specific policies in the National Planning Policy Framework and this planning policy for traveller sites.” (para 23 PPTS)

“Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

a) the existing level of local provision and need for sites

b) the availability (or lack) of alternative accommodation for the applicants

c) other personal circumstances of the applicant

d) that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites

e) that they should determine applications for sites from any travellers and not just those with local connections”

“Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate the nearest settled community, and avoid placing an undue pressure on the local infrastructure.” (para 25 PPTS). I note that the word “very” was added to this paragraph in the 2015 re-issue of PPTS.

“If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary permission. The exception to this is where the proposal is on land designated as Green Belt; sites protected under the Birds and Habitats Directives and / or sites designated as Sites of Special Scientific Interest; Local Green Space, an Area of Outstanding Natural Beauty, or within a National Park (or the Broads).” (para 27 PPTS). I note that the last sentence above was added to this paragraph in the 2015 re-issue of PPTS. I further note that the Council now has a far more than 5 year supply of sites via its newly adopted Local Plan and based on past completions and outstanding permissions the Council is now operating a Local Plan Inspector approved post-PPTS windfall based approach to site provision, which I will refer to below.

- 4.10 The definition of gypsies and travellers has been amended in the re-issued PPTS to remove the words “or permanently” from after the word “temporarily” in the following definition;

“Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such.”

The implications for this change in definition affected the issue with regard to defining need.

- 4.11 Shortly after publication of the GTAA in 2013 the Council began work on Part 2 of the revised Swale Borough Local Plan which was intended to deal with site allocations for Gypsy and Traveller pitch provision only. This process began with a call for sites between September and December 2013, and the publication of an issues and options paper which was subject to public consultation (this finished on 25 April 2014). The Local Plan was subject to examination in November 2015, found to be sound with a 5.4 year supply of housing sites and no need for a Part 2 plan, and the new Local Plan was formally adopted by the Council on 26 July 2017, confirming its status and creating a new clear and certain policy position. This means that the Council is now working to a post-PPTS methodology which has been approved by the Local Plan Inspector, and essentially means that we are working to a different methodology to that of maintaining a 5 year supply of sites, as we are working on a windfall basis.

Bearing Fruits 2031: The Swale Borough Local Plan 2017: as adopted 26 July 2017

- 4.12 The Council’s GTAA published in 2013 originally suggested a pitch target of 82 pitches to 2031. The revised PPTS (2015) changed the planning definition of a gypsy and traveller, and therefore changed the number of pitches that needed to be identified. Evidence to the Local Plan’s Examinations In Public (EIPs) in 2015 and 2017 was that the Council had re-interrogated the original GTAA data to determine the appropriate level of pitch provision based on the new 2015 PPTS revised definition of gypsies and travellers. The data revealed that for all but unauthorised sites some two-thirds of households surveyed for the GTAA either never travel or travel not more than once a year. Overall, only 31% of respondents travel a few times a year, and 55% never travel, meaning that in Swale the gypsy and traveller population is quite settled, slightly more so than elsewhere in the country. Many current site occupants no longer meet the new PPTS definition of having a nomadic habit of life
- 4.13 Accordingly, the need for pitches in Swale was re-evaluated, resulting in a reduced estimate of pitch need from 82 pitches down to 61 pitches over the Plan period to 2031; this being the most generous (highest) of the possible reduced pitch number scenarios considered. As a result of this analysis the future need for new pitches throughout the Local Plan period is based on a figure of 61 pitches to 2031, leaving (at the time of the Local Plan EIP) a need per year of less than one pitch, meaning that no formal pitch allocations were needed, and future site provision could reasonably be expected to be

catered for via windfall planning applications. Draft Local Plan Policy DM10 was then revised to deal with these windfall applications. Accordingly, a Part 2 Local Plan was/is not required as the Inspector confirmed that the Council's approach to this matter was well reasoned and pragmatic and she also accepted that the Council's approach would result in a Plan that will be effective and consistent with national policy.

4.14 The commentary on Issue 7 in the Inspector's final report of June 2017 at paragraphs 85 to 91 confirms this line of thinking. The Inspector's support for the Council's approach to pitch requirements is re-affirmed in paragraph 90. At that time 51 permanent pitches had been approved by the Council since the GTAA was commissioned and the remaining pitch supply need to 2031 was just 0.2 pitches per annum. Despite formal objections, the Inspector discounted any concerns about site supply by referring to this very small remaining need (over the full plan period) and adding that the early review of the Plan (required for other reasons) would deal with any concern about the five year supply situation.

4.15 The Local Plan has now been adopted, and thus the position has been formalised. The key adopted plan policy to deal with windfall planning applications for new sites now is DM 10 (Gypsy and Traveller sites). Policy DM10 of the adopted Local Plan states:

“Part A: Retention of sites for Gypsies and Travellers

Existing permanent sites and those granted permanent planning permission will be safeguarded for use by Gypsies and Travellers, unless it is demonstrated the site is no longer suitable for such use.

Part B: Gypsy and Traveller sites

The Council will grant planning permission for sites for Gypsies, Travellers and Travelling Show People, where it is demonstrated that proposals:

- 1. Are in accordance with Policy ST3 by reference to the deliverability of potential or existing sites at each settlement tier(s) above that proposed by the application, unless:*
 - a. there are exceptional mitigating and/or personal circumstances where the applicant has demonstrated that a particular site is required to meet their needs and where there is no overriding harm to the locality; or*
 - b. where required to meet an affordable housing need either via a rural exception site in accordance with Policy DM9 or specific allocation; or*
 - c. the proposal is for an extension to, or stationing of, additional caravans at an existing site.*
- 2. Can establish that the applicants have previously led a nomadic lifestyle, the reasons for ceasing a nomadic lifestyle and/or an intention to return to a nomadic lifestyle in accordance with Annex 1 of Planning Policy for Traveller Sites (2015);*
- 3. Can achieve an integrated co-existence between all communities;*

4. *Are of a scale appropriate to meet the accommodation need identified and not introduce a scale of development that singly or cumulatively dominates the nearest settlement or causes significant harm to the character of an area, its landscape, or the capacity of local services;*
5. *Can, where appropriate, accommodate living and working in the same location, either through a mixed use site or on land nearby, whilst having regard to the safety and amenity of occupants and neighbouring residents;*
6. *Cause no significant harm to the health and wellbeing of occupants or others by noise, disturbance, vibration, air quality or other circumstances;*
7. *Cause no significant harm to the Area of Outstanding Natural Beauty, national/local landscape or biodiversity designations and other natural or built environment that cannot be adequately mitigated;*
8. *Provide landscaping to enhance the environment in a way that increases openness and avoids exclusion and isolation from the rest of the community;*
9. *Provide for healthy lifestyles through open space, amenity areas for each pitch and play areas;*
10. *Would be safe from flooding by meeting both the exceptions and sequential tests in accordance with national policy and Policy DM22;*
11. *Achieve safe and convenient parking and pedestrian and/or vehicular access without unacceptable impact on highway safety; and*
12. *Where appropriate, include visitor or transit pitches and/or sufficient areas for future expansion. Planning conditions may be used to limit the length of time that caravans can stop at transit sites and on visitor pitches.”*

4.16 In more general terms the Local Plan also contains the usual range of policies aimed at sustainable development and protecting the natural and built environment. Policy ST3 seeks to direct development to sustainable locations by ranking settlements in order of service provisions. Starting with main urban centres and dropping through other and rural centres, the policy seeks to prevent development outside built-up area boundaries or in the open countryside unless supported by national policy and where that development can demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. The location of the current application is outside any urban or built-up area and at the very lowest 6th tier of development locations.

The updated GTAA and Five year supply position

4.17 An updated GTAA was produced in 2018. This set a revised requirement for 51 new pitches during the period 2019-2038, and identified that the area of greatest need was from expansion of existing families within the Borough. To date, a further 24 pitches have been granted planning permission, equating to 47% of the identified need. Existing permissions run well ahead of the GTAA need if spread evenly over the need period in

the GTAA. Members should also note that this is a minimum and should not be treated as a ceiling figure. Based on the approach endorsed via the Local Plan examination, the Council considers that on the basis of past trends, this need can continue to be met from windfall proposals. Moreover, it indicates that by proper engagement with the Council, appropriate sites can be found in sustainable and acceptable locations in Swale (outside of the AONB or other designated area) without an appeal, meaning that there is a high probability of applicants being able to find an acceptable alternative site with minimal delay.

4.18 This “windfall” approach remains as endorsed by the Local Plan Inspector who accepted that the Council did not need to allocate potential sites in a development plan document. Rather, the Council’s open and positive attitude to the provision of private traveller sites meant that the Council was encouraged to adopt a “windfall” based approach to private site provision, testing sites according to policy DM10 criteria. This effectively means that the issue of the 5 year site supply raised in PPTS has been superseded at a local level by the windfall based approach, and by policy DM10 of the adopted Local Plan. In other words, the relevance of the 5 year supply position is now very limited in Swale, where site provision has been running ahead of site supply based on the overall Plan period target. The Council has confirmed in many relevant appeal hearings that at Swale we see that target simply as a target, not as a ceiling, and that we continue to approve sites in appropriate circumstances. As such, the following statements can be made in relation to the 5 year supply:

1. The 5 year supply requirement suggested in PPTS is out-of-date in relation to the adopted Development Plan policy currently applying in Swale.
2. Policy DM10 is both more recent and more relevant; it should carry more weight than the PPTS 5 year supply requirement.
3. The proposal should most properly be judged against the criteria set out in policy DM10.
4. Even if there was to be an argument that PPTS was more relevant than policy DM10, that only comes into play in relation to the question of a possible temporary planning permission.
5. This approach has been accepted by Planning Inspectors in cases since adoption of the Local Plan, including that at Hill Top Farm (2018) and at Blind Mary’s Lane (2020).
6. The latter decision in (5) above specifically comments on site supply in Swale being different from the national picture.

4.19 So, whilst a five year supply of allocated sites is not the most important factor now, for completeness I now provide the latest information.

- Current 5 year pitch need = 9
- Current annual pitch need = 1.8
- Current supply of pitches = 3
- Current site supply = 1.7 year supply

4.20 As an aid to interpretation the Council’s own supply situation the following calculation is more useful:

- Overall pitch requirement from 2018 to 2038 (from 2018 GTAA) = 51 pitches
- Pitch requirement 2018 to 2038 per year (51 divided by 20) = 2.55
- Pitches required on average over the three years from 2018 to 2021 (3 multiplied by 2.55) = 7.65
- Number of permanent pitches actually granted planning permission from 2018 to 2021 = 24
- Number of years “supply requirement” approved from 2018 to 2021 (24 divided by 3) = 8 per year supply already approved in first three years

4.21 Essentially, the supply of sites is still running well above what might notionally be needed. In other words, in the three years since the GTAA figures were published 8 pitches should have been approved to meet average demand. Instead, 24 pitches have been approved. Even taking the very worst case scenario where the GTAA suggest that up to 30 pitches might be needed in the first five years, more than half of this need has been met in just three years. In simple terms the Council’s windfall approach to site provision is working and many families now have secure futures.

4.22 I would add that in relation to the Government’s bi-annual count of gypsy and traveller sites to show unmet need for sites;

- The number of authorised sites in Swale is substantial and has been increasing rapidly.
- These sites are not overcrowded.
- The number of so-called unauthorised sites includes illegally occupied sites that have formally been refused planning permission at appeal but have not been vacated; as well as a small number of very long established lawful sites that have no planning permission, but which are not at risk of enforcement action or eviction.

4.23 Finally, the Government’s Chief Planner announced on 31 August 2015 (the same day PPTS was re-issued) a policy that from that date on all applications and appeals that involve intentional unauthorised development this fact can be a material planning consideration.

5. LOCAL REPRESENTATIONS

5.1 No local representations have been received.

6. CONSULTATIONS

6.1 Doddington Parish Council comment (attaching a copy of the 2018 appeals decision letter) as follows:

“Councillors have considered the application.

Concern was raised that this is another retrospective planning application for the site, the use of which was allowed on appeal for unique circumstances and was conditioned to a single static caravan and one other caravan for 5 years from the 26th June 2018 after which the site is to be restored to its original state, so by the 25th

June 2023, This application clearly breaches the conditions of use in the permission both in terms of the caravans specified and further seeks to undermine the time limit by failing to recognise the temporary and time limited nature of the existing permission.

The applicants would have been fully aware of the existing permission and planning system when siting the additional static caravan and then submitting this retrospective application.

Councillors are concerned that all Swale residents are bound by planning rules and regulations, this must equally apply to members of the travelling community as well as the settled community.

Doddington Parish Council objects to this application.”

Members should note that the dates referred to by the Parish Council above relate to the date of the hearing, not of the Inspector's decision and start date of the temporary permission, which was 18th July 2018.

7. BACKGROUND PAPERS AND PLANS

7.1 All plans and documents relating to application 22/501431/FULL

8. APPRAISAL

8.1 Policy ST3 of the Local Plan sets out that “*At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.*”

8.2 Policy CP4 of the Local Plan requires development to be of a high quality design and to be in keeping with the character of the area. it states that particular regard should be paid to the scale, height, materials and detailing. In this case, the additional mobile home is located discretely towards the rear of the existing site and is not readily visible from public vantage points along the road. I note that this is an undesignated landscape and in my opinion the visual impacts are limited.

8.3 Policy DM14 states that any proposed development should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposal upon neighbouring properties. Any proposal should not result in any unreasonable loss of privacy, or excessive noise or odour pollution. I note that the mobile home is positioned approximately 70m from the nearest residential property (Wellfield Cottage) and as such I have no concerns relating to residential amenity of either the occupant of the mobile home or the occupants of the nearest residential property.

8.4 Policy DM10 states, at point 3, that any new proposed pitches or extensions to pitches should achieve an integrated co-existence between all communities. As such, proposed pitches should not be isolated and should be in a sustainable location where it is

possible to integrate within communities. The Council in the previous refusals found this not to be the case and so did the Planning Inspectorate however, the Inspector noted the following:

“32. I have found the appeal site to be unsuitable as a gypsy and traveller site due to the remoteness of its location and harm caused to the character of the area and designated rural lane. Whilst the identified need, especially for those gypsies and travellers who do not meet the PPTS definition, and the personal circumstances of the occupiers of the site weigh in favour of a grant of permission, I do not find this to be of sufficient weight to justify permanent occupation of a site in the most inaccessible category of land in the Borough and where there is damage to a designated rural lane. This is especially so when the Council has shown that sites have been found in more sustainable locations and planning permission granted.

33. Whether one applies policies applicable to gypsies and travellers or not, there is conflict with both national planning policies and with the Development Plan for the area. In looking at a permanent permission, the harm identified is overriding and is not outweighed by the other considerations so as to indicate that the proposal should be determined otherwise than in accordance with the Development Plan.

34. For a temporary period, however, I believe the balance shifts. Notwithstanding the position in relation to the five year supply, a need on the ground for more gypsy and traveller sites for those who meet the PPTS definition has been identified. Perhaps of greater significance, however, is that in the main the Appellant family group do not meet the PPTS definition although they clearly are ethnic gypsies and travellers by background. Despite the duty to do so, the needs of this ethnic group who fail the PPTS definition have yet to be assessed or addressed even though there is an indication from the 2013 GTAA that there are at least 24 households in need.

35. Whilst the Local Plan Inspector indicated that their needs would be best addressed as part of the early review of the Local Plan, the current inequality of housing opportunity for this group of people adds weight to the proposition that a temporary permission might be granted to allow for this situation to be redressed. When considered along with the personal circumstances of the occupiers of this site and the lack of any suitable alternative to which the group could go, the balance tips in favour of the grant of a temporary planning permission. I have no evidence of any substantive progress having been made on the early review of the Plan despite a year having elapsed since adoption and in these circumstances it seems to me that five years would not be an unreasonable period to enable the needs of persons who do not meet the PPTS definition but who nonetheless require caravan pitches to be assessed and addressed and so achieve equality of opportunity for all.

36. With regard to Luke who does meet the PPTS definition, there is evidence that he is in need of a base – at least in the short term – and no indication that he has any alternative place to go. It is clearly in the best interests of his child that he has a settled base so that his son has the opportunity to visit him.

37. For a temporary period, therefore, the particular circumstances of this case are such that the other material considerations, when taken together, indicate that a decision should be taken otherwise than in accordance with the Development Plan. The harm and identified policy conflict is outweighed by other considerations in the short term.”

- 8.5 As previously stated, Sybil Smith who is registered disabled remains on the site, but her partner Dennis has since died. Luke Smith has moved on from the site and Jacob Smith travels extensively for work. As such, Sybil now has limited support and her son John Smith has moved back to the site to support her and he has sited the additional mobile home on the site for him to reside in.
- 8.6 I remain of the view that this is an unsuitable location for a permanent site, but I note that the previous application was granted temporary planning permission at appeal due to the lack of a strategy to deal with members of the travelling community who don't meet the PPTS definition, but still have an accommodation need away from bricks and mortar. The Council is still working on it's Local Plan Review and a strategy for dealing with the accommodation needs of those in the travelling community who don't meet the PPTS definition. As such, I am inclined to support a temporary planning permission being granted for the additional caravan on personal grounds in line with the original time limited permission to allow John Smith to take care of his mother for the remainder of the approved temporary personal planning permission. By this time, the Council should be in a better policy position regarding this issue.
- 8.7 **Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.**
- 8.8 This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 8.9 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.
- 8.10 Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 8.11 In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.
- 8.12 The recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when

determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

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

8.14 In this case however, the Council is looking to only grant a temporary permission for just over a year and as such it would not be suitable in this case to request such a payment. If a permanent or additional temporary permission is sought after 18th July 2023 this is something that the Council will reconsider in line with advice from Natural England.

9. CONCLUSION

9.1 Overall, whilst this site is unsuitable as a permanent gypsy and traveller site due to its isolated location, I note the Inspector’s previous decision to allow a temporary permission due to the health needs of Sybil Smith and the lack of a Local Plan policy to address the need for sites of those who are ethnic gypsies and travellers but do not meet the PPTS definition. Considering the personal circumstances, I think it appropriate to recommend a temporary permission for the second mobile home to allow Mr Smith to take care of his mother for the remainder of their temporary permission granted by the Planning Inspector.

10. RECOMMENDATION - GRANT Subject to the following conditions:

CONDITIONS

(1) The additional mobile home shown on drawing P_101 as “New Static Caravan” shall only be occupied by John Smith and this mobile home shall only be stationed as shown on the site in accordance with drawing P_101 and for a limited period being until 18th July 2023 or the period during which the premises are occupied by him, whichever is the shorter.

Reason: As permission has only been granted in recognition of the special circumstances of the person named in condition (1).

(2) When the mobile home referred to in condition (1) above ceases to be occupied the person named in condition (1) above, or by 18th July 2023, whichever shall first occur, the use shall cease and the mobile home hereby permitted, and all buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the stationing of the additional mobile home, shall be removed and the land restored to its condition before the development took place.

Reason: In the interests of residential and visual amenity.

- (3) This permission shall only approve the siting of one caravan, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 as amended, at any time.

Reason: In the interests of residential and visual amenity.

- (4) The site shall be used for residential purposes only and shall not be used for any business, industrial or commercial use. No open storage of plant, products or waste shall take place on the land and no vehicle over 3,5 tonnes shall be stations, parked or stores on the land.

Reason: In the interests of residential and visual amenity.

- (5) No floodlighting, security lighting or other external lighting shall be installed or operated on the site other than in accordance with details which shall have been previously submitted to and agreed in writing by the Local Planning Authority. The development shall then be completed in accordance with these approved details.

Reason: In the interests of residential and visual amenity.

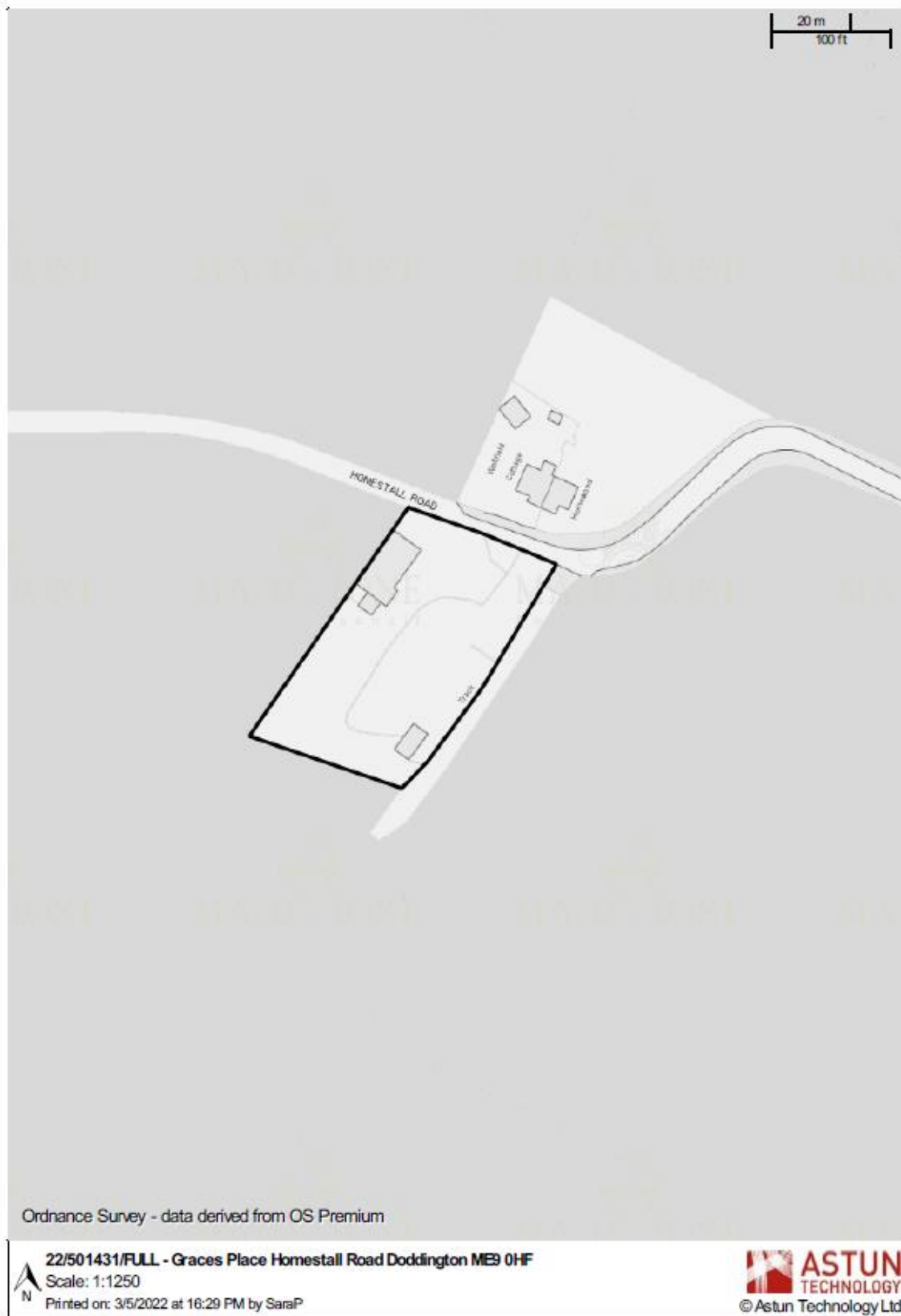
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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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2.4 REFERENCE NO - 22/501556/FULL		
APPLICATION PROPOSAL Demolition of existing dwelling and erection of 2no. five bedroom dwellings with associated parking and private amenity space (Resubmission of 21/504571/FULL).		
ADDRESS Greystone Bannister Hill Borden Kent ME9 8HU		
RECOMMENDATION Grant subject to receipt of additional comments (closing date 5 May 2022) and to conditions set out below, and to receipt of SAMMS payment (1 x £275.88)		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Ashbyrne Homes Ltd AGENT Kent Design Partnership
DECISION DUE DATE 20/05/22		PUBLICITY EXPIRY DATE 05/05/22

Planning History

22/500019/FULL

Section 73 - Application for Minor Material Amendment to condition 2 (to allow alterations to roof, including change of dining area roof to a flat roof behind a parapet and replacement of dormer with 2no rooflights, and to include details of external condenser locations) pursuant to 21/503888/FULL for - Section 73 - Application for minor material amendment to approved plans condition 2 (alterations to both plots including removal of chimney breasts to front, adjustments to window positions and alterations to roofs) pursuant to 20/500051/FULL for - Demolition of existing attached garage, erection of replacement detached garage, and construction of 2no. detached 5 bedroom properties with access from an extension of the existing driveway.

Approved

Decision Date: 03.03.2022

21/504571/FULL

Demolition of existing property and erection of 2no. five bedroom dwellings with associated parking and private amenity space as amended by drawing no's. 21.29_PL_11 Rev A; 21.29_PL_12 Rev B; 21.29_PL13 Rev B; 21.29_PL14 Rev A and 21.29_PL_20.

Refused

Decision Date: 17.12.2021

21/504590/FULL

Section 73 - Minor material amendment to condition 10 (hard and soft landscaping) pursuant to 21/503888/FULL for - Section 73 - Application for minor material amendment to approved plans condition 2 (alterations to both plots including removal of chimney breasts to front, adjustments to window positions and alterations to roofs) pursuant to 20/500051/FULL for - Demolition of existing attached garage, erection of replacement detached garage, and construction of 2no. detached 5 bedroom properties with access from an extension of the existing driveway.

Approved

Decision Date: 14.10.2021

21/503888/FULL

Section 73 - Application for minor material amendment to approved plans condition 2 (alterations to both plots including removal of chimney breasts to front, adjustments to window positions and alterations to roofs) pursuant to 20/500051/FULL for - Demolition of existing attached garage, erection of replacement detached garage, and construction of 2no. detached 5 bedroom properties with access from an extension of the existing driveway.

Approved Decision Date: 16.08.2021

21/503535/SUB

Submission of details pursuant to condition 5 (Materials), Condition 9 (Arboricultural), Condition 10 (Landscaping) and Condition 13 (Energy) in relation to planning permission 20/500051/FULL.

Approved Decision Date: 30.07.2021

20/500051/FULL

Demolition of existing attached garage, erection of replacement detached garage, and construction of 2no. detached 5 bedroom properties with access from an extension of the existing driveway.

Approved Decision Date: 01.04.2020

17/504348/FULL

Demolition of existing attached garage, erection of replacement detached garage, and erection of 2no. detached dwellings with attached garages, accessed via extension of existing driveway with widened access as approved under application SW/14/0479.

Approved Decision Date: 20.10.2017

SW/14/0479

Outline planning permission for demolition of existing attached garage & erection of replacement detached garage, bin store, 2 x two storey 4 bedroom detached dwellings, with attached garages, accessed via extension of existing driveway, as clarified by email dated 3 June 2014 clarifying the eaves height of the proposed houses, and by drawing received 28 July 2014 showing a wider driveway and sight lines.

Approved Decision Date: 14.01.2015

SW/81/1221

Outline application for erection of one dwelling and garage

Refused Decision Date: 26.01.1982

SW/76/0057

Detached house and garage

Approved pre 1990 Decision Date: 18.06.1976

1. DESCRIPTION OF SITE

1.1 This site of approximately 0.23 hectares in area lies within the Local Plan defined built-up area boundary of Borden and includes a two storey 4 bed detached dwelling known as Greystone. This property originally had a very large garden, which doglegged away at the rear, but construction works are currently underway on the far part of the garden to build two 5 bedroom detached dwellings with attached garages, approved last year under planning reference 20/500051/FULL. Pre-commencement conditions for that application have been approved as have minor material changes to design and landscaping details.

1.2 The site is located to the south of the Borden-Harman's Corner conservation area and although the existing house itself is not within the conservation area, the boundary of the

conservation area includes an extremely small corner of the development site at its entrance onto Bannister Hill.

- 1.3 The existing property was built in the 1970s and is set well back from the highway. Apart from it occupying a relatively large garden with some mature planting, the building itself has no heritage merit or contribution to the setting of the conservation area. The land at this location slopes gradually uphill in a north-westerly direction meaning that it sits higher than that of the adjoining properties fronting Hearts Delight Road to the east, which back on to the site.
- 1.4 The current applicants sought planning permission (21/504571/FULL) last year for the demolition of Greystone and the erection of 2 two storey 5 bedroom detached dwellings with double garages. That application was considered by Members at a site meeting on 29th November 2021, was the subject of a report by independent highway consultants, and was refused by Members (against my recommendation) for the following reasons:

(1) Having had the benefit of an on-site meeting to see and consider the impact of this development, at which time the footprint of the 5 bedroom dwelling on Plot 4 was pegged out on site, the Council considers that the proposed dwelling at Plot 4 would, due to its scale and height, and its siting close to the site boundary and directly in front of the rear windows to the property known as Wykeham to the east, result in an overbearing structure which would have an unacceptable impact on the amenities, quiet enjoyment of their property, and the mental health of any occupiers of that adjacent property in a manner contrary to policies CP4 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

(2) The significant increase in traffic arising from the proposed development and the requirement to provide clear sightlines with only low level planting within the sightlines at the site entrance, added to the proposed removal of the existing wall to widen the site entrance which might destabilise the existing soft landscaped bank or require new stabilisation works, would create a development which will detrimentally impact the current appearance of this rural site and result in a development that will negatively affect the setting of the Borden-Harman's Corner conservation area. This would give rise to an impact of less than substantial harm, against which only limited public benefit can be demonstrated in mitigation, meaning that the harm should not be accepted. As such the proposal represents development contrary to policies CP8, DM14 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

An appeal has been lodged against this decision, but that appeal process has not yet been started.

2. PROPOSAL

- 2.1 The proposal is essentially for an amended scheme to address the first reason for refusal by replacing the two-storey 5-bedroom dwelling on what is being called Plot 4 (House type C) with a 4-bedroom chalet bungalow (Type E). The proposal is again for the demolition of the existing two storey 4-bedroom dwelling and the erection of two new dwellings with double garages. The dwellings would be side by side facing north and side-on to both the new houses now being built and to the rear of properties on Hearts Delight Road.

- 2.2 The dwelling on Plot 4 (Chalet Bungalow type E) is substantially smaller in height than the previously refused dwelling here, although its front to back depth is increased by approximately 500mm. This 4-bedroom chalet bungalow will have a total ridge height of 7.2m (reduced from 8.6m) and an eaves height 2.2m (reduced from 5.0m). The chalet bungalow is positioned 2.2m away from the rear boundary of the property known as Wykeham, which fronts Hearts Delight Road. There will be just a single side bathroom roof window at first floor and two small side windows (to an en-suite and a secondary window to a living room) at ground floor that face the rear of Wykeham, whereas the existing property has a large bedroom window and a bathroom window facing Wykeham, albeit at slightly greater range. A new 6ft close boarded boundary fence would be erected along the boundary line between these two properties. Adjacent to the access road will be a single storey detached double garage, measuring 6.5m wide and 7.5m long (internal dimensions 6.0m x 7.0m) with two car parking spaces in front of the garage. The remaining space in front of the dwelling will provide a small front garden with some tree planting along the boundary, and a long rear garden some 20 metres in length. The chalet bungalow would be finished in red stock bricks with a red feature plinth and plain clay tile hanging on the upper walls, black UPVC windows, and a plain clay tiled roof.
- 2.3 Plot 3 (House type D) is set further back from the access drive and away from the rear boundary of properties fronting Hearts Delight Road, and its north-western flank wall will face the new houses currently being built. The other flank wall faces the side of Plot 4 and will have a single storey attached double garage, measuring 6.0m wide and 7.2m long (internal dimensions 5.6m x 7.0m), with two car parking spaces in front and another within the front garden. The rear elevation of the house will face towards the far end of the long rear garden to the property known as Brierley and will have a good-sized garden to the rear measuring 10 metres long. This house would be finished in red stock bricks with black stained timber weatherboarding to the upper walls, black UPVC windows and a plain clay tiled roof with a maximum ridge height of 9.5m (eaves height 5.0m).
- 2.4 The existing access driveway off Bannister Hill will be widened where it meets the highway as already approved for the ongoing development of two houses elsewhere on the site. It will also be slightly widened again further into the site (from 3.1m to 3.7m in width) and will include a shared driveway for the two proposed dwellings, and the two new dwellings currently being built, as well as an additional four car parking spaces situated along the side boundary to Plot 3.
- 2.5 The agent has advised that the two cedar trees close to the highway, identified within the tree survey as Category C (Low Value) and Category U (Poor Condition), fell down during the recent storm. The tree survey plan shows there is a Category C (Low Value) birch tree situated along the eastern boundary of the site but this will need to be removed to accommodate the proposed dwelling on Plot 4. The proposed block plan indicates the very tall coniferous trees growing along the garden boundary to Brierley will be retained and crown lifted (although neighbours say that they have in fact now been removed – see below), as well as the hedge along the garden boundary to Highglade House.
- 2.6 The application is supported by a Design, Heritage and Access Statement, which sets out the following justification for the revised scheme:

Reason for Refusal 1

Following constructive dialogue with the planning case officer during the application process the plot 04's position on site was altered to provide additional separation distances from neighbouring dwellings, in particular Wykeham. The final position which the application was determined on was more than 13 metres from the single storey rear extension to Wykeham and over 15.5 metres to the original building. The case officer highlighted to the planning committee in his report that this far exceeds the minimum separation distance of 11m which is usually required.

The application which this document supports aims to satisfactorily address the first reason for refusal by replacing the two storey dwelling on plot 04 (HT-C) with a chalet bungalow (CB-E). This proposal significantly reduces the overall scale and height of the plot and therefore is considered to minimise the perceived impact on neighbouring dwellings. Whilst the overall footprint of the building and location are consistent with the previous application the chalet bungalow eaves height has been reduced from 5.05m to 2.25m. The ridge height has been reduced from 8.65m on the refused application to 7.28m. Further to this the proposed ground level has been reduced by 300mm from the previous application and when all of these reductions are combined we believe that any perceived impact on the neighbouring dwellings has been considered. This is demonstrated through the site section A-A on drawing 21.29_PL_16.

Reason for Refusal 2

The second reason for refusal, we believe, is a result of some confusion over what the proposals were for and what has already been approved under a previous application 20/500051/FULL. The refused application did not propose to change the access arrangement from the application site onto Bannister Hill and this subsequent re-submission does not propose any alterations either.

During the application process KCC Highways were consulted and raised no objection to the development. Concerns were raised about highways safety by members of the public and an independent transport consultant was employed by Swale Borough Council to assess the scheme. Additional information was sought and on receipt of this information the independent consultant was satisfied that the application was acceptable on highways grounds.

It is important to highlight that the Greystone application site as whole has approval for three dwellings so the application proposals to demolish the original dwelling and replace with two dwellings only represents a nett gain of one dwelling. Therefore, to consider that one additional dwelling will have a significant increase in traffic is questionable. General accepted transport practice suggests a trip generation rate of approximately 5 trips per day for rural sites within confines, per dwelling. At typical peak hours this will be one additional trip and cannot be considered a significant increase in traffic.

The widening of the access to Greystone has been approved under application 20/500051/FULL (and previously under application 17/504348/FULL) to 4.8m for the first 10m into the application site. The only considerable difference between the

approved application and that which was refused is the widening of the access road within the application site beyond that to 3.7m. This is simply to allow access for a fire tender into the site in case of emergency. The existing wall we do not believe significantly contributes to the setting of the conservation area but regardless the application proposals will retain this wall, there is no intention for it to be removed.

The approved design (20/500051) for an additional two dwellings within the curtilage of Greystone did not make consideration for the access of a fire tender to these properties. This application seeks to widen the approved access drive from 3.1m to 3.7m and to provide a turning head compliant with approved document B. This will utilise the proposed access drive to Housetype D (Plot 03) to turn the tender and the positioning of the proposed dwellings is formed around this. The vehicle and pedestrian access to the site will be as per the previously approved design – via the existing drive from Bannister Hill, the improvements to the vision splays are to remain as previously approved.

Both dwellings have been designed to minimise height and visual impact from neighbouring properties, Chalet Bungalow Type E has a typical eaves height of 2.25m and maximum ridge height of 7.28m, Housetype D has an eaves height of 3.3m/ 5.05m and ridge heights of 7.5m/ 9.5m. Site section A-A on drawing 21.29_PL_16 demonstrates how the proposals gradually step following the general topography of the overall Greystone site.

The buildings have been positioned so that their flank walls are perpendicular to the rear elevations of the dwellings along Bannister Hill. This ensures that there is no direct overlooking into those dwellings and their private amenity space. In comparison to the siting and orientation of the existing dwelling this is a vast improvement.

A carefully selected material palette is proposed in line with the materials proposed for the approved dwellings and generally in keeping with the local semi-rural vernacular. A combination of stock brickwork with feature plinths, plain clay tile hanging (Chalet Bungalow E), stained timber weatherboarding (Housetype D) and plain tiles to the roof's are proposed.

Heritage

Harman's Corner Conservation Area extends up to the application site boundary and entrance to the site. The application proposals for two new dwellings are set back from Bannister Hill with the nearest being approximately 42 metres from the conservation area boundary. It is important to highlight that the alterations to the access into the application site have already been approved under previous applications, originally under application reference 14/0479. The conservation officer did not provide written comment on the previous application (21/504571/FULL) however the case officer concluded within his report to the planning committee that there were no direct impacts on the heritage asset arising from the development and that the proposed development would preserve the character and appearance of the conservation area.

Conclusion

The planning application which this document accompanies is a resubmission of application reference 21/504571/FULL for two additional five-bedroom dwellings in place of the existing Greystone property. The resubmission documentation clearly demonstrate that the applicant has positively addressed the reasons for refusal of that application, particularly the first reason for refusal. This document succinctly explains that the second reason for refusal is unjust and may have been the result of a misunderstanding of the proposals. Through careful redesign and consideration of comments made throughout the previous application we consider that the proposals for a two storey dwelling and chalet bungalow are acceptable and should be granted planning approval at the earliest opportunity.

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area Harmans Corner, Borden

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paragraphs 8, 11, 130 and 206.

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

Policy ST1 Delivering sustainable development in Swale

Policy ST3 The Swale settlement strategy

Policy CP3 Delivering a wide choice of high quality homes

Policy CP4 Requiring good design

Policy DM7 Vehicle parking

Policy DM14 General development criteria

Policy DM19 Sustainable design and construction

Policy DM21 Water, flooding and drainage

Policy DM33 Development affecting a conservation area

- 4.3 Supplementary Planning Guidance (SPG) entitled “Parking Standards”. The recommendation for a 4 or 5-bedroom house in a rural location is 3+ parking space with 0.2 spaces per property as visitor parking. The recommended dimensions for a two-car garage are 6 metres wide and 7 metres deep.

5. LOCAL REPRESENTATIONS

- 5.1 Eight objections have been received and their comments can be summarised as follows:

- The Council was very clear in its reason for refusal and any resubmission should have addressed this in full.

- There has been no change to the proximity and siting of the dwelling on Plot 4 and it remains in front of all the rear windows of Wykeham, and the footprint appears to be slightly larger than that refused.
- The proposed development is still overbearing and would have a substantial, unacceptable impact on the residential amenities of Wykeham.
- Simply using the term 'chalet bungalow' does not make it a single storey building – the property is a 2-storey house with a height nearing 8m high with the floor space on the first floor being virtually the same as it is on the ground floor.
- There is an additional issue of privacy – the SE elevation shows there is a window from a habitable room that has a clear view into Wykeham's rear private living space.
- Given the applicants' history of incremental development changes through amendments, including the addition of dormers to the properties higher up on the site; there is clearly a major risk of further breaches of privacy using the vast roof on the proposed property.
- There is still an overdevelopment of the site and would still result in the same increase of traffic movement as the refused scheme and would still impact the conservation area.
- The proposed development would have a serious impact on the privacy and amenity of Brierley, as well as other surrounding dwellings.
- The proposals are in direct conflict with Policy DM14.
- The drawing 21.29_PL_16 does not show a visibility splay from Plot 03. If this had been included, it would have demonstrated that the proposed dwelling would overlook the entire back garden of Brierley at a distance of just 10m. The committee report dated 11 Nov Item 8.7 states the rear garden to Brierley is largely screened by the existing tall boundary hedging but this has now been removed and does not provide privacy. The idea that the windows overlook the furthest part of the garden is clearly not correct.
- NOTE: This would not relate to the normally private area immediately behind the house, but to the wider garden area where privacy cannot normally be guaranteed/protected. The submitted drawings show the boundary trees to be retained, but even if this is not the case, then Council's normal privacy standards would be met.
- The current proposal still creates overlooking of the rear ground floor rooms of Bellami. The 45 degree splay shown on the Block Plan of both the previous and current applications suggests it is just the garden of Bellami that will be overlooked. This is misleading. This 45 degree 'rule' is a guideline to determine the impact on sunlight and daylight to neighbouring properties, not an overlooking issue.
- At the site visit attended by Members, the Planning Officer commented that the rear wall of Bellami was already overlooked by the rear windows of Greystone, but it is

overlooked now because the applicant cleared the garden area around Greystone some nine months ago.

- The nearest 1st floor window of the dwelling on Plot 4 is 19.5 metres from the rear wall of Bellami. This is less than the guideline of 21 metres minimum for facing windows.

NOTE: The applicants' drawing shows the distance from the centre of the window, and this window is not facing towards the rear of Bellami but at ninety degrees thereto.

- The re-submitted plans are hardly any different to the current plans apart from a sloping roof, these houses will overlook & block so much light from neighbouring houses.
 - The traffic on Bannister Hill is extremely busy and there have been numerous accidents within yards of Greystones driveway.
 - The bottom of Bannister Hill floods during heavy rainfall.
 - We often see hedgehogs and badgers crossing the bottom of Bannister Hill.
 - This is overdevelopment of an infill site purely for financial gain.
 - The new "chalet bungalow" is in fact a full 5 bedroom house occupying the same footprint and position on the site as the previous application, with only an amended roofline and a minimal reduction in height.
 - We are already having to tolerate the current houses being built in the back garden of Greystones, which are much taller than our house, are just over a metre from our boundary, and are very overbearing. They have cut a lot of light from the South-West.
 - The developer is trying to turn this single house site of Greystones, into a close of four houses with a lot of additional noise pollution to adjacent properties as well as losing privacy.
 - The proposed property 3 will not only overlook the entire garden of Highglade House and that of The Hollies, but also into our existing windows, robbing us of our properties' current privacy.
 - Two MORE large houses on this site is over development for the Harmans corner conservation area, and will cause additional parking and traffic issues.
 - Applying for the planning permission for a two storey house and a chalet bungalow (which is a two bedroomed house by another name) rather than ONE storey bungalows, is purely for additional profit and shows no consideration for the mental health, welfare, privacy of current residents and the over density of this area.
- 5.2 A site notice has been displayed and an advert published in the local press. The deadline for comments is 5 May 2022. This report is subject to the receipt of additional comments which will be reported at the meeting.

6. CONSULTATIONS

6.1 Borden Parish Council objects on the following grounds:

1. *Proposed alterations were insufficient to reduce visual intrusion which was detrimental to living environment.*
2. *No part of the new submission tackles the 2nd refusal by SBC neither does it tackle original objections.*

6.2 Kent Highways and Transportation consider this to be a non-protocol matter.

6.3 The Environmental Health Manager recommends conditions relating to construction hours, pile driving hours, and provision of electric vehicle charging points. Relevant conditions are recommended below, along with conditions regarding asbestos removal and dust suppression which were previously suggested.

6.4 The Council's Tree Consultant raises no objection to the application subject to a condition requiring details of tree protection measures to be submitted before development commences.

7. BACKGROUND PAPERS AND PLANS

7.1 Application papers and drawings relating to application reference 22/501556/FULL.

8. APPRAISAL

Principle of Development

8.1 This application site lies within the Local Plan defined built-up area boundary of Borden, and the recent approval of planning permission 20/500051/FULL for the erection of two detached homes on land adjoining the site indicates that the principle of residential development on this site is acceptable. The existing property itself is not of architectural or historical interest and its demolition is unobjectionable in my view. However, planning permission (21/504571/FULL) was refused by Members last year for the erection of two 2 storey dwellings here. That application was refused on the grounds that the proposed dwelling on Plot 4 would result in an overbearing structure that would harm the residential amenities of Wykeham, and the provision of sightlines to cater for additional traffic arising from the proposed development would negatively affect the setting of the conservation area.

8.2 This revised scheme has sought to address these issues by reducing the height and massing of the proposed dwelling on Plot 4, and by clarifying the reasons for widening the access to the site. The current submission confirms that the access arrangements now proposed are in fact as already approved for the on-going approved development. What falls to be considered under this application is the acceptability of the submitted scheme in terms of scale, design, access, landscaping, amenity, and its impact on the setting of the conservation area.

Impact on setting of conservation area

- 8.3 The property itself is not within the Harman's Corner conservation area, but the boundary of the conservation area includes the northern corner of the development site boundary along Bannister Hill. The development is therefore regarded as being within the setting of the conservation area.
- 8.4 The Character Appraisal and Management Plan for Harman's corner (adopted April 2021) describes the area as:

Geographic character and historical development

Harman's corner lies at the eastern end of Borden village. It is a small enclave of historic buildings situated around the junction of The Street with Borden Lane; it also includes the area immediately to the south, where development has spread a short distance down Bannister Hill.

General Statement

Harman's Corner is a small enclave of historic properties with some modern infill development. An outstanding feature of the Conservation Area is a group of three medieval and early post-medieval framed timbered houses. These have architectural and historic epitomising Kentish vernacular building of the period. They form a group with the later 18th and 19th century historic buildings of Bloomfield (Grade II) and 241 Borden Lane, and several buildings of local importance.

Harman's Corner was once a hamlet in its own right and the buildings at Harman's Corner provide the physical evidence of wealthy past times in the parish of Borden. It is a pleasing contrast with the suburban character of much of the surrounding development.

Bannister Hill (west and south sides)

Starting at the north there are three modern dwellings set back from the road. In part the boundary is formed of a bank dropping down to the carriageway with sycamores on top. The semi natural screen of trees contributes to the enclosed street scene. On the corner of the bend of Bannister Hill is Bannister Hall (Grade II LB No 1069422) identified as a 16th century timber framed house. It has origins in the 14th century.

Setting

The setting of Harman's Corner Conservation Area is now formed of housing developments which surround it to the north, west and south with open land surviving on the eastern side. It is approached to the south by a narrow country lane known as Hearts Delight Lane/Bannister Hill.

Modern 20th century development means that it is now joined to the village of Borden to the west and in some respects Sittingbourne to the north due to the frontage development along Borden Lane.

- 8.5 Section 72(1) of The Town and Country Planning (Conservation and Listed Buildings Act) 1990 places a statutory duty on the Local Planning Authority to pay special attention

to the desirability of preserving and enhancing the character and appearance of conservation areas.

- 8.6 The properties along Bannister Hill are characterised by mostly detached properties set within generous plots and between large mature roadside trees. There are reasonable gaps between buildings with gardens and established trees and shrubs giving the area a semi-rural character. The mature trees present a dense and visually dominant green, leafy foil to the individual properties especially in summer, offering a verdant setting for both the southwestern boundary of the conservation area as well as the properties along Bannister Hill.
- 8.7 The existing property to be demolished was built in the 1970s. Apart from it occupying a relatively large garden with some mature planting in character with other properties within the area, the building itself has no heritage merit or special contribution to the setting of the heritage assets. Its demolition and replacement with two new houses set between other relatively modern properties on smaller plots would, in my view, not have any material impact on the setting of the conservation area.
- 8.8 The design and materials of the proposed dwellings closely match that of the approved dwellings currently being built. I therefore consider the proposed dwellings have been appropriately designed and will conserve the setting of the conservation area.
- 8.9 More significantly, the access arrangements that Members were concerned about are already as approved and this scheme will have no additional requirement /impact here. I do not believe that reason 2 from the previous decision was reasonable or tenable, and I urge Members not to repeat it now.

Impact upon neighbouring properties

- 8.10 The land levels at this location slope downwards towards Hearts Delight Road meaning that the adjoining dwellings here sit at a lower level than the development site. Nevertheless, the flank wall of the chalet bungalow on Plot 4 would lie approximately 15.6m from the original rear wall of Wykeham, and approximately 13.1m from the ground floor rear extension, which is more than the 11-metre minimum distance that I would normally wish to see in a rear window to new flank wall situation, and this should ensure that a suitable standard of outlook is available from the rear windows of Wykeham. The first-floor side window within the roof slope of the bungalow will serve a family bathroom. I recommend imposing a condition which requires this to be a high level rooflight with an internal cill height of at least 1.7m above the finished floor levels of the room it serves. On this basis, no loss of privacy would occur from this rooflight. A further two small flank windows at ground floor serving an en-suite and a secondary window to the living room are also proposed. These windows will be situated 2.2m from the side boundary but the boundary fence here will prevent any loss of privacy to a significant degree. Nevertheless, I recommend imposing a condition requiring these windows to be obscure glazed and non-opening. Furthermore, a condition has been recommended below which restricts any additional windows being inserted on the south-east flank wall to safeguard privacy to this neighbouring property. As such, I do not consider that the proposal would have a pronounced impact on the residential amenities of the occupiers of Wykeham compared to the current situation.

- 8.11 Another adjacent property, known as Brookwell, is situated to the northeast of the site, and its rear garden backs onto the grass verge at the front of the site. I do not believe the proposed detached double garage to Plot 4 will result in any loss of sunlight or any increased shading of the rear garden to this neighbouring property. I also consider there will be little impact from the front facing windows of the proposed chalet bungalow as any overlooking to this neighbouring property would be from an oblique angle only and any overlooking of the rear garden would be towards the far end where amenity space is generally less private.
- 8.12 To the southeast, the rear garden to Plot 4 will back onto the rear garden of the property known as Bellami. The rear elevation of this neighbouring property lies approximately 15m from the side boundary to Plot 4. A 45° splay has been shown on the proposed block plan to show the notional visibility from the centre of the nearest first-floor window of the dwelling on Plot 4, and a distance of 22m shown to the nearest first floor window of Bellami at a sharper angle. However, the local objection states it is in fact 19.5m which means it is less than the Council's policy guidance of minimum window to window distances in relation to rear windows. The position of this bedroom window in the chalet bungalow is no closer than that previously proposed in the two-storey dwelling on this plot. Moreover, the window in question does not face Bellami, but is at ninety degrees to it, which is more than the angle that existing windows in Greystone face Bellami at, reducing any sense of overlooking. Given that no issues of harmful overlooking to this neighbouring property were identified as a reason for refusing for the previous scheme, I believe it would be unreasonable for the Council to introduce new privacy issues now. I cannot see any increase harm arising from the revised scheme.
- 8.13 The proposed dwelling on Plot 3 (house type D) would lie approximately 10m from the rear garden boundary to the property known as Brierley. The bedroom windows will only provide views over the wider garden to this neighbouring property, not over the area immediately behind the house where privacy is more protected.

Highways

- 8.14 Bannister Hill at the site entrance is not a designated rural lane, although the route to the south is. It is proposed to use an existing entrance, which will not create physical harm, and in terms of the levels of traffic passing along the rural lane to the south of the site entrance, and through the Harman's Corner conservation area, I remain of the view that this will amount to anything more than the most marginal increase, that will have no appreciable impact on the character of either the conservation area or the rural lane, or be contrary to policies DM26 or DM33. Members will recall that our independent highway consultants did not raise any significant concerns on the previously refused scheme. Furthermore, Kent highways have again not felt it necessary to comment on the current application.
- 8.15 The size of the double garage on Plot 4 exceeds the current space dimensions and will provide covered parking spaces for two cars and secure bicycle storage, with an additional two spaces in front of the garage. The dwelling on Plot 3 will have three parking spaces on its drive and a further space (as well as cycle parking) within its garage. The submitted drawings show four visitor parking spaces at the end of the

access road. The amount of car parking spaces being proposed here therefore exceeds the current parking standards recommended in the recently adopted SPG.

- 8.16 I therefore do not see any reason for refusal of the application on highway or traffic grounds.

Landscaping

- 8.17 The Council's Tree Consultant does not raise any concerns regarding the loss of two cedar trees at the site entrance as he is satisfied there is sufficient space within the grass verge in which to plant new trees and it will enable the applicants to include more indigenous trees within its proposed landscaping scheme. I have recommended a landscaping condition to protect the character of the conservation area street scene, as well as a condition to ensure tree protection measures are submitted before development commences.

Sustainable design and construction

- 8.18 The submitted Design, Heritage an Access Statement states that the new dwellings will be constructed to very high standards of energy efficiency with high levels of insulation and air tightness. The applicant has agreed to the imposition of a pre-commencement condition requiring the new dwellings to be constructed to achieve a 50% reduction in carbon emissions.

SPA Impact

- 8.19 As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA) to address potential harm to the SPA from additional recreational disturbance. The application site is within 6km of the SPA, and as such the Council seeks a mitigation contribution of £275.88 for one (net) new dwelling. This matter will need to be dealt with before any planning permission can be issued.

Other matters

- 8.20 Local concern refers to badgers passing through the area. However, Members will recall this issue was previously raised by the Parish Council as a recent sign had been put up in Hearts Delight Road just by Washley Hill, warning road users of the road by wildlife. The applicants responded at that time by instructing an Ecologist to carry out a walkover of the site to assess its potential to support badgers. The results of that walk over survey provided negative results with no signs of badgers or their activity on or within 30m of the site, and no further action or survey was recommended.

9. CONCLUSION

- 9.1 This site is located within the Local Plan defined built-up area boundary of Borden where the principle of residential development is acceptable in principle. I have considered the potential impact of this proposal on the setting of the conservation area, and to the objections from neighbouring properties. However, I believe the applicants have addressed the reasons for refusal of 21/504571/FULL, and as such cannot see there are any grounds to refuse this revised application.

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

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

The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

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

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

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

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

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

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

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

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

- 10. RECOMMENDATION** - GRANT Subject to the following conditions and the collection of a SAMMS payment.

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 approved drawings 21.29_PL14, 21.29_PL_16 and 21.29_P17 including the use of facing materials specified thereon.

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

- (3) Notwithstanding the indicative detail shown on approved drawing 21.29_PL_16, the development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels, along with details of screening measures along the south-eastern boundary of the site of not less than 1.8m above finished ground levels at the boundary, which shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and all approved boundary screening measures shall be completed prior to the occupation of the dwelling closest to the south-eastern boundary of the site. The approved screening measures shall be retained in place for the lifetime of the development.

Reason: In order to secure a satisfactory form of development having regard to the sloping nature of the site, and in order to safeguard the amenities of neighbouring properties by ensuring that users of the property are unlikely to invade the privacy of rear gardens of adjacent properties to the south-east.

- (4) No development beyond the construction of foundations shall take place until full

details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which should be native species and of a type that will enhance or encourage local biodiversity and wildlife), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

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

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

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

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

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

Monday to Friday 0730-1800 hours, Saturdays 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.

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

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

Reasons: In the interests of residential amenity.

- (9) The dwellings hereby approved shall be constructed and tested to achieve the following measure:

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

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

Reason: In the interests of water conservation and sustainability.

- (11) The dwellings hereby permitted shall not be occupied until they have each been provided with one electric vehicle charging point.

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

- (12) The areas shown on approved drawing 21.29_PL_16 as car parking and turning space shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

Reason: Development without adequate provision for the parking or turning of cars is likely to lead to car parking inconvenient to other road users, and a risk to highway safety.

- (13) Prior to the occupation of any dwelling hereby permitted the driveway to the properties shall be constructed such that any part within 10m of the public highway is no less than 4.8m wide, and this specification shall be maintained at all times thereafter.

Reason: Development without provision of adequate access is likely to be detrimental to highway safety and amenity.

- (14) Prior to the occupation of any dwelling hereby permitted sightlines of 2m x 20m to the north-west and 2m x 30m to the south east (as measured from the centreline of the access) shall be provided clear of any obstruction over 0.6m above carriageway level. Thereafter these sightlines shall be maintained clear of any such obstruction at all times.

Reason: In the interests of highway safety.

- (15) No asbestos containing material associated with any demolition shall remain on site.

Reason: To ensure any asbestos is adequately managed.

- (16) Mitigation of dust shall be in accordance with the institute of Air Quality

Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'.

Reason: In the interests of the amenities of surrounding occupiers.

- (17) The proposed rooflight to the first-floor family bathroom window on the south east elevation of the proposed dwelling on Plot 4 hereby permitted shall have a cill height of not less than 1.7m above finished inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (18) The ground floor windows on the south east elevation of the proposed dwelling on Plot 4 shall be obscure glazed and non-opening and shall be maintained as such at all times.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

- (19) Notwithstanding the provisions of Class A, Part 1 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) or any order revoking and re-enacting that Order, no additional windows or openings shall be installed on the south east elevation of the proposed dwelling on Plot 4.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

INFORMATIVES

- (1) This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.
- (2) The Council would expect to see the details submitted under condition (4) to include replacement trees for the two cedar trees recently lost from the site frontage. These trees are expected to be of a nature and scale that will be of a significant feature within the street scene.

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.



2.5 REFERENCE NO - 21/505769/FULL		
APPLICATION PROPOSAL Erection of 7 no. detached dwellings comprising of 5 no. four bedroom dwellings, 1 no. three bedroom bungalow, 1 no. two bedroom bungalow and 4 no. garages and 2 no. car ports, as well as access, parking and infrastructure.		
ADDRESS Land South Of Chequers Road Minster-on-sea Kent ME12 3SH		
RECOMMENDATION Grant subject to conditions and SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION The site lies in a suitable location for residential development, as demonstrated by the appeal decision at the site allowed under application 20/500400/OUT. Following amendments, the proposed scheme will not cause harm to visual or residential amenities and the access arrangements are acceptable.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Richard Alderson AGENT DHA Planning
DECISION DUE DATE 04/01/22	PUBLICITY EXPIRY DATE 25/04/22	

Planning History

20/500400/OUT

Outline Application with access matters sought for the erection of up to 5 no. dwellings on the land to the south of Chequers Road, Minster-on-Sea. (All other matters reserved for future consideration.). Appeal made against non-determination and Appeal Allowed Decision Date: 19.11.2020

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the south of Chequers Road and is approximately 0.4 hectares in size. It is roughly triangular in shape and is currently undeveloped, greenfield land. The site slopes gradually from north to south. Access to the site is provided from Chequers Road via a track that runs along the north eastern boundary of the site.
- 1.2 The site lies adjacent to the built up area boundary of Minster (the built up area boundary runs along the northern boundary of the site), and as such, is considered to lie in open countryside.
- 1.3 The site is immediately south of the development of nine houses approved under application 16/505623/FULL. To the west are residential properties situated along Elm Lane, to the south is open countryside and to the east is Danedale Stables. Planning permission for the erection of five detached bungalows at Danedale Stables was granted by Members in February 2022 (reference 21/505878/FULL).

- 1.4 Outline permission was sought at this site under application 20/500400/OUT, for the erection of up to five dwellings. The officers recommendation was to approve the application when it was reported to planning committee. However Members deferred the application for a site meeting, and the applicant then submitted an appeal against non-determination. The appeal was allowed, and the Inspector found the site would have good pedestrian access to shops and services, and whilst the site is in the open countryside, the limited harm arising from the proposal in respect of its potential impact on the landscape would not significantly and demonstrably outweigh the benefits of the scheme, taking into account that the Council cannot currently demonstrate a 5 year housing supply. A copy of the appeal decision is attached as an appendix to this report.

2. PROPOSAL

- 2.1 This application seeks full planning permission for the erection of seven detached properties at the site. Five two storey properties are proposed along the southern boundary of the site, with two bungalows proposed in the northern corner of the site. The ridge height of the two storey dwellings ranges from 8.7m to 9m, and are of a mixture of designs, with both hipped and gable roofs. All of the two storey houses will feature living accommodation and a garage/car port at ground floor with four bedrooms on the first floor.
- 2.2 Plots 6 and 7 are both bungalows. Plot 6 is an L-shaped bungalow that will have three bedrooms, whilst plot 7 is the smallest unit proposed, and will have two bedrooms and an attached garage. Proposed external materials are red brick, timber weatherboarding, cream render, and slate roof tiles. Each property will have a suitably-sized rear garden.
- 2.3 The existing access to the site will be utilised. Plans have been provided showing the access can provide the necessary sight lines extending up Chequers Road. Pedestrian access to the site is achieved by the footpath provided as part of the adjacent residential development to the north. A shared access road running across the centre of the site will provide vehicle and pedestrian access to the proposed dwellings. Parking will be provided to the front of the buildings/within car ports at a rate of 3 per dwelling at plots 1, 2, 3, 4, 5 and 6, and 2 per dwelling at plot 7 (in addition to the garages at plots 3, 4, 5 and 7) with two visitor parking spaces being provided on the access road.
- 2.4 The application originally sought permission for nine properties, however I raised concerns regarding the density of the scheme and scale of the dwelling at plot 1, the impact this would have upon visual and residential amenities, and the scheme was amended to reduce the number of units by two, creating more space between properties and an area of soft landscaping to the north of the internal access road. Plot 1 was also amended, providing a separate car port which reduced the width of the dwelling.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 170 (local and natural environment); 175 (biodiversity) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP3, CP4, DM7, DM14 and DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 One objection has been received from a neighbouring property, as summarised below:
- An application was refused at the site which proposed less houses, so how can this application be approved?
 - Surely with the climate crisis we should be looking at planting trees, not building yet more houses.
 - The new houses would overlook the ones that are being built.
 - It will cause even more flooding risks as looking at the site where the new houses are being built during wet spells they looked pretty much underwater already.
 - The site is outside of the built-up area boundary and the site's location within the open countryside would cause demonstrable harm to the value, landscape setting and beauty of the countryside.
 - Each of these recent proposals will set a precedent if allowed to go ahead.

6. CONSULTATIONS

- 6.1 Minster Parish Council object to the application, originally stating the following:

“The proposal lies within the open countryside outside the built-up area where no development is permitted as dictated by the Swale Borough Council Local Plan. The proposal would set a precedent for the proliferation of the same to the detriment of the open countryside. Furthermore, Minster-on-Sea Parish Council reminds all that there is insufficient community infrastructure in this rural locality to warrant this development. Additional observations include the over- intensive nature of the site, insufficient site lines and the adverse impact the proposal will have on the local highway network on what is a dangerously, busy road.”

Once amended plans were provided, the Parish Council were reconsulted and the following comments were provided:

“Notwithstanding the amendments made to the present proposal which do not resolve the issues, Minster-on-Sea Parish Council's previous objection stands i.e. The proposal lies within the open countryside outside the built-up area where no development is permitted as dictated by the Swale Borough Council Local Plan. The proposal would set a precedent for the proliferation of the same to the detriment of the open countryside.

Furthermore, Minster-on-Sea Parish Council reminds all that there is insufficient community infrastructure in this rural locality to warrant this development. Additional observations include the over-intensive nature of the site, insufficient site lines and the adverse impact the proposal will have on the local highway network on what is a dangerously, busy road.”

- 6.2 KCC Highways – Originally noted that development would not likely lead to any significant traffic impacts on the local highway network, and it is recognised that the proposed access would utilise an historic existing access that currently serves the application site. Requested plans showing visibility splays and tracking for a refuse vehicle and noted some minor issues to the internal layout of the development.

Amended plans were provided and through several consultations with KCC Highways, the following comments were provided:

“Plans have now been submitted demonstrating the tracking for an 11.4m refuse vehicle and this is acceptable. Should the LPA be minded to approve this application, this plan should be submitted as part of the application to Kent County Council for a Vehicle Crossover, so that they can ensure the appropriate number of dropped kerbs are installed. 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...”

Conditions requested by KCC Highways have been imposed at the end of this report.

- 6.3 Environmental Health – *“The Phase 1 Desk Study submitted with this application concludes that no elevated concentrations of any contaminants were found and that no further assessments or remedial measures are considered necessary. I concur with this conclusion but recommend the following watching brief condition in the event of any unexpected localised contamination being found during development.”* Also recommends conditions relating to hours of construction, impact pile driving, programme for the suppression of dust and electric vehicle charging points.
- 6.4 KCC Ecology – *“We have reviewed the information submitted with the current application and the photos provided by the applicant to consider if the ecological information submitted with planning application 20/500400/OUT is still valid. The photos show that the site has been regularly managed and therefore it’s unlikely that suitable habitat will have established within the site for protected/notable species since the 2020 Preliminary Ecological Appraisal was carried out. Therefore we are satisfied that an updated ecological report is not required...”* Request conditions relating to an ecological enhancement plan and lighting.
- 6.5 Natural England – The proposal will result in a net increase in residential accommodation, and therefore mitigation is required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to applications 21/505769/FULL and 20/500400/OUT, including the appeal decision.

8. APPRAISAL

Principle of Development

- 8.1 The development site lies adjacent to, but outside the built-up area boundary where policies of rural restraint generally apply. Policy ST3 of the Local Plan 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. The impact of housing development in such locations does, in most circumstances, run contrary to this policy.
- 8.2 Members will be aware that Council cannot currently demonstrate a five-year housing land supply, and that on this basis paragraph 11 (d) of the NPPF advises that the local plan policies most important for determining the application should be considered out-of-date, and that a presumption in favour of sustainable development should apply – meaning that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Para 8 of the NPPF explains that achieving sustainable development comprises three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 8.3 The recent appeal decision allowed for 5 dwellings at this site (20/500400/OUT) is highly relevant here, and is a material consideration that carries significant weight. In this respect, the following points from the decision are important –
- That in locational terms, despite being outside of the settlement boundary, the site has good access to shops and services.
 - Due to its topography, the development could be visible from surrounding residential properties and from across the wider area. The appeal scheme would therefore have some impact on the character and appearance of the area, but this limited harm could be mitigated.
 - The erection of five dwellings would provide a limited contribution to housing supply, it would nonetheless provide economic and social benefits arising from this contribution.
 - Overall, the harm arising from the appeal scheme would not significantly and demonstrably outweigh the benefits of the proposal, and as such, the proposal would represent sustainable development.
- 8.4 This appeal decision clearly establishes that the principle of residential development on the site is acceptable. Seven dwellings are proposed here, compared to five dwellings granted at appeal under application 20/500400/OUT and the remainder of this report will consider the acceptability of the seven dwellings in further detail, taking into account the fall-back position of the existing permission for a 5-dwelling scheme.

Visual Impact

- 8.5 The proposal will introduce further built form within the site when compared with the appeal scheme. However, views of the site from the more sensitive southern boundary which gives way to open countryside would be very similar to the illustrative development submitted with the outline application. The proposed development is arranged with 5 dwellings on this boundary (as was the outline scheme) and the two additional units would consist of bungalows located on the north side of the plot and adjacent to the new dwellings on Chequers Road. Due to the presence of this new development of nine houses to the north of the site, views of the proposal from Chequers Road will be limited. Views from the west will also be limited due to the properties located along Elm Lane. Immediately east of the site is Danedale Stables, where permission was granted earlier this year under 21/505878/FULL for the erection of five bungalows. To the south lies open countryside, and whilst the site will be clearly viewed from the fields to the south, they will be viewed in the context of surrounding built form, in particular the dwellings to the north. As such, I don't consider the addition of dwellings on the site will cause significant harm to the character and appearance of the countryside.
- 8.6 I consider the development to be of appropriate scale and layout, and the two additional units would not materially affect or harm the wider character or appearance of the area. Through the amendments negotiated, the units on the more sensitive southern boundary are well spaced and appropriate to this edge of settlement boundary.
- 8.7 The amended dwellings are well designed in my opinion and would sit comfortably within the context of the local area. The use of different housing styles is appropriate in my view, and will ensure the development blends in with the varied character of residential development in the surrounding area. The material palette will also be mixed, as shown on the proposed streetscene elevations, and I include a condition below to ensure details of materials are submitted to the Council. The development would incorporate a landscaped area along parts of the north boundary.
- 8.8 As set out in the description of the site, there is a change in land level across the site, which slopes down to the west. Whilst a streetscene plan has been provided showing the five two storey dwellings, no specific finished levels of the development have been provided. I consider full details of the finished site and floor levels should be submitted prior to the commencement of the development to ensure a satisfactory form of development. I impose a condition below securing the submission of these details.

Residential Amenity

- 8.9 The proposed dwellings, would provide a good standard of amenity for future occupants, with generous internal layouts, and garden areas are suitably sized. The five two storey dwellings are set out in a staggered building line along the southern boundary of the site. Due to the gaps of roughly 4.6m between these properties, the staggered positioning will not cause any harmful amenity impacts in my view. The distance of 12.7m between the bungalow at plot 6 and plot 4, the closest two storey dwelling will limit any harmful amenity impacts in my view.

- 8.10 First floor windows are proposed in the side elevations of the dwellings on plots 1, 2, 3, 4 and 5, serving bathrooms and a secondary windows in a bedroom. I include a condition below to ensure that these windows are obscure glazed to limit overlooking issues.
- 8.11 The closest residential properties are the nine dwellings to the north of the site and Martindale, a two storey property to the west. Plot 7 will be located close to the northern boundary of the site, and the flank wall of the proposed bungalow will lie approximately 11.3m from the closest two storey property to the north. This distance is in line with the 11m minimum distance the Council expects for flank to rear elevations. As such I consider that any overlooking of the proposed bungalow from the dwellings to the north would not be harmful. The impact of the development on the 9 units to the north is limited by the design of plots 6 and 7 as bungalows. All other dwellings proposed here will lie a significant distance from the dwellings to the north and as such I take the view the development will not cause unacceptable harm to the amenity of the occupiers of the nine dwellings to the north.
- 8.12 Plots 6 and 7 will lie roughly 18m from Martindale, the two storey property to the west. Taking into account both the proposed properties will be bungalows and the boundary treatment that can be secured as part of the soft landscaping at the site, I do not consider the proposal will have any harmful impacts to this neighbouring property. The two storey dwellings proposed will be set roughly 35m from Martindale, and as such these properties will not cause harm to the amenity of this neighbouring dwelling in my opinion.

Highways

- 8.13 The development will utilise the existing access at the site. Following the submission of amended plans, appropriate visibility sightlines can be achieved and as such, KCC Highways have no concerns regarding the use of this access upon highway safety. I include conditions below to ensure the pedestrian visibility splays and vehicle visibility splays are provided prior to the occupation of the dwellings and retained. The submitted Transport Technical Note states that the development would be expected to generate around 2 to 3 vehicle movements during the AM and PM peak hours. These expected movements would not be considered likely to lead to any significant traffic impacts on the local highway network. As part of the adjacent housing development to the north of the site, a footpath has been provided along Chequers Road to the west of the access. I believe this will ensure pedestrian access to the site is acceptable from a highway safety perspective.
- 8.14 Regarding parking provision at the site, the recently adopted SBC Vehicle Parking Standards SPD recommends that two parking spaces are provided for a two bedroom house in this location and three parking spaces are provided for three and four bedroom houses in this location. Plots 1, 2, 3, 4, 5 and 6 all require three spaces and each dwelling provides at least three parking spaces on the driveway or within the appropriately sized car port. Plot 7 only requires two parking spaces and these spaces are accommodated on the driveway at the property. Plots 3, 4 and 5 and 7 also have a single garage, which are undersized when compared to the Council's parking standards,

however given there is adequate parking available on the driveways at these properties, I have no concerns in this regard.

- 8.15 In line with the SPD, 0.2 visitor spaces should be provided per dwelling at the site. Two visitor spaces have been provided and as such I am satisfied with this aspect of the proposal.

Landscaping and Ecology

- 8.16 The proposed site plan shows soft landscaping will be incorporated into the site including a larger area of soft landscaping along the northern side of the internal access road. Full details of the hard and soft landscaping at the site are secured through the conditions set out below.
- 8.17 KCC Ecology has no objection subject to the conditions set out below to ensure biodiversity enhancements and an appropriate bat-sensitive lighting scheme within the wider site. These measures are secured via conditions.

Effect on the Swale, Thames and Medway Special Protection Areas

- 8.18 Since this application will result in a net increase in residential accommodation on the site, impacts on the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £253.83 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee in principle, and this would be secured prior to the grant of planning permission. I have set out an Appropriate Assessment below.

OTHER MATTERS

- 8.19 Although the Parish Council has raised concern regarding lack of community infrastructure to accommodate the development, there is no recourse through the Local Plan or NPPF for infrastructure contributions to be collected for minor developments (defined as 10 or more homes).

9. CONCLUSION

- 9.1 The appeal decision at the site is highly material to the consideration of this application. Although outside of the settlement boundary, the Inspector found the site to be in a sustainable location and suitable for residential development. The scheme proposes two additional units when compared to the outline permission, however these units can be accommodated at the site without causing harm to visual or residential amenity. The proposed access is acceptable and will not cause harm to highway safety and convenience, and no other planning harm is identified. The two dwellings would add in a modest way to the housing stock within the Borough. This benefit of permitting housing development under paragraph 11(d) of the NPPF is not outweighed by any identified

harm that would demonstrably and significantly outweigh such benefits. As such I recommend this application is approved.

- 10. RECOMMENDATION** – That planning permission is GRANTED Subject to payment of the SAMMS contribution to mitigate impacts upon the SPA and subject to the following conditions:

CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21.50.PL100 A, 21.50.PL101 A, 21.50.PL102, 21.50.PL103, 21.50.PL104, 21.50.PL105 A, 21.50.PL106, 21.50.PL107, 21.50.PL15C, 21.50.PL20 E, 21.50.PL21 and T-01 P2.

Reason: In the interests of proper planning and for the avoidance of doubt.

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

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

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

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

4. No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved 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.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan

should include the following, and the approved details shall be adhered to throughout the construction period.

- (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.

6. No development shall take place until full details of the proposed site levels and finished floor levels of the development in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the difference in land levels across the site.

7. No development beyond the construction of foundations shall take place until details of the measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

8. 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.

9. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Particular attention should be paid to the boundary treatment and the replacement of lost trees towards the road frontage. The development shall be carried out in accordance with the approved details.

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

10. No dwelling shall be occupied until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority, demonstrating that it has been designed to ensure there will be minimal light spill on to the site boundaries and the surrounding area. The lighting scheme should follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.
<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229> . The scheme should include a timetable for implementation and the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

11. No development beyond the construction of foundation shall take place until an ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The plan must clearly demonstrate what enhancements will be incorporated into the site and where they will be located. The plan must be implemented as approved prior to the first occupation of any dwelling.

Reason: In the interests of biodiversity.

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

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

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 any land contamination is adequately dealt with.

13. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 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 interest of residential amenity.

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

Reason: In the interest of residential amenity.

15. Prior to the occupation of the dwellings hereby permitted, details of secure, covered cycle storage for each residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development hereby approved.

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

16. The area shown on the submitted layout shown on drawing no. 21.50.PL20E as vehicle parking (including the carports) and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

17. Prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shown on drawing no. 21.50.PL20E shall be provided. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

18. The access details shown on the approved plans shall be completed prior to the occupation of any dwellings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

19. The first 5 metres of the access shown on drawing no. 21.50.PL20E shall be surfaced in a bound material, and shall not be surfaced in loose stone or gravel.

Reason: To prevent vehicles skidding on loose material on the highway and in the interests of highway safety and convenience.

20. Prior to the occupation of the dwellings hereby permitted, 2metres x 2metres pedestrian visibility splays behind the footway on both sides of the access shall be provided and thereafter maintained with no obstructions over 0.6m above footway level.

Reason: In the interests of highway safety.

21. Prior to the occupation of the dwellings hereby permitted, the visibility splays shown on the submitted plans T-01 P2 shall be provided and thereafter maintained with no obstructions over 0.6m above footway level.

Reason: In the interests of highway safety.

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

Reason: In the interests of residential amenity.

23. 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.

24. 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.

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

Reason: In the interests of water conservation and sustainability.

26. The proposed windows in the first floor side elevations of the dwellings hereby approved on plots 1, 2, 3, 4 and 5, serving the bathrooms and bedroom shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level prior to the first use of the development hereby approved. These windows shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

27. Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls or other means of enclosure shall be erected or provided in advance of the front walls of any dwelling.

Reason: In the interests of visual amenity.

INFORMATIVES

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land

is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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

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

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

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

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

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

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

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

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

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

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

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

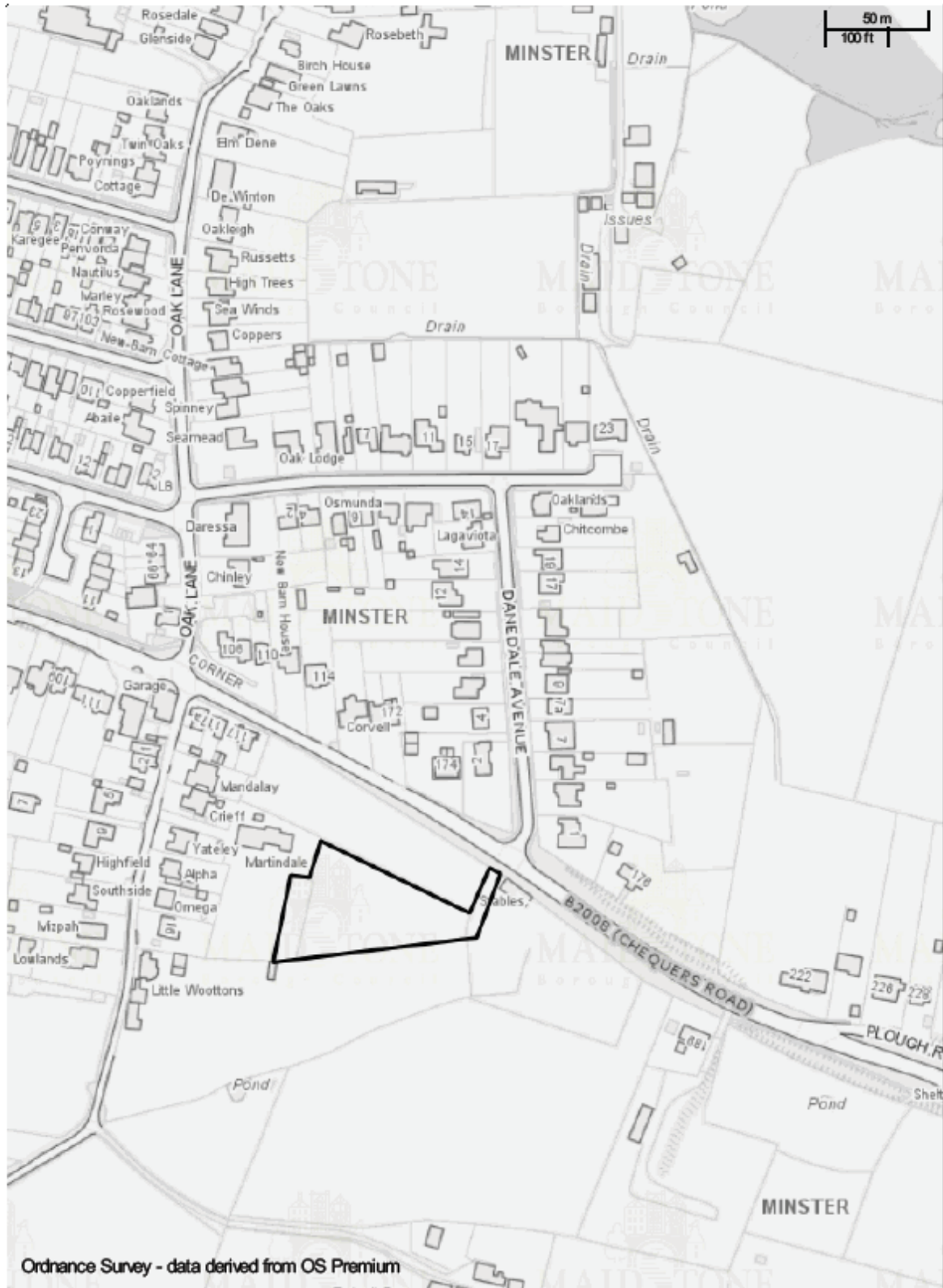
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



APPENDIX 1



Appeal Decision

Site visit made on 2 March 2021

by Stephen Wilkinson BA (Hons) BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Appeal Ref: APP/V2255/20/W/3256730

Land to the south of Chequers Road, Minster on Sea ME12 3SH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Richard Alderson against Swale Borough Council.
 - The application Ref 20/500400/OUT, is dated 24 January 2020.
 - The development proposed is erection of 5No. dwellings on the land to the south of Chequers Road with matters other than access reserved.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 5No. dwellings with access from Chequers Road with all other matters reserved, on land to the south of Chequers Road, Minster on Sea, ME14 3SH, in accordance with the terms of the application, Ref 20/500400/OUT, dated 24 January 2020, and the plans submitted with it, subject to the conditions included in the schedule to this decision.

Application for costs

2. An application seeking a full award of costs against the Council has been submitted by the appellant. This application is the subject of a separate letter.

Procedural Matters

3. The application has been submitted in outline with all matters reserved apart from means of access. I am treating the layout plans and elevational details which have been submitted with the application as for illustrative purposes only.
4. A Unilateral Undertaking providing for financial contributions towards mitigation for the likely recreational impacts of the appeal scheme on the North Kent Marshes Special Protection Area (SPA) was submitted with the appeal. I address this in more detail in this decision.

Main Issue

5. The effect of the proposal on the character and appearance of the area.

Reasons

6. The appeal site lies on the south side of Chequers Road and would use an existing point of access. It comprises a paddock and is located to the rear of new housing development which will be completed shortly. The site slopes

<https://www.gov.uk/planning-inspectorate>

APPENDIX 1

Appeal Decision APP/V2255/20/W/3256730

upwards from its access point which also slopes down to the west to the rear garden of a large detached property, Martindale.

7. The site lies just beyond the built up area of Minster although it has good pedestrian access to shops and services. Accordingly, it forms part of open countryside which extends to the south of the site. Due to its topography, development on this site could be visible from surrounding residential properties and from across the wider area. For this reason, the appeal scheme would have some impact on the character and appearance of the area.
8. The adopted Local Plan¹ has a common thread running through policies ST1, ST3, ST6 and DM24 which require new development to be concentrated within the key settlements of Faversham, Sittingbourne and Sheerness. Minster is classified as a tier 3 Urban Local Centre and Policy ST6 identifies the town in the 'west Sheppey triangle' where growth is to be supported whilst ensuring that development is appropriate to landscape character and quality. Complementing these policies Policy DM24 seeks to protect and enhance non protected landscapes.
9. For these reasons whilst the development of the site would conflict with adopted policies, the harm arising would be limited. I conclude therefore, that the proposal's conflict with policies ST1, ST3, ST6 and DM24 of the Local Plan would not be significant.

Unilateral Undertaking

10. In 2018, the Court of Justice of the European Union ruled that the decision maker, when considering the effect that a proposal may have on a European Site, must consider mitigation within the Framework of an Appropriate Assessment (AA) rather than at the screening stage². This responsibility now falls to me within this appeal.
11. The Habitats Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of European sites either alone or in combination with other plans or projects.
12. The site falls within the 'Zone of Influence' for the North Kent Strategic Access and Monitoring (SAMMS). This includes the following protected area, the Thames Estuary and Marshes Special Protection Area (SPA), Medway SPA and the Swale SPA. These sites qualify as being internationally important for wintering and migrating wildfowl and wading birds including a number of 'red list' species.
13. These sites are used for public recreation and there is no dispute between the parties that it cannot be ruled out that the proposal, when considered alone or in combination with other schemes, would have likely significant effects on the aforementioned qualifying features of the SPAs due to the increased recreational use.
14. After carefully reviewing the evidence I agree that this would be the case and therefore it is incumbent upon me to undertake an Appropriate Assessment. As part of this process, I may consider any conditions or other restrictions which could secure mitigation of this harm, and which would therefore allow

¹ Bearing Fruits 2013-2031: the Swale Borough Local Plan

² People Over Wind and Peter Sweetman v Collite Teoranta ECJ (2018) C-323/17

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development to proceed in the knowledge that the conservation objectives of this site would not be compromised.

15. Natural England and the Council have indicated that there is an agreed strategic solution to mitigate the effects of the proposal, in the form of the SAMMS. This strategy requires financial contributions from developments and allocates detailed and costed infrastructure and non-infrastructure projects to proposals dependent on their scale and location.
16. The main parties agree that the mitigation can be delivered via the appellant entering into an agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (the Act). The appellant has supplied a completed Unilateral Undertaking agreement with all requisite signatories upon it which addresses the additional 5 dwellings which the new scheme includes.
17. The Undertaking, submitted with the appeal, through the provision of financial contributions, would therefore serve to mitigate the recreational impacts arising from the proposal.
18. On this basis, I am able to conclude that the required mitigation would be properly secured and that the proposals would not have an adverse effect on the identified SAC either alone or in combination with other projects.

Planning balance and conclusions

19. Both parties agree that the Council does not have a 5 year housing land supply (5YHLS). In these circumstances, Paragraph 11d) and footnote 7 of the National Planning Policy Framework (the Framework) is implemented. This requires that the policies which are the most important for determining the application should be considered as out of date, and that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
20. I regard the adopted policies ST1, ST3 and ST6, as consistent with the Framework in seeking to direct new development to the Borough's main centres. In particular, Policy DM24 accords with Paragraph 170 of the Framework in affording protection for the countryside whilst maintaining discretion for decision makers. Accordingly, I afford each of these policies considerable weight in this decision.
21. Set against the adherence to the adopted policy the appeal scheme has many advantages when considered against the Framework as a whole. Part of the social role of sustainable development as defined by the Framework would be achieved by this scheme, for instance through the delivery of new homes with access to Minster by public transport and walking. The scheme would also make a limited contribution to the economic dimension of sustainable development during the construction phase, as well as through the additional spending power of 5 new households in local shops and services.
22. The delivery of new homes would make a small contribution to address the shortfall in the 5YHLS.
23. The limited harm arising from the proposal in respect of its potential impact on landscape could be mitigated when details are considered in respect of both landscape and layout at the reserved matters stage.

<https://www.gov.uk/planning-inspectorate>

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24. Overall, I find that the harm arising from the appeal scheme would not significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework as a whole. Therefore, the proposal would represent sustainable development. It would accord with the requirements of the Local Plan in securing a supply of housing.
25. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

26. In considering the conditions required for this decision I have had regard to those suggested by the Council and the appellants comments and considered these against the Planning Practice Guidance.
27. Accordingly, I have imposed conditions in respect of time limits for the submission of the outstanding reserved in line with Section 92 of the Town and Country Planning Act 1990, as amended. Given the slopes across the site I have included a condition in respect of levels to ensure that development can be accommodated appropriately on the site. For reasons of certainty, I have included a condition specifying the plans for the scheme.
28. Other conditions in respect of energy efficiency and water consumption have been imposed in terms of the sustainability of the scheme. To ensure that the construction works are completed in a way which minimises disturbance to neighbouring residential occupiers I have imposed a condition designed to control all aspects of construction activities at the site.
29. In the interests of highway safety, I have included conditions on sight lines to the proposed access, the width of the highway into the site and the detailed design of the highways within the site.
30. I have not, however, included some of the Council's suggested conditions as they relate to the detail of the scheme and can be addressed at the next stage in the application process.
31. Finally, given that this site lies on the edge of Minster I have included a condition in respect of lighting to minimise impacts from light spillage on local biodiversity.

Stephen Wilkinson

INSPECTOR

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Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved and submitted plans and documents: Existing Site Layout Plan 19.92 PR08 and Site Location Plan 19.92.PR07
- 2) Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 6) 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 Statement shall provide for:
 - i) No construction work shall take place on any Sunday or Bank Holiday, nor any other day except between the following times – Monday-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.
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - ix) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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- 7) Prior to the construction of the dwellings, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduced carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.
- 8) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector.
- 9) Notwithstanding the approved plans, a 5.5M wide access for the first 10M from the carriageway edge shall be completed prior to the occupation of any buildings, hereby approved, in accordance with the details to should be submitted to and improved in writing by the local planning authority.
- 10) Before the 1st occupation of the dwellings, hereby approved, the following works between the dwellings 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:
 - highway drainage, including off site works,
 - junction visibility displays
 - street lighting, street nameplates and highway structures if any.
- 11) Before the dwellings here permitted, are first occupied, the area between the near side carriageway edge and lines drawn between a point 2.4 metre back from the carriage way edge along the centre line of the access and points on the carriageway edge 43 metres from and on both sides of the centre line of the access, shall be cleared of obstruction to visibility, at and above a height of 0.9 metres above the nearside carriageway level, and thereafter maintained free of obstruction at all times.
- 12) Within three months of works commencing on site a lighting scheme must be submitted for written approval by the local planning authority demonstrating that it has been designed to ensure there will be minimal light spill onto the site boundaries and the surrounding area.

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Costs Decision

Site visit made on 2 March 2021

by **Stephen Wilkinson BA (Hons) BPL DIP LA MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 April 2021

Costs application in relation to Appeal Ref: APP/V2255/W/20/3256730 land at Chequers Way, Minster Kent ME12 3SH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr R Alderson for a partial award of costs against Swale Borough Council.
 - The appeal was against the failure of the Council to issue a notice of their decision within the prescribed period on an application for the erection of 5No. dwellings on land to the south of Chequers Road with matters other than access reserved.
-

Decision

1. The application for a partial award of costs is refused.

Reasons

2. The Planning Practice Guidance (the Guidance) advises that costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expenses in the process.
3. The application has been made on the basis that the award of costs is for a full award from the point at which the Council claimed they could demonstrate a 5 year housing land supply to the eventual point when they confirmed that this was not the case. Accordingly, I have treated this as an application for a partial award.
4. The officer's report to Planning Committee, dated 25 June 2020 identified that the Council had an undersupply of housing land. This was a primary reason for the recommendation to grant permission. Members of the Committee decided to arrange a site visit before making a decision and at this point the applicant lodged the appeal against non-determination.
5. From the Council's evidence submitted in respect of the appeal, it is unclear the basis of the Committee's resolution to refuse the application against the officer's original recommendation, had it been in a position to do so, following the lodging of the appeal.
6. Whilst the Council does regret the miscalculation of its 5 year housing land supply, this would appear to have only recently come to light, following its response to enquiries of an Inspector colleague in respect of another appeal¹.

¹ APP/V2255/W/20/3249359

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7. On the evidence available to me, it is unclear whether the Committee's resolution was informed by evidence in respect of housing land supply or other matters.
8. Although the Council's mistakes amount to unreasonable behaviour, the fact that the applicant has sought costs in respect of the previous appeal², for the same body of work, demonstrates that unnecessary expenditure solely pertaining to this appeal has not been incurred.

Conclusions

9. I therefore find that whilst unreasonable behaviour has occurred, unnecessary or wasted expense, as described in the Guidance, has not been demonstrated. Therefore, an award of costs is not justified.

Stephen Wilkinson

INSPECTOR

² ibid

2.6 REFERENCE NO - 21/506750/FULL			
APPLICATION PROPOSAL			
Erection of 2 no. 3 bedroom detached houses with associated parking.			
ADDRESS Land Adjacent To Eastchurch Village Hall Warden Road Eastchurch Kent ME12 4EJ			
RECOMMENDATION Grant subject to securing a SAMMS payment and subject to conditions .			
SUMMARY OF REASONS FOR RECOMMENDATION			
The principle of development of this site has been established through the outline permission granted on appeal and subsequent reserved matters approval for a dwelling. The proposal for two dwellings would contribute towards the Borough's housing land supply at a time when the Council does not have a five-year supply of housing land. Impacts upon the character and appearance of the area have been reasonably considered, and the proposed layout is considered to integrate successfully with the character of the area and would adequately safeguard the amenities of neighbours, whilst providing a good standard of amenity for future occupiers. In addition, the proposed layout, parking and access arrangements are acceptable in highway terms. As such, subject to securing of SAMMS contributions, the application is recommend for approval.			
REASON FOR REFERRAL TO COMMITTEE			
Objection from Eastchurch Parish Council			
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL	APPLICANT KJN Developments Ltd AGENT Woodstock Associates
DECISION DUE DATE 15/02/22		PUBLICITY EXPIRY DATE 22/03/22	
RELEVANT PLANNING PERMISSION			
Ref No.	Proposal	Decision	Determination Date
16/501159/OUT	Outline (All matters reserved) - Single dwelling and associated residential curtilage	Refused (overturn at planning committee) (allowed on appeal- APP/V2255/W/17 /3168745).	09.09.2016
20/501538/REM	Approval of Reserved Matters for access, appearance, landscaping, layout and scale following application 16/501159/OUT - Outline (All matters reserved) Single dwelling and associated residential curtilage (allowed on appeal- APP/V2255/W/17/3168745).	Approved	29.07.2020
SW/78/0926	Erection of a detached	Refused	18.10.1978

	bungalow		
SW/76/0666	Erection of a detached bungalow	Refused	22.09.1976
SW/90/0051	Erection of lofted bungalow	Refused	
APPEAL HISTORY			
17/500059/REF	Outline (All matters reserved) - Single dwelling and associated residential curtilage	Appeal Allowed and or Notice Quashed	15.09.2017

1. DESCRIPTION OF SITE

- 1.1 The application site is located on the western side of Warden Road. It is located just outside of the defined built-up area boundary of Eastchurch which ends at the southern boundary of the site.
- 1.2 The site is a relatively small area of undeveloped land, recently cleared and is surrounded by an overgrown hedge containing a number of trees. When viewed from Warden Road the site is heavily screened by existing planting along the boundary. The site measures approximately 23m north to south and 32m east to west and there is an existing access point located centrally which provides direct access onto Warden Road.
- 1.3 Immediately to the rear there is a small plot of overgrown undeveloped land. This site has been subject of a recent refusal for 'Outline application for the erection of 4 no. dwellings (Access and Layout being sought (Ref:21/505921/OUT dated 4th February 2022)). The reasons for refusal were based on the undesirable form of backland development on land outside of the village boundaries, the impact on the setting of the church (the site is in a more open position to the rear of the church), lack of visibility splays, contamination and noise impacts (part of the site directly faces the rear of the village hall), lack of an ecological assessment, and failure to provide a SAMMS payment.
- 1.4 The application site is bounded on the north and west sides by a further site which includes rough ground and an unmade track from Warden Road. This too is surrounded by an overgrown hedgerow and open countryside, in the form of paddocks, lie beyond this. The village hall lies immediately to the south of the site.
- 1.5 To the south east of the application site, approximately 85m away is Eastchurch Church of England Primary School. Eastchurch village centre which includes local amenities lies approximately 160m to the south and there is a maintained footpath which runs from the front of the application site directly into the village centre.
- 1.6 A small group of three Listed Buildings are located approximately (110m) south of the site. These comprise of the Grade I listed Church of All Saints and, the Old Rectory associated to the church and 2 Warden Road both listed Grade II.

2. PROPOSAL

- 2.1 This application seeks permission for the erection of 2no. detached four bedroom dwellings (the fourth bedroom annotated as office space) with associated parking, amenity space and landscaping.
- 2.2 The built form of development would be two storeys in height, with an eaves height of 4m and a maximum ridge height of 7.5m. During the course of this application the ridge height has been reduced by 700mm to address visual impact and heritage considerations. The first floor is partially built into the proposed eaves and the first floor side windows are designed as half dormer windows to allow for sufficient head room.
- 2.3 The dwellings are rectangular in shape, set back from Warden Road by 9m at the closest point and measure 7.5m by 9.6m in footprint with an additional small single storey front and rear element. Plot A would be set 2m from the shared boundary with Eastchurch Village Hall and Plot B incorporates a 1.8m set back from the northern boundary at the closest point. A distance of 3.6m would be retained between properties.
- 2.4 The dwellings incorporate gable ends and a combination of stock brickwork, render and cedar cladding is proposed for the external finishes and the roof would be finished in Rivendale slates. Windows and doors to be finished in grey UPVC.
- 2.5 The existing access from Warden Road would be retained and permeable hardstanding to the front of the site is proposed to accommodate two car parking spaces per property.

3. PLANNING CONSTRAINTS

- 3.1 In the countryside, outside of the defined built-up area boundaries.
- 3.2 Within relative proximity to Listed Buildings - These comprise of the Grade I listed Church of All Saints and, the Old Rectory associated to the church and 2 Warden Road both listed Grade II.

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) 2021

Chapter 2: Sustainable Development; Chapter 6: Building a strong, competitive economy; Chapter 9: Promoting sustainable transport; Chapter 11: Making effective use of land; Chapter 12: Achieving well-designed places; Chapter 14 :Meeting the challenge of climate change, flooding and coastal change; Chapter 15: Conserving and enhancing the natural environment; Chapter 16: Conserving and enhancing the historic environment

4.2 Bearing Fruits 2031: The Swale Borough adopted Local Plan 2017

Policy ST1 Delivering sustainable development; Policy ST3 The Swale settlement strategy; Policy ST6 The Isle of Sheppey area strategy; Policy CT2 Promoting sustainable transport; Policy CP3 Delivering a wide choice of high quality homes; Policy CP4 Requiring good design; Policy CP8 Conserving and enhancing the historic environment; Policy DM7 Vehicle parking; Policy DM14 General development criteria;

Policy DM19 Sustainable design and construction; DM21 Water Flooding and Drainage; DM28 Biodiversity and geological conservation; DM32 Development involving listed buildings.

4.3 Swale Parking Standards SPD 2020

5. LOCAL REPRESENTATIONS

5.1 None received.

6. CONSULTATIONS

6.1 Eastchurch Parish Council - object to this application as excessive development outside the built confines and raise concern regarding the potential for noise impacts (which is assumed to be from the village hall). State that only one dwelling was permitted at appeal.

6.2 KCC Highways (10.01.2022) Initially sought amendments to the application which included amendments to both pedestrian and vehicle visibility splays. The car parking allocation and dimensions were found to be in accordance with Swales SPD 2020 and a request to enlarge the cycle storage although this can be secured by condition.

Revised plans received 18th February 2022 – KCC Highways is satisfied with the revised drawings – subject to conditions (21.02.2022)

6.3 Natural England – No objection, subject to SAMMS payment and an Appropriate Assessment

6.4 Environmental Health – No objection, subject to condition (02.02.2022)

6.5 KCC Biodiversity Officer – Raise some concern that the development would not achieve biodiversity net-gain. However, if the Council views the application favourably a condition/informative is proposed to require enhancements. (07.02.2022)

7. BACKGROUND PAPERS AND PLANS

7.1 Existing plans: RE/21/158.01R

7.2 Revised plans: RE/21/158.01A, RE/21/158.02A, RE/21/158.03A, RE/21/158.04A
RE/21/158.05A, RE/21/158.06A

8. APPRAISAL

Principle of Development

8.1 The key issue in determining this application is whether the proposed new dwellings are acceptable as a matter of principle, and furthermore if the circumstances involved outweigh any harm to the character of the countryside or to heritage assets.

8.2 The Council's 2017 adopted Local Plan states that development proposals will be supported in accordance with the settlement hierarchy which is set in Policy ST3. This identifies settlements in descending order of sustainability and Eastchurch, which is the nearest settlement to this site, is a tier 4 settlement identified as a Rural Local service centre. RLS centres can generally accommodate growth provided it relates well to the settlement pattern and the character of the surrounding countryside. The supporting text states that Eastchurch village is open in landscape terms, less accessible, and can accommodate only minor development for local needs.

8.3 The site itself is located within tier 6, in the open countryside, outside any defined settlement boundary and therefore where development will not normally be permitted. Policy ST3 states that:

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

8.4 However, the Council does not have a five-year supply of housing land, which then engages para. 11 of the NPPF. The outcome of the Housing Delivery Test is that Swale now has an identifiable 4.6 years supply of housing land. In this regard, Paragraph 11 (d) of the NPPF sets out the presumption in favour of sustainable development. It states that where relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the whole framework, or where specific policies in the framework indicate development should be restricted.

8.5 The site already benefits from planning permission for a dwelling, allowed on appeal. The appeal inspector concluded that the site was close to the village centre, did not make a strong contribution to the open countryside, and that a dwelling would not cause harm to the character or appearance of the countryside. The principle of development on the site has therefore been established. The key question in applying paragraph 11(d) of the NPPF is whether two dwellings on the site would be materially harmful, to the extent that such harm would significantly and demonstrably outweigh the benefits of allowing another dwelling on the site.

Visual Impact

8.6 The development would incorporate a 2 detached dwellings of identical footprint and with parking to the frontage. When travelling north along Warden Road away from the application site, on the eastern side of the highway is existing residential development. Further to this, immediately to the south of the application site the environment becomes built up in nature. Therefore, although to the north and west of the application site the setting is largely rural this does not solely define the characteristics of the surrounding area in my view.

8.7 In this regard, the Planning Inspectorate found the following (APP/V2255/W/17/3168745):

- *It appears to me therefore that the division between the developed part of the village and the countryside is not clear-cut at this point. The appeal site is, furthermore, set apart from and makes no particularly strong contribution to the open countryside. Indeed, due to its size and shape, and domestic-looking boundary hedge, it relates more closely in appearance to the adjacent developed part of the settlement than to the countryside. It would, as a result, be hard to categorise the appeal site as rural or unspoilt in nature or its boundary with the Village Hall the natural end to development on the north side of Warden Road.*
- *Consequently, it appears to me that notwithstanding its location immediately outside the built-up boundary, the creation of a dwelling on the site, subject to appropriate appearance and detailing, would not have a harmful effect on the character or appearance of the countryside. It also appears to me that, as every case should be dealt with on its own merits, and given the particular circumstances of the site, its development would not be likely to set a precedent for the expansion of the village envelope elsewhere or ribbon development along Warden Road.*

8.8 Turning to scale and site density, each dwelling would have a length of 9.5m, with a maximum width of 7.5m and a height of 7.5m. In terms of footprint, the dwellings would be comparable to the scale of the two storey dwellings further south along Warden Road. Furthermore, the dwelling sizes are compliant with National Space Standards and can accommodate sufficiently sized amenity spaces and off road parking for two cars without any compromise.

8.9 The reserved matters approval for the dwelling allowed on appeal was for a single detached building of 7m in height, and 14m in width. It was designed partially with rooms in the roofspace, but also with a large two storey gable feature running front to rear. Whilst the proposal for two dwellings would subdivide the plot, I do not consider the built form to be substantially greater than the development as approved, and I note that the immediate surrounding area is varied in character as is typical with organic village development.

8.10 As such, I consider the overall scale to be reasonable and does not constitute an over development of the site that would cause unacceptable harm to the character and appearance of the countryside or edge of village environment, particularly when considered in the context of the fallback position for the approved single dwelling on the site.

Potential impact upon heritage assets

8.11 The site is located to the north of three listed buildings with varying distances of between 85m and 110m to these heritage assets. The key setting is identified as the Grade I Church of All Saints, which is at 100m distance. The church tower is prominent in local views and the development could have some impact on the setting of these views. However, there is intervening development between the site and the church (the village hall and 2 x dwellings) and I do not consider that the proposal would have a materially greater impact on any longer-range views than the approved scheme for a single dwelling. Such harm would be less than substantial and whilst this still carries significant weight (given the requirement under S66 of the Town and Country Planning (Listed

Buildings and Conservation Areas) Act 1990 for a local authority to have special regard to preserving listed buildings and their setting), I consider the harm to be at a low level even though this relates to a Grade I listed building, and not materially greater than the impacts that would arise from the existing approved development.

- 8.12 The NPPF states that less than substantial harm should be weighed against the public benefits of the proposal, which in this instance would relate to the delivery of housing. Given the low level of harm identified and the fallback position on the site, I consider the development to be acceptable in relation to heritage impacts and in accordance with Policy DM32 of the Local Plan.

Residential Amenity

- 8.13 The application site is bounded to the south by the village hall with no other immediate residential properties nearby so no neighbouring residents will be negatively impacted by the proposal.
- 8.14 Due to the nature of the development it is also necessary to consider the amenities of future occupiers. The internal spaces are generous and meet nationally set standards. Additionally, the properties would have a functional amenity rear garden which would meet and exceed the recommended 10 metres depth for new build development.
- 8.15 Some concern has been raised regarding noise from the village hall. I note that the closest dwelling would not have any habitable windows in the flank wall adjacent to the hall, and that whilst the development would bring one of the dwellings closer to the boundary than the approval for the single dwelling, I do not consider this would significantly increase the likelihood of noise impacts from the village hall compared with the approved scheme. The Council's Environmental Health officer recommends that a condition is added to require suitable internal noise levels are achieved through sound insulation and noise reduction measures, and I consider this to be an appropriate measure to mitigate any impacts.

Highways, Access, Parking

- 8.16 In terms of access and highway safety, no changes are proposed to the existing site entrance. At the request from KCC Highways revised plans have been received which sufficiently address pedestrian and vehicle visibility and this aspect of the proposal does not present with any immediate concern.
- 8.17 With regard to parking, vehicle parking would be located to the front forecourt which is a common design approach. Two car parking spaces are proposed per dwelling. Swale Parking Standards states that a dwelling with 3 or more bedrooms has a requirement of 2 accessible spaces per dwelling with a minimum size requirement of 2.5m x 5m. As such, the minimal standards have been achieved and therefore sufficient in this regard.

Landscaping

- 8.18 The layout plan includes the provision / retention of landscaping on all boundaries of the site, the details of which can be secured by condition.

Ecology/SAMMS

- 8.19 Since this application would result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. An HRA/AA is appended below. Due to the scale of the development there is no scope to provide on site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £253.88 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee before issuing the decision notice.

9. CONCLUSION

- 9.1 The principle of development of this site is established under the appeal decision and subsequent reserved matters approval. It would contribute towards the Borough's housing land supply at a time when the Council does not have a five-year supply of housing land. Impacts upon the character and appearance of the area have been reasonably considered, and the proposed layout is considered to integrate successfully with the character of the area and would adequately safeguard the amenities of neighbours, whilst providing a good standard of amenity for future occupiers. Any harm to the setting of the Grade I Church would be limited by distance, intervening buildings and landscaping, and not materially greater than the impact of the dwelling already approved on the site. In addition, the proposed layout, parking and access arrangements are acceptable in highway terms. I do not consider that the proposal for two dwellings to replace the approved single dwelling would cause any substantial harm. In applying paragraph 11(d) of the NPPF, I would conclude that the benefits of the scheme in providing additional housing, albeit limited to one dwelling, would significantly and demonstrably outweigh any harm, and that any harm to the setting of the church would be very limited and would not provide a clear reason to justify refusal of the scheme. As such, subject to securing of SAMMS contributions, the application is recommended for approval.

10. RECOMMENDATION

That planning permission is GRANTED Subject to securing an appropriate SAMMS payment and subject to the following conditions:

CONDITIONS to include

1. The development which this permission relates shall be begun not later than the expiration of three years from the date of this permission.

Reason: To comply with Section 91 of the Town & Country Planning Act 1990

2. The development hereby approved shall be carried out in accordance with drawing title number(s): RE/21/158.01A, RE/21/158.02A, RE/21/158.03A, RE/21/158.04A RE/21/158.05A, RE/21/158.06A

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those specified on the application form

and drawings Numbers RE/21/158.01A, RE/21/158.02A, RE/21/158.03A, RE/21/158.04A RE/21/158.05A, RE/21/158.06A terms of type, colour and texture

Reason: In the interests of the character and appearance of the area, and visual protection of this countryside setting,

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

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

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

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

5. 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.

6. 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:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities

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

7. Prior to the occupation of the development hereby permitted, the access and vehicle crossing shall be completed as shown on the submitted plan, ref, RE/21/158.01A and maintained thereafter.

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

8. The access shall be constructed using a bound surface material for the first 5 metres of the access from the edge of the highway, and with drainage measures to prevent the discharge of surface water onto the highway.

Reason: To secure a satisfactory form of development, in the interests of highway safety.

9. No dwelling shall be occupied until the vehicle visibility splays as shown on the submitted drawing (ref RE/21/158.01A), with no obstructions over 0.6m above carriageway level within the splays, have been completed in accordance with the approved plans. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

10. No dwelling shall be occupied until 2metres x 2metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level within the splays, have been completed in accordance with the approved plans. The splays shall be maintained as such thereafter.

Reason: In the interests of highway safety.

11. The area shown on the submitted plan Ref: RE/21/158.01A as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of any of the dwellings 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

12. No development beyond the construction of foundations shall take place until details of Electric Vehicle charging points for each dwelling have been submitted to and approved in writing by the local planning authority. The charging points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).(Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>)

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

13. Notwithstanding the approved plans, details of secure, covered cycle parking facilities shall be submitted to and approved in writing by the local planning authority and completed on site prior to first occupation of the dwellings, and shall be continuously available and retained for the life of the development hereby approved.

Reason: To provide adequate bicycle storage in the interests of sustainable transport provision

14. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the

premises and be retained thereafter.

Reason: In the interests of residential amenity.

15. No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:
 - a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
 - b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

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

Reason: In the interests of residential amenity.

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

Reason: In the interest of residential amenity.

17. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting

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

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

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

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

19. 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 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.

20. No development beyond the construction of foundations shall take place until a scheme of biodiversity enhancement measures have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to first occupation of any dwelling and thereafter retained.

Reason: In the interests of encouraging wildlife and biodiversity.

INFORMATIVES

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present

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

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

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

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

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

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

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

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

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

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

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has been secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

The Council's approach to the application

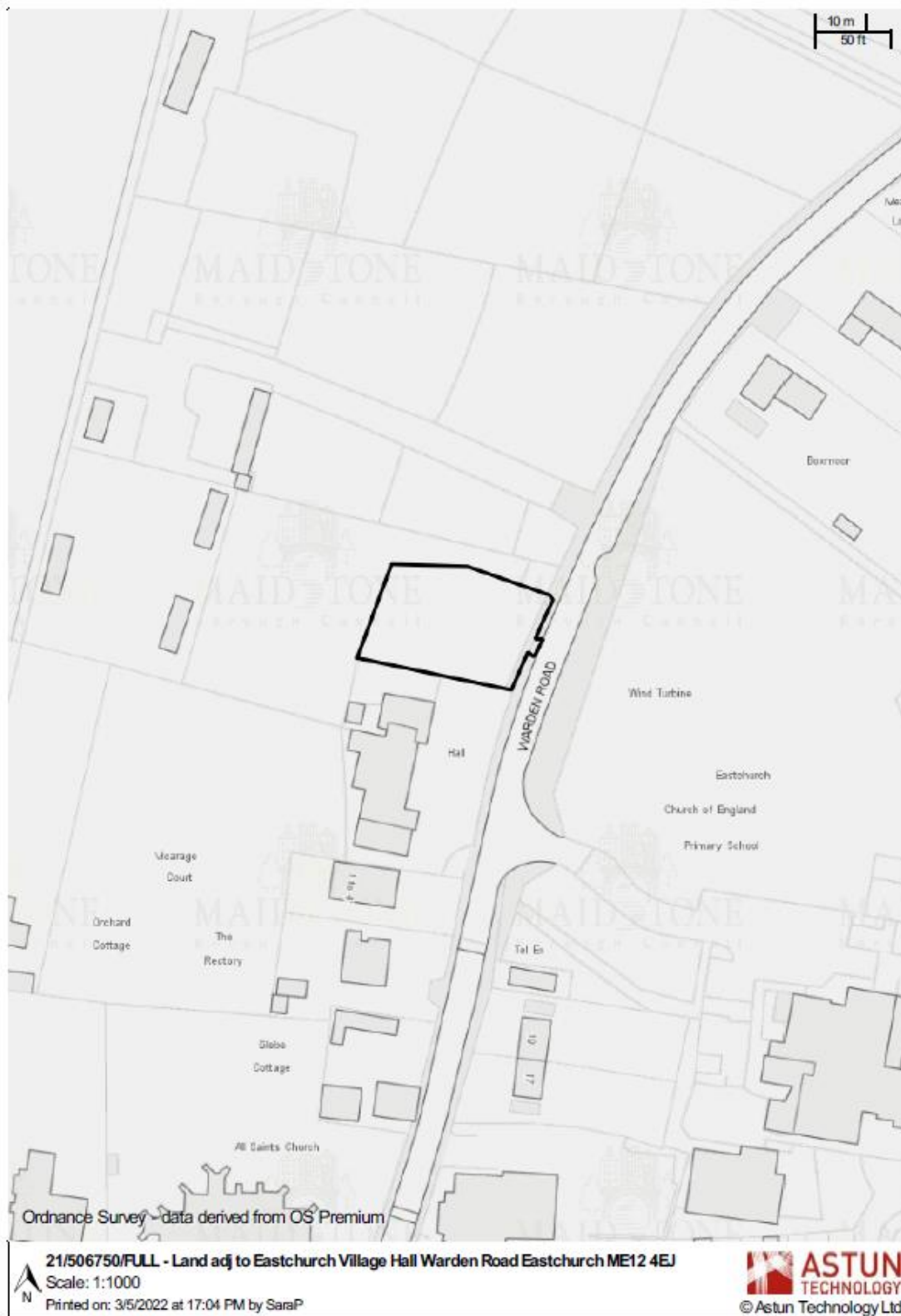
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a

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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2.7 REFERENCE NO - 22/500724/FULL		
APPLICATION PROPOSAL Removal of existing conservatory and erection of a single storey rear extension.		
ADDRESS 17 Court Tree Drive Eastchurch Sheerness Kent ME12 4TR		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION – The proposal is acceptable in visual and amenity terms and accords with the adopted local plan.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr Paul Whitehead AGENT W&M Architects LLP
DECISION DUE DATE 17/05/22	PUBLICITY EXPIRY DATE 14/03/22	
NO RELEVANT PLANNING HISTORY		

1. DESCRIPTION OF SITE

- 1.1 17 Court Tree Drive is a modern two-storey detached house located within the Local Plan defined built-up area boundary of Minster/Eastchurch. The property is set back from the highway with a driveway to the front for the parking of a number of vehicles and a detached garage is positioned to the northern side. It currently has a small rear conservatory extension.
- 1.2 The dwelling forms part of a much larger housing estate 'Kingsborough Farm', comprising generally large housing types and designs.

2. PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing conservatory and the erection of a single storey rear extension, to incorporate a swimming pool.
- 2.2 The extension would extend across the full width of the main dwelling measuring 13.4m wide, including a marginal overhang of 1.1m beyond the main side wall on the northern side. It would also have a slight lip overhang of 0.25m on the southern side. In total it would extend for a depth of 4.8m into the rear garden. The extension would have a pitched roof set back from the main dwelling by 0.8m with an eaves height of 2.7m reaching to 3.4m at the apex of the roof.
- 2.3 The extension would be finished in matching brick work and tiles with timber windows to match existing.
- 2.4 The application is supported by a Planning Statement that includes the following passages:

The existing site area is 758 sq m and the site footprint for the current house is 144 sq m, leaving an unbuilt site area of 614 sq m. The removal of the conservatory and addition of the proposed extension will result in a net gain of 48 sq m, leaving an unbuilt site area of 566 sq m.

The proposed extension would measure 4.8m in depth and 13.4m in width, 2.7m to the eaves and 3.49m in overall height. The extension would have a pitched, hipped roof and a small linear rooflight at the rear.

The proposed extension will leave a rear garden measuring 12.2m in depth and 20m in width at the widest point.

3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG) are relevant in that they generally encourage good design and seek to minimise serious amenity concerns.

4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policy ST1 Delivering sustainable development in Swale; Policy ST3 The Swale settlement strategy; Policy CP4 Requiring good design; Policy DM7 Vehicle Parking; Policy DM14 General development criteria; DM16 Alterations and extensions, Policy DM19 Sustainable design and construction

4.3 Supplementary Planning Guidance (SPG): “Designing an Extension A Guide for Householders”.

3.4 On houses with pitched roofs it is always best to have a matching pitched roof on the extension with the same type of tiles. All such two-storey extensions should have a pitched roof and front and other prominent single storey extensions are normally better for having pitched roofs.

4.0 On any house, an extension should be well designed to reflect its character. Use of matching bricks, other facing materials, and roof tiles together with appropriate doors and windows is essential if an extension is not to upset the appearance of the house or the area as a whole. Such aspects are of particular importance in specially protected areas and on listed buildings.

5.7 For single storey rear extensions close to your neighbour’s common boundary, the Borough Council considers that a maximum projection of 3.0m will be allowed. A first floor extension should not exceed 1.8m (with two storey rear extensions the potential impact can be even greater). Leaving a gap to the boundary with your neighbour may offset this requirement slightly depending on the distance allowed.

5.8 If your neighbour’s house projects rearward of yours or already has an extension on the back, then the Borough Council may allow a rear extension to the distance of the adjacent property or extension provided the extension remains in scale and character with your property. However, if your house is set back from your neighbour’s, your ability to extend to the rear will be limited.

5.9 On well spaced detached properties or where an extension is to be built away from the boundary a larger extension may be acceptable.

6.0 Side windows should be avoided to reduce overlooking and mutual loss of privacy, although high level windows (with an internal sill height of at least 1.65m) may be acceptable. Obscured glazing to the toilet, bathroom and landing windows would overcome the problem. Windows to other ground floor rooms may be accepted if at least 2.4m from the side boundary and a screen fence or wall may be required to protect neighbour's privacy.

5. LOCAL REPRESENTATIONS

5.1 None received

6. CONSULTATIONS

6.1 Eastchurch Parish Council objects to the application, saying that the extension is excessive for the property and there is concern at the loss of a third of the garden space for future use.

7. BACKGROUND PAPERS AND PLANS

7.1 Existing and proposed plans have been submitted.

8. APPRAISAL

Principle of Development

8.1 The site is situated within the Local Plan defined built-up area boundary of Minster/Eastchurch where the principle of residential development is generally accepted subject compliance with the Local Plan, relevant SPG's and any material considerations that may arise as part of this application.

Visual Impact

8.2 The extension would be located entirely at the rear of the house, therefore it would not be visible to the front of the property and as such would not have a detrimental impact on the character and appearance of the street scene. The extension will have a depth of 4.7m but given that this is a large detached dwelling, I consider it to be of an acceptable scale and I am satisfied that it would appear subservient to the main dwelling.

8.3 The extension would have a shallow pitched roof set back from the main house by a small section of flat roof of 0.8m depth. I consider this to be suitable to its setting in design terms.

8.4 Overall, I am satisfied that the single storey extension would integrate successfully with the host dwelling and I do not consider it will cause any harm to visual amenities of the area.

Residential Amenity

8.5 *Potential Impact Upon the residents of 15 Court Tree Drive* – The application site is situated north of No 15 and therefore due to the site orientation there would be limited

impact in terms of loss of light or overshadowing. Although the extension would be 4.8m in depth, it would be set back 2m from the side boundary with a total distance of 5m retained between properties at the closest point, which I consider to be sufficient to maintain acceptable levels of amenity to No 15.

8.6 *Potential Impact Upon 1 Hustings Drive* – The extension would be sited between 4 and 5 metres from the boundary with this property, and would replace an existing conservatory of 4.2m in depth. Although No. 1 is set further forward than the application property, given the single storey nature of the development and the distance to the side boundary, the impact is considered to be acceptable.

8.7 I note that a swimming pool often requires plant and equipment. I consider it would be appropriate to require details of this, together with any necessary mitigation measures to limit noise, as a planning condition.

8.8 I note Eastchurch Parish Council's objection to the reduction in the size of the garden. In this regard, the existing garden area has a length of approximately 16.3m which would be reduced to a length of 11.6m and approx. 18m width. I consider this remains of ample size as outdoor amenity space.

9. CONCLUSION

9.1 On the basis of the above assessment, I take the view that the proposal would not unacceptably harm residential or visual amenities and I therefore recommend that planning permission be granted.

10. RECOMMENDATION - GRANT Subject to the following conditions

CONDITIONS

(1) The development to which this permission relates must be begun no 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 drawing title number(s): Proposed Plans - 1546-P-01 Rev A Site + Roof Plan Proposed; 1546-P-02 Rev A Ground Floor Plan Proposed; 1546-P-03 Rev A First Floor Plan Proposed; 1546-P-04 Rev A Proposed Elevations 1+2; 1546-P-05 Rev A Proposed Elevations 3+4; 1546-P-06 Elevations 5, 6 & 7 and Planning Statement.

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

(3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified on the application form to match the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity

- (4) No development beyond the construction of foundations shall take place until details of the siting, appearance and technical specification, including the acoustic performance and any noise mitigation measures required, of any mechanical plant or equipment required for the operation of the pool have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to first use of the pool.

Reason: In the interest of residential amenity.

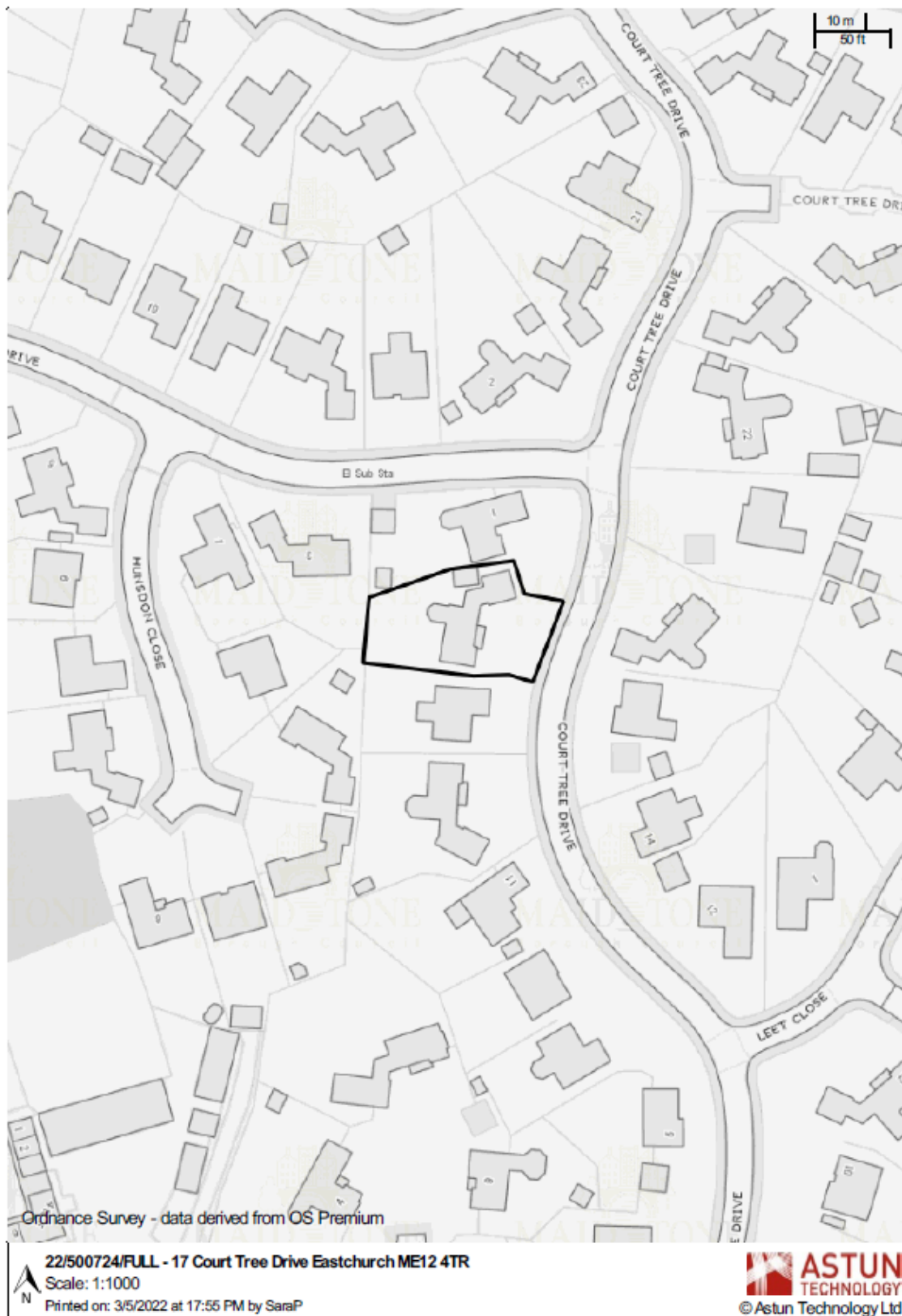
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.



2.8 REFERENCE NO - 16/508602/OUT			
APPLICATION PROPOSAL			
Outline application for erection of up to 250 dwellings with all matters reserved except for access			
ADDRESS Land At Preston Fields Salters Lane Faversham Kent ME13 8YD			
RECOMMENDATION: Grant subject to s106 agreement and conditions as set out below, with delegated authority to amend the s106 wording and condition wording as may reasonably be required.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
The development of up to 250 houses will provide much needed houses on an allocated housing site (see Policy A16 of Bearing Fruits 2031). The development would be in accordance with the Local Plan in this respect. The application has been considered against all other relevant policies within the Local Plan and the NPPF, and I have not identified any harm arising from the development that cannot be adequately mitigated.			
REASON FOR REFERRAL TO COMMITTEE:			
Town Council objection.			
Members will also note the application for the southern part of the Preston Fields allocation (reference 21/500766/OUT) which is reported elsewhere on this agenda. Given that the approval of that application would have implications for this development, and the length of time since Members resolved to approve this scheme (in March 2018), it was considered appropriate to report the application back to Committee now.			
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT Redrow Homes Limited AGENT Avison Young
DECISION DUE DATE 11/04/17	PUBLICITY EXPIRY DATE 26/02/18	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
21/500766/OUT	Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane.	Pending	Pending
Members will note the report elsewhere on this agenda.			

MAIN REPORT

1.0 Background

This application was reported to Planning Committee in March 2018 with a recommendation for approval, and the report to that meeting is attached as Appendix A. The minute of the meeting is attached as Appendix B.

The Tabled Update to the Committee on 5 March 2018 is also relevant and is attached as Appendix C.

Members resolved as follows:

“That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.”

Since the committee resolution, officers have had two meetings with the ward Members and the Planning Committee Chairman and the following report reflects their aspirations and the discussion that took place at the Committee in March 2018.

Since 2018, work has been on-going on the Local Plan Review, and linked to this consideration is being given to potential opportunities for new settlements to be delivered as part of the new Local Plan. Land owners in the area of Faversham have also been carrying out work on potential major development proposals in the vicinity of the town and it is possible that in due course an application for a new settlement to the south and east of Faversham could be submitted for planning permission. Such a scheme could also become part of the emerging Local Plan. If such a proposal were to come forward it would clearly be desirable to provide a road link from it to the Ashford Road (A251); the road would need to cross this site, and it is now the intention that the s106 agreement signed in respect of this application (and 21/500766/OUT) include provisions such that the land is reserved for the possible future provision of the Link Road. This is discussed further below.

2.0 DESCRIPTION OF SITE

- 2.01 The description of the site remains as set in original report to Committee (at paragraphs 1.01 to 1.08), which is attached as Appendix A.
- 2.02 Members will note that since the application was first considered, Marchant Grove has been built out on land immediately to the west, and this development includes five houses built on land at the eastern edge of that site, close to the boundary with the Preston Fields site.
- 2.03 It is also worth noting that since the application was first considered, the upgrade of the A2 – A51 junction has been built out, together with the provision of a pavement along the southern side of the A2 from immediately to the west of the Preston Fields site, through the junction with the A251 (where a pedestrian and cycle phase is included in the new traffic signals) and onwards to the Abbey School entrance, facilitating safe pedestrian / cycle journeys from the site to Abbey School and locations on the northern side of the A2. Part of the funding for these improvements will come from this development, via the s106 agreement. In addition, a signal-controlled pedestrian crossing has now been provided on the A251, close to the roundabout giving vehicular access into the Perry Court development.

3.0 PROPOSAL

- 3.01 The description of development remains as set out when the application was first reported to Committee, and Members will note paragraphs 2.02 to 2.05 of that report.
- 3.02 However, although the quantum of development proposed has not changed, the need to set aside land for the provision of the Link Road (which is explained elsewhere in this report), the fact that 70 dwellings are now proposed on the southern part of the Preston Fields allocation (see application 21/500766/OUT) and the fact

that land will need to be set aside for a car park (for use by existing residents of Rose Terrace and the other dwellings on the southern side of the A2 between the site entrance and Salters Lane) will have a material bearing on the amount of open space to be provided in support of the development, both within the red edge boundary and on other land owned or controlled by the applicant.

3.03 A 'Combined Masterplan' has recently been provided by the applicant and this shows illustratively how the 250 dwellings proposed under this application and the 70 proposed under 21/500766/OUT could be accommodated, while still providing some land for open space, the provision of the existing residents car park and a corridor of land for the Link Road.

3.04 I have asked the applicant to comment on the issue of open space provision and they have responded as follows:

"There will inevitably be a modest loss of open space of circa two hectares, but it is clear that any limited harm is outweighed by the benefits of providing further land for housing. As set out in the submitted landscape and visual impact assessment it is considered that with regards to the impact on "rural character" the visual changes are limited due to the site's low-lying topography, the surrounding vegetation, built form and highways network. It is also important to note that the illustrative masterplan for the southern parcel of site retains circa 1.2ha as undeveloped open space. Furthermore, any future detailed application will incorporate additional pockets of green infrastructure, including gardens."

3.05 I have now received further comments, which include the following:

PF North

Red line 10.34ha

Net Residential 7.10ha

Roads, resident parking and safeguarded link corridor c.0.4ha

Net POS 2.81ha

Net accessible POS (excluding indicative structural planting) 2.54ha

PF South

Red line 3.55ha

Net Residential 1.80ha

Net POS 1.75ha

Net accessible POS (excluding indicative structural planting) 1.18ha

Total

Total net POS 4.56ha

Total net accessible POS (excluding indicative structural planting) 3.72ha"

4.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	10.25 ha (25.9 acres)
No. of Storeys	2
No. of Residential Units	Up to 250
No. of Affordable Units	35% of total (88 of 250)
Density	35 dwellings per hectare

5.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
 Adjacent Conservation Area Faversham and Preston-next-Faversham
 High Pressure Gas Pipe - Inner Zone
 Landfill Waste Disposal Site PRESTON FORGE
 Source Protection Zone 2 for groundwater

6.0 POLICY AND OTHER CONSIDERATIONS

- 6.01 The National Planning Policy Framework (NPPF) was updated in 2021 and the relevant paragraphs are as follows:

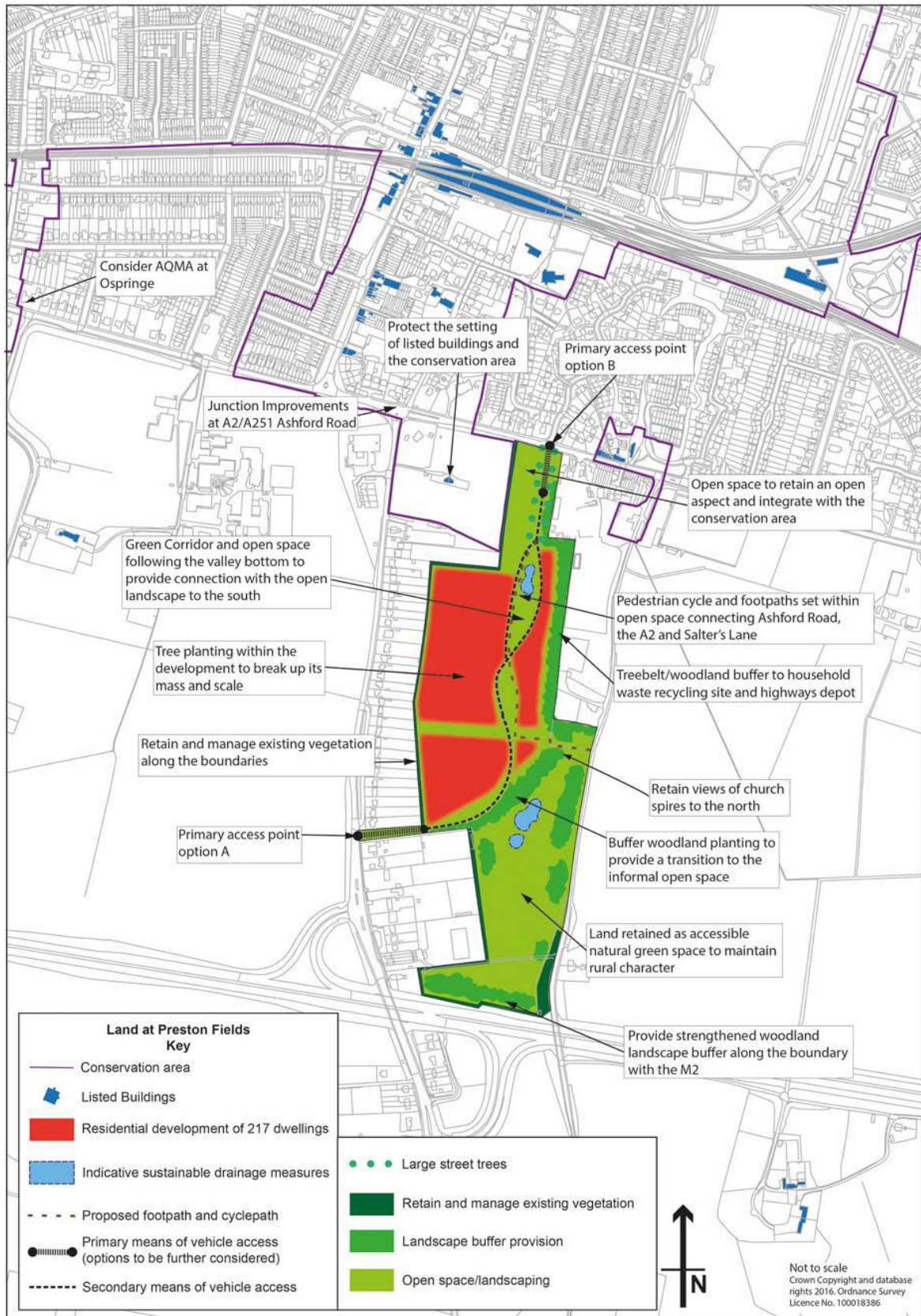
Members will note the following paragraphs: 7 (three dimensions of sustainable development), 8, 10, 11 (presumption in favour of sustainable development), 12 (the status of the development plan in decision making); 34 (developer contributions); 38 (the approach to decision making in a positive and creative way); 48 (weight to be given to emerging Local Plans); 55-58 (use of planning conditions and Planning Obligations); 60 (supporting the Government's objective of significantly boosting housing); 62 (housing mix); 63/65 (affordable housing); 68 (identifying land for homes); 74 to 77 (maintaining a supply of housing sites); 92 (promoting healthy / safe communities); 98 (providing social / recreational facilities); 104 (sustainable transport); 110 to 113 (consideration of transport issues in development proposals); 112 (accessibility by sustainable travel modes); 114 (need for high quality communications); 119 and 120 (making effective use of land); 124 (achieving appropriate densities); 126 (achieving well designed places); 127 (design policy); 128 (design criteria for developments); 132 (consideration of design quality between applicants, the local planning authority and local community); 133 (access to / use of tools and processes for assessing and improving design); 134 (refusal of poor design), 152 to 158 (planning for climate change); 159 to 169 (planning and flood risk); 169 (sustainable drainage systems); 174 (protecting / enhancing valued landscapes); 175 (natural environment – hierarchy of sites); 179 to 180 (protecting habitats and biodiversity, including Special Protection Areas / Ramsar sites); 183 to 188 (ground conditions and pollution); 185 (protection from noise / light pollution), 186 (air pollution, including AQMAs); heritage assets (194 to 198); and 209 to 212 (making best use of minerals).

- 6.02 National Design Guide (September 2019)

As part of an effort to improve the quality of the design of new development, including housing, the Government has produced this document, with the aspiration to create '*beautiful, enduring and successful places.*' It is intended to be a tool to assist in achieving the objectives for high-quality design that are enshrined in the NPPF. Among other things, the document sets out ten characteristics for well-designed places (see paragraph 36), and the intention is that the document will, among other things, assist (see paragraph 11) "*local authority planning officers, who...assess the quality of planning applications; and councillors, who make planning decisions...*"

- 6.03 The adopted Swale Borough Local Plan (adopted 2017) remains unchanged since the application was reported to Members in 2018. I have, however, included the concept plan that accompanies Policy A16 for Members' convenience below.

Concept plan



6.04 Supplementary Planning Documents:

Since Members last considered this proposal, the 'Parking Standards' (May 2020) SPD has been adopted. It gives in-depth guidance on the quantum of parking provision required for different types of development and for development in different types of location; it also gives advice on the layout of streets and other areas where parking is provided and on the importance of integrating with planting (notably street trees) and open SUDS features (such as swales and storm water planters). Advice is also given with respect to electric vehicle charging points (see page 25). I also note Appendix A (see page 35), which deals with residential car parking standards and for a suburban location such as this suggests (and the following is advisory only) that car parking levels should be as follows:

1 and 2 bed flats	1 space per unit
1 and 2 bed houses	1 to 2 spaces per unit
3 bed houses	2 to 3 spaces per unit
4+ bed houses	3+ spaces per unit
Visitor parking	0.2 per unit

6.05 Kent Minerals and Waste Local Plan (KMWLP) (2020): Policies CSM5 (minerals resources); DM7 (safeguarding); and DM9 (prior extraction).

6.06 The Council is working on a Local Plan Review and a Regulation 18 consultation has been carried out and the responses have been considered (Local Plan Panel, 24/3/22), and a report was also agreed for 'next steps', including the production of the Regulation 19 Plan by Autumn 2022.

6.07 Faversham Town Council are working on a Neighbourhood Plan for Faversham, and they are currently in the final stages of gathering evidence and drafting their Neighbourhood Plan, and I believe they intend to move to a Regulation 14 pre-submission public consultation soon.

As such, it currently holds limited weight as a material consideration in the determination of any planning applications.

7.0 LOCAL REPRESENTATIONS

The comments received as of March 2018 were summarised in the original Committee report (see paragraphs 6.01 to 6.03), the tabled update and the minute of that meeting. All of which are appended to this report.

Since then, 13 further comments (including six from one writer) have been received. Generally, the points raised are as summarised in the original report, but new points are raised as follows:

- Policy justification in questioned and it is suggested that the development is contrary to the NPPF;
- Concern about impact on air quality is reiterated with reference to submitted videos showing traffic congestion on the A2-A251;
- Particular concern is expressed about HGV traffic having increased on roads close to the application site;
- The site should be retained as a 'green-lung' rather than being built upon;

- Potential harm to flora and fauna is emphasised, with particular reference to a range of mammal and bird species – this development would significantly harm such species;
- If development must go ahead, it should be designed to biodiversity net gain at the centre of proposals;
- Insufficient information has been provided by the applicant, and planning permission should therefore be refused;
- Foul sewage flows generated by the development could undermine the capacity of the existing drainage system in Faversham, causing additional flooding elsewhere in the town (notably in Whitstable Road and Cyprus Road);
- On-going negotiations with the applicant are a poor use of public money; and
- Concern is expressed about harm to the designated Rural Lane, and suggests the Council needs to be consistent in its approach to applications affecting such designated roads.

8.0 CONSULTATIONS

8.01 Members will note the summary of comments from consultees at paragraphs 7.01 to 7.24 of the report to the March 2018 Committee meeting. These should be read alongside the updated consultees responses received following a further round of consultations with the technical consultees and Faversham Town Council under taken in February of this year, and which are set out below.

8.02 **Faversham Town Council** object to the application, and comment as follows:

“1) Evidence Base

Much of the supporting information relates to the original submission. For example, the residential travel plan and ecological assessment. These documents date back as early as 2016 and are therefore no longer up to date and reliable sources. It may be appropriate for these to be updated as part of the consideration for the impact of the proposed development at this stage or certainly conditioned as part of the reserved matters application.

2) Bearing Fruits Adopted Local Plan

The site is identified as a strategic allocation in the adopted Local Plan.

3) SHLAA April 2020

The SHLAA identifies this site as reference SLA18/178. In the assessment it classifies the current land use as agricultural and the site type as greenfield. It incorrectly reports that the site has outline planning permission. This is inaccurate, there has been a resolution to approve the application at the planning committee 1st March 2018. However, a decision notice has been issued. Therefore, consent has not been granted.

4) Illustrative Masterplan

The Case Officer committee report 1st March 2018 paragraph 2.03 confirms that the amended masterplan submitted with the application is illustrative and indicative. Planning Practice Guidance states that an applicant can choose to submit details of any of the reserved matters as part of an outline application. However, where the applicant has indicated that those details are submitted for illustration purposes only the LPA must not treat them as part of the development in respect of which the application is being made (Paragraph: 005 Reference ID: 21a-005-20190723). The application is accompanied by the amended Masterplan drawing reference 7391-L-04 rev E that is labelled as being for illustrative masterplan and is presumably not for formal determination (if it was it would not be illustrative). A clear considered

masterplan, supported by Design Codes and developed in conjunction with the local community, is the key to creating a successful development.

5) Local Highway Network

In addition to the specialist feedback make clear that the scheme would add to the cumulative impact on the immediate surrounding highways network, which is already under strain. This may result in a severe impact, which is contrary to national planning policy.

6) To be Demonstrated at Reserved Matters

Faversham Town Council expect that the following outcomes to be achieved as a part of the reserved matters and where appropriate to be conditioned with this application Address local surface water flooding originating from the application site through development on greenfield, agricultural land;

Provide increased capacity to deliver local services through Section 106 contribution, for example implantation of the LCWIP

Take opportunities to create and enhance active travel routes;

Consider Green corridors and significant tree planting, a detailed landscaping proposal should be submitted, demonstrating how it delivers 20% biodiversity net gain;

Provide a landscape buffer between the existing properties and proposed new development;

Create a site-specific design that responds to the site character and locality, providing a soft transition to the open countryside and edges of development;

Include superior energy performance and demonstrate BREEAM excellence in design. It should be noted that from the 15th June 2022 there are revised building regulation commitments that seek to further achieve net zero development.

Consideration for these measures should be integrated as part of any scheme;

Include EV charging for all new residential units and superfast fibre to the property;

Be tenure blind; and

Where there is an affordable housing element this should be made for affordable rent on the open market and by social landlords.

Faversham Town Council strongly encourage the applicant re-engage at the earliest opportunity prior to developing a reserved matters application to discuss the emerging Neighbourhood Plan policies, to avoid any delay, costs or risk through re-design. This will contribute to a smoother transition through planning at the future stage.”

8.03 KCC Highways and Transportation comment as follows:

“Thank you for your consultation of 25th February 2022 following the submission of amended

drawings and additional information in respect to the above planning application.

It is appreciated that the submission of both the revised Framework and Site Boundary plans

has been prompted in order to reflect the provisions contained within the adjacent planning

application 21/500766/OUT, as part of the site envisaged as open space is now proposed to be safeguarded for the possibility of providing a link road. As explained in the Briefing Note, neither this application or 21/500766/OUT actually seek approval for a link road, and granting consent would only ensure that development would not be able to take place upon the area of land that might be

required at some point in the future, were proposals to come forward. The revised application does not therefore need to revisit the transport assessment that has been considered already from when the LPA's Planning Committee Members resolved to grant planning approval for this development.

The terms of the associated Section 106 Agreement had also been agreed subsequently, and I understand that the draft would now be revised to include an obligation to safeguard the relevant land within the application site, noting it would be transferred to the Borough Council. I would have no objection to that proposed revision, and I do not require any changes to the highway obligations that had already been agreed in the draft document.

None of the above alter the views previously given by the Local Highway Authority in its consultation responses. It is important to remember that access matters in relation to a future link road are not part of this application, and that proposal would be the subject of an entirely separate planning application to consider the highway impacts.

I would therefore adhere to the Highway Authority's recommendation provided in the consultation response of 14th February 2018."

Members will also note paragraph 7.20 of the original Committee report, where KCC Highways and Transportation's original comments are set out; subject to amended plans (subsequently provided), conditions and s106 obligations, they raised no objection.

- 8.04 **KCC Flood and Water Management** raise no objection subject to conditions (three in number), which are included below.
- 8.05 **Kent Police** have provided a detailed response, which sets out a number of design recommendation. None of these relate to the principle of this development, and are matters that can be dealt with at the reserved matters stage of via the Building Regulations. The letter in on the website, if Members wish to view it.
- 8.06 **Environmental Protection Team:**
- In response to re-consultation on the updated information, they state that "...there are no issues / concerns from an EH perspective. No comments / objections."
- 8.07 Their original comments on the application are at paragraphs 7.09 and 7.10 (notably in respect of air quality, noise and land contamination) of the original report.
- 8.08 **National Highways** raise no objection and their response includes the following:

"Previously the applicant agreed to enter into a Section 278 agreement the Highways Act 1980 with Highways England for a contribution of £53,200 towards highway works at M2 Junction 7 Brenley Corner as detailed in AOne+ drawing No. HE548085-AONE-GEN-M2BRENLEY-DR-CH-0001 Rev P1.1 or other such scheme of works for safety and/or capacity purposes at the junction. That scheme of works has been completed but the safety and congestion issues have not been resolved. At this time developments that impact this junction are being required to make a financial contribution to the benefit of works or study at the

junction. This because a potential RIS scheme is some way off and the junction would benefit from an interim improvement scheme. Accordingly, as the amount of £53,200 (index linked to 2019 quarter 1 prices) has already been agreed with the applicant it would seem appropriate to accept this level of contribution.”

A condition requiring a Construction Management Plan has also been requested, and Members will note condition (15) below.

8.09 **KCC Ecology** advise as follows:

“The submitted ecology information is from 2016 and now considered well out of date in alignment with current CIEEM guidance. Additionally, since this time, environmental legislation and policy has changed (e.g., section 15 of the NPPF and the introduction of the Environment Act).

Therefore, we advise that an updated ecological assessment is provided, not only demonstrating that any adverse ecological impacts of construction can be mitigated but that the development will achieve a biodiversity net-gain. We advise that this is provided prior to determination of the application.”

In the light of clarification, a further response was provided raising no objection subject to the imposition of a further conditions to secure the additional ecological information and to ensure that a biodiversity net gain of at least 10% is secured. Relevant conditions are included below.

8.10 **Greenspaces Manager** raises no objection and notes:

“In principle. comments essentially remain the same, but clearly disappointing to reduce the amount of open space with the development link road and highway route through the site between A251 and Salters Lane in relation to application 21/500766/OUT.

While disappointing, on balance clearly understand the need and strategic desire for the link with the reduction of open space. Would hope that in due course the need for access to the community facilities and open space will be recognised in the design of the road to ease pedestrian transit between the two.”

With regard to developer contributions these remain as set out in the original Committee report, which is attached as Appendix A, and Members will note paragraph 9.64.

8.11 **Southern Water Services** state that *“The comments in our previous response dated 30/1/2017 remain unchanged and valid for amended details.”*

8.12 Their original comments are summarised at paragraph 7.14 of the original report.

8.13 **Affordable Housing Manager** – the requirements for 35% of the dwellings to be affordable and for the tenure split to be 90-10 in favour of affordable / social rent and for the remaining 10% to be intermediate / shared ownership tenure remains as in 2018.

8.14 With specific regard to First Homes (affordable private sales dwellings), as Members resolved to approve this application before the requirement for First Homes was introduced, the requirement to provide First Homes will not apply to this development.

- 8.15 Members will note the summary of their original comments at paragraph 7.07 of the original report.
- 8.16 The **Environment Agency** (EA) raise no objection subject to the imposition of conditions (six in number) relating to contamination, drainage and piling method. These are included below at conditions (9) to (14). Members will note the summary of the original EA comments at paragraph 7.13 of the original report.
- 8.17 **Natural England** raise no objection, and draw attention to the fact that the site is located in relatively close proximity to SPA and SSSI ecological designations and to the Kent Downs AONB. With regard to the former, they also state that potential recreational impacts can be mitigated by way of a financial contribution and that it is for the Council to decide whether an Appropriate Assessment is required or not.
- 8.18 Members will note that corresponding comments were made in respect of this development when Natural England were consulted in 2018; see paragraph 7.08 of the original report. I also note that the appropriate assessment issue was dealt with at the time of the original report to Committee and do not intend to re-visit the issue now, mindful that Members resolved to grant planning permission then.

9.0 BACKGROUND PAPERS AND PLANS

- 9.01 Since the application was reported to Committee in 2018, the submitted drawings have been updated and key plans are now as follows:

- Red Line Plan (7391-L-02 C);
- Framework Plan (7391-L-03 E);
- Combined Masterplan (7391-SK-03);
- A251 access / s278 drawing (F16038/01 F)
- A2 access / s278 drawing (F16038/02 D)

- 9.02 A full set of supporting documents has also been provided, and these are publicly accessible on the Council's website.

10.0 APPRAISAL

Principle of Development

- 10.01 As Members will be aware, this application benefits from a Committee resolution to approve, which as set out above, reads as follows:

“That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.”

- 10.02 This is a significant material consideration that weighs heavily in favour of the application, mindful that the description of development is unchanged as is the application site area.

- 10.03 It is also worth noting that the Local Plan remains unchanged and, in particular, that Policy A16 envisages a minimum of 217 dwellings on broadly the land where 'up to 250 dwellings' are proposed under this application. The NPPF has been refined since

the application was first considered by Members in 2018, but none of the changes are relevant to whether this application should be considered to be acceptable as a matter of principle.

- 10.04 I am firmly of the view that the application continues to be acceptable as a matter of principle.
- 10.05 However, certain material considerations have changed, which is why the application is being reported back to Committee now, for Members to renew the recommendation.
- 10.06 As explained above, since the application was first considered by Members in 2018, the provision of a Link Road across the southern edge of this site has emerged as a priority for the Council. It is intended that if approved, this application – and 21/500766/OUT – would be subject to a clause(s) in the s106 agreement requiring that a suitable-sized corridor (likely to be circa 0.5 hectares, though subject to agreement of the precise requirement) be set aside for this purpose. This, combined with the housing proposed under 21/500766/OUT, will reduce the amount of land available for public open space both within the red edge boundary and on the land to the south of this application (where application 21/500766/OUT proposes up to 70 dwellings). In addition to this, in line with the discussion at the March 2018 committee (see Appendix B for the minute of that meeting), the ward Members and the Chairman of the Committee require that a car park be provided within the application site to serve those existing dwellings that front the A2 immediately to the east of the site (and where currently on-street parking occurs to the detriment of smooth traffic flow and users of the narrow pavement at that location). The provision of this facility would further reduce the public open space available within the application site.
- 10.07 As such, rather than a minimum of 3.15 hectares as envisaged under condition (5) in the original report to Committee, the corresponding condition below (namely condition 6) would require a minimum of 2.5 hectares.
- 10.08 It is also worth noting that, in respect of the land immediately to the south of this application site, where 3.5 hectares of land for informal open space and strategic landscape was originally envisaged, up to 70 dwellings would be provided together with 1.2 hectares of open space (on the field immediately north of the M2 motorway).
- 10.09 I note that Greenspaces Manager consider that while this reduced level of open space provision is ‘disappointing’ he does not object to.
- 10.10 While this reduced level of open space provision is arguably at odds with the expectation of Policy A16 of the Local Plan (and the supporting text to the policy), the position needs to be viewed in the round: balanced against the under-provision of open space are the delivery of land to be reserved for the Link Road, the car park for existing residents and the delivery of the additional ‘up to 70 dwellings’. The latter being a significant consideration given that the Council lacks a 5-year housing land supply and that the NPPF encourages Local Planning Authorities to make efficient use of land.
- 10.11 Having weighed these considerations, I conclude that the reduced provision of open space should be accepted in this instance, given the multiple benefits that will be delivered as a result of doing so.

Developer Contributions

10.12 Members will note the contributions that were requested when the application was first reported to Planning Committee. See Paragraphs 9.64 to 9.68 of the report at Appendix A. Generally, the contributions requested remain applicable and the s106 agreement will need to include clauses to ensure that they are paid. However, the exceptions to this are as follows:

- **Preston School Rooms** – following discussion with the ward Members it has been agreed that some of the payments requested by KCC to be spent on local infrastructure / services will be directed instead to the project to restore the Preston School Rooms (located on the northern edge of the curtilage to St Catherine's Church, and just to the south of Faversham Railway Station. In particular, the money previously identified for community learning (£60.43 per dwelling), social care (£262.94 per dwelling) and youth services (£55.55 per dwelling) will be directed to this project. This amounts to a total of £378.92 per dwelling or £94,730 if 250 dwellings are ultimately built. When complete the facility would offer a community space for local people, where a range of services could be delivered.
- **Car Park for Adjacent Residents** – when the application was debated by Members in March 2018 (see Appendix B), Members raised issues including the possibility of providing such a car park (to address the issue of on-street parking on the stretch of the A2 immediately to the east of the site entrance and up to the Salters Lane junction). Delegated authority is sought to secure its provision (and subsequent maintenance) via the s106 agreement. It is anticipated that provision for approximately 20 cars would be required, and matters such as the detailed design, materials, boundary treatment, landscape planting and maintenance / management arrangements would be tied down using the legal agreement.
- **On-street parking restrictions** – in conjunction with provision of the Residents' Car Park, parking restrictions are required to prevent unrestricted parking on the stretch of the A2 between the proposed site entrance and the junction with Salters Lane. The s106 agreement will need to ensure that an application for a Traffic Regulation Order for this is made before an agreed trigger.
- **S278 Agreement** – Members will note that some of works referred to in the corresponding paragraph in 2018 committee report (namely 9.64) is now out-of-date, as the pavement / footpath between the site and the Abbey School has now been provided. However, the s106 agreement will need to include a clause to ensure that the cost of these works (£85,000) is met by this developer. This is addition to the contribution of £87,900 towards the A2/A251 junction upgrade itself.
- The other s278 works remain to be carried out, and authority is sought to amend the requirements such that the bus shelter to be provided is provided with a living / green roof, following input from one of the ward Members.
- With regard to the **provision of bins**, the following is now required per dwelling:

Per house - 1 x 180ltr green refuse bin @ £45.10 per bin

1 x 240ltr blue recycling bin @ £45.10 per bin

1 x 23ltr black food bin @ £10.50 per bin

1 x 5ltr kitchen caddy @ £5.20 per bin

Total cost for a full set of bins for a house is £105.90.

For flats it would be:

- 1 x 1100ltr refuse bin per 5 flats @ £437.60 per bin
- 1 x 1100ltr recycling bin per 5 flats @ £437.60 per bin
- 1 x 140ltr food bin per 5 flats @ £78.70 per bin

Equating to £190.78 for one flat.

- With regard to air quality, Members will note that when the application was reported to Committee in 2018, the Committee report included condition (35), which included the following wording:

“...a detailed strategy for achieving the required damage cost calculation of £225,513 over a five-year period to offset development-generated transport emissions on local air quality...”

In line with general Council practice now, I consider that this be secured under the s106 agreement, and the agreement should be worded such that the mitigation can be delivered through either on-site mitigation (over and above that secured under other conditions) to that value or as payment to the Council for off-site mitigation. The s106 agreement should also allow for a mix of the two, if required.

- As explained elsewhere, the s106 agreement will also need to include wording such that a parcel of land in an agreed position and of an agreed area is reserved for the possible future provision of a Link Road, and for the land to be passed over to the Council for this purpose before an agreed trigger point.
- The s106 agreement will also need wording to deal with the delivery and on-going maintenance of the various areas of public open space.

Finally, delegated authority is sought to amend the wording of the draft agreement as may reasonably be required.

Affordable Housing

- 10.13 The key requirements in respect of affordable housing remain as set out in the original committee report and as summarised at 8.13 and 8.14 above. With regard to accessibility standard, however, authority is sought to negotiate the s106 agreement on the basis that a minimum of 10% of the affordable dwellings should be M4(3) standard (wheelchair user dwelling) and the remainder of the affordable dwellings M4(2) standard (accessible and adaptable dwellings).

Planning Conditions

- 10.14 The conditions set out below have been updated compared to those set out in the original report, I have added new conditions in respect of climate change issues, biodiversity and design to reflect current thinking.

11.0 CONCLUSION

- 11.01 As set out above, this development benefits from a resolution to approve (dating from March 2018). Although circumstances have changed since then, not least in terms of the development now proposed on the southern part of the Preston Fields allocation,

having re-assessed the proposals, officers remain firmly of the view that the proposed development is acceptable and would result in a high-quality housing scheme that accords with Policy A16.

11.02 I therefore conclude that the development is in accordance with the NPPF and the Local Plan, and recommend that planning permission be granted subject to conditions and a suitably-worded s106 agreement.

12.0 RECOMMENDATION – GRANT subject to the signing of a suitably-worded s106 agreement (reflecting the matters set out above and in the corresponding section of the original committee report) and conditions as set out below, with delegated authority to amend the s106 wording and condition wording as may reasonably be required.

CONDITIONS to include

(1) Details of the layout, scale, appearance, and landscaping within a phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development within that phase takes place and the development shall be carried out as 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.

(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 five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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) Prior to the submission of a reserved matters application for any phase, a design code for all of the phases shall be submitted to and approved in writing by the Local Planning Authority.

The details submitted pursuant to condition (1) above shall be in accordance with the approved Design Code that shall include, but not be limited to, the following:

- A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials (which should be locally sourced unless it is demonstrated that this cannot reasonably be achieved), boundary treatments, and provision of car parking;
- Principles for establishing character areas;
- Principles for road hierarchy, pedestrian and cycle connections including the alignment, width, lighting and surface materials to be used;

- A strategy for street tree planting;
- A strategy for lighting to the network of cycle and footpaths;
- Principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges - including along the track running east-west through the site - and other boundary planting);
- A levels strategy to retain (where possible) the existing topography and minimise the creation of artificial development platforms;
- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage (which shall incorporate open features such as ponds, ditches, storm water planters and swales);
- A car parking strategy to demonstrate how parking provision for the housing will be well integrated both with the built development and hard and soft landscaping (with an onus on the provision of native species street trees);
- A strategy to ensure that dwellings are provided with water butts and garden composting facilities (or appropriate communal provision for any apartment blocks); and

Reason: In the interests of providing a high-quality layout and design of this development.

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

F16038/02 Revision D and F16038/01 Revision F-

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

- (6) The details submitted pursuant to condition (1) above shall include an area of at least 2.5 hectares which shall be reserved for public open space. Play spaces shall be provided within this open space and shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced (with the exception of ground preparation works) and shall be provided before the occupation of the 125th dwelling or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority before the occupation of the 125th dwelling; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that the quality and quantity of open space meets the needs of the future residents of the site and existing residents in the surrounding area.

- (7) Prior to the commencement of development (with the exception of demolition), details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details. The buildings hereby approved, the details of which are to be agreed under condition (1) shall not exceed a height of 8.5m above the agreed finished floor levels.

Reason: In the interests of visual amenities and preserving the character and appearance of the landscape.

- (8) The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path to connect the housing development hereby approved to the land immediately to the west (known as Marchant Grove) in broadly the position shown on the 'Combined Masterplans' (drawing number 7391-SK-03) and, in particular, to a path to be provided through that site (to south of Number 5 and to connect ultimately to the Ashford Road). None of the dwellings hereby approved shall be first occupied until details have been agreed to pursuant to this condition, which shall include a programme for the implementation of the path and arrangements for it to be kept available for public use in perpetuity. Thereafter the path shall be open to members of the public as pedestrians only at all times. In the event that it is necessary to close the path to pedestrians to enable works necessary for the resurfacing of the path, no such works shall be undertaken unless notice has first been served on the Local Planning Authority at least 10 days before the proposed closure detailing what works are required to be undertaken and stating the duration of those works.

Reason: In the interests of maximising connectivity between the site and adjacent development sites and in the interests of encouraging sustainable, non-car modes of travel.

- (9) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
- A. A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C. The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (10) Prior to the occupation of any dwelling hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification

plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (11) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

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

Reasons: Piling can result in risks to groundwater quality.

- (13) No development approved by this planning permission shall take place until details of the proposed means of foul sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority.

Reasons: To prevent pollution of controlled waters and comply with the NPPF. The proposals must demonstrate that the local sewerage undertaker has agreed to proposals for a connection to foul sewer.

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

Reasons: To prevent pollution of controlled waters and comply with the NPPF. Infiltration through land contamination has the potential to impact on groundwater quality.

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

The code shall include:

- Hours of working and timing of deliveries

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site, including the number of vehicles
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- Details of how the construction will proceed in accordance with the conditions sets out in the consultee response by Southern Gas Networks email dated 25th January 2017
- The arrangements for public consultation and liaison during the construction works.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

- (16) 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 2015 (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.

- (17) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

- ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (18) The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, as appropriate, 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 and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

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

- (19) The details submitted pursuant to condition (1) above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of dwellings hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

- (20) The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by Planning the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the western boundary, the provision of structural planting to provide screening for the dwellings within the site, to the southern and eastern boundaries, the provision of a community orchard within the open space, and a footpath connection between the application site and the adjacent land known as Orchard Cottage, and an implementation programme.

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

- (21) All hard and soft landscape works shall be carried out in accordance with the approved details. The structural planting works to the southern boundary shall be carried out within six months of the commencement of development, the structural planting works to the eastern boundary shall be carried out prior to the occupation of any part of the development and all other hard and soft landscaping works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area, landscape quality and of encouraging wildlife and biodiversity.

- (22) 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, or ten years for the structural planting along the southern and eastern boundaries, 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.

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

- (23) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of minimising water consumption.

- (24) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: in the interests of minimising CO2 emissions.

- (25) The details submitted pursuant to condition (1) (the reserved matters) shall include measures to provide electrical vehicle charging points and shall include;

- (a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage,
- (b) Electrical vehicle charging points to be provided to a minimum of 10% of all other residential parking areas.,
- (c) Electrical vehicle charging points to be provided to a minimum of 10% of visitor parking spaces.

No dwelling hereby permitted shall be occupied until the electric vehicle charging points for that dwelling have been installed. All Electric Vehicle Charging units shall be provided to Mode 3 standard with a minimum 7kw. The charging points shall be provided prior to first occupation of any dwelling hereby approved.

Reason: In the interest of sustainable development and encouraging sustainable modes of travel.

- (26) The details submitted pursuant to condition (1) above shall include measures to minimise the risk of crime via measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety.

- (27) The details of the layout submitted under condition (1) above shall ensure that there are no dwellings located within nine metres either side of the high pressure gas pipeline that runs through the site. Any dwellings within the middle and outer zones of the high pressure gas pipeline, as identified on the Health and Safety Executive map (12th January 2017) shall not exceed more than 30 in number and/or more than 40 dwellings per hectare.

Reason: In the interests of health and safety and the protection of important gas infrastructure.

- (28) No development shall take place (including any ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by updated ecological surveys where necessary;
 - c) Extent and location of proposed works 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 oversee works;
- The works shall be carried out strictly in accordance with the approved details.

Reason: To protect biodiversity.

- (29) Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the Local Planning Authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the Environment Protection Act 1990.

- (30) No development shall take place (with the exception of site clearance, excavation and other ground preparation works) until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. 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 and long term maintenance.

- i) Details for monitoring and remedial measures.

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

Reason: To enhance biodiversity

- (31) No development shall take place until an updated ecological assessment (which shall not only demonstrate that any adverse ecological impacts of construction can be appropriately mitigated but also that the development will achieve a biodiversity net-gain of not less than 10%). The details submitted pursuant to condition (1) above shall be informed by the approved ecological assessment and set out how the biodiversity net gain will be delivered.

Reason: To enhance biodiversity

- (32) The vehicular accesses to the site as shown on the approved drawings (namely F16038/02 Revision F and F16038/01 F) shall be constructed and completed prior to the commencement of the development hereby permitted.

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

- (33) Development shall not begin 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 via infiltration measures located within the curtilage of the site. The detailed drainage scheme shall take into account all flows that may be received from areas outside of the application boundary and provide appropriate mitigation measures to safeguard the development against flooding from these off-site sources.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (34) No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (35) Development shall not begin until a hydrogeological risk assessment is submitted to and approved in writing by Local Planning Authority that demonstrates there is no resultant unacceptable risk to controlled waters and/or

ground stability as a result of infiltration of surface water from the development. The details shall only then be implemented in accordance with the approved details.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

- (36) Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) a detailed Noise Assessment based on the layout of the dwellings to be submitted at the reserved matters stage and the Noise Assessment submitted at the outline stage (December 2016 ref: I&BPB5540R002F02), shall be submitted to the Local Planning Authority for approval in writing. The detailed Noise Assessment shall specify noise mitigation measures that shall be put in place to ensure that the predicted noise impacts as set out in the Noise Assessment (December 2016) are not exceeded. The development shall then be implemented in strict accordance with the requirements of the detailed Noise Assessment.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

- (37) Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety and amenity.

- (38) The visibility splays for the accesses hereby approved as shown on the submitted plans (namely drawing number F16038/02 Revision D and drawing number F16038/01 F) shall be provided prior to the first use access and shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety and amenity.

- (39) The landscaping details to be submitted in accordance with condition (1) above shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site to be retained and indicating the crown spread of each tree.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree.
 - (c) details of any proposed arboricultural works to any retained tree, which shall be carried out in accordance with British Standard 3998 (tree work).
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition “retained tree” means any existing tree which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees which are worthy of retention in the interests of the amenities of the area, ecology and biodiversity.

(40) The details submitted pursuant to condition (1) above shall include measures to prevent the discharge of surface water on to the public highway. The agreed measures shall then be retained in perpetuity.

Reason: in the interests of highway safety.

(41) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO_x/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimizing air quality impacts.

INFORMATIVES

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
2. 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 Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as 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 connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
3. The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
 - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water
 - Planning Committee Report - 1 March 2018 ITEM 2.4 64 should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.

- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
 - Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.
4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
 5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
 6. 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.
 7. The development shall be carried out in accordance with the information provided by SGN in their consultation response of 25 January 2017, including the requirement that any works within three metres of the high pressure gas pipeline should be hand-dug. Notwithstanding the submitted information, the precise position of the pipeline should be established on-site before further works are carried out.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by: Offering pre-application advice. Where possible, suggesting solutions to secure a successful outcome. As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

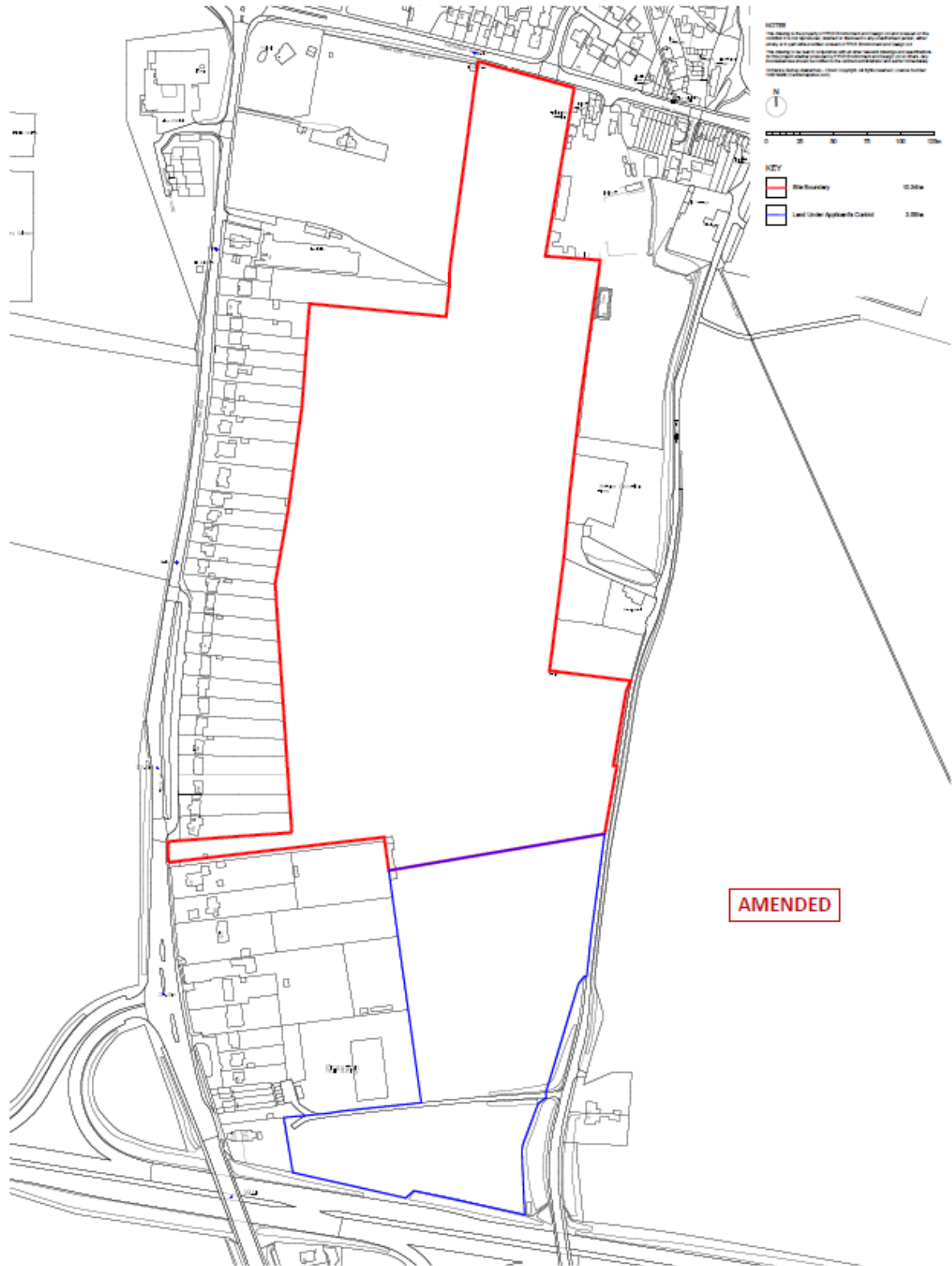
In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Appendices

- A. Planning Committee report – March 2018
- B. Minute of Committee meeting – March 2018
- C. Tabled update to Committee meeting in March 2018

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



APPENDIX A

2.4 REFERENCE NO - 16/508602/OUT		
APPLICATION PROPOSAL Outline application for erection of up to 250 dwellings with all matters reserved except for access		
ADDRESS Land At Preston Fields Salters Lane Faversham Kent ME13 8YD		
RECOMMENDATION Approval subject to a Section 106 agreement and conditions as set out below. See also paragraph 11.0 below.		
SUMMARY OF REASONS FOR RECOMMENDATION The development of up to 250 houses will provide much needed houses on an allocated housing site (see Policy A16 of Bearing Fruits 2031). The development would be in accordance with the Local Plan in this respect. The application has been considered against all other relevant policies within the Local Plan and the NPPF, and I have not identified any harm arising from the development that cannot be adequately mitigated.		
REASON FOR REFERRAL TO COMMITTEE Town Council objection		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Preston Field Land Trustees AGENT HOW Planning
DECISION DUE DATE 11/04/17	PUBLICITY EXPIRY DATE 14/09/17	OFFICER SITE VISIT DATE 01/02/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): A request for a Screening Opinion was made under the EIA Regulations for the residential development of the site. The Council concluded that the development did not require the submission of an Environmental Statement and was not EIA development. 16/505890/ENVSCR. Members may recall the approval of a planning application – on 27 March 2017 - for a mixed use development of housing (310 dwellings) and commercial use, including B Class uses, a hotel and care home (15/504264/OUT) at Perry Court – land to the west of the application site at Preston Fields and on the opposite side of Ashford Road (A251). The adjacent land – Orchard Cottage is the subject of the current planning application 17/502521/FULL		

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site is located to the south of Faversham on the south side of the A2 and approximately 340m from the town centre boundary. It lies 200 metres to the east of the junction between the A251 and the A2 and 80 metres to the west of Rose Terrace, which in turn is located just west of the junction. The site is a total of 10.25 hectares (25.9 acres) and comprises of a large agricultural field. Part of the site lies

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immediately to the east of the Faversham Town Conservation Area and 82 metres to the east of Orchard Cottages, a pair of early C19 semi-detached Grade II listed buildings. Preston-Next-Faversham Conservation Area lies 48 metres to the east of the site. A commercial business is run from the land at Orchard Cottage supplying traditional building materials and training events. Access to that site is from the A2 and lies 14 metres from the western boundary of the application site. Cherry Tree Cottages – Grade II listed buildings - lie 53 metres to the north-east of the application site and on the opposite (northern) side of the A2.

- 1.02 The majority of the western boundary of the application site abuts the rear gardens of properties fronting Ashford Road (A251). Faversham Laundry lies approximately 70 metres to the west of the site boundary. The majority of the eastern boundary abuts a KCC Highways depot and a Household Waste and Recycling Centre both of which are accessed off Salters Lane – a Rural Lane as designated under Policy DM26 of Bearing Fruits 2031: the Swale Borough Local Plan 2017 (SBLP). Part of the eastern boundary also adjoins what appears to be an inactive scrap metal yard and a small plot of land that is used as paddocks/open storage and Salters Lane. A short section of the eastern boundary also adjoins an Ambulance Station, which fronts onto the A2. The southern boundary of the application site adjoins agricultural fields that are within the same ownership as the application site. The wider surrounding area is characterised by open agricultural fields to the east, south and west. Suburban housing lies to the north of the site at a low-medium density. Beyond that, Faversham Town Centre is characterised by medium-high density housing and a mix of commercial uses. Abbey School – a Secondary Academy - lies 480 metres to the west of the application site.
- 1.03 The southern boundary of application site lies 252 metres to the north of the M2. The applicant has indicated with a blue line that they own the intervening land between the application site and the M2. There is an access track that crosses the 'blue land' from Salters Lane providing access to rear parking for a few of the properties fronting and close to Ashford Road. The land immediately to the south of the M2 is designated as an Area of High Landscape Value under Policy DM24 of the SBLP. Approximately 1.32km to the south of the site, and beyond the M2, lies the Kent Downs Area of Outstanding Natural Beauty (AONB). The site lies approximately one mile to the south of the Swale Special Protection Area (SPA), Special Area of Conservation and Ramsar site, which are designated on account of their ecological value.
- 1.04 The boundaries of the site largely consist of vegetation of varying heights, although some of the rear gardens of the Ashford Road properties have 1.8 to two-metre high close boarded fences. A two-metre high palisade fence runs along the majority of the eastern boundary of the site to secure the KCC Highways depot and the Household Waste and Recycling Centre. Where the site adjoins the A2, vegetation is sparse and the site is open to views from that road.
- 1.05 There is currently one vehicular access to the application site, from Ashford Road (A251) that is used by the farmer to access the fields. There is a bus stop on the A2 immediately to the north of the application site.
- 1.06 The land levels vary markedly across the site. The site gently rises from north to south with a more significant slope from west to east where the land falls by approximately five metres. Salters Lane sits above the level of the application site by approximately five metres. The Orchard Cottage site also sits higher than the application site by

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approximately three metres. At the front (north) of the site, the height above Ordnance Datum (AOD) is typically in the range 19 to 21 metres, while where the site adjoins Salters Lane (in the south-eastern corner), the typical height AOD is 27 metres, but drops down to approximately 24 metres towards the centre of the site. Where the site adjoins Ashford Road (between Numbers 93 and 97), the height AOD is typically between 34 and 35 metres AOD.

- 1.07 The application site falls within a housing allocation that is included within the SBLP – Policy A16 which seeks to enable the provision of a minimum of 217 dwellings, and which is set out in full below.
- 1.08 A high-pressure gas pipeline crosses the site from east to west close to its southern boundary.

2.0 PROPOSAL

- 2.02 This is an outline planning application for the provision of up to 250 dwellings within the site. Members will note that all matters, other than access, are reserved for future consideration in the event that planning permission is granted.
- 2.03 The Design and Access Statement sets out that the dwellings would be a maximum of 2 storeys in height and a mix of 2, 3, 4 and 5 bedroom properties. Two vehicular accesses are detailed at this stage with one provided onto the A2 and the other onto the A251. The access onto the A2 would lie roughly opposite no. 2 Preston Park and would be approximately 50 metres to the west of the Ambulance Station. The applicant proposes a simple priority junction with visibility splays shown as 2.4m x 69m. The access onto the A251 would be between nos. 93 and 97 Ashford Road with visibility splays of 2.4m x 114m. It would make use of an existing farm access and would require a ghost junction arrangement allowing vehicles to wait in the centre of the carriageway when turning right into the site.
- 2.03 The Illustrative Masterplan shows pedestrian access into the site from the adjacent Orchard Cottage land and out of the site to the proposed open space to the south. The Illustrative Masterplan shows houses laid out in a linear form reflecting the shape of the site. Some houses are arranged in perimeter blocks and there is a central green corridor that links the open space to the south to the open space to the front of the site, adjacent to the A2. A footpath is shown along this green corridor. A childrens' play area, attenuation pond and community orchard are shown to be provided towards the southern end of the site. The total area of open space is shown to be 3.15 hectares. A second attenuation pond would also be provided within the open space to the north of the site.
- 2.04 The indicative masterplan also shows a large area of land (3.52 hectares) to the south as being within the control of the applicant, but outside the application site boundary. This land is intended to function as natural, accessible open space and structural planting is indicated as being provided along the southern and eastern boundaries.
- 2.05 The indicative masterplan also shows planting along the east and west boundaries of the site and along the central green corridor.

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3.0 SUMMARY INFORMATION

	Proposed
Site Area (ha)	10.25 ha (25.9 acres)
Approximate Ridge Height (m)	8.5m (max)
No. of Storeys	2
No. of Residential Units	Up to 250
No. of Affordable Units	35% of total dwellings (88 of 250)
Open space on site	3.15 hectares
Open space off site	3.52 hectares
Density	35 dwellings per hectare

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance

Adjacent Conservation Area Faversham and Preston-next-Faversham

High Pressure Gas Pipe - Inner Zone

Landfill Waste Disposal Site PRESTON FORGE

Source Protection Zone 2 for groundwater

5.0 POLICY AND OTHER CONSIDERATIONSDevelopment Plan

5.01 Swale Borough Local Plan 2017: Bearing Fruits 2031 - ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (The Faversham Area and Kent Downs Strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP7 (conserving and enhancing the natural environment - providing green infrastructure), CP8 (conserving and enhancing the historic environment), A16 (Land at Preston Fields), 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 (water, flooding and drainage), DM24 (conserving and enhancing valued landscapes), DM26 (Rural Lanes), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM31 (agricultural land), DM32 (development involving listed buildings), DM33 (development affecting a conservation area), DM34 (Archaeological sites), IMP1 (implementation and delivery plan).

Policy A16 - Land at Preston Fields, Faversham – which allocates the land for residential development – reads as follows:

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“Planning permission will be granted for a minimum of 217 dwellings, landscape and open space on land at Preston Fields, Faversham, as shown on the Proposals Map. Development proposals will:

- 1. Accord with Policy CP4, in particular, demonstrating an integrated Landscape Strategy and a Landscape and Ecological Management Plan that shall include:
 - a. a large area of accessible natural greenspace in the southern part of the site, including a substantial area of woodland, orchard and meadow planting to help absorb the development into the wider landscape;*
 - b. a green corridor running through the centre of the development along the valley bottom;*
 - c. retention of a corridor view to Faversham and Preston Parish Church towers;*
 - d. a large green space adjoining Canterbury Road and the Conservation Area: and*
 - e. woodland/tree belt buffer on the north eastern boundary.**
- 2. Be of a high quality design, of mostly two storeys in height responding appropriately to the local character and distinctiveness of the Preston-next-Faversham Conservation Area;*
- 3. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 4. Provide pedestrian and cycle links within the development and to the adjacent network;*
- 5. Achieve a mix of housing in accordance with Policy CP3, including provision for affordable housing in accordance with Policy DM8;*
- 6. Submit a detailed heritage assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM32 and DM33. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation;*
- 7. Submit a noise assessment and implement any mitigation arising;*
- 8. Address air quality impacts arising in the Ospringe AQMA, including the implementation of innovative mitigation measures;*
- 9. Be supported by a transport assessment, to determine the need and timing for any improvements to the transport network, the phasing of development, the options for accessing the site and any transport improvements arising which shall be subject to developer contributions/provision; and*
- 10. Provide the infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, particularly health and education provision.”*

Kent Minerals and Waste Local Plan (KMWLP) (2016): Policies CSM5 (minerals resources); DM7 (safeguarding); DM9 (prior extraction).

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National Planning Policy

- 5.02 The National Planning Policy Framework (NPPF): paragraphs 7 (three dimensions of sustainable development), 8, 11 (presumption in favour of sustainable development), 12, 14, 17 (core planning principles), 30, 32, 36 (sustainable transport), 42 (high quality communications infrastructure, including broadband), 47, 50, 55, (delivering a wide choice of high quality homes), 56, 57, 58, 61 (good design), 69, 70, 72, 73, 75 (healthy communities); 103 (flood risk), 109 (natural environment) 110, 112 (agricultural land), 115 (AONB) 118, 119 (biodiversity), 120, 121 (contaminated land), 123 (noise), 124 (air quality), 128, 129, 131, 132, 137 (heritage), 142, 144 (minerals) 162 (infrastructure), 186, 187 (decision taking), 196, 197 (determining applications); 203, 204, 206 (planning obligations).
- 5.03 National Planning Policy Guidance (NPPG): Air Quality; Noise; Minerals; Design; Conserving and enhancing the historic environment; Natural environment; Planning Obligations; Use of planning conditions; Travel plans, transport assessments and statements; Water supply, waste water and water quality; Land affected by contamination; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.

Supplementary Planning Documents

- 5.04 Developer Contributions (2009)
- 5.05 Swale Landscape Character and Biodiversity Appraisal SPD (2011). The application site is identified as lying within the Faversham and Ospringe Fruit belt. The landscape is generally in a good condition with moderate sensitivity to change. The guidelines recommend that this landscape should be conserved and positive characteristics reinforced.

6.0 LOCAL REPRESENTATIONS

- 6.01 Thirty-five representations have been received from local residents. A summary of their comments is as follows:

Highways:

- Concerns about the location of the access onto the A2 and its proximity to other accesses nearby – potential for accidents;
- The development will add to congestion on local roads (which is considered to be significant, particularly on the A251 and the A2);
- The conclusions of the submitted Transport Assessment are doubted. It does not take account of all of the planned development in the area – including land adjacent Western Link Road and land north Graveney Road, both of which have planning permission;
- Minimal pedestrian crossings along the A2, which is therefore difficult to cross;
- The access onto the A251 is too close to an existing private road and the road is too narrow at that point to allow safe turning into and out of the site;
- Cycling will become even more dangerous on local roads due to an increase in traffic;
- There is no pedestrian crossing on the A251 and no footpath along one side;

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- Pedestrian bridges or underpasses should be provided by the developer for pedestrians crossing the A2 and A251;
- A rat-run will be created through the development to cut out traffic on the A2/A251;
- There is no pedestrian access to Abbey School from the site;
- Concerned that if the junction improvements secured through the Perry Court scheme don't come forward, the Preston Fields development will not have adequately mitigated against the highway impact;
- The Brenley Corner roundabout [Junction 7 of the M2] is already overcapacity;
- Highways England had concerns about the submitted highway information [their comments are summarised at paragraph 7.09 below];
- The grass verge opposite the Ashford Road properties is not highway land but is privately owned;
- Information provided about incidents of road traffic accidents on the M2;
- There should be no loss of the bus stop outside Preston Fields as part of the proposal;
- The relocated bus stop would be within the visibility splays for an existing access;
- The proposed pedestrian crossing point outside the Ambulance Station would be dangerous;
- Relocated highway signs should not encroach on private land and should not result in trees/hedges being cut back.

Environmental:

- The development will add to air pollution. The submitted air quality assessment over-estimates improvements in air quality;
- Prime/best and most versatile agricultural land [namely Grades 1,2 and 3a] would be built on;
- Extra light pollution;
- Impact on/loss of nature/wildlife;
- Questions over the robustness of the archaeological report.

Infrastructure:

- There is too much development planned in Faversham and not enough infrastructure and amenities to cope;
- Need for extra school places and medical facilities;
- Disturbance to residential amenity during construction;
- There is no overall plan for development in Faversham [Members will note that the site is one of a number allocated in the Swale Borough Local Plan 2017];
- There should be a balance between the provision of housing across the Borough as a whole [Members will appreciate that the Swale Borough Local Plan 2017 seeks to achieve this].

General:

- This site is a better location for development than Perry Court [see outline planning permission 15/504264/OUT] as it will have less visual impact;
- Concern about the loss of high-quality greenfield sites close to the AONB;
- Being south of the A2 and disconnected from Faversham Town Centre, new residents will be more likely to travel to the town by car as opposed to crossing the busy A2;
- The development is at odds with the Town Action Plan 2020 [which is not referred to in the adopted Local Plan, Bearing Fruits 2031], which seeks to enable the town to

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reconcile its important historic heritage and character with a more controlled rate of growth;

- Loss of privacy to Ashford Road properties;
- This development and the Perry Court development will change the character of the area from rural to urban;
- Residents from the development will walk to the town via Preston Park, adding to existing anti-social behaviour;
- Development on the south side of the A2 is not sustainable;
- Concern that the application was 'premature' [the application was submitted prior to the adoption of the Local Plan, though Members will appreciate that the Plan has now been adopted];
- There is no need for this development;
- Villages should be expanded instead of Faversham town.

6.02 The South East Ambulance Service has no objection to the proposal.

6.03 The Mayor has submitted some comments on the proposal and asks that consideration is given to safeguarding a route for a potential future road running east-west across the southern end of the site as a way of relieving pressure along the A2. Alternatively, a road could be provided to the rear of the Ashford Road houses. The pedestrian and cycle routes through the site are commended. She suggests that the houses close to the town could be higher density and she encouraged a good mix of house types including disabled and bungalows. Roofs should face south and there should be electric car charging points provided within the development. Allotments instead of a community orchard is suggested. Suggestions of part of the site being used for a park and ride and light industrial development are given and self-build or community trust land was suggested.

7.0 CONSULTATIONS

7.01 Faversham Town Council object to the application on the grounds that further information is needed on traffic, noise and air quality impacts. They also state that there is an unknown impact from other developments around the town in terms of traffic and that the scheme is of a poor design in terms of the siting of the community orchard and play area.

I have re-consulted the Town Council on the Technical Note, January 2018, but at the time of writing this report had not received any response from them.

7.02 The Rural Planning Consultant notes that the application site is allocated for housing within the adopted Local Plan and that, having considered [as part of the process leading to the adoption of the Local Plan] land of a lesser quality, the loss of best and most versatile agricultural land was considered necessary in terms of the planned growth of the Borough.

7.03 The Health and Safety Executive do not advise against the development on safety grounds in terms of the presence of a high pressure gas pipeline. They provide guidance on housing development within the inner, middle and outer zones of the pipeline noting that there should be no more than two dwellings within the inner zone and no more than 30 dwellings or 40 dwellings per hectare in the middle and outer zones. They recommend consulting the pipeline operator – Southern Gas Networks.

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Members will note condition (23) below, which is designed to ensure that these stipulations are satisfied.

- 7.04 Southern Gas Networks do not advise against the development but note that there is a critical valve for the high pressure gas pipeline and the developer needs to design around the fenced off area. They also note that all works will need to be hand-dug within 3 metres of the pipeline and that there should be no properties within the building proximity distance (9m either side) of the pipeline and easement (8 metres in width – 4m either side). Vehicle crossings should be at 90 degrees to the pipeline. Members will note condition (11) below, which requires the submission and approval of a Code of Construction Practice, which will include a section to address these points.
- 7.05 Kent Police note that there has been no communication with them by the applicant to discuss the reduction and prevention of crime. They recommend a condition to require further details of how the development will incorporate measures to minimise the risk of crime.
- 7.06 KCC Ecology note the need for a payment (of £281 per dwelling) to be made towards mitigation measures against recreational disturbance within the Special Protection Area. They are satisfied with the surveys undertaken in respect of bats, reptiles and great crested newts. The surveys identify that there is limited potential for protected species to be found on site but recommend a precautionary approach. They recommend a condition to secure this precautionary approach. They note the presence of Japanese Knotweed and suggest a condition to ensure that this is safely removed from the site. They also recommend a condition to secure ecological enhancements within the development.
- 7.07 The Head of Housing seeks to secure 35% (88) affordable housing across the development. The mix of affordable properties should be proportionate to the open market homes and evenly distributed across the site. There should be a 90:10 split in favour of affordable rented housing – 79 affordable rent and 9 shared ownership. They seek a small number (namely four units) of “adapted” affordable housing.
- 7.08 Natural England do not object to the application but note the requirement for contributions towards the Swale SPA and Ramsar site. They note that the site is close to the AONB and advise the Local Planning Authority (LPA) to consider local and national policy guidance on this potential impact. They also advise the LPA to consult with the relevant AONB Partnership or Conservation Board.
- 7.09 The Environmental Protection Team Leader notes that the site lies close to (1.2 kilometres east of) the Ospringe Air Quality Management Area (AQMA). He notes that an Air Quality Assessment has been submitted with the application and that this identifies that only one site receptor, at 21 Ospringe Street, would exceed the annual NO₂ (nitrogen dioxide) mean value of 40 ug/m³. The report states that this location is already exceeding this value and will continue to do so without this development even taking place. It considers that at this, and at all the other receptor points, the impact of this development is ‘not significant’ using the IAQM and EPUK guidance. The Air Quality Assessment had originally suggested that no mitigation measures were required. However, following discussions, further information was submitted to set out a Damage Cost Calculation of £225,513 and various mitigation measures. The Environmental Protection Team Leader accepts the Damage Cost and mitigation measures proposed.

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- 7.10 In terms of noise, the application is accompanied by a noise report. The Head of Environmental Protection notes that the main noise sources identified are from road traffic noise from the A2 and M2 as well as the KCC Depot and waste recycling centre and Faversham Laundry. The noise report identifies that mitigation measures in the form of improved glazing would be necessary for properties within the site, a two-metre-high noise barrier along the eastern boundary with the KCC depot and A2 and a 57m buffer zone for the A2 and M2. A four-metre high bund close to the boundary with the M2 was suggested but later removed following discussion with the applicant. The supplemental noise report concludes that the four-metre-high bund is not necessary. He notes that some external areas of the development would exceed 55 db (decibels) but that in accordance with Government Guidance, this can be accepted where necessary. The phase 1 contaminated land assessment concludes that an intrusive investigation is necessary and the Environmental Protection Team recommends a suitably worded condition to secure this.
- 7.11 The Lower Medway Internal Drainage Board confirm that the site is outside of their district. Should off-site discharge be proposed, it is essential that runoff rates are not increased beyond that of the Greenfield site.
- 7.12 Highways England originally objected to the scheme on the grounds that inadequate and possibly inaccurate information had been submitted in respect of the impact of the scheme on the strategic highway network. They were particularly concerned about the impact on junctions 6 (southern junction, with the A251) and 7 of the M2 (with the A2 and A299). They noted that traffic counts took place at the end of the school year when traffic was not typical and questioned the assumption made on traffic distribution. They were also concerned about the impact of the access onto the A251 in respect of potential queuing along the A251 onto the M2 junction 6 turn-off. Consequently they requested that a full right-hand turn lane into the application site was provided. They requested a Non-Motorised Audit and Road Safety Assessment be submitted. They also asked for an assessment of junction 6 (south) of the M2 and identified that junction 7 of the M2 is already at capacity and is very sensitive to additional traffic. Further evidence was required to consider the impact on this junction noting that any assessment should consider the end of the Local Plan period. Following the receipt of further information on the highway impact, to address their concerns, Highways England comment that they are now content that the technical assessment of the impacts on the strategic road network is fit for purpose and reasonable. They recommend securing a contribution through a Section 106 agreement for improvements to the A2/A251 junction (of £87,000). In respect to M2 Junction 7, they have examined the contributions provided from the nearby Perry Court and Love Lane consented schemes to calculate what they consider to be an appropriate contribution to the scheme. They request a sum of £53,200.
- 7.13 The Environment Agency (EA) originally objected to the application on the grounds that insufficient foul drainage information had been provided to demonstrate that the site, being located within Source Protection Zone 2 for groundwater (very sensitive), would not be harmful to groundwaters. They requested confirmation that the foul drainage would be connected to the public foul sewer and also that the local sewage undertaker confirmed that there was capacity to accept foul sewage from this development. They have reviewed the Additional Drainage Works document produced by Royal Haskoning, which is dated May 2017.

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The document provides a clear indication that the foul drainage solution for this site will be to connect to the public foul sewer. The document recommends that 'a planning condition is attached to the planning permission to ensure that the S98 sewer requisition is undertaken at the detailed design stage of the project'. They agree with this recommendation, and reiterate their previous comments that we would object to any alternative methods of foul disposal given the size of this development.

- 7.14 Southern Water confirm that they cannot accommodate the needs of the development without the provision of additional local infrastructure. They suggest a condition to secure this. They note that surface water drainage cannot rely on public surface water sewers as there are none in the area. They note that the application details make reference to SUDs and that long term maintenance of these should be secured.
- 7.15 KCC Flood and Water Management initially stated that insufficient information had been provided in respect of water flow routes from off site – in particular, the existing culvert under the M2. If this water flow is not managed correctly, there is potential for on-site flooding to occur and for flood risk to increase elsewhere. They also note that as all surface water will need to infiltrate to the ground, an investigation as to whether this is feasible should be undertaken. They highlight the adjacent landfill site and the need to factor this into drainage designs. They also request details of volumes of attenuation storage and soakaways. In response to additional drainage information, they accept the assumptions and recommendations provided to carry out the detailed design work. They accept the location of the attenuation pond as long as there is sufficient capacity. They recommend conditions to establish the details of discharge zones and locations, given the sensitivities of the groundwater in the area and conditions to secure details of the drainage scheme for the site, including a maintenance and management plan.
- 7.16 The NHS have requested contributions towards primary care infrastructure for either Newton Place Surgery or Faversham Medical Practice. The total contribution is calculated as £225,000.
- 7.17 KCC Development Contributions Team request contributions towards primary and secondary education, community learning, libraries, youth services and adult social care. The total contribution sought, based on the provision of 250 dwellings was initially £2,242,201.69. They also ask for 2 wheelchair adaptable homes delivered as part of the on-site affordable housing and recommend an informative to encourage the provision of high speed fibre optic Broadband. However, the applicant challenged the contribution sought for primary school places (namely £6,000 per applicable house and £1500 per applicable flat, or a maximum of £1,500,000 if 250 applicable dwellings were to be built) and the County Council conceded that a contribution for primary school places was not required, stating among other things:

"...previous assessments based upon earlier birth and migration information in Faversham had indicated a deficit for Primary places in Faversham when adding in previous developments within the Town. Updated Education information and forecasts for Faversham, now going beyond the 2021 horizon previously, using latest data from the Health Authority (including pre school children born up to 31 August 2016) identify going forward rolls in 2022 will be slightly lower than previous 2021 rolls, hence a small surplus arising by 2021-2022 of now 89 places.

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As this development is forecast to generate 70 Primary places, there will therefore now be sufficient places to accommodate this development in Primary schools locally.”

In the light of the increased contribution for secondary education (amounting to £1,028,750 assuming 250 houses) and given that a primary school contribution is no longer being sought, the total amount requested is £1,770,951.60.

- 7.18 The Kent Downs AONB Unit note that the development has the potential to impact on the setting of the AONB but also notes that careful planting and control of storey height would provide adequate mitigation for potential impacts. They are concerned that woodland planting along the southern boundary is not shown to be provided on the plans and that the southern parcel of land is outside of the application site making it more difficult to control mitigation measures.
- 7.19 KCC Archaeology note that the submitted Desk Based Assessment underplays the potential for archaeological finds within the site. Fieldwork in the area around Faversham that the road has been an attractive location for settlement and burial activity from Roman and Saxon times. The prehistoric potential of the area is also pretty much evident from the fieldwork and other discoveries that have taken place on the lands around this corridor. Recent evaluation on the proposed development at Perry Court has revealed an extensive Romano-British landscape with some elements of prehistoric focus. Fieldwork in the fields to the east of Salters Lane have revealed Iron Age remains including kilns, while the HER records Palaeolithic hand axes having been found close by to the site but south of the motorway. The archaeology of the site can be addressed through a condition on the planning consent that secures evaluation in the form of geophysical survey and subsequent mitigation through excavation and/or preservation of significant archaeology that may warrant such an approach.
- 7.20 Kent County Council (KCC) Highways and Transportation acknowledge that the application site does form one of the allocated sites within the emerging Swale Borough Local Plan, and is therefore being promoted by the Local Planning Authority with support from Kent County Council, as appropriate for delivering a proportion of the Borough’s housing needs over the Local Plan period. As with any highway works affecting the public highway, it is expected that the proposed designs should be accompanied by a Stage 1 Road Safety Audit at the submission of a planning application. Additionally, the Highway Authority would also require a list of any departures from standards associated with the design of these junctions, in order that they may fully consider the acceptability of any of these prior to detailed design. The adequacy and accuracy of the drawings, proposed junctions and visibility splays was questioned. KCC Highways and Transportation also question the traffic count data in respect of the time of year being atypical of normal traffic conditions and they stress that this development cannot rely on the Perry Court highway improvement to come forward. They suggest that the developer should engage with local bus operators to explore what enhancements could be made to the bus services in the area to encourage the use of public transport. This could include measures such as increased frequency, route changes, bus stop improvements and additional bus stop provision. In addition, the subsidised bus travel for new residents could be promoted, as has been agreed with the nearby Perry Court development. Opportunities should be investigated for connecting the development more suitably to the local area, and keeping cyclists off-carriageway for the maximum distance possible. A more pedestrian appropriate form of crossing for the A2 is required. It will also be expected that the footway proposed along the A2 should extend further to link up with the existing provision at

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the junction of the A251 and beyond to Abbey School. This development should also consider linkage opportunities to the committed development at Perry Court, so that it can take advantage of routes being provided within that development that connect to the wider network.

Having reviewed the submitted Safety Audit for the two accesses, they are content with the reports. However, they seek a 3.5m wide right turn lane and 3.4m wide through lanes for the A251 access. They are also content with the additional information in respect of traffic flows and they are satisfied that the internal road layout of the proposed development can be “tortuous” enough, combined with the proposed improvements to the A251/A2 junction, to avoid any noticeable volume of rat-running between the two proposed accesses. They are therefore satisfied that the traffic distribution through these two junctions is appropriate. The applicant has now acknowledged the impact of their development on the A251/A2 junction, and the responsibility they have to contribute towards the proposed improvement scheme planned for this junction to support the Local Plan growth. Using the proportional impact levy used on other developments identified to provide funding for the improvements, the figure of £87,900 will be the amount required from this proposed development site. They are satisfied with the approach to public transport initiatives and also accept the location of the pedestrian crossing and footpath arrangements along the A2. The visibility splays shown for both accesses are accepted. Specialist kerbing or waiting restrictions should be provided along the A2 frontage of the site to prevent parking along this stretch of road. This can be achieved via a Section 278 agreement.

In response to the latest set out drawings/information, KCC Highways and Transportation accept the road widening to enable the ghost right-turn junction on the A251, they accept that there is no requirement for a new bus stop to be provided on the A251, they recommend that the existing bus stop on the A2 retains its position (which will act as a traffic calming measure) but ask that a bus shelter and paving is provided, they re-assert their desire for a footpath along the southern side of the A2 from the site access to Abbey School, they discourage the tactile paving close to the Ambulance Station and ask for further clarification on the sustainable transport contribution and discounted/free bus travel for residents of the development. They suggest a number of conditions in respect of highway matters, which are included below.

KCC Highways and Transportation have provided further comments in response to the Technical Note (January 2018). In summary, no objection is raised provided that an amended plan is received showing the footway leading from the site access to the bus stop to be widened to two metres. The memo also sets out the requirements of KCC in respect of the required pavement along the southern side of the A2 between the site access and the vehicular entrance to Abbey School. The applicant has agreed to provide this, and the mechanisms for its delivery are dealt with elsewhere in this report.

- 7.21 The KCC Planning Applications Team submit a holding objection in respect of the Minerals Assessment which they wish to seek legal advice on.
- 7.22 The Greenspaces Manager notes that the proposal generally provides an adequate amount of open/green space facilities. The linear greenspace and indicative location of play facilities provides appropriate natural surveillance over both. While the play area can provide traditional play, given the wider landscape there is also an opportunity

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to include more imaginative natural play elements. It is envisaged that the facility will be provided as a minimum to a LEAP (Local Equipped Area of Play) standard. The latest draft of the new Open Spaces Strategy encourages developers to find an alternative (transfer open space to a management company) for future maintenance of open space rather than the Council taking ownership and responsibility.

- 7.23 He seeks contributions towards off-site facilities for allotments and formal sports. Allotment contribution for Faversham Town Council toward bringing St. Nicholas Road Allotment site back into use, and Formal Sports Contribution toward enhancing capacity and facilities within the town. Allotment - £40.00 per dwelling, Formal Sport - £593.00 per dwelling.
- 7.24 The Economy and Community Services Manager raises no objection. As set out below, the Section 106 Agreement will need to include clauses in respect of the use of local labour, apprenticeship provision and the use of local suppliers.

8.0 BACKGROUND PAPERS AND PLANS

Site location plan; Illustrative Masterplan; Framework Plan; Transport Assessment; Surface Water Assessment; Planning Statement; Statement of Community Involvement; Economic Impact Assessment; Draft Section 106 Agreement; Residential Travel Plan; Noise Assessment; Landscape and Visual Appraisal; Land Quality Assessment; Design and Access Statement; Arboricultural Report; Heritage Assessment; Flood Risk Assessment; Air Quality Assessment; Air Quality Mitigation; Noise Report Addendum; Additional Drainage Works; Transport Assessment reports/correspondence to address comments from HE and KCC Highways and Transportation; Non-Motorised Audit Report; Road Safety Audit Report; Technical Note – Summary of Post Consultation Submission (transport / highway issues); and Minerals Assessment.

9.0 APPRAISAL**Principle of Development**

- 9.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 state that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.02 The application site lies within land that has been allocated for housing under Policy A16 (which is set out in full in section 4 above) of the adopted Local Plan - Bearing Fruits 2031: Swale Borough Local Plan 2017. The principle of housing development on this land has therefore been clearly established.
- 9.03 Members should consider the emerging Local Plan as a material planning consideration. The Local Plan Inspector's Report for the current adopted Local Plan, dated 20 June 2017, said as follows:

"In the light of the consultation responses and discussions and taking account of evidence regarding highway infrastructure that emerged during the resumed hearings, it has become clear that in order to be capable of adoption the Plan should be subject

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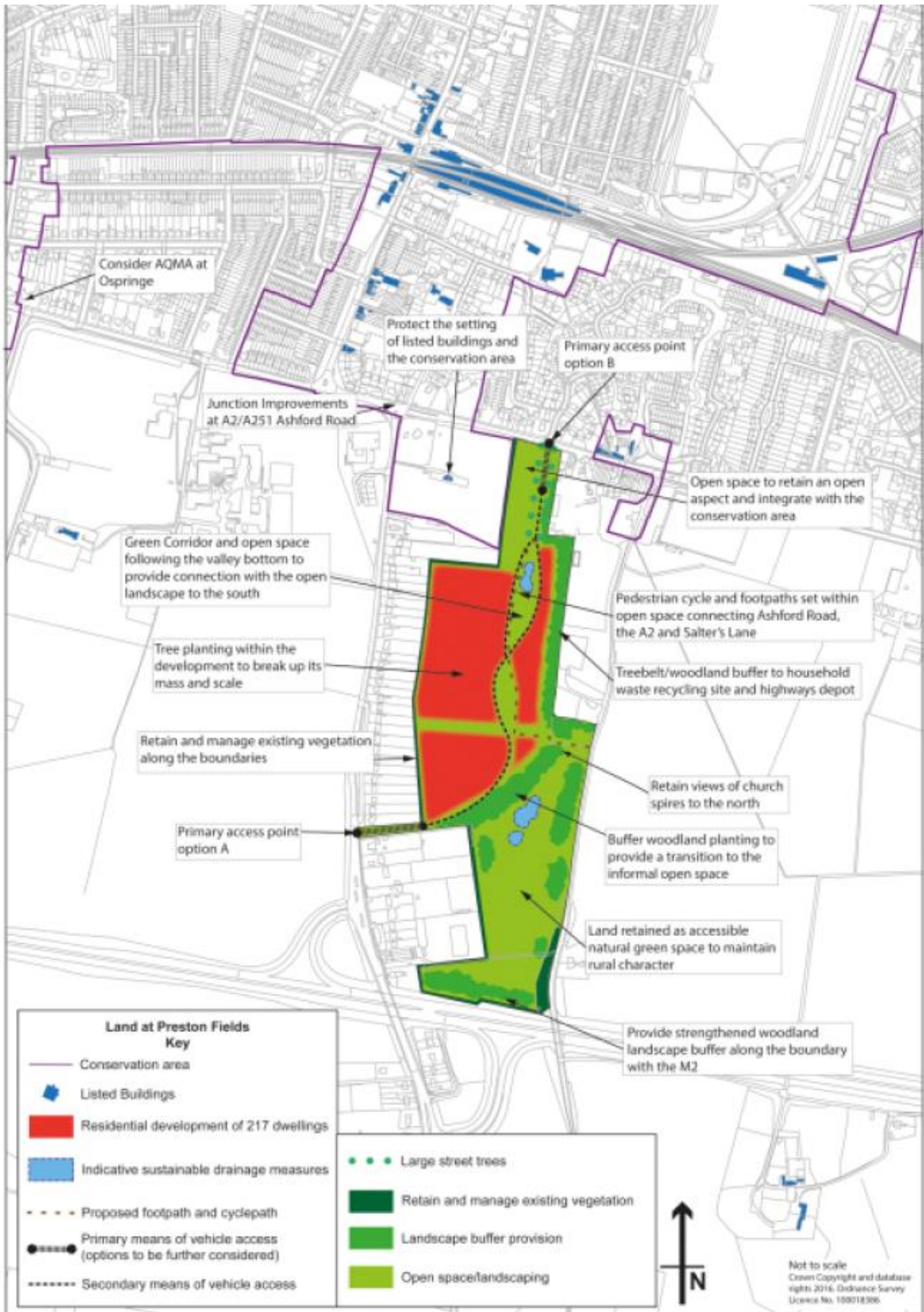
to an early review. I have therefore amended the Council's proposed modification to Policy ST2 (MM42) to include a commitment to an early review."

- 9.04 Policy ST2 now commits the Council to undertaking a review of the Local Plan, which is to be programmed for adoption by April 2022. The work necessary to inform and underpin this early review of the Local Plan has already commenced with the Local Planning Authority initiating a 'Call for Sites' on 4 August 2017 as well as work on transport modelling. The Preston Fields site will not be affected by this review other than in an overarching sense that work is underway in addressing the housing and infrastructure needs of the Borough as a whole.
- 9.05 In accordance with the above legislation, I cannot identify any material planning considerations that would indicate that this application should not be approved in line with the Development Plan. The following discussion will deal with the relevant planning considerations in turn, identifying any potential harm and suggesting appropriate mitigation measures where necessary.

Visual/Landscape Impact

- 9.06 At a National Level, the site lies within the North Kent Plain (National Character Assessment) and is within the 'Eastern Fruit Belt' as identified by the Kent Landscape Character Assessment (2004). On a local level, the site is identified as being within the Faversham and Osgringe Fruit Belt by the Swale Landscape Character and Biodiversity Appraisal (2011). Key characteristics of this landscape type that are relevant to the application site are:
- *Gently undulating landscape that steadily climbs southwards;*
 - *Mixed geology of head brickearth, Thanet beds drift, clay-with-flints and chalk;*
 - *Small to medium-scale orchards and large open arable fields;*
 - *mature fragmented hedgerows supplemented with post and wire fencing;*
 - *Motorways, A and B roads, narrow winding lanes.*
- 9.07 The guidelines for the Faversham and Ospringe Fruit Belt encourage the conservation and reinforcement of the landscape and built form and go on to recommend particular types of trees and shrubs as well as finishing materials for buildings.
- 9.08 The application site does not hold a landscape designation but the supporting text to Policy A16 (housing allocation) notes that the site makes a positive contribution to the heritage setting of the town and its rural setting and views. The supporting text also notes that it has a moderate sensitivity to change and that development should be confined to the central area of the site with open space retained to the north and south. The Development Concepts plan contained within the supporting text to policy A16 (see below) shows a large area to the south being retained as accessible natural green space with a woodland buffer to the southern boundary, to the centre of the site and along the eastern boundary. A green corridor is also shown along the centre of the site and an area of open space provided to the north of the site to retain an open aspect from the A2 and to integrate with the Conservation Area.

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9.09 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by “*Protecting and enhancing valued landscapes, geological conservation interests and soils*”. Policy DM24 of the adopted Local Plan states that ‘*The value, character and tranquillity of the Borough’s landscapes will be protected, enhanced and, where appropriate, managed.*’ For non-designated landscapes (Preston Fields) Policy DM24 states that they will be protected and enhanced and planning permission will be granted subject to ‘*the minimisation and mitigation of adverse landscape impacts...*’. The Policy refers to the Swale Urban Extension Landscape Capacity Study (2010) which considers the landscape impact of extensions to Faversham and other urban areas in the Borough. The Landscape Capacity Study found that the valley side west of Salters Lane (incorporating the site) was particularly well contained and that the expansion of residential development and some small scale commercial development could potentially be accommodated in areas which are well contained, both physically and visually. The recommendation with regard to the valley side between the A251 and Salters Lane is noted as a potential development location. The study recommends the following:

- *Respect the setting of Listed Buildings and Conservation Areas in any new development proposals;*
- *Conserve the rural approach to Faversham, and the compact nature of the urban extent;*
- *Conserve existing vegetation east of housing along the A251 and reinforce to form a stronger vegetation belt;*
- *Increase planting around the household waste recycling centre to help screen/soften it in views from the west;*
- *Create hedgerow along Salters Lane to help contain any further development;*
- *Conserve and strengthen existing vegetation belts along the railway line to the north and along the A2 and M2; and*
- *Utilise existing shelter belts to help provide a landscape framework for, and screening of, any further development.*

The submitted Landscape and Visual Appraisal refers to this study and draws on its findings.

9.10 The submitted Landscape and Visual Appraisal considers the landscape character of the application site and its surrounding context. It also considers its sensitivity to change and the likely impact of the proposal on the quality and character of the landscape from key ‘receptors’ – i.e. view points. Careful consideration is given to the adjacent Conservation Areas – Faverhsam and Preston-Next-Faversham. It goes on to make recommendations about the position of the buildings and key landscape features in order that the impact on the landscape is minimised and any harm is mitigated. In summary, the appraisal concludes that the landscape and scenic quality of the site is ‘ordinary’ and that the value of the landscape for the application site is considered low and of local importance. It concludes that the site has a medium susceptibility to change being a ‘settlement fringe landscape’ and being contained by existing built form to the east and west boundaries. Views of the site (from public areas) are mostly afforded from the east along Salters Lane and the south at overbridges at the M2 with glimpsed views from footpaths (ZF21 and ZF25) to the east and views of the site from the Ashford Road properties are limited by the length of the rear gardens of these properties and existing and proposed soft landscaping.

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- 9.11 The submitted Illustrative Masterplan and Framework Plan has been guided by the conclusions of the Landscape and Visual Appraisal. Buildings are shown to be contained within the middle of the site with open space to the south and north and structural/buffer planting to the southern and eastern boundaries. Dwellings would be set away from the eastern boundary of the site where it abuts Salters Lane (a Rural Lane – Policy DM26) with a ‘light’ screen of trees here, helping to maintain the open aspect of the road at this point. Lower density housing is suggested in the Landscape and Visual Appraisal at the southern end of the site but this would be for the reserved matters application to deal with. The ‘structural planting’ would be in the form of native species and a mix of shrub, hedgerow and tree planting. The submitted Landscape and Visual Appraisal concludes that:

‘A successful detailed design response would complement the adjoining townscape to the west and north to implement a residential development appropriate to the urban fringe location. The proposals will also create a transition edge to the settlement, screened by established buffer planting and informal open space across the south eastern reaches of the development.’

Overall, the LVA concludes:

‘...a suitably scaled and designed residential development would cause localised landscape and visual effects, but can deliver a number of landscape and visual benefits.’

- 9.12 The proposal in respect of the areas of planting and position of buildings is largely consistent with the Development Concepts plan (see above) contained within the adopted Local Plan for this allocation. The main difference is the indication on the proposed plans that dwellings would be located adjacent to the Conservation Area to the east. The impact of the development, and specifically the location of dwellings along this boundary, upon the Conservation Area and listed buildings, will be discussed below.
- 9.13 The land to the south of the site is outside of the red line/application site. The application details confirm that this is intended to be accessible open green space and structural planting is shown along the eastern boundary. Exact details of how this land will be landscaped and managed have not been provided under this application. However, the land is within the applicant’s control and so I am confident that we will be able to secure these details via a Section 106 agreement or condition. We can ensure that appropriate planting is provided to the southern boundary of this land, adjacent to the M2 in accordance with the Development Concept plan (above) and we can ensure that details of how the land will be managed are provided. Subject to securing this long-term management and planting to the southern land, I am satisfied that from a landscape impact point of view, the development would cause no significant harm and that appropriate mitigation measures in the form of structural planting can be achieved at this site. Any impact on the AONB would be limited given the significant distance between the application site and the AONB to the south, the intervening M2 and the proposed structural planting which will screen the development from a number of vantage points.

Agricultural Land

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9.14 The application is not accompanied by an Agricultural Land Classification Report but I am aware that the land is identified as grade 1 and 3a by the post 1988 Agricultural Land Classification data. It is therefore classed as 'best and most versatile' for the purposes of planning policy. Although Members will note Policy DM 31 of the adopted Local Plan, which relates to agricultural land, and Paragraph 112 of the NPPF, in this case I consider that the overriding argument in respect of the loss of best and most versatile agricultural land is that the need for housing outweighs the need for agricultural land and the fact that this site is included as a housing allocation in the adopted Local Plan.

Heritage Impact

9.15 The Planning (Listed Building and Conservation Areas) Act 1990 at section 66(1) states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authorityshall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

9.16 In respect of Conservation Areas, Section 72 gives local authorities a general duty to pay special attention *'to the desirability of preserving or enhancing the character or appearance of that area'* in exercising their planning functions. The Act does not make specific provision with regard to the setting of a Conservation Area, this is addressed within the adopted Local Plan Policy DM33 and under section 12 of the NPPF.

9.17 The key heritage assets in respect of this site and upon which the development might have an impact are as follows:

- Non-designated heritage assets – potential archaeological finds (Roman, Saxon, Prehistoric);
- Designated heritage assets – Faversham Conservation Area, Preston-Next-Faversham Conservation Area,
- Designated heritage assets - Listed buildings: - Orchard Cottages, Gazebo, Former Cherry Tree Public House, Cherry Tree Cottages, Outhouse attached to the right of No. 3 Cherry Tree Cottages, The Windmill Public House and Thatched Cottages.

9.18 The significance of each heritage asset must be considered as part of the planning process. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.

9.19 Policy DM34 of the adopted Local Plan states that there is preference to preserve important archaeological sites in-situ and to protect their setting. Development that does not achieve acceptable mitigation of adverse archaeological effects will not be permitted. KCC Archaeology note that the submitted Desk Based Assessment underplays the potential for archaeological finds within the site. However, they are content that the archaeology of the site can be addressed through a condition on the planning consent that secures evaluation in the form of geophysical survey and subsequent mitigation through excavation and/or preservation of significant

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archaeology that may warrant such an approach. I have recommended such a condition. I therefore consider that the development would comply with Policy DM34 in securing appropriate mitigation for archaeological findings at this site.

- 9.20 Policy DM32 of the adopted Local Plan states that development affecting the setting of a listed building will be permitted provided that the building's special architectural or historic interest and its setting are preserved. Most of the listed buildings close to the site and noted above are located on the opposite (northern) side of the A2 to the application site. The submitted Heritage Assessment argues that '*views to and from the majority of these buildings in the direction of the development are blocked by modern development*'. The impact on the setting of these listed buildings will be minimal in my view. The closest listed building to the site is Orchard Cottage. This is an early 19th century two storey building with weatherboarding and slates to the roof. The building is surrounded by gardens which comprise the majority of its setting with the application site also falling within the wider setting. The submitted Heritage Statement notes:

'Some additional tree planting may be required along the north-western perimeter of the site to block views to and from the Listed Building [Orchard Cottage]. This would ensure that its setting and significance is not impacted upon by the development proposals.'

I am in agreement with this statement and conclude that the development would preserve the setting of the listed building and/or would have no direct impact on the setting of the listed buildings further away and on the other side of the A2.

- 9.21 In terms of Conservation Areas, the closest to the application site is the Faversham Conservation Area. The relevant Conservation Area Appraisal states:

"The London Road itself has for some long time been seen to mark the southern edge of Faversham where the town ends and the countryside begins. In practice, this sharp divide is no longer as well defined as it once was, but on the southern side of London Road close to the junction with Ashford Road two early C19 brick and weather-boarded cottages are still to be found set deep within a patch of old orchard at the end of an unmade track, so that their peg-tiled roofs are viewed across the tops of old fruit trees. Just here, therefore, is a fragment of 'rural Kent' positioned right alongside the southern edge of the town. Despite the rather lacklustre appearance of the orchard (a collection of rather randomly spaced trees of varying sizes, varieties and vigour) the traditional Kentish character of the houses, the orchard setting, and the position on the very edge of Faversham town are in combination such that this remains a rather special place." (paragraph 11.2)

- 9.22 The submitted Heritage Assessment notes that:

"Sensitive landscaping and design would be required, along with a set-back of development in this area, in order to ensure that the setting and significance of the Conservation Area is not impacted upon by development of the site."

- 9.23 This proposed landscape arrangement is also supported by the submitted Landscape and Visual Appraisal. Members will have noted in the discussion on landscape impact above that the Illustrative Masterplan shows buildings further forward within the site and closer to the A2 than the 'Development Concepts' plan (see above) indicates. It is

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not clear from the submitted Heritage Assessment as to the extent of the setback suggested. However, assuming that the setback was to completely avoid dwellings abutting the adjoining Faversham Conservation Area (as shown on the Development Concepts plan), further consideration must be given to the impact of dwellings along this boundary.

- 9.24 As noted above, this part of Faversham Conservation Area is characterised by the orchard setting of the traditional listed Kentish cottages. Of key importance therefore is the preservation of this character. The Illustrative Masterplan shows buildings being set back from the A2 by approximately 70 metres and approximately half-way along the boundary with the Conservation Area. Whilst the details of the development will be considered at the reserved matters stage, given the indication of the extent of housing on the Illustrative Masterplan, it is prudent to consider how the development might be designed to ensure that the setting of the Conservation Area is preserved. As the submitted Heritage Assessment suggests, landscaping and design will be of key importance as well as building height and for that matter the relative ground levels between the sites. It is of note that the part of the application site adjacent to the Conservation Area currently sits at a lower level than the Conservation Area by approximately 1.5m, possibly more. I have recommended a condition to ensure that there is a maximum building height of 8.5m – the height of an average 2 storey dwelling. This is not only for the purposes of limiting the impact on the Conservation Area but also the impact on the landscape. Ground levels would also be controlled by condition with further details sought at the detailed stage. I would also suggest that any dwellings adjacent to the Conservation Area are of low density and of a design that reflect the Kentish rural cottage character of Orchard Cottages but this can be considered in more detail at the reserved matters stage. The critical issue at the outline stage is the need for a robust soft landscaping screen and limiting the height of the properties in my view. In addition to these measures, a key consideration in this case is the potential future development of the Orchard Cottage site. Members may be aware of a current planning application 17/502521/FULL for the retention of the listed cottages and erection of 9 new dwellings which would be sensitively arranged and designed to preserve the setting of the listed building and the character and appearance of the Conservation Area. Whilst this application is undecided, Officers have given a clear indication that the principle of new housing within the Conservation Area would be acceptable. To prevent housing within the Preston Fields application site, adjacent to the boundary of the Conservation Area, would seem to be unreasonable and unnecessary given the potential development on the adjacent site and the measures that can be put in place (as noted above) to limit the impact. I am therefore of the view that the proposed development would preserve the character and appearance of the Faversham Conservation Area.

- 9.25 Preston Next Faversham is the next closest Conservation Area - 48 metres to the west of the site where it adjoins the A2. This was a small hamlet on the Canterbury Road that used to be separated from Faversham. However, it has been absorbed into the built form and urban fabric of Faversham as the town has extended along the A2 corridor. The conservation area appraisal summarises that:

“The cluster of buildings on the northern side of Canterbury Road, together with Mill House and Cottage on the south side of the road, is therefore the important historic record of earlier times in Preston Next Faversham when it was a small, free standing settlement. The surviving vernacular architecture continues to be of sufficient strength

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to constitute a place of both special historic interest and local distinctiveness.”
(paragraph 12)

- 9.26 Given the proposed set-back, by 70 metres, of the buildings from the A2 as shown on the Illustrative Masterplan and the presence of intervening buildings of varying age and architecture, I consider that the impact of the proposed development on the setting of this Conservation Area would be very limited. I therefore consider that the development would preserve the setting of the Preston-Next-Faversham Conservation Area.

Residential Amenity

- 9.27 The proposed development would have a limited impact on local residents in terms of potential for overlooking, overshadowing or overbearing. The properties most likely to be affected by the development in this respect are located along Ashford Road and back onto the western boundary of the site. These properties have on average 50m long rear gardens and a large number of them have 6ft high fence panels along the boundary with the application site. The details of the housing layout are not known at this outline stage but I am content that the proposed development would be very unlikely to have any notable harm on the residential amenities of the existing properties.
- 9.28 Disturbance during construction will no doubt be an inconvenience to some local residents. However, such disturbance is a necessary result of the need to build more houses and it must be acknowledged that it will only be for a temporary period. I have recommended a condition to limit the impact of construction activities at the site and consider that this will be adequate. In terms of anti-social behaviour from local residents walking to the town centre, there is no reason to believe that residents of the Preston Fields development would display anti-social behaviour and I do not consider this to be a planning concern.
- 9.29 As noted above, the details of the housing layout are not known at this stage but I am content that the number of dwellings proposed within the site area available would not result in an overcrowded scheme, noting the density of approximately 35 dwellings per hectare. The reserved matters application will consider issues of overlooking between new properties, adequacy of garden size and dwelling size. Open space is shown to be provided within the development for the benefit of its future residents as well as existing residents of the wider area. The supporting text to policy AX16 requires an area of open space of 3.2 hectares. The proposal would provide 3.15ha of open space plus an area of 3.52 ha to the south to be kept as accessible open space. I have recommended a condition to secure the on-site open space and a clause within the Section 106 to secure the off-site open space. At this outline stage, I cannot identify any barriers to achieving a good quality living environment for its future residents.
- 9.30 The application site lies adjacent to some noisy sites/uses – Faversham Laundry, KCC Highways Depot, Faversham Recycling Centre, the A2, A251 and M2. In response to this, the applicant has submitted a Noise Assessment. This sets out details of a Noise Survey that was undertaken to establish the baseline conditions within the around the site. A scrap metal yard is noted to the south of the recycling facility but due to inactivity, this did not generate a noise disturbance. Details of the operational activities of the Faversham Laundry, KCC Depot and the Waste Recycling Facility were all noted:

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- Faversham Laundry – operates between 0800-2230 weekdays and 0800-1630 at weekends. Noise generated from mainly HGVs but some from the operations within the building itself;
- KCC Depot – no time restrictions operation but it was clear that the majority of the operations take place during the day with only 2-3 HGV movements at night. Noise generated from HGV movements;
- Waste Recycling Facility – operate 0800-1630 Monday – Saturday and 0900-1600 on Bank Holidays and Sundays. Noise generated from machines, compressors, scrap metal handling, loading and unloading skips etc.

9.31 The calculated noise levels from the surrounding noise generating uses ranged from 50.5 dB – 72.9 dB during the day and between 48 dB – 69.2 dB during the night with the noisiest areas being on southern boundary of the 'blue edged land' and the eastern boundary adjacent to the recycling centre. The World Health Organisation (WHO) recommended maximum external noise level is 55dB and maximum internal noise level is 35 dB for bedrooms and living rooms. It is therefore clear that the properties that are to be sited close to the boundaries of the site will need to have appropriate noise mitigation. The Noise Assessment suggests that glazing will need to be of a type ('silence double glazing or similar) that will reduce internal noise levels by up to 39.2 dB. The Assessment also suggest that appropriate ventilation systems are considered from the properties close to the boundaries as this will enable windows to remain closed (giving optimum noise mitigation) whilst providing adequate ventilation to rooms. The Noise Assessment notes:

“The detailed design of the proposed properties will affect both the required sound reduction performance and the appropriate selection of glazing units. The aspects of the detailed design that are important are the room dimensions, room finishes, window dimensions and the sound reduction performance of non-glazing elements. Further detailed consideration of the glazing components will be required by the eventual developer of the site once the detailed design is confirmed.”

9.32 I have therefore recommended a suitably worded condition (see condition (31) below) to ensure that a further noise assessment is carried out based on the housing layout and building design to be considered under the reserved matters application. The reserved matters application will need to carefully consider which of the properties requires special double glazing and ventilation systems to ensure that the internal noise environment is acceptable.

9.33 In terms of further mitigation, the Noise Assessment recommends that the dwellings should be a minimum of 57m from the A2 and M2. In this case, the Illustrative Masterplan shows that the houses would be at least 70 metres from the A2 to the north. It should be noted that the highest noise readings were from the southern boundary of the 'blue edged land', adjacent to the M2. No housing is proposed in this area. In fact, the houses would be a minimum of 235 metres from the M2 and would therefore be consistent with the recommendations of the Noise Assessment. The original Noise Assessment considered the need for a 4m high bund along the M2 boundary. However, an addendum to the Noise Assessment has been submitted which considers the noise impact of the M2 at 235 metres to the north and where the nearest housing is proposed. This demonstrates that the noise levels reduce significantly to a maximum of 56.7 dB, only just above the recommended 55 dB, even without the 4m high bund. The bund is therefore no longer proposed.

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- 9.34 For external noise, the Noise Assessment acknowledges that the noise levels might exceed 55 dB in some rear gardens and recommends that two-metre-high boundary fences are provided along the boundaries as well as setting the gardens away from noise sources. Again, this detail will need to be finalised at the reserved matters stage. The Assessment notes that the WHO guidelines acknowledged that 55dB will be exceeded in cases where development is in urban areas or close to strategic transport networks and that a compromise between elevated noise levels and other factors such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. The potential exceedance of the 55dB for rear gardens is accepted by the Environmental Protection Team Leader and I am of the view that the development of this site, to meet the housing needs of the Borough in a sustainable way, will mean that the exceedance of 55dB is an acceptable compromise in this case. Moreover, the submitted Noise Assessment is based on an assessment of the whole area of the site allocation. I am positive that the reserved matters detail will show housing set back from the A2, and planting (the Ecological Assessment refers to 5m wide planting along this boundary) and solid boundary treatment to the western and eastern boundaries therefore resulting in an acceptable external living environment.
- 9.35 Overall, I consider that the development will have no undue impact on the residential amenities of existing properties that lie close to the site and that the development would provide an acceptable living environment for its future residents.

Highways

- 9.36 The application is accompanied by a Transport Assessment (TA) which examines the existing conditions of the local highway network, committed developments, road safety record and accessibility. It then considers the traffic generation from the proposed development, assesses the off-site highway impact and details site access arrangements. Finally it discusses opportunities for residents of the new development to travel by sustainable modes.
- 9.37 It is fair to say that as originally submitted, the TA was not accepted by either Highways England or KCC Highways and Transportation in terms of the data presented, its assumptions and its suggested off-site highways mitigation measures and site access details. After extensive negotiations and the submission of additional and amended information (Members will have noted the Technical Note, dated January 2018), including safety audits, Highways England and KCC Highways and Transportation have accepted that there would be no harm to the highway network that cannot be adequately mitigated. This is subject to a number of conditions and contributions towards highway improvements.
- 9.38 In terms of the impact of the development on the local highway network, the main consultees have accepted (as noted above) that the development would not generate traffic that would be at a level that cannot be absorbed, subject to some off-site highway improvements. In terms of sustainable travel, the development has the potential to provide safe cycle routes within the site (to be secured at the detailed stage) and on and off-site pedestrian footpaths are proposed to be provided/improved with links to Abbey School, the town centre and the Perry Court development as well as a potential footpath connection to the Orchard Cottage site which would link with the new development there, should planning permission be granted. The bus stop on the A2

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would also be retained and improved. I provide a summary of the main off-site highway works/contributions below:

- Pedestrian crossing to the A2 – tactile paving and central pedestrian refuge provided close to the junction with the A251;
- Pedestrian footpath on the southern side of the A2 from the site access to the junction with the A251 and beyond to the entrance to the Abbey School;
- Improvements to the existing bus stop on the A2, close to the new site access with a reconstructed footway provided from the access to the bus stop;
- Discounted/free bus travel for future residents (consisting of a 7-Day Swale Megarider Ticket for six months at a cost of £364 per dwelling)
- £87,000 towards an improvement scheme of the A251/A2 junction to be delivered by KCC
- M2 junction 7 improvement - £53,200.

9.39 In terms of the site accesses, the developer is proposing a ghost right-turn junction (with some road widening) to access the site from the A251 and a standard priority junction to access the site from the A2. The visibility splays and safety of these accesses has been accepted by KCC Highways and Transportation. With regard to the A251 access, the applicant has confirmed that the northern visibility splay crosses land that Kent County Council have confirmed makes up part of the public highway, and at no point conflicts with third party land to the east.

9.40 I therefore consider that, subject to appropriate mitigation as noted above and the suggested conditions dealing with highway matters, the development would have no harmful impact on the local or strategic highway network and would support sustainable modes of transport.

Ecology/Biodiversity

9.41 Natural England do not object to the application noting that there would be no significant impact on the SPA subject to contribution towards the Thames, Medway and Swale Estuaries Strategic Management and Monitoring (SAMM) Strategy. 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.* For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) require the Council to make an appropriate assessment of the implications for the site. An Appropriate assessment is appended.

9.42 The application is accompanied by an Ecological Assessment, which considers the existing site conditions and the nature conservation value, details the results of site surveys for amphibians, reptiles, badgers, and bats, identifies potential impacts on ecological features and suggests mitigation measures to minimise the negative impacts. It also suggests enhancement measures that could be put in place at the site.

9.43 The results of the surveys are as follows:

- No evidence of badgers was found at the site.

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- There were no trees or buildings found within the application site that have the potential to support roosting bats but parts of the site were suitable for foraging and commuting and the bat survey recorded two species on site.
- There are no habitats within the proposed development site which are considered suitable for Schedule 1 bird species and the proposed development site is not expected to be 'functionally linked' to the Swale SPA/Ramsar site.
- There was no evidence of dormice or Great Crested Newts.
- No reptiles were recorded during the reptile presence / absence surveys and therefore it is anticipated that there are no reptiles present within the survey area and the proposed area of works.
- Young Japanese knotweed plants were noted within the southern area of the proposed development site. The affected area is approximately 10 square metres. Mitigation measures to treat this species will be required if any further works are planned in this area, particularly as it is offence to plant or cause Japanese knotweed to spread in the wild under the Wildlife & Countryside Act 1981.

9.44 In terms of mitigation measures, any site clearance to be carried out within the nesting season will need to be preceded by surveys to check for the presence of nests. Impacts on bats as a result of the works are likely to be restricted to disturbance / displacement of commuting and foraging bats as a result of general site presence, noise, and lighting. Lighting should be carefully controlled therefore. An Invasive Species Management Plan (ISMP) will need to be agreed with the Environment Agency prior to the commencement of any on-site works in respect of the Japanese knotweed. In addition to these specifically targeted mitigation measures, the Ecological Assessment refers to 'embedded mitigation' which is in the form of the green infrastructure within the development. The Ecological Assessment notes:

"The concept masterplan for the proposed development will be designed in such that the most valuable ecological resources will be retained within the interconnected network of green infrastructure that also retains the existing corridors for wildlife movement within the proposed development site and beyond.

Part of the proposed development includes the development and implementation of landscape mitigation measures which include planting of native tree and shrub species along the eastern site boundary, creating green infrastructure areas to the north and south of the site as well as green corridor running through the middle of the Site. The area south of the access track is to remain green."

9.45 KCC Ecology accept the findings of the Ecological Assessment and recommend conditions to secure appropriate mitigation and ecological enhancements within the site. Subject to these conditions, I consider that the development would cause no harm to ecology/biodiversity.

9.46 An Arboricultural Report has been submitted in support of the application. This identifies 112 trees within, or partly within, the application site and the 'blue edged land' to the south. The trees are located mainly on the site boundaries and a large proportion of which are within third party land. One tree was considered to be high quality (category 1) – Beech, four were in very poor condition and the remaining trees were either low or moderate quality. The high quality Beech tree is located outside the application site and within the rear garden of one of the Ashford Road properties. Generally, we would seek to retain as many of the trees as possible. Where they fall outside of the application site, measures should be taken to ensure that they are

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protected from harm during construction. I have recommended a suitably worded condition to ensure that protection is provided and that any trees within the site that are of good quality are retained.

Minerals

9.47 The application site lies within a Minerals Safeguarding Area for Brickearth designated through Policy CSM5 of the Kent Minerals and Waste Local Plan (KMWLP) (2016). The applicant has submitted a Minerals Assessment in accordance with the requirements of the supporting text to Policy AX16 (the allocation), which states that the quality and quantity of the mineral and the practicalities of prior extraction should be investigated via a Minerals Assessment in line with the safeguarding mineral and prior extraction policies contained within the Kent Minerals and Waste Local Plan.

9.48 The applicant has approached Weinberger who are the main manufacturer of bricks in Kent. They carried out a site visit and a number of sample tests. They confirmed that the site has previously been subject to extraction but that:

“Initial indications show brick earth to be between 0.6 meters to 1.5 meters from the limited tests we carried out this indicates that there is a significant amount of brick earth on site, as such if the site was to be developed we would have an interest in the brick earth were it to become available, just to give you an early guide if we take the site area and an average of the depth of the brick earth based on the limited investigation it appears there is around 170,000 tonnes on site which could run our site at Sittingbourne for around 4.5 years”.

9.49 However, the applicant’s planning agent argues that because of the costs involved in the extraction and the practicalities of removing the brickearth, the site should not be the subject of prior extraction as it would not be viable to do so. Difficulties of prior extraction are suggested in terms of the need to import soil following extraction (and the significant cost of that), the environmental impact on local residents in terms of noise and dust and harm to the local highway network. In addition, they argue that it would result in the delay of the delivery of the houses on site.

9.50 In considering the need for prior extraction of brickearth at this site, the applicant and the Council have sought to clarify the application of Policy DM 7 of the Kent Minerals and Waste Local Plan. This policy is worded as follows:

Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

- 1. the mineral is not of economic value or does not exist; or*
- 2. that extraction of the mineral would not be viable or practicable; or*
- 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
- 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
- 5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*

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6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or

7. it constitutes development on a site allocated in the adopted development plan.

- 9.51 KCC have indicated that criterion 7 (indicated in bold) does not apply to allocations within the adopted Swale Borough Local Plan 2017 because the policies were being formulated at the same time as the Kent Minerals and Waste Local Plan and therefore did not fully consider the implications of the safeguarding policies. Swale Planning Officers have obtained a legal opinion from Counsel on this stance by KCC, as have the applicant's planning agent. Both legal opinions make it clear that Policy DM7 of the Kent Minerals and Waste Local Plan must be read and applied at face value and that there is no legal justification for applying the policy in any other way.
- 9.52 KCC have, as set out above, submitted a holding objection to this application on the grounds that they do not agree with this approach and are seeking their own legal opinion on the matter. KCC's holding objection is a material planning consideration but it does not, and should not in my view, hold up or complicate the issuing of a decision on this application. If the Policy DM7 is applied at face value (as instructed by our legal advice), because the application site is a housing allocation within the adopted Local Plan, it is an exception from the minerals safeguarding requirement and prior extraction is not required. However, our legal advice rightly points out that we must also consider any material planning considerations. In this case, as I set out above, the supporting text to Policy AX16 requires that the quality and quantity of the mineral and the practicalities of prior extraction should be investigated. The applicant's planning agent has done this (to a certain extent).
- 9.53 In light of the fact that the development would be compliant with relevant policies within both the Kent Minerals and Waste Local Plan and the Swale Borough Local Plan, and given the difficulties highlighted in the prior extraction of brickearth from the site and the implications in respect of the delay in the delivery of much needed housing, I am of the view that prior extraction is not required in this case.

Environmental Impacts

- 9.54 The applicant has submitted a Phase 1 Risk Assessment for contaminated land which identifies the sensitivity of the site, being underlain by a Principle Aquifer and within a Groundwater Protection Zone. The report identifies that there is potential for contaminated land at this site and it recommends intrusive investigations to facilitate the collection of soil samples. The Environmental Protection Team Leader and the EA accept the findings of the report and recommended conditions to secure the further investigations as noted and appropriate remediation measures. The EA required extra assurance that the foul drainage would be connected to a foul sewer and that there is capacity for this to happen. The EA were satisfied that the additional drainage information submitted, plus the conditions suggested below, would address their initial concerns.
- 9.55 In terms of drainage, the applicant was asked to submit additional detail in the form of a report demonstrating that both foul and surface waters could be adequately managed

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within the site. This is not only to address groundwater protection issues and sewage infrastructure capacity but also surface water flooding. The report identifies a culvert that runs beneath the M2 and drains into the site and this additional surface water is taken into account in the suggested drainage solution for the site. The principles of Sustainable Urban Drainage (SUDs) are to be followed. These include: consideration of the groundwater protection zone with 'treatment' of surface water recommended; no use of soakaways for dwellings close to the eastern boundary adjacent to the close landfill site so as to limit the risk of leaching contaminants; attenuation ponds are proposed for the northern and southern ends of the site. In respect of foul drainage, the report confirms:

“The site foul water drainage connection will be connected to the Southern Water sewer network by a new connection obtained through a S98 [of the Water Industry Act 1991] sewer requisition. At detailed design stage an application will be made to Southern Water for a S98 sewer requisition which will identify a point of connection to the existing sewer network, and any requirements for additional infrastructure or upgrading of the existing Southern Water sewer network. It is recommended that a planning condition is attached to the planning permission to ensure that the S98 sewer requisition is undertaken at the detailed design stage of the project.”

- 9.56 I have suggested a suitably-worded informative, because it is considered that a condition to ensure that this S98 application is not justified.
- 9.57 With regards to air quality, the site is 1.2km to the east of the Ospringe Air Quality Management Area (AQMA) and a proportion of the traffic travelling to and from the development is likely to pass through it. Any additional traffic generated by the proposed development has the potential to add to air pollution within the AQMA and so this impact must be carefully assessed. The test to be applied is whether the development would result in a significant effect on human health as a consequence of increased air pollution. The key contributors to air pollution are nitrogen dioxide (NO₂) and fine particulates (PM₁₀). The standards and Objectives have been prescribed through the Air Quality (England) Regulations (2000), and the Air Quality (England) (Amendment) Regulations 2002. In respect of NO₂ and PM₁₀s the Objective is 40µg.m⁻³ as an annual mean. If this figure is exceeded, the Objective is not met and this indicates that there could be harm to human health. The applicant has submitted an Air Quality Assessment to consider the impact of the proposed development on air quality within the AQMA and it then goes on to consider the significance of the effect on human health.
- 9.58 The Air Quality Assessment sets out that annual mean NO₂ concentrations were predicted to exceed the relevant air quality Objective at one receptor (21 Ospringe Street) out of twenty-seven. The Assessment shows that the Objective is exceeded at this location (within the AQMA and a street canyon, where elevated pollutant concentrations are anticipated) regardless of whether the development goes ahead or not. Annual mean NO₂ concentrations were below the annual mean air quality Objective at all other receptor locations. Concentrations of PM₁₀ were predicted to be below the respective annual mean Objectives at all receptor locations. The Assessment also considers the impact on future residents of the development in terms of air pollution but concludes that the site is suitable for residential development use with regard to air quality.

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9.59 The Assessment concludes that development traffic impacts upon local air quality are not significant based upon:

- A negligible impact on all modelled pollutant concentrations was predicted at all receptor locations with the exception of one (21 Ospringe Street) in the Opening Year (2021) scenario. The moderate adverse impact predicted at that 'receptor' in the (2021) Opening Year Scenario equates to only a 0.20µg.m-3 increase in NO2 concentration when rounded to two decimal places. There are exceedances of the air quality objective, both 'without' and 'with' the development in place;
- The development traffic was not predicted to cause a breach of any of the air quality Objectives at any of the identified sensitive receptor location; and
- The impact predictions are considered to be conservative, with the assessment taking no account of future improvements to baseline air quality.

9.60 The Environmental Protection Team Leader accepts the findings of the report and its conclusions but required the developer to give further consideration to air quality mitigation measures. The developer has agreed to a damage cost of £225,513. This money must be allocated to air quality mitigation measures which would include: use of public transport incentives to promote and encourage the use of public transport facilities, which could include discounted bus ticket prices or free taster tickets for residents of the site; setting up of a walking to school club to promote safe walking journeys to the local schools; and organisation of sustainable transport events, once the development is 75% occupied, to promote the sustainable transport options available to residents. Given the conclusions of the Air Quality Assessment in respect of there not being a significant impact on air pollution/effect on human health, I consider that these mitigation measures are acceptable. I therefore conclude that there would be no additional significant harm to human health as a consequence of increases in air pollution as a result of the proposed development.

9.61 The applicant has confirmed that although the information submitted in respect of traffic flow and highway safety has been updated in response to matters raised by Highways England and KCC Highways and Transportation, the anticipated changes in vehicles movements as a result of the development have not changed from those in the original Transport Assessment. The applicant's air quality consultant has also commented:

"The Air Quality Assessment traffic flow data has recently been updated following a previous email sent from Emma Eisinger (previous Case Officer on the scheme) in December 2017. This email requested for the traffic flows to be updated to reflect previous comments raised by Highways England and Kent County Council. These comments are outlined below:

- *Highways England raised comments in relation to the distribution of development traffic at the M2 Junction 7.*
- *Kent County Council raised comments in relation to methodology used to distribute the development traffic.*

The comments raised by Highways England resulted in the distribution model being updated at the M2 Junction 7 to assign more traffic through the junction and towards Canterbury and Dover. This did not however change the distribution of development traffic along the A2 and A251, as it simply distributed traffic that was already assigned

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eastbound along the M2 through this junction. This methodology was agreed with Highways England and therefore had no effect on the Air Quality Assessment study area.

The comments raised by Kent County Council regarding the distribution methodology were satisfied following completion of a third Technical Note, dated May 2017, by providing further evidence/detail as to why the current distribution model should be valid. This was agreed with Kent County Council and therefore no changes to the distribution model were made.

In lieu of the above, the only change to the Air Quality Assessment traffic flows was that they were updated to reflect a future year of 2031, in keeping with the end of Local Plan period. These updated traffic flows were issued to you on 11 December 2017, to be forwarded on to Royal HaskoningDHV for assessment.

Further to issuing these updated traffic flows, you subsequently received an email from Alasdair Baxter, of Royal HaskoningDHV, confirming that the original traffic data based on the opening year only, concluded that no further assessment was necessary, and given that the development traffic flows haven't changed, there should be no requirement to update the Air Quality Assessment.

Overall, the results of the previous Air Quality Assessments should continue to be valid and no amendments to the assessment should be required.”

- 9.62 In the light of this, I conclude that the previously calculated damage cost calculation remains appropriate.
- 9.63 As noted above (at Paragraph 6.01), a third party has expressed the view that additional light pollution will result from the development. While some additional light pollution is to be expected, given that 250 dwellings are to be built on land previously used for agriculture. Noting the relatively contained location, and the proximity to existing, light-generating land uses, and that the Environmental Protection Team Leader raises no objection to the application, I consider that unacceptable impacts in this regard will not result.

Infrastructure

- 9.64 The development would introduce up to 250 new households to Faversham. Such an increase in population will undoubtedly have an impact on existing local services and facilities, including education, social services, health care and open space/sports facilities. Having consulted various stakeholders, the applicant has been asked to make various contributions towards local infrastructure. The following obligations and contributions are required for this application. The applicant has - except where specified - agreed to a Section 106 agreement to include the following:
- SAMM (SPA mitigation) - £281 per dwelling;
 - Secondary education – further to paragraph 7.17 above, KCC have recently submitted an increased request of £4115 per house and £1029 per flat (the original request being £2359.80 per applicable house and £589.95 per applicable flat) and amounting to £1,028,750 assuming a development of 250 houses;
 - Libraries - £230.09 per dwelling;
 - Community learning - £60.43 per dwelling;

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- Youth services - £55.55 per dwelling;
 - Social care - £262.94 per dwelling;
 - Bins - £92 per dwelling;
 - NHS – £225,000 total
 - Off-site highway contribution (M2 junction 7) - £53,200
 - Off-site highway contribution (A2/A251 junction) - £87,900
 - Discounted residents tickets for bus travel (this will consist of the '7-Day Swale Megarider' ticket for six months to be provided for each dwelling, at a cost of £364 per dwelling);
 - Off-site allotment - £40.00 per dwelling
 - Off-site formal Sport - £593.00 per dwelling (see comments from Greenspaces Manager attached);
 - 3 wheelchair adaptable homes as part of the affordable housing requirement;
 - Residential Travel Plan;
 - 35% affordable housing with a 90:10 split between affordable rent and shared ownership, with proportionate mix spread across the site; four units of wheelchair adapted accommodation are also sought; the applicant has agreed to the 35% affordable, but discussions in respect of the other points are on-going;
 - Section 278 Agreement to require off-site highway works in respect of a pedestrian crossing at the A2, the delivery of a new footpath on the southern side of the A2 to connect the application site to the A251, and a bus shelter and paved waiting area to existing bus stop on A2 (east of the site), and localised carriageway widening to the A251 as shown on drawing F16038/O2 Revision F;
 - Provision and landscaping of, and on-going maintenance/management, of land to the south (edged in blue) as accessible, natural open space.
 - Local Labour and Apprentiships provisions are required, and the Economy and Community Services Manager advises that "...he anticipates training outcomes, largely within the context of apprenticeship opportunities provided". He also expects that the use of local labour and suppliers will be optimised; and
 - A monitoring and administration fee.
- 9.65 With regard to Primary education - £6,000 per applicable house and £1500 per applicable flat was initially requested. However, as set out at paragraph 7.17 above, the applicant has successfully challenged the justification for this contribution so it will no longer be imposed.
- 9.66 With regard to air quality mitigation measures (see paragraph 9.57 above, which sets out the potential mitigation measures) – as explained above, the sum of £225,513 has been calculated through a damage cost calculation process; Members will note that mitigation to this value (in the form of a set of measures) will need to be secured via a suitably-worded planning condition, rather than a payment of this sum of money being included in the Section 106 agreement.
- 9.67 With regard to the pavement link between the A251 and Abbey School – the applicant has agreed to provide this pavement (for a total length of approximately 500 metres), which would extend up to the existing vehicular access to the school from the access to the development site (see condition (36) below). However, it is possible that the pavement may need to be provided by KCC Highways, rather than by the applicant, and in this eventuality a payment would need to be made by the applicant to cover the cost incurred by KCC. I therefore seek authority to include an appropriate payment in the Section 106 agreement, if appropriate.

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- 9.68 Members will note that there is a contribution towards off-site sports facilities as opposed to the provision of on-site sports facilities (as encouraged in the supporting text to Policy AX16). The Greenspaces Manager accepts this arrangement and has identified that the money can be allocated to improvements to existing sports facilities in the town.

Other issues

- 9.69 Policy DM26 of the adopted Local Plan refers to Rural Lanes and seeks to prevent development that would physically, or as a result of traffic levels, significantly harm the character of the rural lane. Development should have particular regard to their landscape, amenity and biodiversity, amongst other issues. Salters Lane is to the east of the application site and is classed as a Rural Lane. The proposed development would not have an access onto Salters Lane, thereby limiting the physical impact on its character. The Landscape and Visual Appraisal considers the character of Salters Lane and suggests that the planting of trees along the boundary of the application site where it abuts the lane should remain limited to ensure that the open aspect is retained. The appropriateness of this approach can be assessed in more detail as part of the reserved matters application. The houses are not shown to be located directly adjacent to Salters Lane. Indeed, the Illustrative Masterplan shows them as being 60m away from Salters Lane, again preserving the open aspect of Salters Lane at this point. From the detail provided at this stage, there is no indication for the need to remove existing vegetation along the boundary with Salters Lane and as such, I do not consider that there would be a negative impact on biodiversity. In terms of traffic levels, given the fact that the two proposed accesses are onto the A2 and A251, most traffic generated by the development would directly affect these roads. Whilst there may be some limited increase in traffic travelling along Salters Lane as a consequence of this development, it is unlikely to be at a level that would detract from its rural character. I therefore consider that the development would have no undue impact on the rural lane.
- 9.70 The application is accompanied by an Economic Impact Assessment. This sets out the economic benefits of the development including the creation of construction jobs, household expenditure and, an increased pool of labour for local businesses. In response, the Economy and Community Services Manager states: "*Broadly speaking the document appears to have used standard data sets, although some of the assertions made are not fully justified within the document.*" The report also mentions the New Homes Bonus but I do not consider this to be a material planning consideration in this case.
- 9.71 Members will have noted, at paragraph 1.08 above, that a High Pressure Gas Pipe crosses the site close to the southern site boundary. The consultation responses from the Health and Safety Executive and Southern Gas Networks, at paragraphs 7.03 and 7.04 above, will also be noted. Condition (23) below will ensure that no dwellings are located within nine metres either side of the pipeline, and that the number of dwellings in the 'middle' and 'outer' zones are limited in number in accordance with the advice from the relevant consultees.

10.0 CONCLUSION

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- 10.01 This application is for housing development on land that is allocated for housing within the adopted Local Plan. The principle of this development has therefore already been established. The loss of Best and Most Versatile agricultural land is regrettable but necessary given the housing needs of the Borough. This approach is supported by adopted Local Plan Policy DM31. The only detail to be considered at this outline stage is access. Both Highways England and KCC Highways and Transportation have carefully considered the traffic impact and the details of the access. Despite having to seek additional information and amended plans, the highways issues have been resolved and as set out above, I have concluded that the impact on highway safety and amenity would not be harmful and/or any harm can be adequately mitigated.
- 10.02 The impact on the landscape character and appearance has been carefully considered. The site is contained to the north, east and west to a large extent by existing buildings and sits at a lower level than the A2, Salters Lane and the A251. These existing features greatly reduce the impact on the landscape in my view. Subject to the planting of appropriate tree and hedge screening, I consider that this development would result in no significant harm to the landscape character and appearance of the area. The impact on the AONB has been assessed as being neutral and there would be no harmful impact on the adjacent rural lane (namely Salters Lane), in my view.
- 10.03 The application site lies adjacent to Faversham Conservation Area and is close to the Preston-Next-Faversham Conservation Area. The site also lies within the setting of Orchard Cottage, a grade II listed building. The impact on the setting of these heritage assets has been carefully assessed and I have concluded that the development would preserve these settings. The set back of the housing from the A2 and careful planting along the western boundary responds to the heritage assets positively. The reserved matters application will be able to consider this in more detail with careful attention paid to the scale, height, density and architectural design of the dwellings. In terms of potential archaeological finds, the KCC Archaeological Officer considers that there is more potential for archaeological finds at the site than the submitted Heritage Assessment asserts. However, he is confident that a suitably-worded condition (see condition (13) below) will be sufficient to safeguards this non-designated heritage asset.
- 10.04 I have considered the impact of the development on existing local residents and have not identified any harm or harm that cannot be mitigated by way of restricting hours of construction etc. The impact of noise from existing noise sources i.e. roads, KCC Depot etc. has been considered and I have given the findings of the noise survey and submitted Noise Assessment due weight. Various noise mitigation measures have been suggested within the Assessment and these have been agreed with the Environmental Protection Team Leader. The development as shown on the Illustrative Masterplan does not present an overly dense scheme and I am confident that the reserved matters application will be able to accommodate up to 250 dwellings without resulting in poor relationships between dwellings or inadequate amenity/open space. Moreover, I have suggested a condition (see condition (5) below) to secure the required amount of public open space within the site.
- 10.05 The application is accompanied by, among other documents, an Ecological Assessment and an Arboricultural Assessment, which demonstrates that the impact on ecology and biodiversity would be acceptable, subject to various mitigation measures. The developer has agreed to the payment of the SAMMs contribution (of

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£281 per dwelling) to go towards SPA mitigation measures. I therefore consider that the impact on the SPA in terms of recreational disturbance would be acceptable.

- 10.06 The applicant has submitted a Minerals Assessment which concludes that it would not be viable to extract brickearth from the site prior to the commencement of the housing development. I agree with this conclusion noting that the development would comply with the Kent Minerals and Waste Local Plan in respect of being exempt from the minerals safeguarding policy owing to its allocation within the adopted Local Plan.
- 10.07 In terms of contaminated land and drainage/flood risk, I am satisfied that the details submitted demonstrate that the land can be developed without presenting an unacceptable risk to groundwaters, human health and surface water flooding. In terms of air quality, I am satisfied that the development would not have a significant impact on existing levels of air pollution within the AQMA and surrounds and would not therefore have a significant effect on human health. Air quality mitigation measures have been proposed by the application and, as set out above, the Environmental Protection Team Leader agrees to the suggested damage cost calculation (see paragraphs 9.54 to 9.59 above).
- 10.08 In terms of infrastructure, the development would make contributions towards secondary education, social services, health and other key local facilities. These are necessary to ensure that the new residents introduced to the area as a consequence of living at the new development would not overburden the existing facilities and/or that the existing facilities have adequate capacity. The developer has committed to providing 35% affordable housing on the site and this would comply with policy DM8 of the adopted Local Plan.
- 10.09 The developer has set out the economic benefits of the development and these are acknowledged.
- 10.10 Having considered the relevant planning policies, comments from consultees and local residents, I am firmly of the view that the proposed development would be acceptable subject to the conditions listed below and a Section 106 agreement to cover matter as set out above (at paragraph 9.61).
- 11.0 RECOMMENDATION** – GRANT Subject to a Section 106 agreement (with the exact wording to be agreed by the Head of Legal Services) and the conditions as set out below. Authority is also sought to make amendments to conditions and the detail of the Section 106 agreement as may reasonably be required.

CONDITIONS to include

1. Details relating to the layout, scale and appearance of the proposed building(s), and the landscaping of 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.

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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 outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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 development hereby approved shall be carried out in accordance with the following approved drawings:
Drawing Number F16038/02 Revision D, F16038/01 F, and 7391-L-04 Revision E (illustrative masterplan) and –L-02 Revision A.

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

5. The details submitted pursuant to condition (1) above shall include an area of at least 3.15 hectares which shall be reserved for public open space. Play spaces shall be provided within this open space and shall be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced (with the exception of ground preparation works) and shall be provided before the occupation of the 125th dwelling or in accordance with a programme that shall have been agreed in writing by the Local Planning Authority before the occupation of the 125th dwelling; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that the quality and quantity of open space meets the needs of the future residents of the site and existing residents in the surrounding area.

6. Prior to the commencement of development (with the exception of demolition), details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels shall be submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved details. The buildings hereby approved, the details of which are to be agreed under condition (1) shall not exceed a height of 8.5m above the agreed finished floor levels.

Reason: In the interests of visual amenities and preserving the character and appearance of the landscape.

7. The details submitted pursuant to condition (1) above shall include details of a pedestrian and cycle path to connect the housing development hereby approved to the land immediately to the west (known as land adjacent Orchard Cottage) in broadly the position shown on the Illustrative Masterplan (drawing number 7391-L-04 revision E) and, in particular, to a path to be provided through that site (to connect ultimately to the Ashford Road). None of the dwellings hereby approved shall be first occupied until details have been agreed to pursuant to this condition, which shall include a programme for the implementation of the path and arrangements for it to be kept

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available for public use in perpetuity. Thereafter the path shall be open to members of the public as pedestrians only at all times. In the event that it is necessary to close the path to pedestrians to enable works necessary for the resurfacing of the path, no such works shall be undertaken unless notice has first been served on the Local Planning Authority at least 10 days before the proposed closure detailing what works are required to be undertaken and stating the duration of those works.

Reason: In the interests of maximising connectivity between the site and adjacent development sites and in the interests of encouraging sustainable, non-car modes of travel.

8. No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
 - A. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - C. The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

9. Prior to the occupation of any dwelling hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected

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contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

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

Reasons: Piling can result in risks to groundwater quality.

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

The code shall include:

- Hours of working and timing of deliveries
- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- Details of how the construction will proceed in accordance with the conditions sets out in the consultee response by Southern Gas Networks email dated 25th January 2017
- The arrangements for public consultation and liaison during the construction works.

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

13. 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

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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 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.

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

15. The proposed estate road, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture, as appropriate, 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 and in accordance with a schedule of house completion and an implementation programme for the agreed works, also to be submitted to the Local Planning Authority for approval in writing.

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

16. The details submitted pursuant to condition (1) above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of dwellings hereby approved, and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

17. The details submitted pursuant to condition (1) above shall include details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the western boundary, the provision of structural planting to provide screening for the dwellings within the site, to the southern and eastern boundaries, the provision of a community orchard within the open space, and

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a footpath connection between the application site and the adjacent land known as Orchard Cottage, and an implementation programme.

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

18. All hard and soft landscape works shall be carried out in accordance with the approved details. The structural planting works to the southern boundary shall be carried out within six months of the commencement of development, the structural planting works to the eastern boundary shall be carried out prior to the occupation of any part of the development and all other hard and soft landscaping works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reasons: In the interests of the visual amenities of the area, landscape quality and of encouraging wildlife and biodiversity.

19. 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, or ten years for the structural planting along the southern and eastern boundaries, 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.

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

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

Reason: In the interest of visual amenity.

21. The details submitted pursuant to condition (1) above shall include details which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

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

22. The details submitted pursuant to condition (1) above shall include measures to minimise the risk of crime via measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason for the condition: In the interest of Security, Crime Prevention and Community Safety.

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23. The details of the layout submitted under condition (1) above shall ensure that there are no dwellings located within nine meters either side of the high pressure gas pipeline that runs through the site. Any dwellings within the middle and outer zones of the high pressure gas pipeline, as identified on the Health and Safety Executive map (12th January 2017) shall not exceed more than 30 in number and/or more than 40 dwellings per hectare.

Reason: In the interests of health and safety and the protection of important gas infrastructure.

24. No development shall take place (including any ground works, site clearance) until a method statement for mitigating protected species impacts has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the following:
- a) Purpose and objectives for the proposed works;
 - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by updated ecological surveys where necessary;
 - c) Extent and location of proposed works 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 oversee works;

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

Reason: To protect biodiversity.

25. Prior to the commencement of development, an invasive non-native species protocol shall be submitted to and approved by the local planning authority, detailing the containment, control and removal of Japanese knotweed on site. The measures shall be carried out strictly in accordance with the approved scheme.

Reason: For the removal of invasive species in line with schedule 9 of the Wildlife and Countryside Act 1981 (as amended) and the Environment Protection Act 1990.

26. No development shall take place (with the exception of site clearance, excavation and other ground preparation works) until an Ecological Design Strategy (EDS) addressing ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. 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 and long term maintenance.
 - i) Details for monitoring and remedial measures.

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

Reason: To enhance biodiversity

27. The vehicular accesses to the site as shown on the approved drawings (namely F16038/02 Revision D and F16038/01 F) shall be constructed and completed prior to the commencement of the development hereby permitted.

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

28. Development shall not begin 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 via infiltration measures located within the curtilage of the site. The detailed drainage scheme shall take into account all flows that may be received from areas outside of the application boundary and provide appropriate mitigation measures to safeguard the development against flooding from these off-site sources.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

29. No dwelling hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or
- any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

30. Development shall not begin until a hydrogeological risk assessment is submitted to and approved in writing by Local Planning Authority that demonstrates there is no resultant unacceptable risk to controlled waters and/or ground stability as a result of infiltration of surface water from the development. The details shall only then be implemented in accordance with the approved details.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal, to ensure ongoing efficacy of the drainage provisions, to protect vulnerable groundwater resources.

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31. Prior to commencement of development hereby approved (with the exception of site clearance and groundworks) a detailed Noise Assessment based on the layout of the dwellings to be submitted at the reserved matters stage and the Noise Assessment submitted at the outline stage (December 2016 ref: I&BPB5540R002F02), shall be submitted to the Local Planning Authority for approval in writing. The detailed Noise Assessment shall specify noise mitigation measures that shall be put in place to ensure that the predicted noise impacts as set out in the Noise Assessment (December 2016) are not exceeded. The development shall then be implemented in strict accordance with the requirements of the detailed Noise Assessment.

Reason: To safeguard the residential amenities of the future occupants of the dwellings hereby approved.

32. Prior to first occupation of each of the dwellings hereby approved, the following works between a dwelling and the adopted highway shall have been completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of highway safety and amenity.

33. The visibility splays for the accesses hereby approved as shown on the submitted plans (namely drawing number F16038/02 Revision D and drawing number F16038/01 F) shall be provided prior to the first use access and shall thereafter be maintained with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of highway safety and amenity.

34. The landscaping details to be submitted in accordance with condition (1) above shall include:
- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site to be retained and indicating the crown spread of each tree.
 - (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree.
 - (c) details of any proposed arboricultural works to any retained tree, which shall be carried out in accordance with British Standard 3998 (tree work).
 - (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
 - (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development

In this condition “retained tree” means any existing tree which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees which are worthy of retention in the interests of the amenities of the area, ecology and biodiversity.

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35. Prior to the commencement of the development hereby approved (other than demolition, ground remediation and site levelling works), a detailed strategy for achieving the required damage cost calculation of £225,513 over a five year period to offset development-generated transport emissions on local air quality as set out in the Air Quality Assessment (Royal HaskoningDHV, December 2016, ref. PB5540/I&B/R001D01) and Air Quality Emission Damage Cost Calculation and Suggested Mitigation for Preston Fields, Faversham (Royal HaskoningDHV, 21 February 2017, ref. PB5540/I&B/N001/F01) shall be submitted to and agreed with the Local Planning Authority. The approved infrastructure shall thereafter be retained unless otherwise agreed in writing by the Local Planning Authority.

Reason: in the interests of mitigation potential adverse impact on air quality in the Ospringe Air Quality Management Area.

36. Prior to commencement of development a scheme detailing the location and implementation of a footway link to the south of the A2 between the A251 Ashford Road and the Abbey School shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in complete accordance with the approved details

Reason: in the interests of highway safety and of encouraging sustainable, non-car modes of travel.

37. The details submitted to pursuant to condition (1) above shall include measures to prevent the discharge of surface water on to the public highway. The agreed measures shall then be retained in perpetuity.

Reason: in the interests of highway safety.

INFORMATIVES

1. The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
2. 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 Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as 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 connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
3. The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

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- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
 - There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
 - Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.
4. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
5. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
6. 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.

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7. The development shall be carried out in accordance with the information provided by SGN in their consultation response of 25 January 2017, including the requirement that any works within three metres of the high pressure gas pipeline should be hand-dug. Notwithstanding the submitted information, the precise position of the pipeline should be established on-site before further works are carried out.

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

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

Case Officer: Jim Wilson

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

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

APPENDIX: HABITATS REGULATIONS ASSESSMENT

Context

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.*

For proposals likely to have a significant effect on a European site, the Conservation of Habitats and Species Regulations (2010) requires the Council to make an appropriate assessment of the implications for the site. Para. 119 of the NPPF states that *"The presumption in favour of sustainable development ... does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined."*

Given the scales of housing development proposed around the North Kent SPAs, the North Kent Environmental Planning Group (NKEPG) commissioned a number of reports to assess the current and future levels of recreational activity on the North Kent Marshes SPAs and Ramsar sites. NKEPG comprises Canterbury, Dartford, Gravesham, Medway and Swale local authorities,

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together with Natural England and other stakeholders. The following evidence has been compiled:

- Bird Disturbance Study, North Kent 2010/11 (Footprint Ecology).
- What do we know about the birds and habitats of the North Kent Marshes? (Natural England Commissioned Report 2011).
- North Kent Visitor Survey Results (Footprint Ecology 2011).
- Estuary Users Survey (Medway Swale Estuary Partnerships, 2011).
- North Kent Comparative Recreation Study (Footprint Ecology 2012).
- Recent Wetland Bird Surveys results produced by the British Trust for Ornithology.
- Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014).

In July 2012, an overarching report summarised the evidence to enable the findings to be used in the assessment of development. The report concluded (in summary):

- There have been marked declines in the numbers of birds using the three SPAs.
- Disturbance is a potential cause of the declines. The bird disturbance study provided evidence that the busiest locations support particularly low numbers of birds.
- Within the Medway, the areas that have seen the most marked declines are the area north of Gillingham, including the area around Riverside Country Park. This is one of the busiest areas in terms of recreational pressure.
- Access levels are linked to local housing, with much of the access involving frequent use by local residents.
- Bird disturbance study - dog walking accounted for 55% of all major flight observations, with a further 15% attributed to walkers without dogs along the shore.
- All activities (i.e. the volume of people) are potentially likely to contribute to additional pressure on the SPA sites. Dog walking, and in particular dog walking with dogs off leads, is currently the main cause of disturbance.
- Development within 6km of the SPAs is particularly likely to lead to increase in recreational use.

Natural England's advice to the affected local authorities is that it is likely that a significant effect will occur on the SPAs/Ramsar sites from recreational pressure arising from new housing proposals in the North Kent coastal area.

The agreed response between Natural England and the local authorities is to put in place strategic mitigation to avoid this effect – a 'strategic solution.' This provides strategic mitigation for the effects of recreational disturbance arising from development pressure on international sites and will normally enable residential development to proceed on basis of mitigation provided avoiding a likely significant effect.

This strategic approach is set out in the Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy (Footprint Ecology 2014). It will normally require the creation of on-site mitigation, such as the creation of open space suitable for dog walking and, secondly, via payment of a dwelling tariff for off-site impacts. The money collected from the tariff would be used by the North Kent Councils and its partners for mitigation projects such as wardening, education, diversionary projects and habitat creation. The policy context for such actions is provided by policies CP7 and DM28 of the adopted Local Plan.

Associated information

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The applicant's ecological assessment dated December 2016 contains information to assist this HRA. Importantly, it clarifies that the applicant is willing to commit to contributions towards the strategic mitigation noted above.

Natural England's email to SBC dated 17th January 2017 has also been considered; in particular that they have raised no objections subject to contributions towards strategic mitigation.

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The Assessment of Preston Fields, London Road, Faversham

The application site is located 1.6km to the south of the Swale SPA. Therefore, there is a medium possibility that future residents of the site will access footpaths and land within these European designated areas.

Measures are to be taken to reduce the impact on the SPA and these would be built into the development in respect of the provision of public open space.

This assessment has taken into account the availability of other public footpaths close to the site and to a lesser extent, the open space proposed within the site. Whilst these would no doubt supplement many day-to-day recreational activities, there would be some leakage to the SPA. However, the commitment of the applicant to contribute £281 per dwelling to address SPA recreational disturbance towards through strategic mitigation in line with recommendations of the Thames Medway and Swale Estuaries SAMM as detailed above, will off-set some of the impacts. This mitigation will include strategies for the management of disturbance within public authorised parts of the SPA as well as to prevent public access to privately owned parts of the SPA.

Conclusions

Taking the above into account, the proposals would not give rise to significant effects on the SPA. At this stage it can therefore be concluded that the proposals can be screened out for purposes of Appropriate Assessment.

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2.4 REFERENCE NO - 16/508602/OUT		
APPLICATION PROPOSAL		
Outline application for erection of up to 250 dwellings with all matters reserved except for access		
ADDRESS Land At Preston Fields Salters Lane Faversham Kent ME13 8YD		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Preston Field Land Trustees AGENT HOW Planning

The Major Projects Officer drew Members' attention to the tabled update which included officer responses to issues raised by Faversham Town Council. He reported that four further letters had been received, which included issues already noted in the report, plus comments which included: there should be space for a car park (for cars that currently park on the A2); there should be a 20mph speed limit through Faversham; housing schemes were dealt with on a case-by-case basis, however this should be on a cumulative basis; the proposals were unrealistic; the design of the road junction between the scheme and the A251 was questioned; and emergency services would be delayed by the proposed road layout at the A2/A251 junction.

The Major Projects Officer reminded Members that this site was allocated for housing in the Local Plan. He referred Members to paragraph (5) of the tabled update which outlined the corrected amount being sought by the KCC Developer Contribution Team as a developer contribution (£1,181,002.50).

Eve Martin, an objector, spoke against the application.

James Berggren, the Agent, spoke in support of the application.

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

The Chairman read out a tabled statement from Councillor David Simmons, one of the Ward Members as he was unable to attend the meeting:

'You will be considering the above outline application at tonight's planning committee meeting. It is noted that this is an allocated housing site and that the development would be in accordance with the current Local Plan. I can therefore see little grounds for you to vote for refusal.

However, I would request that you consider carefully matters relating to air quality. You will be aware that Swale Borough Council is working on an Air Quality Action Plan (AQAP), which will include various actions along the length of the A2 to improve air quality.

This application provides the opportunity to provide a car park at the northern end of the site next to the A2. The aim would be to provide car parking spaces for the

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properties along Canterbury Road (A2) between the site and Salters Lane, Faversham. We could then introduce no parking outside these houses. (I note that there is one disabled bay). It is well known that air quality can be improved where traffic flows are steady and stop/starts are avoided. This is a particularly narrow section of the A2 where, because of parked cars, two large vehicles cannot pass each other.

If you think this idea has merit you could perhaps defer a decision to allow officers to work with the applicant to achieve this improvement to air quality.'

In response to a question, the Kent County Council (KCC) Senior Development Planner (Highways) explained that in terms of safe access, it was down to the design and also driver behaviour. He explained that the proposed accesses onto the A2 and A251 from the site both had met the highway design standards in relation to sight lines and geometry.

Members raised points which included: there would be an average of 14,000 car movements per week; mitigation was needed to address air quality issues; 35% affordable housing was a real benefit and officers should ensure that the 90:10 tenure split (in favour of rented housing) is secured; the application was not ready for approval at this stage; there were inaccuracies in the report; the KCC depot entrance was on the A2, not Salters Lane; there was a lack of information on existing accesses onto the A2; the bus stop on the south side of the A2 needed a lay-by; concerned with the private road (which served a number of existing houses) next to the entrance to the site on the A251 from a highway safety point of view; would like to see an agreement on how the land outlined in blue would be protected in perpetuity for the residents living there; clarification was needed on the availability of minerals (brickearth) on the site; concept of a small parking area, to meet existing residential demand, was a good idea, and should not move forward until this was resolved; insufficient developer highway contributions; and needed to defer to deal with the outstanding issues.

In response, the KCC Senior Development Planner (Highways) reported that the proximity and nature of existing accesses close to the site had been considered and he explained that officers would be assessing them through local knowledge, and the access points were indicated on later versions of the site plans. He advised that developer contributions were based on a vehicle movements formula and the figure in the report was part of the full amount; and other major housing developments in the area would also contribute to the A2/A251 junction improvements. The figures needed to be a fair representation, reflecting anticipated impacts on traffic flow.

Further Member comments included: developers needed to comply and stick with the contribution amount; needed to be clear of what we were agreeing on this outline application; and issues with the layout.

In response, the Major Projects Officer referred to page 21 of the report which outlined the proposal for the erection of up to 250 dwellings. The application also included the two access points onto the A2 and A251, for which approval was sought. All other details, the scale, appearance, layout and landscaping would be subject to reserved matters. He also explained that a written agreement had confirmed that 35% affordable housing would be included.

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Further Member comments included: this (A2) was the most dangerous road in Faversham; the access onto the A251 was not wide enough; cars parked on the pavements of the A2; the area near Salters Lane on the A2 was very congested with parked cars, and it was an accident black spot; off-street parking facility was vital; a traffic island was essential for pedestrians to walk safely; a bus layby on the A2 was vital; and the junction of the A2/A251 was not fit for purpose and needed to be improved before the development went ahead.

The Major Projects Officer stated that condition (36), plus the Section 106 Agreement, addressed the need for a footpath along the southern side of the A2 to the entrance of the Abbey School. He explained that the layby/car park facility was not a requirement of the application, but could be delegated to officers to ensure that it was provided as part of the planning permission. The land edged in blue (to the south of the site) was outside of the application site and there would be a legal agreement to ensure the management of the site as accessible, natural open space.

Further Member comments included: originally in Local Plan, 217 dwellings were allocated for this site; disappointed with the developer contributions outlined in paragraph 7.17 (which set out the request made by KCC) of the report; needed to ensure that the ratio (tenure split) of affordable housing as noted in paragraph 7.07 remained.

The Major Projects Officer explained that the affordable housing tenure split had not yet been agreed.

Further Member comments included: did not need to defer the application; more clarification was needed in terms of the minerals (brick earth) on the site; and the road improvements needed to be completed and implemented at the right time.

In response to a question, the Senior Lawyer referred to the Section 106 Agreement outlined on page 51 of the report and explained that matters concerned with the layby/car park would be delegated to officers, but a decision was needed on the other aspects of the Agreement as part of the current application, not at the reserved matters stage.

In response to a question, the Major Projects Officer advised that the wording referring to the protection of the land outlined in blue could be amended to include the words 'in perpetuity', plus the addition of a management plan. With reference to the minerals on the site, outlined in paragraph 10.06 of the report, he stated that this had been weighed in the planning balance, however the priority was the delivery of the housing as the site was allocated for housing in the Local Plan.

Members agreed that the application be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being included in the process of drafting the Section 106 Agreement.

Resolved: That application 16/508602/OUT be delegated to officers to approve subject to the Ward Members and the Planning Committee Chairman being

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included in the process of drafting the Section 106 Agreement. Authority was also delegated to fine-tune/amend the wording of conditions as required.

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16/508602/OUT – Land at Preston Fields, Salters Lane, Faversham**TABLED UPDATE FOR ITEM 2.4, AMENDED VERSION CIRCULATED ON 2ND MARCH 2018**

1) Since the production of the report, ELEVEN additional letters have been received. Issues are as summarised at Paragraph 6.01 (on Page 26 and 27 of the agenda) and with new issues raised as follows:

- Various concerns about the level and comprehensivity of the information provided in the Technical Note (revised January 2018) in general and, in particular, in respect of the drawing showing the proposed access on to the A2;
- The proximity to the ambulance station and the KCC Depot are sited as factors that could affect road safety in the vicinity of the new junction;
- Given scale of this development, and Perry Court, both bus stops on the A2 near to the site need to be upgraded as they are likely to be in “*constant and frequent use*”;
- Concern expressed that waiting buses will disrupt traffic flow and cause potential road safety problem;
- Development is not well designed for pedestrian and cycle safety;
- The position of the access on to the A2 (which as shown may not be safe) should be moved so that it is directly opposite the entrance to Preston Park
- With regard to cycle safety, the design of the entrance on to the A2, may cause cyclists to break various Highway Code rules;
- Showing the junction of the A2/A251 as a roundabout is misleading – even if it is intended to be illustrative – as it is not known whether this is the form that the junction upgrade will ultimately take;
- Traffic lights – rather than a roundabout – should be provided at the A2/A251 junction;
- It is suggested that the contribution (of £87,000) to be made by this development to upgrading the A2/A251 junction may not be adequate;
- The applicant’s drawing showing the access on to the A2 has been annotated to illustrate 3rd party concerns;
- The local MP and the Transport Secretary have been informed of 3rd party concerns about the access arrangements for the junction with the A2;
- Concern is expressed that KCC Highways are not opposed to the development;

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- It is requested that the “data and statistical analysis collected by KCC Highways to support their ‘no objection’ is published at least 24 hours before Planning Committee;
 - The highway layout for the development should be planned in a way that recognises plans for “...a 20 mph zone across the town”;
 - The proposed road layout would set a bad precedent for subsequent development south of the A2;
 - The development will cause noise pollution and “smells”;
 - “The Planning Committee appears to be ill-led and badly advised”;
 - The development would detract from visual amenity; and
 - Increased footfall on routes into the Town Centre will reduce security for people living along those routes.
- 2) The Town Council have submitted comments objecting to the application, which read as follows [my responses are in red]:

“Reasons:

(A) Application is premature as plans regarding A2/A251 junction have yet to be decided.

This does not constitute a reason to refuse or even defer the application, as with other housing schemes recently approved in the Faversham area (for example Perry Court Farm (15/504264/OUT) and Oare Gravel Works (SW/14/0257), the development will be subject to a financial contribution (of £87,900) towards the cost of the upgrade to the A2/A251 junction. It is also worth noting that KCC Highways and Transportation raise no objection to this planning application (see Paragraph 7.20 of the Committee report).

(B) Highway – details on highways in the report are not convincing. The plans do not show the roundabout/lights proposed at junction of A251 and A2.

The Highway Technical Note (Revised January 2018) is, as set out in the Committee report, acceptable to both KCC Highways and Transportation and Highways England. It is noted that the relevant drawing, namely F16038/02 Revision D, shows the roundabout option, rather than making clear that it is also possible that a traffic-signal controlled junction might ultimately be delivered instead. However, the key point here is that these works are separate from the planning application and the ultimate solution does not have a bearing upon the determination of the planning application.

(C) Air Quality – this development would have a negative impact on Ospringle.

Members will note the comments of the Environmental Protection Team Leader (see Paragraph 7.09 of the Committee report) who raises no objection, the relevant paragraphs in the ‘appraisal’, including Paragraph 9.60 and condition

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(35), which will be used to secure the mitigation. This issue does not amount to a reason for refusal.

(D) Access – the concerns over access have not been addressed. This is a busy area, with ambulance, fire station and building supplier in the vicinity. Information on existing access to these sites is insufficient.

As set out above, it is pertinent that both highway authorities raise no objection to the development, including the proposed access arrangements.

(E) Insufficient information and detail relating the east and west bound bus stops serving the proposed development

Information about the number of buses that use these stops is held by KCC, and KCC Highways and Transportation will have considered the implications for bus services as part of their overall assessment of the implications of the development.

(F) Inadequate pedestrian crossing points on A2 and A251.

This issue will have been considered by KCC Highways and Transportation, as well as by this Council and the proposed arrangements are considered to be acceptable. Among other things, the proposed upgrade to the A2/A251 junction will provide an opportunity to ensure suitable pedestrian crossing facilities are in place at that point. The pavement to be provided between the development access onto the A2 and the vehicular access to the Abbey School (see condition 36 in the Committee report and 3rd last bullet point on Page 51) will significantly improve accessibility for pedestrians and lessen the demand to cross the A2 in the vicinity of the proposed development.

(G) No drawing to show the requested footpath link from the south side of the A2 from the A251 to the Abbey School or a crossing point over the A251

Although a drawing has not been provided at this time, as noted above, if planning permission is granted the permission will include measures to ensure that it is provided.

(H) No layby for bus on Canterbury bound side of A2.

On the one hand, this is not a requirement of Policy A16 in the Local Plan (set out in full on Pages 24 and 25 of the Agenda – see also the plan on Page 36). It is also, as stated above not required by KCC Highways and Transportation or justified by the level of bus traffic along the A2.

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Comment:

- (I) *A carpark should be included at the northern end of the site for cars presently parked on the A2. Yellow lines should be painted to facilitate traffic flow on the A2.*

This is not a requirement of Policy A16 in the Local Plan, and it is considered that the proposed provision of landscaped open space at the northern end of the site is more appropriate. In any case, it would not be reasonable to require the prospective developer to provide this car park to address a pre-existing situation, unrelated to the proposed housing.

- (J) *The Town Council requests a master plan of the area showing connectivity.”*

It is considered that the potential connectivity for all modes of transport between the proposed development and other areas of the site can be understood without the need for the proposed masterplan.

- (3) The applicant has confirmed - in response to a query from KCC Highways and Transportation - that the pavement from the site access to the bus stop just to the east will be widened to two metres in width (and this is shown on drawing F16038/O2 Revision D).
- (4) The applicants advises that while their surveyors, when reviewing the site, noted young Japanese knotweed plants in the bottom field (adjacent to the M2), this is not within the application site red edge. In any case, I do not consider this to be an issue upon which the application could be determined.
- (5) Further to the summary of the contributions requested by KCC Development Contributions Team, at Paragraph 7.17 on Page 31 of the agenda, the revised amount (assuming 250 houses are ultimately developed) is incorrect; rather than £1,770,951.60, the actually amount payable would be £1,181,002.50.
- (6) Further to the discussion of affordable housing in the report (see Paragraph 9.64), with regard to the tenure split, the applicant has now provided a detailed response setting out their case for a different split, with a lower proportion of rented tenure, being agreed.
- (7) Delegated authority is sought to agree the ultimate tenure split and to agree the number of wheelchair-adapted dwellings to be provided. With regard to the latter point, the number being sought is four, not three as stated in the 14th bullet point of Paragraph 9.64.

APPENDIX C

Planning Committee 5 March 2018

- (8) Contrary to Paragraph 10.03, on page 53 of the Agenda, the archaeology condition is no.14, not no.13. Similarly, the reference at Paragraph 10.07, on Page 54, should be to Paragraph 9.60, not 9.54 to 9.59. And at Paragraph 10.10, the reference – in respect of infrastructure - should be to 9.64, not 9.61.
- (9) In conclusion, officers consider that Members have all the information needed in order to determine the application, and remain firmly of the view that the development as proposed is acceptable subject to conditions as set out in the report (on Pages 55 to 63) and to the signing of a suitably-worded Section 106 agreement. Delegated authority is therefore sought to approve the application subject to the signing of a suitably-worded Section 106 agreement to cover the matters set out in the report at Paragraph 9.64 and with authority to agree the tenure split (between rented and intermediate tenure) for the affordable housing and the number of wheelchair-adapted affordable dwellings, and to the inclusion of the conditions listed in the report. Delegated authority is also sought to make such amendments to the wording of the Section 106 agreement and the conditions as may reasonably be necessary.

JRW – 2nd March 2018

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2.9 REFERENCE NO - 21/500766/OUT			
APPLICATION PROPOSAL			
Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane.			
ADDRESS Land at Preston Fields (South) Salters Lane Faversham Kent ME13 8YD			
RECOMMENDATION: Grant subject to conditions and signing of Section 106 Agreement, with delegated authority to make refinements to condition wording and s106 clauses as may reasonably be required.			
SUMMARY OF REASONS FOR RECOMMENDATION:			
The development would be sited on land covered by housing allocation Policy A16 under the adopted Local Plan and although the land is not specifically identified for housing development it would be located just to the south of land that has been identified for housing (and which has the benefit of a Committee resolution to grant permission for housing under reference 16/508602/OUT). It would also adjoin the built-up area boundary of Faversham.			
It is considered that the site is of sufficient size to accommodate the proposed development and that the development could be accommodated without unacceptable planning impacts.			
The development is considered to be sustainable.			
In absence of a five-year housing land supply and taking into account the benefits of granting planning permission, it is considered that planning permission should be granted subject to conditions and the signing of a s106 agreement.			
REASON FOR REFERRAL TO COMMITTEE:			
Town Council objection.			
WARD Watling	PARISH/TOWN Faversham Town	COUNCIL	APPLICANT Preston Field Land Trustees AGENT Avison Young
DECISION DUE DATE 25/05/21	PUBLICITY EXPIRY DATE 04/06/21	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/508602/OUT	Outline application for erection of up to 250 dwellings with all matters reserved except for access	Pending, though the development benefits from a committee resolution to approve from 5 March 2018.	
Development was in accordance with an allocation in the adopted Local Plan and, subject to conditions and s106 agreement, amounted to sustainable development.			

Given the length of time since the original resolution and noting the changed circumstances since then, the application is being reported back to this Committee and Members will note the report elsewhere on the agenda.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site – which extends to approximately 4.1 hectares – is located just outside the defined built-up area boundary of Faversham, and immediately to the north of the M2 (which sits on an embankment, raised significantly above the level of the site. Salters Lane runs along the eastern boundary (with open farmland to the east of it; though there are a pair of cottages at the edge of this land, facing the application site across Salters Lane), while on the western side the site backs on to housing addressing Ashford Road, the A251. The northern boundary of the site adjoins the land the subject of 16/508602/OUT, which has a positive Committee resolution in respect of the provision of up to 250 dwellings, with the provision of access points on to the A251 and, at the northern end of the site, the A2.
- 1.02 The land is used for agriculture, and is best and most versatile (BMV) – that is to say, Grades 1, 2 or 3a. There are no buildings on the site.
- 1.03 Salters Lane is designated as a Rural Lane under the adopted Local Plan. It is not designated as a ‘Green Lane’. Policy DM26 is very applicable and is set out in full in the Policy section below.
- 1.04 A track running west from Salters Lane bisects the site and provide access to parking for some of the dwellings on Ashford Road. This track is characterised by hedging and small trees along both its northern and southern sides.
- 1.05 However, most of the site is free of any significant trees or substantial plants, though there is intermittent hedging along the boundary with Salters Lane north of the intersection with the above-mentioned track.
- 1.06 On the southern part of the boundary with Salters Lane immediately outside the site and on the southern boundary (adjacent to the M2), there are belts of mature tree planting.
- 1.07 None of the trees on, or adjoining, the site are subject to Tree Preservation Orders.
- 1.08 The application site is not in or adjacent to a Conservation Area, and the nearest listed buildings are to the south of the M2. There are listed buildings close to the northern end of the wider Preston Fields site, but these would not be affected by the proposed development as they some considerable distance away.
- 1.09 With regard to topography, the Design and Access Statement is informative and includes the following:

“The site sits on a localised area of high ground, stretching from Faversham town centre in the north towards the Area of Outstanding Natural Beauty [AONB] in the south [though this designation sits well away from the application site] at approximately 60 Above Ordnance Datum (AOD). Land to the west and east of the site sits falls away to lower areas at circa 30 AOD.”

The site itself features a gentle undulation and sits slightly lower than that of the adjoining Salters Lane and the neighbouring field to the north. The highest landform of the site is to its north, dropping towards the south of the site along the M2 motorway boundary edge.”

- 1.10 With regard to Flood Risk, the site sits within Flood Zone 3, meaning that the flood risk is considered to be low.
- 1.11 With regard to landscape designations, the site is not subject to any of these. However, land immediately to the south of the M2 is designated as an Area of High Landscape Value (Kent Level); beyond this, land is designated as the Kent Downs AONB.
- 1.12 There are no public rights of way either crossing or immediately adjoining the application, though there are PROWs in the wider area.
- 1.13 I note that the Faversham Household Waste Recycling Centre is located a minimum of approximately 200 metres to the north of the application site, though the distance between the nearest of the proposed dwellings and the site will be materially greater.
- 1.14 The application site extends up to a frontage with Ashford Road, between Numbers 93 and 95, and a track provides access to the site from this road. The corridor between these two dwellings (and their rear gardens) measures a maximum of approximately 19 metres and a minimum of 15 metres.

2.0 PROPOSAL

- 2.01 Planning permission is sought in outline form for up to 70 dwellings, all details (namely access, layout, scale, landscaping and appearance) are reserved for future consideration . Land is also to be reserved for a Link Road (across the northern part of the application site and to connect with Ashford Road and Salters Lane and to allow potential vehicular road links to the land to the east and west.
- 2.02 Details of the Link Road are not provided as part of this application (though a typical carriageway width in the range 7.3m to 6.75m is anticipated by KCC Highways and Transportation), and the application simply seeks to establish that land be reserved for such a road. A separate planning application to deal with the principle of a specific specification of the road and to agree the details of it would be required.
- 2.03 The Planning Statement states that permission is sought for ‘areas of green open space’.
- 2.04 Although the plans are illustrative, an ‘Indicative Proving Layout’, a ‘Framework Plan’, an ‘Opportunities and Constraints’ plan and a ‘Combined Masterplan’ (which also shows an illustrative layout for the housing proposed on the northern part of the wider site under 16/508602/OUT) have been provided and these illustrate how 70 dwellings could be accommodated on the site. Members will note that the Proving Layout shows how a mix of 2-, 3-, 4- and 5-bedroom dwellings (including four 2-bed apartments) could be developed, though permission is not sought for this particular housing mix. The drawing also shows how car parking spaces could be accommodated, though the total number of spaces is not specified. The amount of parking ultimately required will obviously depend to some degree on the final mix of dwelling types and sizes. At paragraph 5.6 below, I have provided a table showing

the number of spaces that the car parking SPD typically requires for dwellings of different sizes.

- 2.05 The Design and Access Statement notes that the houses on Ashford Road are generally two storey and states that the application will ‘...seek to reflect this height in its scale and deliver a range of dwelling types. Buildings within the site will not exceed a height of 9m to ridge.’
- 2.06 The proposed dwellings and the land to be reserved for the possible future Link Road would be accommodated on the main part of the site (extending to approximately 2.9 hectares), north of the existing track running east-west; to the south of the track the self-contained field would be used for a combination of additional landscape planting and open space. This area extends to approximately 1.2 hectares.
- 2.07 If the land south of the track is excluded, the gross density of development would amount to 24 dwellings per hectare; a slightly higher figure would be derived if land to be allocated for the Link Road were to be excluded.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	4.1	4.1	0
No. of Residential Units	0	Up to 70	Up to 70
No. of Affordable Units	0	Up to 25 (equating to 35%)	Up to 25

4.0 PLANNING CONSTRAINTS

- 4.1 Generally, this information is set out in Section 1 above. However, Members will note the following.
- 4.2 The site is considered to be an area of Potential Archaeological Importance.
- 4.3 A High Pressure Gas Pipe runs across the site, close to the northern boundary and along part of the alignment of the access road (and of the Link Road), eastwards from the point where the application site adjoins Ashford Road; towards the eastern site boundary, the line of pipeline is further to the north, outside the application boundary. As set out below, this does not have adverse implications for the delivery of the proposed housing, and with respect to the Link Road as this would need to be subject to a detailed planning application in due course, any potential implications would need to be evaluated as part of that application, rather than the one before Members now.
- 4.4 Source Protection Zones 1 and 2 for groundwater.

5.0 POLICY AND OTHER CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF)

Members will note the following paragraphs: 7 (three dimensions of sustainable development), 8, 10, 11 (presumption in favour of sustainable development), 12

(the status of the development plan in decision making); 34 (developer contributions); 38 (the approach to decision making in a positive and creative way); 48 (weight to be given to emerging Local Plans); 55-58 (use of planning conditions and Planning Obligations); 60 (supporting the Government's objective of significantly boosting housing); 62 (housing mix); 63/65 (affordable housing); 68 (identifying land for homes); 74 to 77 (maintaining a supply of housing sites); 92 (promoting healthy / safe communities); 98 (providing social / recreational facilities); 104 (sustainable transport); 110 to 113 (consideration of transport issues in development proposals); 112 (accessibility by sustainable travel modes); 114 (need for high quality communications); 119 and 120 (making effective use of land); 124 (achieving appropriate densities); 126 (achieving well designed places); 127 (design policy); 128 (design criteria for developments); 132 (consideration of design quality between applicants, the local planning authority and local community); 133 (access to / use of tools and processes for assessing and improving design); 134 (refusal of poor design), 152 to 158 (planning for climate change); 159 to 169 (planning and flood risk); 169 (sustainable drainage systems); 174 (protecting / enhancing valued landscapes); 175 (natural environment – hierarchy of sites); 179 to 180 (protecting habitats and biodiversity, including Special Protection Areas / Ramsar sites); 183 to 188 (ground conditions and pollution); 185 (protection from noise / light pollution), 186 (air pollution, including AQMAs); heritage assets (194 to 198); and 209 to 212 (making best use of minerals).

5.2 National Planning Practice Guidance (NPPG):

Air Quality; Noise; Minerals; Design; Conserving and enhancing the historic environment; Natural environment; Planning Obligations; Use of planning conditions; Travel plans, transport assessments and statements; Water supply, waste water and water quality; Land affected by contamination; Flood Risk and coastal change; Open Space, sports and recreational facilities, public rights of way and local green space.

5.3 National Design Guide (September 2019)

As part of an effort to improve the quality of the design of new development, including housing, the Government has produced this document, with the aspiration to create *'beautiful, enduring and successful places.'* It is intended to be a tool to assist in achieving the objectives for high-quality design that are enshrined in the NPPF. Among other things, the document sets out ten characteristics for well-designed places (see paragraph 36), and the intention is that the document will, among other things, assist (see paragraph 11) *"local authority planning officers, who... assess the quality of planning applications; and councillors, who make planning decisions..."*

5.4 Swale Borough Local Plan.

Swale Borough Local Plan 2017: Bearing Fruits 2031 - ST1 (sustainable development), ST2 (targets for homes and jobs), ST3 (settlement strategy), ST4 (meeting local plan development targets), ST7 (The Faversham Area and Kent Downs Strategy), CP2 (sustainable transport), CP3 (high quality homes), CP4 (good design), CP5 (health and wellbeing), CP6 (community facilities and services to meet local needs), CP7 (conserving and enhancing the natural environment - providing green infrastructure), CP8 (conserving and enhancing the historic environment), A16 (Land at Preston Fields), 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 (water, flooding and drainage), DM24 (conserving and

enhancing valued landscapes), DM26 (Rural Lanes), DM28 (biodiversity and geological conservation), DM29 (woodland trees and hedges), DM31 (agricultural land), DM32 (development involving listed buildings), DM33 (development affecting a conservation area), DM34 (Archaeological sites), IMP1 (implementation and delivery plan).

Policy A16 (land at Preston Fields) reads as follows:

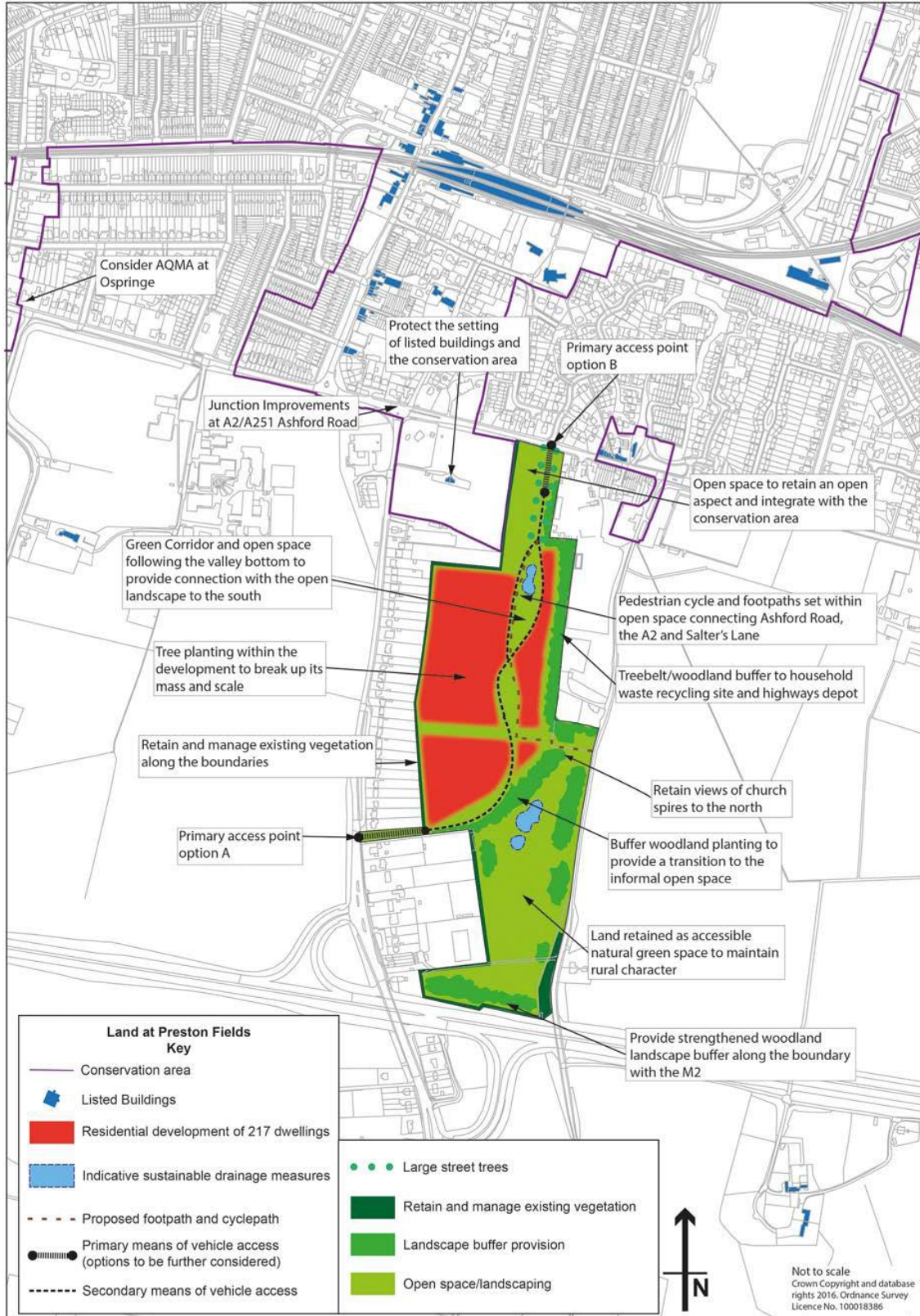
“Land at Preston Fields, Faversham

Planning permission will be granted for a minimum of 217 dwellings, landscape and open space on land at Preston Fields, Faversham, as shown on the Proposals Map. Development proposals will:

- 1. Accord with Policy CP4, in particular, demonstrating an integrated Landscape Strategy and a Landscape and Ecological Management Plan that shall include: a. a large area of accessible natural greenspace in the southern part of the site, including a substantial area of woodland, orchard and meadow planting to help absorb the development into the wider landscape; b. a green corridor running through the centre of the development along the valley bottom; c. retention of a corridor view to Faversham and Preston Parish Church towers; d. a large green space adjoining Canterbury Road and the Conservation Area; and e. woodland/tree belt buffer on the north eastern boundary.*
- 2. Be of a high quality design, of mostly two storeys in height responding appropriately to the local character and distinctiveness of the Preston-next-Faversham Conservation Area;*
- 3. Through both on and off site measures, ensure that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 4. Provide pedestrian and cycle links within the development and to the adjacent network;*
- 5. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM8;*
- 6. Submit a detailed heritage assessment to consider the significance of the impact of development at the local level on the heritage setting of the town and other heritage assets in accordance with policies DM 32-DM 34. An archaeological assessment should consider the importance of the site and, if necessary propose mitigation;*
- 7. Submit a noise assessment and implement any mitigation arising;*
- 8. Address air quality impacts arising in the Ospringe AQMA, including the implementation of innovative mitigation measures;*
- 9. Be supported by a Transport Assessment, to determine the need and timing for any improvements to the transport network, the phasing of development, the options for accessing the site and any transport improvements arising which shall be subject to developer contributions/provision; and*

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

Concept Plan:



Policy DM26 (Rural Lanes) reads as follows:

“Planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes. For those rural lanes shown on the Proposals Map, development proposals should have particular regard to their landscape, amenity, biodiversity, and historic or archaeological importance.”

5.5 The Council is working on a Local Plan Review and a Regulation 18 consultation has been carried out and the responses have been considered (Local Plan Panel, 24/3/22), and a report was also agreed for ‘next steps’, including the production of the Regulation 19 Plan by Autumn 2022.

5.6 Supplementary Planning Documents:

- Developer Contributions (2009);
- Swale Landscape Character and Biodiversity Appraisal SPD (2011). The application site is identified as lying within the Faversham and Ospringe Fruit belt. The landscape is generally in a good condition with moderate sensitivity to change. The guidelines recommend that this landscape should be conserved and positive characteristics reinforced; and
- ‘Parking Standards’ (May 2020). This gives in-depth guidance on the quantum of parking provision required for different types of development and for development in different types of location; it also gives advice on the layout of streets and other areas where parking is provided and on the importance of integrating with planting (notably street trees) and open SUDS features (such as swales and storm water planters). Advice is also given with respect to electric vehicle charging points (see page 25). I also note Appendix A (see page 35), which deals with residential car parking standards and for a suburban location such as this suggests (and the following is advisory only) that car parking levels should be as follows:

1 and 2 bed flats	1 space per unit
1 and 2 bed houses	1 to 2 spaces per unit
3 bed houses	2 to 3 spaces per unit
4+ bed houses	3+ spaces per unit
Visitor parking	0.2 per unit

5.7 Kent Minerals and Waste Local Plan (KMWLP) (2020): Policies CSM5 (minerals resources); DM7 (safeguarding); and DM9 (prior extraction).

6.0 LOCAL REPRESENTATIONS

6.1 The application has been advertised by site and press notices. In addition, letters were sent to 38 addresses.

6.2 Eight representations have been received (four of which explicitly object) and these are summarised as follows:

- More detail is needed on the proposed Link Road, which is objected to, and which is considered to be wholly impracticable;

- Local residents have not yet been consulted about the proposed Link Road and how it would affect local traffic movements / accessibility;
- Salters Lane is “constantly used as a means of avoiding the A251/A2 junction” – how would the proposed development mitigate the potential impact on traffic flow on Salters Lane, mindful that it is generally single track, with makeshift passing places?
- Salters Lane (which is a designated Rural Lane) would be spoilt by this development;
- The junction of the Link Road with the A251 (Ashford Road) and the proposed right-turn filter lane will exacerbate existing highway safety concerns (including in respect of the junction from the A251 to the private road that services 12 dwellings facing Ashford Road);
- Could the A251 be widened near the junction to improve road safety and highway capacity?
- The A2 and the A251 both need major upgrades before this application can be approved;
- Could Salters Lane to the south of the Recycling Centre be made one-way?
- Salters Lane may need to be widened along its entire length if the Link Road were to be built;
- The road network in the Faversham area, including the M2, is already under strain and this development will exacerbate the situation;
- The supporting documents rely on out-of-date traffic data (as a consequences of new development and recent highway changes in the vicinity and of behavioural change post-Pandemic, including more deliveries to local dwellings);
- It is acknowledged that provision for cycle and pedestrians within the site could create a pleasant environment within the application site, but beyond the site existing roads are not well designed for cycle and pedestrian use;
- If off-site pavements / paths are upgraded, this should not be at the expense of existing hedgerows;
- Demand for housing locally is in excess of local need;
- Loss of best and most versatile farmland is “short sighted” and not justified in this instance;
- Trees and other vegetation have already been removed from the site;
- It is noted that this development would sit on land envisaged under the previous Preston Fields application (reference 16/508602/OUT) as green space – the loss of this is objected to on the grounds that it would be ‘socially and aesthetically’ harmful;
- These houses are proposed to support the delivery of a Link Road between the A251 and Salters Lane and this would connect with land where Duchy of Cornwall propose 2500 dwellings [Members will note that a planning application has not been received for any form of housing development on the land east of Salters Lane] – “This indicates a presumption that the Duchy of Cornwall land will be developed.”;
- This application should not be considered until after the Duchy of Cornwall development on land to the east of Salters Lane has been determined;
- Concern is raised at the implications for bird life, noting that a range of bird species have been seen at, or flying over, the site;
- It is also noted that mammals and other fauna use the site together with reptiles and invertebrates;
- A range of flora is present at the site, particularly in the southern field, which is to be retained as an open space;
- High levels of house building in Kent will place “extreme pressure” on water supplies when a drought next occurs;
- The proposed development needs to ensure that existing vegetation and hedgerows are retained;

- The development could have significant adverse implications for bats, which currently use the site – loss of vegetation and additional external lighting are concerns in this context;
- The track running east-west across the site is lined by trees / hedging, which should be retained as part of the final development;
- Concern is expressed about the noise implications of siting dwellings relatively close to the M2, particularly if existing vegetation in the vicinity is removed;
- Footpaths into the open countryside to the south of the M2 should be improved to compensate for the development of this site;
- Site is unsuitable for residential development given proximity to M2 and the difficulties of providing vehicular access;
- A new school and doctor's surgery are required before 'any residential development of substance' is approved;
- There is an Air Quality Management Area (AQMA) on the A2 at Ospringe and concern is raised about current pollution levels there and potential adverse implication for human health, and it suggested that despite improvements in the efficiency of motor vehicles over time, increasing development in the wider area will mean that air quality will remain of concern into the future, and against this background the proposed development should be resisted as it will generate additional vehicle movements;
- The site provides views of the historic Preston and St Mary's Charity and these should be retained, with consideration given to provision of walking routes through the development so that the public can enjoy them; and
- It is suggested that previous development – notably Perry Court – has significantly impacted on the southern part of the town, and it is suggested that development (though the current application isn't cited) is motivated by profit.

7.0 CONSULTATIONS

- 7.01 **Faversham Town Council** raise objection to the application, and an extract from their amended response reads as follows:

"The Town Council shared the concerns raised by local residents about the suitability of Salters Lane in its present form to cope with the increased traffic that would result from the link road to the A251.

Comment:

1. *It was noted that in the emerging Local Plan, Salters Lane is classified as a Green Lane, retaining its rural character. It is not clear that this initiative has been addressed in the proposal by the developer, and the Town Council would like to receive more details.*
2. *The proposed link road is an opportunity to open up a new route for cycling and walking avoiding Watling Street as the town expands. The Town Council would like to see more detailed proposals for cycling and walking.*
3. *The Town Council considered this an important opportunity to link the proposed Green Lane (Salters Lane) to the Bridleway that runs along the south of the M2 creating an of road link to Boughton for cyclists and walkers, again the Town Council would like more details on provision for Cycling and Walking in the proposal."*

7.02 **The Faversham Society** have commented as follows:

“This application should be SUPPORTED in principle because the development would be in a sustainable location adjacent to an existing approved scheme and on a proposed allocation.

The proposed access to Salters Lane should be landscaped so that it minimises the harm to the Green Lane designation.

Affordable Housing should be included to the current Local Plan Standard of 35% and all other planning gain contributions should be made.

The applicant should prepare a report that satisfies the requirements of the

Environment Agency. The Ecological Officer's recommendations should assist in enhancing the biodiversity of the site. ”

7.03 **Natural England** have been consulted on the Habitat Regulations Assessment and advise that provided the recreational impacts on the relevant Special Protection Areas (namely Thames Estuary and Swale) are managed through the “*specific measures previously identified and analysed by your authority...including [financial] contributions to them...*” they do not object to the granting of planning permission. As set out elsewhere, the mitigation would consist of a standard financial contribution of £250.39 per dwelling to be spent on mitigation of potential recreational impacts on the SPA.

7.04 **Natural England** also gave generic advice in respect of impacts on protected species, and the implications for the development for the Kent Downs AONB. They also drew attention to their standing advice on ancient woodland and veteran trees. The first two matters are dealt with elsewhere in the report, while the latter is not applicable.

7.05 **KCC Ecology** raise no objection to the application and note the following.

“We have reviewed the ecological information submitted in support of this outline planning application and advise that sufficient information has been provided.

We are satisfied with the conclusion of the ecology report which states there will be a limited ecological impact from the proposal. This is because the site primarily consists of intensively farmed arable land with little field margin habitat. If planning permission is granted, we advise that ecological enhancements are implemented to achieve biodiversity net-gain.

Ecological Enhancements

In alignment with paragraph 175 of the National Planning Policy Framework 2019, the implementation of enhancements for biodiversity should be encouraged.

Whilst no details of ecological enhancements have been provided at this outline stage, the proposed masterplan shows the provision of ‘semi-natural greenspace’ and ‘woodland planting’. Additionally, a ‘community orchard’ is proposed within the blue-line boundary.

We are supportive of these proposals in principle and would highlight the following:

- All new planting should consist of native, site-appropriate species.*

- *Any ornamental planting should be kept to an absolute minimum (and within curtilage boundaries) and not consist of any invasive species.*
- *Any closeboard fencing associated with the development must feature suitably-sized gaps for hedgehog (and other small terrestrial vertebrate) movement.*
- *Nest/roost space for bird/bats should be integrated into the new builds, with bird bricks/boxes providing nest space for declining species (such as Swifts).*
- *Where possible (such as within the proposed orchard area), native wildflower grassland should be established (and appropriately maintained annually)."*

A condition requiring an Ecological Design Strategy is requested, and Members will note that this is included below.

7.06 The **Affordable Housing Enablement Manager comments** as follows:

*"As per Planning Policy DM8 and because this development is located in **Faversham**, 35% of the total number of homes on this site should be delivered as affordable housing, rounded up to provide **25 affordable homes**, which should be a reasonable and proportionate mix to the open market dwellings.*

- ***90% of the total number of affordable homes should be provided as 23 affordable/social rent tenure homes, and the remaining 10% as 2 intermediate homes.***
- *The affordable homes should be delivered to M4(2) Building Regulations standard, with at least 2 homes provided to the higher M4(3) wheelchair user standard.*
- *The affordable homes should be well integrated within the development and not all clustered in one area together.*
- *I can confirm that Swale's Housing Register demonstrates a need for all types and sizes of affordable housing, including adapted homes, for those in the Faversham area."*

[Given the amended wording in the NPPF, 10% of the dwellings will need to be made available for 'affordable home ownership', known as First Homes.]

7.07 **KCC Highways and Transportation** initially raised concerns in respect of the development proposed. However, following the submission of additional information (in the form of a Technical Note dated June 2021), they provided further comments, which included the following:

1. *Committed Development has been assigned to the traffic modelling, and I am satisfied that the appropriate sites are included in the list. In addition, the modelling has now been extended to cover the full Local Plan period to 2031, as had been requested;*
2. *The traffic distribution has been corrected to allocate a total of 100% of vehicle trips between the two site accesses onto the existing highway, split 69:31 in favour of the A251 access;*
3. *Both site accesses are now modelled, and the full PICADY [Priority Intersection Capacity and Delay, which is a computer program for predicting capacities,*

queue lengths and delays at non-signalised major/minor priority junctions] outputs have been provided to validate the data summarised in Tables 1 and 2. These confirm that both junctions would be expected to operate with RFC [ratio of flow to capacity] values well below the operational maximum limit of 0.85, resulting in minimal queuing and delays on either the A251 or A2. I am satisfied that these results are acceptable, and any queues associated with the A251 access would not impact on the operation of the existing junctions either side of it.

4. Following the supply of as-built drawings of the Perry Court roundabout [on the A251] to the applicant, I am pleased that the current application drawings have been revised to show that junction in the correct position. This confirms that the roundabout is located some 10m further north than had originally been indicated on the submitted drawings for its interaction with the proposed site access.

As had been pointed out previously, KCC recognises that the application is in outline form with all matters reserved for future consideration, and therefore access is not a matter being determined. The information submitted has demonstrated that the highway impact of the proposed additional housing can be accommodated on the network, and a corridor can be provided through the development for a speculative vehicular connection to Salters Lane and possible development beyond, subject to detailed design. It is appreciated that the connection is only a possibility, and would need to come forward through separate planning applications, where the relevant assessment of traffic distribution and the road geometry would be undertaken at that time. For information though, I will reiterate the comments made in my previous response regarding the indicative details suggested:

- As I have mentioned above, this link road does not form part of the application itself, and it is not known how it shall join the wider highway network east of Salters Lane or to the A2. Nor is it known what accommodation works would be included in this theoretical highway scheme to manage traffic locally that may restrict or influence route choices in the future. Traffic modelling to assess the capacity of the highway cannot be done at present, so the impacts associated with the suggested road will need to be considered once a scheme has been devised. However, for the purposes of the current application, it is understood that the LPA would like comfort that the proposed development would not preclude the ability to facilitate a link road, and it would be the responsibility of a separate developer or scheme promoter to progress.
- The three options suggested for the vehicular route geometry are noted, and it is apparent that a carriageway width of 7.3m can be accommodated through the development, but the 10m radii at the junction with the A251 would require third party land. Depending upon the expectation for the link road, it may be possible to utilise a narrower carriageway width, noting that Kent Design Guide for example does quote 6.75m as the typical parameter for a local distributor road, although the junction radius sought would be 10.5m in that case.
- From an examination of the highway boundary, which is also indicated by the blue line on the submitted drawings, it does appear that there is scope to realign the A251 further west in the vicinity of the proposed junction, and this may provide sufficient space to pull the radii and associated footways/cycleway clear of the third party land.

- *Whilst only an illustrative layout plan has been prepared for the earlier application, 16/508602/OUT, it is worth noting that it showed some dwellings accessing directly onto what could eventually become the link road. If the hierarchy of this road is raised, how those dwellings access it may require a different approach, such as shared drives with turning facilities to enable a vehicle to enter and exit in a forward gear.*
- *Where the link road would exit onto/cross Salters Lane, depending upon the accommodation works mentioned earlier to manage traffic routing in the area, some of the 2016 application land to the north of the current red line boundary may be needed to cater for junction radii or sightlines. This may therefore require the red line to be extended or changes to the drafting of the other application's Section 106 agreement to safeguard some of the land contained within that site, which I note is currently shown as open space or structural planting on the Masterplan.*

Consequently, I would have no objection to the proposed development 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."

A total of six conditions are requested in respect of the following:

1. A Construction Management Plan;
2. Provision and permanent retention of vehicle parking spaces;
3. Provision and permanent retention of secure, covered cycle parking spaces;
4. Provision and permanent retention of Electric Vehicle charging facilities;
5. Details of various estate road features being submitted and approved by the Local Planning Authority; and
6. Completion of various works between each dwelling and the adopted highway prior to occupation of that dwelling.

7.08 National Highways (formerly **Highways England**) comment as follows:

As noted above, additional highway information in the form of a Technical Note dated June 2021 was provided to address issues raised by National Highways and KCC Highways and Transportation.

"National Highways has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 and is the highway authority, traffic authority and street authority for the Strategic Road Network (SRN). The SRN is a critical national asset and as such National Highways works to ensure that it operates and is managed in the public interest, both in respect of current activities and needs as well as in providing effective stewardship of its long-term operation and integrity. National Highways will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case the M2 Junctions 5 to 7.

"...we note on the FPCR Sketch Master Plan drawing no. 7391-SK-02 rev D that location 7 states 'Corridor safeguarded for potential link road' which indicates a strip of land to connect the site access road into the neighbouring site. National Highways are neutral of such a proposal and should this link road be subsequently brought forward as part of another application we will need to have robust transport evidence demonstrating that further intensification of the current site access will not result in severe residual impacts on the safe and efficient operation of the SRN.

“We have been in discussion with the applicant’s consultants over various transport matters and having reviewed the documents on the planning portal we are satisfied that, subject to the imposition of certain necessary planning conditions, the development proposals will not materially impact on the safe and efficient operation of the SRN (the tests set out in DfT C2/13 (especially paras 8 to 11) and MHCLG NPPF2021 (especially paras 110 to 113).”

Members will note that the conditions requested are included below.

- 7.09 The **Health and Safety Executive** have been consulted due to the presence of a High Pressure Gas Pipeline running across the northern part of the site, and they *‘do not advise, on safety grounds, against the grant of planning permission’*.
- 7.10 **Scotia Gas**, the operator of the gas pipeline, have been consulted, but a response has not been received.
- 7.11 **Environmental Protection Team Leader** raise no objection subject to conditions in respect of a Construction Method Statement, construction hours, electric vehicle charging points, low NOX boilers and a Contaminated Land Assessment. A Damage Cost Calculation of £24, 800 in respect of air quality (to mitigate impacts associated with particulates and nitrogen oxides) is also required and this will be secured under the s106 agreement.

In respect of the Noise Assessment, they advise that the *“...comprehensive report submitted is robust and provided all the mitigation measures recommended are implemented by the developer, I am satisfied that future occupants of the development will not be adversely affected by noise.”*

The submitted Air Quality Assessment (incorporating an Emissions Mitigation Assessment) is considered to be sufficient.

- 7.12 The **Environment Agency** state that: *“This site is particularly sensitive with respect to groundwater as it lies upon a principal aquifer within a source protection zone 1 and 2 for groundwater abstracted for human consumption.”*

However, having considered the information submitted, they raise no objection subject to conditions in respect of the following:

1. A strategy to deal with the potential risks associated with any contamination of the site, particularly in respect of groundwater;
2. A verification report demonstrating the completion of works set out in the approved remediation strategy (required by the first requested condition);
3. Dealing with contamination not previously identified;
4. A condition stating that no infiltration of surface water drainage into the ground is to be permitted other than with the written consent of the Local Planning Authority;
5. Foul drainage and arrangements for connection to the existing foul drainage network to avoid contamination of groundwater; and
6. Piling arrangements to ensure that groundwater is not contaminated.

In addition, informatives are requested as follows:

1. In respect of sustainable surface water drainage systems;
2. Piling and its potential implications for groundwater quality; and
3. The classification and disposal of waste.

The EA have provided detailed advice under each heading.

- 7.13 **Southern Water Services** (SWS) raise no objection to the application. However, they consider that foul and surface water drainage from the development could impact upon their infrastructure, and they advise that such infrastructure will need to be upgraded to deal with these impacts. Conditions are recommended accordingly.
- 7.14 The suggested conditions are not included below, because foul drainage is dealt with under other legislation – namely the Water Industry Act 1991 - and SWS can use its powers under that legislation to ensure that the appropriate infrastructure is provided. With regard to surface water drainage, Kent County Council are the Lead Local Flood Authority and Members will note their comments below. The conditions requested by them will be used to ensure that suitable arrangements are in place to deal with surface water drainage.
- 7.15 **Kent County Council Flood Risk Officer** provided an initial request that requested the amendment of the information originally and the provision of additional information. Such information was subsequently provided (including an updated version of the Flood Risk Assessment) and in response to it, the Flood Risk Officer provided comments including the following:

“Having reviewed the information submitted we are generally satisfied that the principles proposed for dealing with surface water, namely infiltration to ground or should this prove unviable the requisition of a new public sewer, which if implemented do not increase the risk of flooding.

- 2. However as the site is located in an area of high sensitivity with respect to the quality of Controlled Waters (Principal Aquifer and groundwater Source Protection Zones SPZ1&2) the use of infiltration will have to be ultimately permitted by the Environment Agency.*
- 3. We note and welcome the proposal to incorporate the existing surface water flow path through the development via a constructed ditch and swale system. As part of the detailed design submission we shall expect for it to be demonstrated that no properties are in areas at risk of flooding as indicated on the Environment Agency's Risk of Flooding from Surface Water mapping.*
- 4. We would also emphasise that ground investigation will be required to support the use of infiltration. It is recommended that soakage tests be compliant with BRE 365, notably the requirement to fill the test pit several times. Detailed design should utilise a modified infiltrate rate and demonstrate that any soakaway will have an appropriate half drain time.*

Should you as the Local Planning Authority be minded to grant planning permission for the development we would recommend that the following conditions are applied:”

The four conditions requested are set out in full below, but are summarised as follows:

- (i) Details to show that rainfall associated with a climate-change-adjusted 100-year storm event can be accommodated within the site;
- (ii) Where infiltration is to be used, details first to have been submitted and approved;
- (iii) Detailed surface water drainage scheme for the site; and

- (iv) Submission of a verification report for the submitted surface water drainage proposals.

7.16 **Kent County Council Minerals and Waste** have provided two sets of comments on this application as follows.

In the first response the relationship between this potential development site and the existing KCC Depot (which adjoins the land subject to 16/508602/OUT and is accessed from London Road, the A2) and the Faversham Household Waste Recycling Centre (which sits to the south of the depot and is accessed from Salters Lane) are considered, together with the Noise Assessment submitted with the planning application.

KCC conclude as follows:

“Thus, the safeguarded waste facility is mitigated if these recommendations are followed. On that basis I do not think that the County Council would wish to raise an objection on noise impact grounds in relation to Policy DM 8 of the Kent Minerals and Waste Local Plan. That leaves dust, light and air emission impacts. I do not think that these would be severe enough to cause a statutory nuisance under the Environmental Protection Act. Though it is for your Environmental Health Officer to confirm this point in the absence of any detailed IA to consider.”

In the second response the implications for mineral deposits are considered, and the following extracts are pertinent:

“With regard to land-won minerals safeguarding matters it is the case that the area of the application site is coincident with a safeguarded mineral deposit in the area. This being Brickearth. The applicant has engaged consultants GWP to undertake a Mineral Assessment (MA). It is a comprehensive document. It concludes that the Brickearth resources to be potentially sterilised by the development proposed are not commercially viable for prior extraction ahead or phases with the proposed development of up to 70 dwellings and road link to the A251...”

My view is that the available landbank of this mineral is an irrelevant consideration to land-won mineral safeguarding. Otherwise, the whole matter of conservation of finite mineral resources would be compromised. I note that they have not quoted the industry for a view over the assertion that the 11,000 tonnes of potential material at this site are unviable. I have asked Weinerberger Ltd to look at this matter and they have stated:

‘We ourselves investigated this site in 2017, conducting Auger sampling and Testing Analysis on the Brickearth. On completion of the work, we decided that there wasn’t a quantity of Brickearth to make the extraction financially viable.’

On that basis the County Council agrees that exemption criterion 2 of Policy DM 7: Safeguarding Mineral Resources can be invoked in this circumstance.

7.17 **Kent County Council Economic Development** raise no objection to the application subject to the following contributions being secured to improve local infrastructure to mitigate the impacts of the proposed development. Detailed justification is provided as part of the response.

- (i) £4540 per applicable house* (or £317,800 in total if 70 houses are built) or £1135 per applicable flat (£79,450 if 70 flats are built) for **secondary school provision** to expand the Queen Elizabeth School;
- (ii) £16.42 per dwelling (or £1149.40 in total if 70 dwellings are built) for **community learning** (for KCC Adult Education Service) at the Faversham Adult Education Centre;
- (iii) £65.50 per dwelling (or £4585 in total if 70 dwellings were built) for **youth services**;
- (iv) £55.45 per dwelling (or £3881.50 in total if 70 dwellings were built) for **library book stock**;
- (v) £146.88 per dwelling (or £10,281.60 in total if 70 dwellings were built) towards **social care** in the form of 'specialist care accommodation in Swale District'; and
- (vi) £183.67 per dwelling (or £12,856.90 in total if 70 dwellings were built) towards '**waste**' in the form of additional capacity at the Household Waste Recycling Centres and Waste Transfer station in Sittingbourne.

*Applicable means dwellings of 56 square metres gross internal floor area or more.

In addition, a condition is requested in respect of broadband infrastructure. This is included below. KCC also request that all dwellings are built to M4(2) standard.

7.18 **Lower Medway Internal Drainage Board** responded as follows:

"The site in question is outside the Lower Medway IDD and as such we will not be making comment on this occasion. We will however follow and support comments and recommendations made by KCC SuDS team on this matter."

7.19 **Kent Police** do not object to the application. However, they draw attention to the policy support (in the NPPF and elsewhere) for designing development to minimise opportunities for crime and anti-social behaviour. They also suggest that it is beneficial for prospective developers to engage with them at an early stage in the process.

They make site-specific comments as follows:

1. *Development layout to maximise natural surveillance.*
2. *Perimeter, boundary and divisional treatments can include densely planted hedging in certain areas of the plan.*
3. *Corner Properties and any ground floor bedroom windows will require additional defensible space or treatments.*
4. *Parking spaces require "active" windows so that the owners can see them from active windows, failure to achieve this often results in ad-hoc parking on verges, vision splays, green areas or visitor spaces creating opportunity for damage, nuisance and conflict.*
5. *Doorsets and ground floor windows to meet PAS 24: 2016 certified standards.*
6. *Lighting. Please note, whilst we are not qualified lighting engineers, a lighting plan designed by a professional lighting engineer (e.g. a Member of the ILP) is required. Lighting of all roads including main, side roads, cul-de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and British Parking Association (BPA) standards. Any lack of lighting for unadopted roads is a concern as it will encourage home and vehicle owners to install ad-hoc lighting, likely to cause conflict damage ecology and create light pollution, a professional lighting engineer can design a plan to address these."*

Other than point 5, these issues can be dealt with at the reserved matters stage. Point 5 is not a planning issue.

Members will also note that a condition is included below to ensure that the development meets the principles of Secure by Design.

7.20 **NHS / CCG** have responded to consultation and, among other things, state:

“...The CCG has assessed the implications of this proposal on delivery of general practice services and is of the opinion that it will have a direct impact which will require mitigation through the payment of an appropriate financial contribution...”

Specifically, and on the basis that 70 dwellings are ultimately built, they request a total of £60,480, equating to £864 per dwelling.

To be spent, they state, on:

“...refurbishment, reconfiguration and/or extension of primary care premises in the Faversham Town PCN area.”

An appendix to the response explains the formula used to derive the amount requested.

7.21 **Rural Planning Limited** have been consulted with respect to the implications for the supply of agricultural land, and comment as follows:

“I note that this site already forms part of an allocation for residential development in the adopted Local Plan. Thus the principle as to the loss of agricultural land will have been taken into account already, and the main issues arising are presumably ones of detail, outside Rural Planning Limited's advisory remit.”

7.22 **Climate Change Officer** makes various comments on the application and the supporting documents, but none of these amount to an objection.

Members will note that conditions are included below in respect of EV charging points, minimising CO2 emissions and minimising water consumption.

7.23 **Kent County Council Archaeology** raises no objection subject to the imposition of a suitable condition, which I have included below. I have also included a clause in the Design Code condition in respect of archaeology.

It is noted that the site has significant archaeological potential and Members will note the following extract from the response:

“ Findings...[on the nearby Perry Court site]... and others that have been made [locally] do suggest that this area of the landscape is attractive for early settlement and other activities. As I explained for the 2016 application, the DBA has focused on the ancient activities around Faversham Creek as the indication of the location of the core settlement and given the lack of immediate discoveries on the site concludes low potential other than Roman. Aerial photography of fields to the south east of the site do suggest that there are buried landscapes extending out south of the motorway. The HER records a number of Roman burials having been found at the former mill in Salters Lane during the 1860s. Fieldwork in the fields to the east of Salters Lane have revealed Iron Age remains including kilns. The HER also records Palaeolithic hand axes having been found close by to the site but south of the motorway. The southern area of the application site has seen some previous quarrying for brickearth and was partially occupied by a brickworks.

Given the archaeological potential of the site and the potential for development works to impact on archaeology I would recommend that in any forthcoming consent provision is made for archaeological evaluation to be followed by further mitigation measures as appropriate and informed by that evaluation. The evaluation should take the form of geophysical survey, trial trenching and Palaeolithic assessment and test pitting. It should be undertaken at an early stage, in advance of a detailed application, so that archaeology can inform the development of the site masterplan and design.

7.24 **Greenspaces Manager** raises no objection and comments as follows:

“Generally recognises the requirement for greenspace in the proposal and this is provided in two core elements to the north and south. A good proportion of the north block seems to have been identified as contributing to open space on the adjacent development 16/508602/OUT and as such not sure it can “count” for both. In present form it provides some softening on approach to the development, but due to its relative linear nature would be more usable if consolidated into a single block.

The Council would not seek to transfer land or maintenance responsibility for the open space provision and an alternative way of management and maintenance should be sought.

Design and Access Statement indicates off site provision for formal outdoor sport, children and young people and allotments. As such we would seek a contribution toward increasing the capacity/size of play facilities on the adjacent development to a value of £446 per dwelling [£31,220 for 70 dwellings] , an off-site formal sports facilities contribution of £593 per dwelling [£41,510 for 70 dwellings] toward proposed new sports facilities at Love Lane, Faversham and an allotment contribution of £40 per dwelling [£2800 for 70 dwellings] toward providing additional capacity/facilities at existing allotments in Faversham, as identified in the Open Spaces and Play Area Strategy 2018-2022.”

8.0 BACKGROUND PAPERS AND PLANS

8.1 Members will note that the application is supported by the following plans:

- Site Location Plan (7391-L-10; January 2021);
- Development Framework Plan (7391-L-08 A; January 2021);
- Opportunities and Constraints (7391-L-09 A; January 2021);
- Arboricultural Implications Plan (RHDHV.AIP; February 2021);
- Proposed Access Arrangement at A251 (F16038/01 revision B)(which is part of Appendix A to the Transport Statement);
- Indicative Proving Layout (7391-A-01 Rev B; May 2021); and
- Combined Masterplans (7391-SK-03, March 2022) – which is for illustrative purposes only.

8.2 As all matters of detail are reserved, the above plans are simply to how the site might be developed and the application does not seek approval for the information shown.

8.3 A full set of supporting documents has also been provided, and these are publicly accessible on the Council’s website.

9.0 APPRAISAL

Principle of Development

- 9.01 The application site sits outside the built-up area boundary for Faversham, albeit immediately to the south of the boundary. Members will also note that the proposed housing would be located within the area allocated under Policy A16 of the adopted Local Plan for the development of a minimum of 217 dwellings. The concept plan accompanying A16 envisages the housing being located on the northern part of the allocation with the southern part of the site (including this application site) set aside for natural greenspace and strategic landscaping.
- 9.02 Members will appreciate that the Council cannot currently demonstrate a five-year housing land supply; the supply is 4.6 years. In these circumstances, the tilted balance under the NPPF is engaged and there is an onus on Local Planning Authorities to approve housing proposals that are in sustainable locations (see paragraph 11), even if they are outside the defined built-up area boundary. None of the exceptions under paragraph 11 (d) apply.
- 9.03 Given that the development would sit just to the south of the part of the allocation where housing is envisaged, and that the dwellings would be within comfortable walking distance of the facilities at Perry Court (just to the west of the site) and of the wide range of amenities in the town centre, the location of the development is considered to be sustainable.
- 9.04 I have also considered the three strands of sustainable development, as set out at paragraph 8 of the NPPF and elsewhere, namely the 'economic objective', the 'social objective' and the 'environmental objective'.
- 9.05 *Economic objective* – the development would have moderate economic benefits associated with the construction of the dwellings and, in the longer term, through the creation of a community, providing potential customers for local businesses. The application also includes land to be set aside to allow the future provision of a Link Road that could ultimately connect the A251 Ashford Road with land to the east of Salters Lane and, further east, to the A2. Facilitating the provision of part of this road link, amounts to an economic benefit as it would assist, to some degree, the potential provision of a major urban extension on land east of Salters Lane. However, it will be appreciated that such development does not yet benefit from a Local Plan allocation or any form of planning approval.
- 9.06 *Social objective* – the development would add to the local housing stock in both a quantitative and qualitative sense, which is arguably a benefit in this regard. It will also deliver 25 affordable dwellings.
- 9.07 *Environmental objective* – although the development of this land for housing, rather than it forming part of the open space and strategic planting area for development on land to the north as envisaged under Policy A16 of the Local Plan, is arguably a disbenefit, against this can be weighed the environmental benefit of making more efficient use of the land allocated under Policy A16; by providing an extra 70 dwellings on the allocation, and potentially reducing the need to develop greenfield land elsewhere in the Borough. The development will also incorporate 'environmental features' to help reduce the carbon footprint of the scheme, to the benefit of the environment.

- 9.08 With regard to the reservation of land for a link road connecting Salters Lane with Ashford Road, Members will note that planning permission is not being sought for the road, and that this application simply seeks to ensure that an appropriate width corridor is reserved for its provision. In due course, a separate planning application would need to be approved specifically for the road before it could be provided. I consider that the inclusion of this element in the application is acceptable, mindful that before it could be delivered its merits would need to be fully tested through a separate planning application.
- 9.09 I therefore conclude that the proposal amounts to sustainable development and that it is acceptable in principle.

Visual Impact

- 9.10 As set out elsewhere, all matters of detail are reserved, but Members will note that the development would be built at a relatively low density of approximately 24 dwellings per hectare. Condition (4) below would limit building heights to a maximum of 2.5 storeys. I note that the development would site in a shallow, dry valley and that it is partially enclosed by existing vegetation (particularly to the south and west sides). The proposed level of development can be accommodated on the site without unacceptable implications for visual amenity; Members will note the conditions below – notably condition (4) – these will be used to ensure that a high-quality development that is harmonious with the setting is achieved.

Landscape Impact

- 9.11 As stated above, the site is not subject to either a local or a national landscape designation.
- 9.12 As noted above, the application is supported by a Landscape and Visual Appraisal (dated February 2021), and I note its conclusions and the final paragraph (7.6 on page 31) reads as follows:

“Overall, it is concluded that only localised effects will arise and that adjoining residents will experience a limited change in views and amenity owing to the parameters and associated green infrastructure measures which are proposed. The indicative masterplan and landscape strategy approach also demonstrates how the development can address local policy and SPD objectives without harming the wider character area or wider visual amenity.”

- 9.13 I agree with this conclusion. I also note that the site is relatively enclosed (particularly to the south (M2 boundary) and west (where it faces towards the backs of dwellings on Ashford Road) and that it has a setting partially characterised by urban features such as the motorway and the existing ribbon of dwellings along the Ashford Road, do not anticipate unacceptable landscape impacts.

Housing Mix

- 9.14 This will be agreed subsequently as Members will note that all matters are reserved; the wording of condition (4)(Design Code) below should also be noted.
- 9.15 In accordance with Policy CP3 (6) of the Local Plan, however, the development will need to meet the needs of specific groups in terms of accessibility, and all of the dwellings will be built to M4(2) and a proportion to M4(3) as a requirement of the s106 agreement.

Residential Amenity

- 9.16 Members will note that the proposed dwellings would be set well away from the nearest existing dwellings, the two houses at Numbers 1 and 2, Salters Lane, which sit to the east of the application site, facing the existing access track, which in turn is located along the southern edge of the area where the new dwellings would be sited; the separation would be in excess of 21 metres and is considered to be acceptable.
- 9.17 The other houses in the general vicinity are those facing Ashford Road, but the dwellings there are typically in excess of 130 metres from the indicative positions of the closest of the proposed dwellings.
- 9.18 In addition to the above, I note that the Environmental Protection Team Leader raises no objection to the application. I conclude that the implications for residential amenity are within acceptable limits.
- 9.19 With regard to the land set aside for the Link Road, as the application does not seek planning permission for the road, the implication of it for residential amenity are not to be assessed here. As explained above, if a planning application is submitted in the future for the Link Road, all of its planning implications would be evaluated at that point.

Highways

- 9.20 Members will have noted above (see paragraphs 7.07 and 7.08) that both KCC Highways and Transportation and National Highways raise no objection, having assessed the implications of the development for the local network and the strategic network (which includes the M2) respectively. The conditions requested by these organisations are included below.
- 9.21 Consideration of the appropriate level of car parking to be provided on a housing development is an important part of the overall assessment of the application. However, as this application is in outline with all matters (including the layout) reserved, it does not fall to be assessed as part of this application, rather it would be dealt with at reserved matters stage. At that stage, the application would need to demonstrate, among other things, that the details were in accordance with the Car Parking SPD, which I refer to at paragraph 5.6 above.
- 9.22 As explained above, with regard to the Link Road, its planning merits are not evaluated here as permission is not sought for it. At such time as an application is made for it, however, KCC Highways and Transportation and National Highways would be consulted and their views would be a key part of the evaluation of it.
- 9.23 I note the comments of Faversham Town Council and the Faversham Society with respect to the potential implications for Salters Lane, which they refer to as a 'Green Lane'. Under Policy DM26 of the Local Plan it is designated as a Rural Lane, which I refer to above. However, as this application does not include any form of vehicular access on to Salters Lane (the vehicular access is from Ashford Road and ultimately the development will connect to a 2nd vehicular access from the A2), there will not be any significant adverse impact on the Lane as a result of increased vehicle movements. Potential visual impacts will be dealt with using the conditions set out below.

Air Quality

- 9.24 As Members will probably be aware, there is one Air Quality Management Area in the general vicinity of this site, and it is the Ospringe AQMA, located on the western edge of the Faversham built-up area, where the A2 runs through the historic village of Ospringe.
- 9.25 The Environmental Protection Team Leader raises no objection (see paragraph 7.11 above) subject to the imposition of suitable conditions (including in respect of low NOX boilers and electric vehicle charging points, both of which will contribute to minimising air pollution associated with the development) and the payment of a damage cost calculation (to be secured under the s106 agreement) and to be spent on mitigation of air quality impacts. The damage cost has been calculated as £24, 800 and would be used to mitigate impacts associated with both NO2 and particulates (PM 2.5).
- 9.26 On the basis of this mitigation package, the development is acceptable in this regard.

Heritage

- 9.27 This part of the wider Preston Fields site is not located close either to listed or non-designated heritage assets or to a Conservation Area(s). As such, no heritage assets will be impacted by the development and it is considered to be acceptable in this regard.

Brick-earth

- 9.28 As set out at paragraph 7.16 above, KCC Minerals and Waste have commented on the application, and conclude that viable deposits of brick-earth are not present at the site. As such, no objection is raised in this regard.

Drainage

- 9.29 Members will note the comments at paragraphs 7.13, 7.14 and 7.15 above and that neither Southern Water Services (SWS) or Kent County Council Flood Risk Officer. The conditions requested by the latter are included below. However, the conditions requested by SWS are not included as they relate to foul drainage, which is dealt with under other legislation, which gives SWS the powers to secure the appropriate infrastructure to serve this development.

Ecology (including SPA implications)

- 9.30 Members will note that both KCC Ecology (paragraph 7.05) and Natural England (paragraphs 7.03 and 7.04) raise no objection to this development.
- 9.31 Conditions (6), (7) and (8) below will ensure that the development is sympathetic to existing ecology and that a biodiversity net gain of at least 10% is achieved.
- 9.32 With regard to the implications for Special Protection Areas (SPAs), Natural England were specifically consulted on the statement produced in this regard by the Local Planning Authority (a copy of which is appended to this report), as competent authority, and they confirmed that they raised no objection subject to the standard mitigation, which is referred to at paragraph 9.39 below.

S106 Contributions

- 9.33 Work on the drafting of the s106 agreement for this development and the development proposed under 16/508602/OUT is on-going.
- 9.34 Members will note the responses from KCC Economic Development (paragraph 7.17), the NHS / CCG (paragraph 7.20) and the Greenspaces Manager (paragraph 7.24), the various amounts requested by these consultees are set out above, and these will need to be secured under the s106 agreement.
- 9.35 With regard to the provision of bins, the following is required per dwelling:
- Per house - 1 x 180ltr green refuse bin @ £45.10 per bin
1 x 240ltr blue recycling bin @ £45.10 per bin
1 x 23ltr black food bin @ £10.50 per bin
1 x 5ltr kitchen caddy @ £5.20 per bin
- Total cost for a full set of bins for one house is £105.90.
- For flats it would be:
- 1 x 1100ltr refuse bin per 5 flats @ £437.60 per bin
1 x 1100ltr recycling bin per 5 flats @ £437.60 per bin
1 x 140ltr food bin per 5 flats @ £78.70 per bin
- Equating to £190.78 for one flat.
- 9.36 In addition, the s106 agreement will also need to include a clause in respect of land to be safeguarded for the provision of a Link Road (to connect the A251 to Salters Lane and land to the east of it); this corridor of land will measure not less than 15 metres in width and extend across the entire width of the application site; the s106 agreement will need to ensure that the land is safeguarded free from development and that it is available to be transferred to Swale Borough Council when requested.
- 9.37 The s106 agreement will need to include clauses to ensure that the management of the open space and strategic landscaping is dealt with appropriately, and that it is clear how, and by whom, this will be done.
- 9.38 As noted above, all of the dwellings will be built to the M4(2) accessibility standard and at least two dwellings to M4(3), in accordance with Policy CP3 of the Local Plan and noting the comments of consultees in this specific regard.
- 9.39 The mitigation for potential impact on the Special Protection Areas (SPA) would consist of a standard financial contribution of £250.39 per dwelling (or £17,527.30 for 70 dwellings) to be spent on mitigation of potential recreational impacts on wintering birds.
- 9.40 With regard to air quality, the damage cost has been calculated as £24,800. This would be secured under the s106 agreement, which would need to be worded such that the requirement could be met by agreed mitigation on site, in the form of a payment to the Council to provide mitigation off-site, or a combination of the two.
- 9.41 With regard to s106 monitoring and administration, an appropriate fee will need to be agreed in due course.

9.42 As set out elsewhere, delegated authority is sought to conclude the s106 agreement and to make refinements to its contents as may reasonably be required. This includes adding extra matters should that prove to be necessary.

Affordable Housing

9.43 As set out at paragraph 7.06 above, the Affordable Housing Enablement Manager raises no objection subject to 35% of the total number of homes (or 25 dwellings) on this site should be delivered as affordable housing. This will be secured under the s106 agreement, including clauses to ensure the appropriate tenure split and other matters as itemised at paragraph 7.06, and that 10% of the total number of dwellings provided are 'First Homes'.

Climate Change

9.44 Members will note that the Climate Change Officer raises no objection and as set out above conditions are recommend in respect of electric vehicle charging points, water consumption and the minimisation of CO2 emissions. Importantly, the site is sustainably located and is connected to other parts of the town by a network of paths and pavements. The recent upgrade of the A2-A251 junction incorporates a signalled controlled junction which includes phases for cyclists and pedestrians. This, together with the new pavements provided on the southern side of the A2 connecting to it, has significantly enhanced provision for safe active travel in the vicinity. This is an obvious when it comes to encouraging use of sustainable alternatives to car travel.

10.0 CONCLUSION

10.01 The various material planning implications of this proposed development have been carefully considered, together with the comments provided by technical consultees.

10.02 The development is considered to be a sustainable one that would deliver 70 additional dwellings (in addition to the 'up to 250' that Members have previously resolved to approve under 16/508602/OUT) within an existing Local Plan allocation. In addition, the grant of outline permission would secure the provision of land for a Link Road across the site (subject to a planning application being approved in due course). This is also a significant benefit.

10.03 Having concluded that all the relevant planning impacts can be fully mitigated by conditions or s106 clause, I consider that planning permission should be granted on this basis.

11.0 RECOMMENDATION – GRANT Subject to the conditions as set out below and the signing of a suitably-worded s106 agreement, with delegated authority to make refinements to condition wording and s106 clauses as may reasonably be required.

CONDITIONS to include

- (1) Details of the layout, scale, appearance, landscaping and access within a phase of the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development within that phase takes place and the development shall be carried out as 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.

- (2) The application (s) 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 five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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) Prior to the submission of a reserved matters application for any phase, a design code for all of the phases shall be submitted to and approved in writing by the Local Planning Authority.

The details submitted pursuant to condition (1) above shall be in accordance with the approved Design Code that shall include, but not be limited to, the following:

- A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials (which should be locally sourced unless it is demonstrated that this cannot reasonably be achieved), boundary treatments, and provision of car parking;
- A strategy for building heights (which will be limited to no more than 2.5 storeys);
- Principles for road hierarchy, pedestrian and cycle connections including the alignment, width, lighting and surface materials to be used;
- A strategy for street tree planting;
- A strategy for lighting to the network of cycle and footpaths;
- Principles for the layout to accommodate and respond to existing landscape features within the site (including for the retention of existing trees, hedges - including along the track running east-west through the site - and other boundary planting, including to Salters Lane);
- A levels strategy to retain (where possible) the existing topography and minimise the creation of artificial development platforms;
- Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage (which shall incorporate open features such as ponds, ditches, storm water planters and swales);
- A strategy for the Salters Lane frontage to ensure that a consistent and appropriate development offset is achieved and that this boundary is sympathetically treated;
- A car parking strategy to demonstrate how parking provision for the housing will be well integrated both with the built development and hard and soft landscaping (with an onus on the provision of native species street trees);
- A strategy to ensure that dwellings are provided with water butts and garden composting facilities (or appropriate communal provision for any apartment blocks); and

Reason: In the interests of providing a high-quality layout and design of this development.

- (5) No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development meets the principles of 'secure by design'.

Reason: In the interests of crime reduction and safety.

- (6) No development shall take place until an outline Ecological Design Strategy (EDS) has been submitted to, and approved in writing by, the Local Planning Authority. The EDS shall include (but not be limited to) 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 and long term maintenance;

The EDS will be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of increasing biodiversity at the site.

- (7) The details submitted pursuant to condition (1) above shall be informed by the approved Ecological Design Strategy and shall show how a biodiversity net gain of not less than 10% will be delivered on the site.

Reason: In the interests of increasing biodiversity at the site.

- (8) The details submitted pursuant to condition (1) above shall be in accordance with the following:
- All new planting should consist of native, site-appropriate species.
 - Any ornamental planting should be kept to an absolute minimum (and within curtilage boundaries) and not consist of any invasive species.
 - Any closeboard fencing associated with the development must feature suitably-sized gaps for hedgehog (and other small terrestrial vertebrate) movement.
 - Nest/roost space for bird/bats should be integrated into the new builds, with bird bricks/boxes providing nest space for declining species (such as Swifts).
 - Where possible (such as within the proposed orchard area), native wildflower grassland should be established (and appropriately maintained annually).

Reason: In the interests of increasing biodiversity at the site.

- (9) No works shall commence on the development hereby permitted (including site clearance or preparation) until the details of all proposed ground and/or building

works demonstrating that they safeguard and maintain the geotechnical stability of the M2 embankment during construction and occupation of the site have been submitted to and approved in writing by the Local Planning Authority (who shall consult with National Highways). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the Local Planning Authority (who shall consult National Highways).

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 1 the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- (10) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of the hard and soft landscaping within 20 metres of the M2 boundary of the site have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the M2 Motorway continues 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.

- (11) No water run off that may arise due to the development hereby permitted will be accepted into the highway drainage systems, and there shall be no connections into those highways drainage systems from the development and its drainage system.

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

- (12) No lighting structures may be installed closer to the M2 boundary than 1.5 times the column height nor be directed towards the M2 unless approved in writing by the local planning authority (who shall consult National Highways). Thereafter the construction and occupation of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage.

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

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

- (14) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

- (15) 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.

- (16) 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 that the drainage system constructed is consistent with that which was 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.

- (17) No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the Local Planning Authority:
- A. A preliminary risk assessment which has identified:
- all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- B. A site investigation scheme, based on (A) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- C. The results of the site investigation and the detailed risk assessment referred to in (B) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- D. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (C) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (18) Prior to the occupation of any dwelling hereby approved, a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

- (19) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons To prevent pollution of controlled waters and risks to human health.

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

Reasons: Piling can result in risks to groundwater quality.

- (21) Development here by approved shall not commence until a foul drainage strategy, detailing how the developer intends to ensure that appropriate foul drainage is implemented (with a connection to foul sewer), has been submitted to and approved by the Local Planning Authority (in consultation with Southern Water and the EA). The development shall be constructed in a phased manner in line with the agreed detailed design and recommendations of the strategy. No occupation of any premises can take place until the installed scheme is confirmed as meeting the agreed specifications.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution in line with paragraph 170 of the National Planning Policy Framework.

- (22) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- (23) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority.

The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of residential amenity.

- (24) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

- (25) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied until details of the measures used to achieve the rate for that unit(s) have been submitted to and approved in writing by the local planning authority.

Reason: In the interests of minimising water consumption.

- (26) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: in the interests of minimising CO2 emissions.

- (27) The details submitted pursuant to condition (1) (the reserved matters) shall include measures to provide electrical vehicle charging points and shall include;
- (a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage,
 - (b) Electrical vehicle charging points to be provided to a minimum of 10% of all other residential parking areas.,
 - (c) Electrical vehicle charging points to be provided to a minimum of 10% of visitor parking spaces.

No dwelling hereby permitted shall be occupied until the electric vehicle charging points for that dwelling have been installed. All Electric Vehicle Charging units shall be provided to Mode 3 standard with a minimum 7kw. The charging points shall be provided prior to first occupation of any dwelling hereby approved.

Reason: In the interest of sustainable development and encouraging sustainable modes of travel.

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

Monday to Friday 0730 - 1800 hours, Saturdays 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.

- (29) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNOx/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimizing air quality impacts.

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

The code shall include:

- Hours of working and timing of deliveries
- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- numbers, frequency, routing and type of vehicles visiting the site
- travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- Details of how the construction will proceed in accordance with the conditions sets out in the consultee response by Southern Gas Networks email dated 25th January 2017
- The arrangements for public consultation and liaison during the construction works.

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

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (32) The details submitted pursuant to condition (1) (the reserved matters) shall include an updated landscape strategy. All approved landscape works shall be

carried out in accordance with the approved details. The landscaping works shall be carried out in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interest of the visual amenity and ecology of the area

- (33) 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.

- (34) Prior to the commencement of the development an arboricultural method statement and tree protection plan shall be submitted to and approved in writing by the Local Planning Authority. The approved arboricultural method statement and tree protection plan shall be adhered to throughout the construction phase of the development.

Reason: To ensure the surrounding boundary trees are retained and adequately protected.

- (35) Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:

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

Reason: in the interests of highway safety.

- (36) The details pursuant to condition (1) shall show details of covered cycle parking facilities. The approved cycle facilities shall be provided prior to first occupation of any dwelling hereby approved and retained thereafter.

Reason: In the interests of sustainable development and encouraging sustainable modes of travel.

- (37) No development shall be carried out beyond the construction of foundations until detailed plans showing the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed wholly in accordance with the approved details.

Reason: In the interest of highways safety and convenience.

- (38) 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 2015 (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.

- (39) The details of the layout submitted under condition (1) above shall ensure that there are no dwellings located within nine metres either side of the high pressure gas pipeline that runs through the site. Any dwellings within the middle and outer zones of the high pressure gas pipeline, as identified on the Health and Safety Executive map (12th January 2017) shall not exceed more than 30 in number and/or more than 40 dwellings per hectare.

Reason: In the interests of health and safety and the protection of important gas infrastructure.

Appendix – Appropriate Assessment Statement

INFORMATIVES

National Highways Informative 1: The scheme shall include such assessment, drawings and mitigation as is necessary to comply with the requirements and standards set out in the Design Manual for Roads and Bridges.

National Highways Informative 2: The CTMP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

KCC Highways and Transportation Informative: Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

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

Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

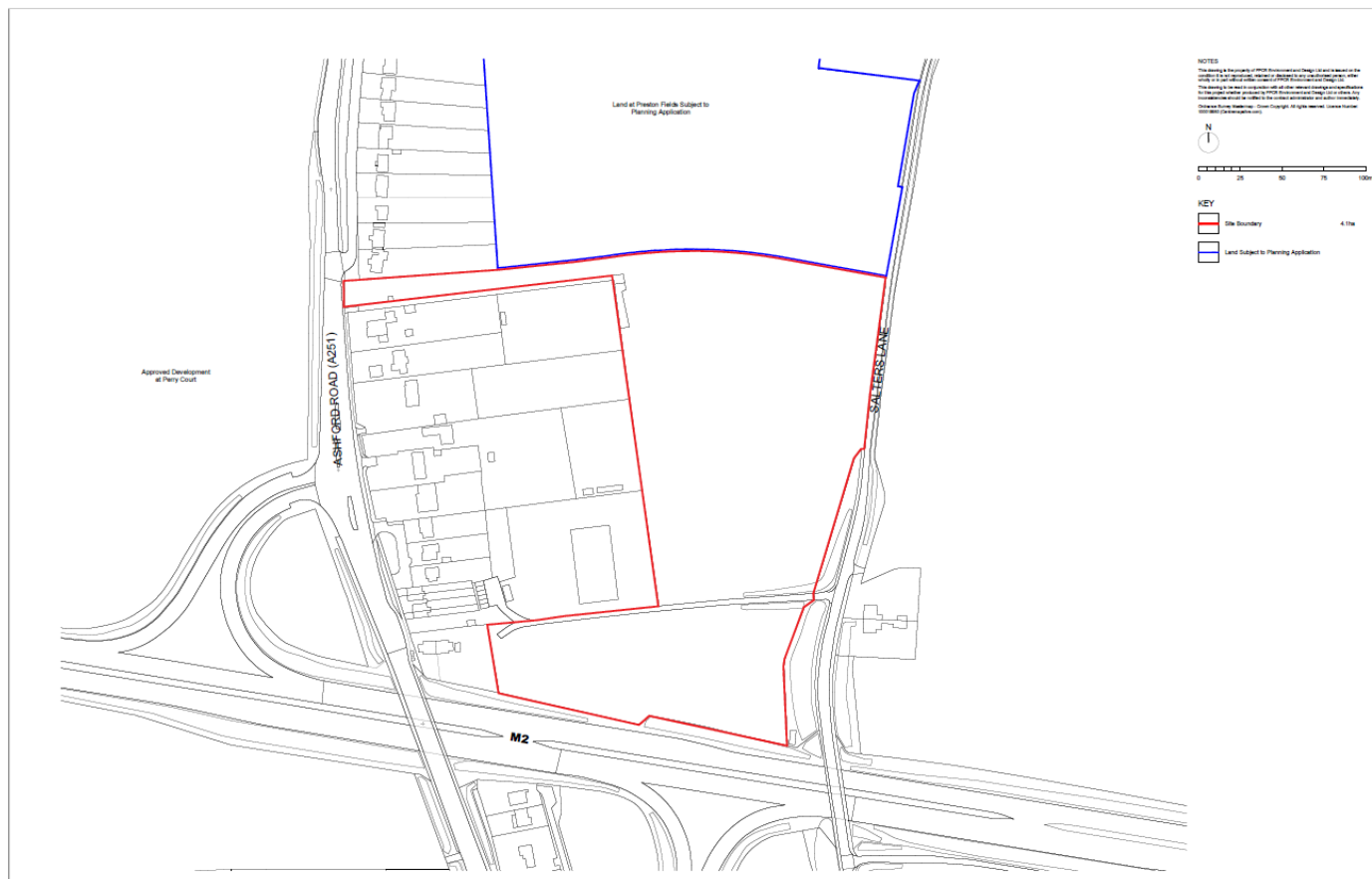
The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by: Offering pre-application advice. Where possible, suggesting solutions to secure a successful outcome. As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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



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APPENDIX A



Habitat Regulation Assessment (HRA)ⁱ Screening Matrix and Appropriate Assessment (AA) Statement

IMPORTANT NOTE: Undertaking the HRA process is the responsibility of the decision maker as the Competent Authority for the purpose of the Habitats Regulations¹. However, it is the responsibility of the applicant to provide the Competent Authority with the information required to complete this process.

Application reference:	21/500766/OUT
Application address:	Land At Preston Fields (South), Faversham
Application description:	Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane.
Lead Planning Officer:	Jim Wilson
HRA Date:	7/10/2021

Part 1 – Details of the plan or project

European site or sites potentially impacted by planning application, plan or project (Delete as appropriate):	Thames Estuary & Marshes SPA and Ramsar Site The Swale SPA and Ramsar Site
Is the planning application directly connected to the management of the site?	No

Part 2 – HRA Screening Assessment

Screening under Regulation 63(1)(a) of the Habitats Regulations – The Applicant should provide evidence to allow a judgement to be made as to whether there could be any potential significant impacts of the development on the integrity of the SPA / Ramsar Site.

The coastline of North Kent encompasses three Special Protection Areas (SPAs): the Thames Estuary and Marshes SPA, the Medway Estuary and Marshes SPA and the Swale SPA. They are classified in accordance with the European Birds Directive which requires Member States to classify sites that are important for bird species listed on Annex 1 of the European Directive, which are rare and / or vulnerable in a European context, and also sites that form a critically important network for birds on migration. All three sites are also listed as Wetlands of International Importance under the Ramsar Convention (Ramsar Sites). For clarity, and the purpose of this assessment, 'European Sites' refers to both the SPA(s) and Ramsar² Site(s). Studies have shown marked declines in key bird species, particularly in areas that are busiest with recreational activity.

Research³ conducted in 2011 found that additional dwellings were likely to result in additional recreational activity, causing disturbance to protected bird species that over-winter or breed on

APPENDIX A

<p>the SPA and Ramsar Site. The studies found that 75% of recreational visitors to the North Kent coast originate from within 6km of the SPA boundary and Ramsar Site. The impacts of recreational disturbance can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.</p> <p>Following the CJEU ruling⁴, avoidance or mitigation measures cannot be taken into account as part of the application at this stage of the HRA, and must be considered under an Appropriate Assessment stage of the HRA in part 3 of this document.</p>	
<p>Are there any other plans or projects that together with the planning application being assessed could result in a likely significant effect the site when considered in-combination?</p>	<p>Yes. All new dwellings built within 6km of the SPA and Ramsar Site, or other developments that could lead to an increased recreational pressure, could combine to have a likely significant effect on the SPA and Ramsar Site.</p>
<p>Would the proposal lead to a likely significant effect on the European sites, without mitigation measures either alone or in-combination? YES (if yes, continue to part 3)</p>	

<p>Part 3 – Appropriate Assessment</p>	
<p>Appropriate Assessment under Regulation 63(1) – if there are any potential significant impacts, the Applicant must provide evidence showing avoidance and/or mitigation measures to allow an Assessment to be made. The Applicant must also provide details which demonstrate any long-term management, maintenance and funding of any solution.</p>	
<p>The project being assessed would result in a net increase of up to 70 dwellings within 6km of the North Kent SPAs and Ramsar Sites. In line with Policy CP7 ‘Conserving and enhancing the natural environment – providing for green infrastructure’ and Policy DM 28 ‘Biodiversity and geological conservation’ and based upon the best available evidence, a permanent likely significant effect on the SPAs and Ramsar Sites due to increase in recreational disturbance as a result of the new development, is likely to occur. As such, in order to avoid and mitigate for an adverse effect on the integrity of the SPAs and Ramsar Site(s), the development will need to include a package of avoidance and mitigation measures.</p> <p>The North Kent Strategic Access Management and Monitoring Strategy⁵ (SAMMS) sets out a strategy to resolve disturbance issues to wintering birds on the North Kent Marshes, focusing on the European Protected Sites and Ramsar Sites and their internationally important bird interest features. Elements within the strategy are:</p> <ul style="list-style-type: none"> • Rangers to provide wardening and visitor engagement • A North Kent Coast dog project to promote responsible dog ownership and encourage walking on lead in sensitive areas • Codes of conduct developed in partnership with local groups and clubs to raise awareness of recreational disturbance in a variety of activities both on and off of the water • Interpretation and signage • New and/or enhanced infrastructure • Enforcement and Monitoring <p>The report⁴ also considered alternative measures, such as legal covenants relating to pet ownership in new developments, and capping visitor numbers at recreational sites. Due to the</p>	

APPENDIX A

complexities in enforcing legal covenants and in reducing visitor numbers to the North Kent marshes, it is difficult to have confidence that such measures would be effective in the long term.

The suite of strategic mitigation measures are being delivered through the Bird Wise⁶ project, a partnership of local authorities and conservation organisations in North Kent, to ensure that development, considered in-combination, does not have an adverse effect on the integrity of the European sites. A per-dwelling tariff⁷ has been calculated using the total cost of delivering the mitigation measures in-perpetuity and the planned number of additional dwellings expected to be built in North Kent. Swale's tariff is £250.39 per dwelling.

Given the proximity of the site to the SPA and the established operation of the SAMMS, I consider that a payment in accordance with this strategy is still necessary, and this is agreed by the applicant.

Natural England has worked with the north Kent Local Planning Authorities to support them in preparing the SAMMS and the underpinning evidence base. Natural England agree that the mitigation measures to ensure additional impacts from recreational disturbance to the SPAs and Ramsar Sites are ecologically sound. As such, the Applicant does not need to provide their own evidence base on these aspects. Evidence should however be submitted showing that a mitigation contribution payment has either:

- Been made to the Bird Wise scheme through a Unilateral Undertaking; or
- Be made through a s106 agreement where Heads of Terms have been agreed and the agreement will be signed prior to any permission being granted.

Consideration has also been given to the possibility that there could be other impacts on the integrity of the relevant SPAs, notably in respect of surface water running off from the site and reaching the SPAs, but the Council conclude that the proposed SUDS drainage system will be sufficient to ensure that this does not occur.

Part 4 – Summary of the Appropriate Assessment - To be carried out by the Competent Authority (the local planning authority) in liaison with Natural England

Having considered the proposed mitigation and avoidance measures to be provided in-perpetuity through the secured contribution to the Bird Wise scheme, Swale Council conclude that with mitigation, the plan or project will have no adverse effect on the integrity of the European protected site(s).

The applicant has agreed to make the required financial payments under SAMMS through a S106 agreement. This will be required prior to occupation of the development.

The proposed mitigation in respect of potential surface water runoff is also noted and accepted.

Having made this appropriate assessment of the implications of the plan or project for the site(s) in view of that site's conservation objectives, and having consulted Natural England and fully considered any representation received (see below), the authority may now agree to the plan or project under regulation 63 of the Conservation of Habitats and Species Regulations 2017.

Natural England Officer:

APPENDIX A

Summary of Natural England's comments:

2.10 REFERENCE NO - 22/500641/FULL		
APPLICATION PROPOSAL		
Construction of one additional storey to the existing building to provide 9no. residential units, the replacement of all existing windows at first and second floor level and the repair/repainting of rendering.		
ADDRESS Bank House Broadway Sheerness Kent ME12 1TW		
RECOMMENDATION – Delegate to GRANT planning permission , subject to payment of the SAMMs contribution and subject to no adverse comments from the Environment Agency.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
The application proposal is considered to meet the requirements of the Swale Local Plan 2017. In addition, although concerns have been raised as to the lack of parking associated with the development, the site is centrally located within Sheerness and benefits from easy access to public transport. Bicycle storage facilities are also to be provided as part of the proposed scheme in order to encourage the use of sustainable transport.		
REASON FOR REFERRAL TO COMMITTEE		
Sheerness Town Council have raised an objection to the proposed development.		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT Grantley Property Investments Limited AGENT Edwards Planning Consultancy
DECISION DUE DATE 13/05/22	PUBLICITY EXPIRY DATE 17/03/22	

RELEVANT PLANNING HISTORY

21/506242/PNMA - Prior notification for the change of use from Commercial, Business and Service (Use Class E) to 10 no. self-contained flats (Use Class C3). For its prior approval to: Transport impacts of the development, particularly to ensure safe site access; Contamination risks in relation to the building; Flooding risks in relation to the building; Impacts of noise from commercial premises on the intended occupiers of the development; Where the building is located in a conservation area, and the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area; The provision of adequate natural light in all habitable rooms of the dwellinghouses; The impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and where the development involves the loss of services provided by a registered nursery, or a health centre maintained under section 2 or 3 of the National Health Service Act; The impact on the local provision of the type of services lost. - Prior Approval Granted

Decision Date: 14.01.2022

1. DESCRIPTION OF SITE

- 1.1 Bank House is a three-storey commercial building located on a corner plot on the busy road junction. The building façade extends along sections of both the Broadway and Trinity Road. The building has a flat roof and its design features large glazing panels along each elevation. The ground floor units are in retail and other commercial uses. It is understood that part of the ground and first floors of the building are used as a martial arts training studio and a fitness centre (Class D2) and that the remainder of the first floor is in office use. The second floor of the building is comprised of three vacant self-contained office units and consent was recently granted for their conversion to residential use via the permitted development prior approval process under application ref: 21/506242/PNMA. There is a private carpark to the rear of the building which is accessed via Trinity Road.
- 1.2 The property is centrally located within the town centre and within the Sheerness Mile Town Conservation Area, and it lies within the built-up area boundary of Sheerness. Trinity Church to the west of the site is a Grade II listed building.

2. PROPOSAL

- 2.1 The application proposal relates to the addition of a new floor to the building to facilitate the creation of 9 residential units. The new proposed storey will comprise of a mansard roof extension and will add approximately 2.8 metres to the height of the building. The proposed works also relate to the replacement of all of the existing windows at first and second floor level and to the repair/repainting of the external render to the building. The development proposal also allows for the erection of a secure bicycle shed within the rear car park.

3. PLANNING CONSTRAINTS

Sheerness Mile Town Conservation Area
Flood Zones 2 and 3
EA Flood Warning Area
SSSI Impact Risk Zone
Within the setting of a Grade II Listed Church

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- ST1 Delivering sustainable development in Swale
 - ST3 The Swale Settlement Strategy
 - ST6 The Isle of Sheppey Area Strategy
 - CP3 Delivering a wide choice of high-quality homes
 - CP4 Requiring Good Design
 - CP8 Conserving and enhancing the historic environment
 - DM7 Vehicle parking
 - DM14 General development criteria

- DM19 Sustainable design and construction
- DM28 Biodiversity and Geological Conservation
- DM32 Development involving listed buildings
- DM33 Development affecting a conservation area

4.3 Swale Borough Council Parking Standards 2020

4.4 Sheerness Mile Town Conservation Area Appraisal

5. LOCAL REPRESENTATIONS

5.1 One local representation has been received, neither objecting to nor supporting the proposal, but asking for clarity on how the proposed works will impact parking as any scaffolding may impact where people can park.

5.2 However, as parking is restricted on the road adjacent to the building by existing barriers and double yellow lines, it is not considered that scaffolding on the building is likely to impact parking.

6. CONSULTATIONS

6.1 **Sheerness Town Council** – Object to the proposal owing to the lack of parking provision and the resultant impact upon the amenity of local residents.

6.2 **Historic England** – No comment

6.3 **Environment Agency** – Awaiting comments

6.4 **Kent County Council Highways Team** – No objection

6.5 Initial comments:

6.6 *'The proposed development does not include the provision of any parking spaces. Given its central location with access to location facilities and the provision of parking restrictions in the vicinity, this would not be a reason to object to the proposal. A bicycle storage area has been indicated, however this needs to be fully enclosed and secure. In addition its current position is abutting a car parking space, which reduces the amount of space allowed for a vehicle to park here (to allow for the car doors to be opened). It should be sited so as to allow a sufficient gap between the car parking space and the unit itself.'*

6.7 The agent has since amended the plans in relation to the cycle store to make the structure fully enclosed and has amended the location to allow a sufficient gap between the car parking space. Kent County Council Highways team have since confirmed that the revisions to the bicycle store design and location are acceptable.

6.8 **Natural England** – No objection, subject to the appropriate financial contribution being secured.

6.9 **Swale Borough Council Conservation Officer** – No objection, subject to conditions

- 6.10 **SBC Environmental Health Team** – No objection, subject to conditions relating to the hours of construction and to the control of any dust during demolition or construction works on site

7. **BACKGROUND PAPERS AND PLANS**

- 7.1 Please refer to the existing and proposed plans provided. A Planning Statement, Heritage Statement and Flood Risk Assessment have also been provided.

8. **APPRAISAL**

8.1 Principle of Development

- 8.2 Policy ST3 of the Swale Local Plan 2017 supports development within the urban confines of towns and local centres in the borough. The policy states that development will not be permitted on countryside land which falls outside of the defined built-up area boundaries unless the development proposal is supported by national policy and the development would contribute to protecting and enhancing the landscape setting.

- 8.3 Bank House is centrally located within Sheerness and the site lies in close proximity to high street. In this particular location, the principle of extending an existing building through the addition of a new floor is supported in policy terms, subject to the proposal meeting the requirements set out below.

8.4 Impact on Heritage and Wider Character and Appearance

- 8.5 Policy DM32 of the Swale Local Plan 2017 states that proposals that affect a designated heritage asset, or its setting, will be permitted only where the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved.

- 8.6 Policy DM33 of the Swale Local Plan 2017 states that new development within, or adjacent to, a conservation area is expected to be both of an appropriate use, of a very high standard of design, and to respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place. In addition, buildings or features which make a valuable contribution to the character of a conservation area individually, or as part of a group, should be conserved, and that their demolition should only be permitted in exceptional circumstances, subject to the submission and approval of a detailed plan for redevelopment.

- 8.7 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.

- 8.8 The subject property is located within the Sheerness Mile Town Conservation Area and it is located within the setting of Holy Trinity Church, a Grade II listed building.

- 8.9 With regards to the potential impact of the proposed works upon the character and appearance of the streetscene in the context of the wider Conservation Area, the

Conservation Area Appraisal for Sheerness Mile Town highlights the importance of the public green space around Holy Trinity Church. However, the verdant character of the public space opposite Bank House and the associated important views towards the listed church will not be impacted by the proposed works. The appraisal also highlights the lack of uniformity between the buildings located close to the junction between the Broadway and Trinity Road. The appraisal states that *'Beyond the junction of Broadway with Trinity Road, the buildings are somewhat different in character with more variety in their type, size and design.'*

- 8.10 Bank House is located in a predominantly commercial area where the surrounding buildings are varied in their architectural design and scale. As a consequence of the lack of uniformity in the street, it is considered that there is potential to carry out modest changes to the height and appearance of the building without significantly or negatively impacting the Conservation Area setting. Although the addition of a mansard roof extension to Bank House will increase the height of the building, the increase to the bulk and scale of the building should not appear excessive in the context of the wider streetscene, which includes several taller buildings (for example, Ravelin House), and would strengthen the local townscape on this prominent corner plot. The mansard extension would replace the existing flat roof and, in my opinion, would improve the appearance of the building and enhance the wider character and appearance of the conservation area. The building will maintain the same footprint and the degree of separation between the existing building and the listed church will remain unchanged.
- 8.11 With regards to the potential impact of the proposed works upon the setting of the designated heritage asset, the special interest of the listed church lies in the fact that it is considered to be a fine example of an urban church building of its time. The building has also retained many original features, including its galleries, which are considered to make an important contribution to the character of the building. The verdant character of the land around the building is a key feature contributing to the setting of the building. The proposed works will not impact the verdant space around the building and will not significantly impact the views towards the church building. Accordingly, the setting of the listed building will remain largely unaffected.
- 8.12 I have consulted with the Conservation Officer, who has confirmed that the proposal will conserve and enhance the character of the Conservation Area and will not harm the significance of the listed church. As a consequence, there is no objection to the proposal on heritage grounds, subject to conditions relating to the windows and to the proposed construction materials. I consider that the conditions requested are reasonable and these will be added to any future consent.
- 8.13 With regards to the associated external works to the building, the works to renew and repair the external render and the replacement of the existing windows of the building on the first and second floor will smarten the appearance of the building. The size and design of the replacement windows are considered to be acceptable. The use of appropriate materials as suggested by the Conservation Officer can be secured via condition and will help to enhance the existing character of the building. The proposed bicycle store is to be located within the carpark of the building and it will not be widely visible from public vantage points. It is to be appropriately sited, set back from the existing parking spaces and enclosed to ensure an adequate level of security.

8.14 In light of the above, the proposal is not considered to harm the visual amenity of the area and it is considered to conserve and enhance the character of the Conservation Area and the setting of the listed building. It is therefore in accordance with policy requirements.

8.15 Impact on Amenity

8.16 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.

8.17 With regards to the potential for the proposal to result in excessive overshadowing, owing to the nature of the development, the proposal is unlikely impact neighbouring access to daylight or sunlight in a negative manner. The existing building is detached and set back from the nearest neighbouring residential properties. In addition, the scale would not increase significantly, given the building is already set over three floors.

8.18 With regards to the potential impact of the proposed works upon neighbouring privacy, the building is sited in a central urban location where a certain degree of overlooking is to be expected. The nearest adjoining properties to Bank House are the Community Church and the Doctor's Surgery so neither of the buildings in closest proximity to Bank House are in residential use. The privacy of those residents living at the nearest residential properties along Broadway (Ravelin House), Trinity Road and Strode Crescent are unlikely to be significantly impacted by the proposed works as the proposed windows serving the new floor to the building are mainly aligned with the existing windows of the building. The relationship and views afforded from the windows will thus be similar to those afforded by existing windows at second floor level. As prior approval was recently granted for the conversion of the second floor of the building to residential use, the potential for overlooking from the units within the mansard roof extension and those which are to be created at second floor level are considered to be similar to the previously approved scheme and will not be unduly harmful to neighbouring privacy. Although two windows are proposed along each of the flank elevations, they will face directly onto the flank wall of the doctors surgery and on to the roof of the Community Church so are not considered to be unduly harmful to neighbouring privacy. The proposed rooflights are also acceptable and will not afford any significant or harmful views to neighbouring properties.

8.19 With regards to the potential impact of the proposal upon neighbouring outlook, the new floor to the building is set back from neighbouring windows and it is unlikely to significantly or harmfully impact neighbouring outlook.

With regards to the amenity of future occupiers, the floorplans provided indicate that the proposed residential units will meet minimum space requirements and will be accessed in a similar manner to the existing upper floors of the building via the internal staircases. All of the habitable rooms of the properties will have access to adequate levels of natural light and the units will have access to bicycle storage and refuse storage facilities on

site. Though the proposed units have no access to outside amenity space, in this location it is not unusual for flats in central urban locations to have limited or no outside space.

8.20 Parking/Highways

8.21 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with adopted vehicle parking standards.

8.22 The Council's parking standards SPD states that where units of this size in this location are proposed, 1 space per unit is advised, although lower provision should be considered for areas with good accessibility and availability of other sustainable transport modes and/or where effective mitigation measures are in place or proposed.

8.23 In this case, no parking has been proposed. However, the site is centrally located in the town centre and provides excellent access to all modes of public transport and local facilities. In addition, as part of the proposed works, the applicant is to provide a secure cycle store to further encourage the use of sustainable transport. I have consulted with KCC Highways team, who have confirmed that in this location they do not object to the absence of parking.

8.24 Paragraph 111 of the NPPF states that *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*. Whilst the comments of the town council are noted, I do not consider that the lack of parking in this case would be likely to have a 'severe' impact upon the surrounding road network and consider that the site is well located to justify no parking provision for the units. The proposal is therefore considered to be adequate in its current form.

8.25 Flood Risk

8.26 Policy DM21 of the Swale Local Plan 2017 relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance and avoid inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere.

8.27 The policy states that site specific flood risk assessments should be carried out to the satisfaction of the Environment Agency and, where relevant, the Internal Drainage Board. These assessments should include details of new flood alleviation and flood defence measures to be installed and maintained by the developer. The policy also sets out other requirements and states that within areas at risk of flooding, a suitable flood warning and emergency plan which has been approved by the relevant emergency planning regime should also be submitted.

8.28 The site is located within flood zones 2 and 3. The risk of flooding in this location is based upon the site's proximity to the coast. As residential schemes are classed in the 'more vulnerable' category of development, ordinarily the applicant would be obliged to provide details of flood resilient construction techniques. However, given that the application relates to accommodation on the fourth floor of the building, the flooding of

the units is deemed unlikely and the staircase accesses to the upper floors are existing and already in use. As a consequence, additional measures are not deemed to be required in this instance.

8.29 I am awaiting comments from the Environment Agency regarding the flood risk. However, in view of the high-level nature of the development, the risk of flooding is considered to be negligible and no adverse comments are expected.

8.30 Biodiversity

8.31 Policy DM28 of the Swale Local Plan 2017 states that any new proposed development should conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

8.32 The site lies within 6km of the Medway Estuary and Marshes Special Protection Area (SPA), a European designated site which has been afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

8.33 SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat. Accordingly an appropriate assessment is required to establish the likely impact of the development-please see the appropriate assessment attached to the report below.

8.34 The agent for the applicant has confirmed that he would be prepared to make the standard financial contribution in this regard to mitigate against the potential harm to the SPA in accordance with the current agreement in Natural England and this will be collected prior to determination, subject to the approval of the proposed scheme.

9. **CONCLUSION**

9.1 The development proposal is considered to meet the requirements of the local plan policies and will make a valuable contribution to the local housing stock in the area, as well as helping to boost housing delivery in the Borough. Although within a Conservation Area and within the setting of a listed church, the scheme is not considered to be harmful to these heritage assets. Whilst I note that concerns have been raised as to the lack of parking in the area, the scheme is in a central location with excellent access to services and facilities and where parking provision can be relaxed. As a consequence, it is recommended that the application should be approved, subject to payment of the SAMMS contribution and subject to the receipt of no adverse comments from the Environment Agency.

10. RECOMMENDATION

That delegated powers are given to GRANT planning permission, subject to the receipt of no adverse comments from the Environment Agency, payment of the relevant SAMMS contribution, and subject to the following conditions:

CONDITIONS to include the following:

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

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

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

211130-05A
211130-06
211130-07
211130-08
211130-09
211130-10

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

3. Prior to the commencement of works, further details and samples of facing and roofing materials to be used in the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To conserve and enhance the character of the Conservation Area.

4. The replacement and new windows and external doors as approved shall be constructed in timber and retained as such thereafter.

Reason: To conserve and enhance the character of the Conservation Area.

5. Prior to the commencement of the development, a 1:10 elevation detail and a 1:1 or 1:2 plan and vertical section for each new / and / replacement window type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (please see Informative A, below)

Reason: To conserve and enhance the character of the Conservation Area.

6. Prior to the commencement of the development, a 1:10 elevation detail and a 1:1 or 1:2 plan and vertical section for each new / and / replacement external door type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. (please see Informative A, below)

Reason: To conserve and enhance the character of the Conservation Area.

7. Prior to the commencement of the development, details of the colour finish(es) to be used for the painting of replacement and new joinery shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To conserve and enhance the character of the Conservation Area.

8. No demolition or construction works shall take place on the site other than between the hours of 0730 – 1800 from Monday to Friday and 0800 – 1300 hours on Saturdays and no construction or demolition works shall take place at any time on Sundays or on Bank or Public Holidays unless in association with an emergency or with the prior written approval of the Local Planning Authority.

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

9. The commencement of the development shall not take place until a programme for the control and suppression of dust during any demolition or construction works has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of any demolition and construction unless any variation has been approved by the Local Planning Authority.

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

10. The bicycle storage facility shown on the submitted plans shall be provided prior to the occupation of the residential units hereby approved, and thereafter kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude access to the storage facility.

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

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

12. 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.

INFORMATIVES

A. The sections to be provided shall include part of the surrounding masonry or joinery bordering the window or door opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:

- Depth of reveal
- Window head and cill/sub-cill detailing
- Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
- Glazing bar profile(s)
- Door frame / window frame
- Weatherboard and threshold detail (for doors only)

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

Appropriate Assessment

The site lies within 6km of The Medway Estuary and Marshes Special Protection Area (SPA), a European designated site which has been afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat. Accordingly an appropriate assessment is required to establish the likely impact of the development.

In the recent 'People Over Wind v Coillte Teoranta' (ref. C-323/17) ruling by the Court of Justice of the European Union, the Court concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take

account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

It is acknowledged that the proposed development will increase footfall to the area, which results in potential harm to the SPA. However, the development is sufficiently small scale to ensure that the level of harm is limited. In addition, it is considered that it would be possible to mitigate against the potential harm through either on-site or off-site measures.

In this case, off-site mitigation measures are deemed to be more appropriate. When considering any residential development within 6km of the SPA, the Council seek to secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG). Such strategic mitigation must be in place before the development is occupied. The mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which will be secured prior to the determination of this application) are considered sufficient to mitigate against any adverse effect on the integrity of the SPA. A fee of £ £275.88 per residential unit will be secured from the applicant towards such mitigation prior to determination, subject to a resolution to approve the scheme.

I have consulted with Natural England, who have advised that the proposal is acceptable, subject to payment of the aforementioned financial contribution.



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2.11 REFERENCE NO - 21/500204/FULL		
APPLICATION PROPOSAL Demolition of existing public house and erection of a mixed-use building providing a micro pub (54 square metres) and 7 no. flats with associated parking, amenity space and cycle storage.		
ADDRESS Old House At Home 158-162 High Street Sheerness Kent ME12 1UQ		
RECOMMENDATION – GRANT subject to receipt of a SAMMS payment.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed scheme will provide 7 residential units in a sustainable location and allows for the retention of a public house on the site through the creation of a micropub on the ground floor. The development proposal is considered to meet the requirements of the local plan policies and has the support of a number of the consultees.		
REASON FOR REFERRAL TO COMMITTEE Objection from Sheerness Town Council		
WARD Sheerness	PARISH/TOWN COUNCIL Sheerness Town Council	APPLICANT Mr M McAllister AGENT Kent Design Partnership
DECISION DUE DATE 20/04/21		PUBLICITY EXPIRY DATE 08/02/22

RELEVANT PLANNING HISTORY

SW/85/0173 – Demolition of two cottages adjoining public house and construction of new bar toilet and cellar extension and alterations to car park - Approved pre 1990
Decision Date: 08.05.1985

1. DESCRIPTION OF SITE

- 1.1 The proposed development site is a part single-storey and part two-storey detached public house which is currently vacant. The building was previously operating as ‘The Old House at Home’ public house. However, I am advised that the business closed as a consequence of the Covid-19 pandemic. The existing building is located on a corner plot, although historically it was part of a collection of buildings along the High Street prior to the building of the current road system around the town that is now in place. The building has been constructed in yellow brick and is partially clad in horizontal shiplap cladding. The two-storey element of the building has a dual pitched roof with parapet to the façade of the building and the single-storey element has a flat roof design. The building benefits from an associated car parking area.
- 1.2 The site is centrally located along Sheerness High Street, within the built-up area boundary of the town and within the town centre.

2. PROPOSAL

- 2.1 The development proposal relates to the demolition of the existing public house to facilitate the erection of a mixed-use development. The scheme was originally for a commercial unit with 12 flats on the upper floors but the scale of the development has been reduced during the application process.
- 2.2 The proposed scheme in its amended form is comprised of a three storey building housing a micropub on the ground floor and 7 flats on the upper floors (1 x studio flat, 2 x 1 bedroom flats and 4 x 2 bedroom flats). The design of the scheme also allows for a gated car parking area to the rear of the site with associated undercroft parking and hard and soft landscaping works.

3. PLANNING CONSTRAINTS

- 3.1 The site constraints are as follows:

Primary Shopping Frontage - DM1
Town Centre Boundary - DM2
Flood Zones 2 and 3
Built-up area boundary - Sheerness
SSSI Impact Risk Zone

4. POLICY AND CONSIDERATIONS

- 4.1 National Planning Policy Framework 2021
- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:
- ST1 Delivering sustainable development in Swale
 - ST3 The Swale Settlement Strategy
 - ST6 The Isle of Sheppey Area Strategy
 - CP3 Delivering a wide choice of high-quality homes
 - CP4 Requiring Good Design
 - CP8 Conserving and enhancing the historic environment
 - DM1 Maintaining and enhancing the vitality and viability of town centres and other areas
 - DM2 Proposals for main town centre uses
 - DM7 Vehicle parking
 - DM14 General development criteria
 - DM19 Sustainable design and construction
 - DM28 Biodiversity and Geological Conservation
 - DM33 Development affecting a conservation area
- 4.3 Swale Borough Council Parking Standards 2020
- 4.4 Sheerness Mile Town Conservation Area Appraisal

5. LOCAL REPRESENTATIONS

- 5.1 Three local representations have been received.

- 5.2 One of the representations objects to the proposal on the grounds that the existing building is historic and should be preserved.
- 5.3 One of the representations neither objects to nor supports the proposal but comments that the flat roof design and modern appearance of the proposed replacement building may not be appropriate.
- 5.4 The final representation expresses support for the proposal due to the provision of new units with parking in a central location and welcomes the more modern design approach.

6. CONSULTATIONS

- 6.1 **Sheerness Town Council** – Object to the proposal on the grounds that the proposal will result in the loss of an historic building which will impact the character of the conservation area. In addition, concerns have been raised as to the design of the new building, which is considered to be out of character with the surrounding area. Further concerns have also been raised as to whether the scheme has the potential to put pedestrians at risk.
- 6.2 **Kent County Council Highways Team** – No objection, subject to conditions relating to a construction management plan, visibility splays and parking.
- 6.3 **Kent Police** – No objection, subject to conditions relating to crime prevention.
- 6.4 **Kent County Council Flood Risk Officer** – No objection, subject to conditions relating to drainage
- 6.5 **Southern Water** – Southern Water records show the approximate position of water mains in the immediate vicinity of the development site. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water, before the layout of the proposed development is finalised. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. Various informatives to be added.
- 6.6 **Natural England** – No objection, subject to the appropriate financial contribution being secured.
- 6.7 **Environment Agency** – No objection, subject to condition
- 6.8 **Kent County Council Ecology Team** – No objection, subject to conditions relating to biodiversity enhancements on the site and subject to the payment of the relevant SAMMs contribution.
- 6.9 **Kent County Council Archaeology Team** – No objection - If the Council is minded to permit the demolition of the building, archaeological conditions are recommended.
- 6.10 **Kent County Council Development Contributions** – As the scale of the development has been reduced, developer contributions are no longer required.

7. BACKGROUND PAPERS AND PLANS

Please refer to the existing and proposed plans provided.

8. APPRAISAL

8.1 Principle of Development

- 8.2 Policy ST3 of the Swale Local Plan 2017 promotes and encourages new development within established settlements. Sheerness is a Tier 2 settlement and expected to form the secondary urban focus (after Sittingbourne) for growth.
- 8.3 Policy DM1 of the Swale Local Plan 2017 seeks to protect primary and secondary shopping frontages through the retention of retail uses in key shopping areas. The policy allows for the limited introduction of other uses in town and local centres where they will enhance the primary retail function.
- 8.4 The policy states that where a property is located within a defined primary shopping area, the Borough Council will permit non-retail uses where they are considered to a) maintain or enhance the primary retail function of the area by adding to the mix of uses to help maintain or increase its overall vitality and viability, especially where providing a service or facility for residents or visitors currently lacking or under-represented in the town centre, or by increasing pedestrian activity in the immediate locality; b) do not result in a significant loss of retail floorspace or the break-up of a continuous retail frontage; c) do not lead to a concentration of non-retail frontage; and d) do not result in the loss or erosion of a non-retail use that underpins the role, functioning, vitality and viability of the area.
- 8.5 Policy DM2 of the Swale Local Plan 2017 states that planning permission will be granted for main town centre uses, taking into account the scale and type of development proposed in relation to the size, role and function of the centre.
- 8.6 The site is located centrally within Sheerness, where the principal of redeveloping an existing building is supported in policy terms, subject to it meeting other local plan policy requirements.
- 8.7 With regards to the suitability of the proposed development, the existing building was formerly in A4 (now sui generis) use as a public house and it is understood that the upper floor of the building was previously in residential use (most likely as accommodation associated with the pub). As the ground floor of the new proposed building is to be used as a micropub and the upper floors of the new proposed building are to be in residential use, the site will remain in mixed use and the use class at ground floor level will remain unchanged.
- 8.8 Likewise, the retention of a pub facility at ground floor level would maintain the vitality of the town centre, and encouragement is given to mixed use schemes with residential accommodation on upper floors in sustainable urban locations, which adds to the vitality of an area. Occupants would have immediate access to a range of services and facilities and sustainable transport choices.

- 8.9 In light of the above, the principle of the development proposal is considered to meet the requirements of Policies ST3 and DM1 of the Swale Local Plan 2017.
- 8.10 Impact on Heritage Assets and character and appearance of area
- 8.11 Policy DM33 of the Swale Local Plan 2017 states that new development within, or adjacent to, a conservation area is expected to be both of an appropriate use, of a very high standard of design, and to respond positively to the grain of the historic area by preserving or enhancing the character or appearance of the place. In addition, buildings or features which make a valuable contribution to the character of a conservation area individually, or as part of a group, should be conserved, and that their demolition should only be permitted in exceptional circumstances, subject to the submission and approval of a detailed plan for redevelopment.
- 8.12 Policy CP4 of the Swale Local Plan 2017 requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.
- 8.13 The application site is not within a conservation area, and is approximately 35 metres from the boundary of Sheerness Mile Town Conservation Area. The subject property is not listed or locally listed. However, in view of the age of some parts of the building, which are believed to date from the early 19th century, the building could potentially be regarded as a non-designated heritage asset under the NPPF. The significance of the site is derived from its age and its former use as a public house within the local community. Whilst the core of the building displays some historic interest, other elements of the building are more modern and of generally poor design.
- 8.14 The proposal would result in the total loss of the existing building. This would include its historic core which has some interest. However the building is not nationally or locally listed, is not in a conservation area, and has been subject to various internal and external alterations including a complete change to its original setting by virtue of the road construction to the south. It is a relatively intimate building in scale and I do not consider that its loss would adversely affect the setting of the nearby conservation area. The Council's conservation officer does not consider that the building makes a significant contribution to the character and appearance of the area and has low significance overall as a heritage asset. On this basis, I do not consider that there is justification to resist the demolition of this building in principle.
- 8.15 The replacement building will occupy a prominent corner position and should be of sufficient design quality and strength to reflect this. The proposals have been amended during the course of the application, to reflect a scale of development appropriate to this location. The proposed building would have a central section of three storeys in height incorporating a curved frontage at the road junction finished in yellow stock bricks. Each wing of the building would then include a small set back at second floor level and partial cladding with powder coated aluminium. The building would drop to two storeys at the end of each wing, both again finished in yellow stock bricks. The proposed new building incorporates pedestrian access points set within decorative archways on both the High Street and Trinity Way and a gated vehicular access. The building is considered to be of

good quality design that addresses both road frontages in a positive way. The increased height of the proposed replacement structure will be in keeping with the taller three storey properties along sections of the High Street, and the reduction in the height of the building on Millenium Way manages the relationship with the adjacent age UK building in a positive way.

- 8.16 The enclosure of the car parking area also introduces better definition between the public and private space along the High Street and includes a small communal area of outside space for the benefit of future residents, which is to be landscaped using native plant species. The proposed flats are in accordance with minimum space requirements. Adequate provision has also been made for parking, refuse storage and for bicycle storage on the site. The entrance to the proposed micropub is set within a cut-back in the building at ground level and this unit would enjoy two frontages to each road. The planning statement confirms that refuse will be collected from the micropub via a private company and further details of the refuse storage and disposal arrangements for the micropub can be secured via condition. The development proposal is considered to make a positive contribution to local housing stock in this location and will increase footfall in this part of the High Street, which will benefit local businesses.
- 8.17 The proposal would result in the loss of some existing landscaping on Millennium Way that falls under the control of Kent County Council. No objection has been raised to this, subject to compensation measures agreed with KCC in line with their established guidance and mechanisms for this.
- 8.18 Overall, I consider that the proposal is of high-quality design that is appropriate to its context and addresses the two road elevations in a positive way. As the scale of the building has been designed to respond to surrounding properties, I do not consider it would adversely impact upon the setting of the nearby conservation area. The Council's conservation officer is similarly of the view that it would not appear out of place or harm the setting of the conservation area. On this basis I am satisfied that the proposal would accord with the above local plan policies and is appropriate to its setting.
- 8.19 Impact on Residential Amenity
- 8.20 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, in an unreasonable loss of privacy, in an unreasonable loss of outlook or in excessive noise or odour pollution.
- 8.21 With regards to the potential for the new building to overshadow neighbouring properties, although the replacement building will be taller than the existing building, the new proposed building is detached and will be set back from the nearest neighbouring properties, such that it should not unduly impact neighbouring access to daylight or sunlight.
- 8.22 Similarly, with regards to neighbouring outlook, the proposed development is sufficiently set back from the neighbouring buildings to avoid having an unreasonable impact upon neighbouring windows.

- 8.23 With regards to the potential impact of the proposal upon neighbouring privacy, although the design of the proposed replacement building allows for glazing along the front, side and rear elevations, the new building is located on a corner plot. Accordingly the windows along the south-eastern and south-western elevations will face directly onto the street and should not afford any significant or harmful views into neighbouring properties. The development would face upper floor flats on the opposite side of the High Street, but such relationships are commonplace across each side of the road. With regards to the proposed glazing along the north-western elevation of the building, the windows will face directly into the car parking area and communal garden area serving the development. Whilst it is acknowledged that there is a first-floor window along the flank elevation of 148 High Street, the proposed block plan provided shows that the new building will be located approximately 23 metres from the neighbouring flank wall and it is considered that the building is sufficiently set back to avoid an unreasonable degree of overlooking. In addition, any potential views towards the rear elevation of 44 Trinity Road will not result in privacy issues as the building is a former library and Council owned property which is believed to be vacant. With regards to the proposed glazing along the north-eastern elevation of the proposed building, the proposed upper floor windows will face directly on to the boundary shared with Rosemary House (43 Trinity Road). However, the property appears to be used by Age UK Sheppey and so residential amenity considerations will not apply.
- 8.24 The development has some potential for noise impacts relating to the location of a drinking establishment below the proposed flats. This can be mitigated through soundproofing measures and also by restricting the use of the establishment to a micropub. Such uses (compared to standard pubs) tend to be quieter neighbours as they do not incorporate TV's, jukeboxes or live / amplified music and usually offer a very limited food range. A condition is imposed to restrict such use.
- 8.25 Parking/Highways
- 8.26 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards.
- 8.27 The car parking area to the rear of the proposed building will provide parking for up to 6 vehicles. The adopted Swale car parking standards SPD advises that 1 space per unit may be required for the flats as proposed, but that in central locations such as this the parking provision can be relaxed. In view of the central location of the site, it is accepted that a lesser figure is acceptable due to the public transport opportunities in the vicinity, and access to services and facilities. In addition, a secure bicycle store has been included in the design of the development to encourage an alternative means of transport. The Kent County Council Highways team raise no objection to the proposal in this respect.
- 8.28 With regards to the access on to the High Street, whilst I note the concerns raised in the representations received regarding the safety of the access, it is to be sited in a similar location to the existing car park access. In addition, Kent County Council Highways team have raised no objection to the proposed access subject to conditions relating to visibility splays. The vehicular access in front of the proposed access gates is also set in from the

road by approximately 5 metres which should be sufficient to allow vehicles to pull off the road whilst the gates are opening to avoid vehicles waiting on the highway.

- 8.29 Kent County Council have highlighted that the creation of a proposed access from Trinity/Millennium Way would require the removal of highway owned trees and other soft landscaping features and the applicant will need to seek the approval of Kent County Council for this. In addition, Kent County Council will need to be compensated for the loss of assets in line with CAVAT (Capital Asset Value of Amenity Trees). An informative will be added to any future consent in this regard.
- 8.30 Biodiversity and Climate Change
- 8.31 Due to Climate Change, the Council currently seek an energy efficiency pre-commencement condition on the grant of future planning permissions to ensure at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended).
- 8.32 The design of the proposed building incorporates the use of solar panels on the roof of the building, and the standard condition relating to energy efficiency is proposed below.
- 8.33 Biodiversity
- 8.34 Policy DM28 of the Swale Local Plan 2017 states that any new proposed development should conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.35 The current site is vacant and has been surveyed for bats. The preliminary ecological survey indicates that the potential for bats is negligible. However, as the survey was carried out 12 months ago, and following advice from KCC Ecology, a suitable condition is proposed to require the applicant to carry out a full external and internal inspection of the building prior to its demolition to ensure that the data provided is still valid.
- 8.36 Given that the site allows for a limited amount of shared private amenity space adjacent to the proposed parking area, a condition will also be added to require a scheme of biodiversity enhancements.
- 8.37 The site lies within 6km of the Medway Estuary and Marshes Special Protection Area (SPA), a European designated site which has been afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 8.38 SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat. Accordingly, an appropriate assessment is required to establish the likely impact of the development, and this is provided at the end of this report.
- 8.39 It is acknowledged that the proposed development will increase the number of residential units on the site by 6 and the development may therefore potentially increase

footfall to the SPA. Whilst an increase in footfall to the area has the potential to result in harm to the protected species of birds within it, as per the advice received from Kent County Council Ecology Team, it is possible to mitigate against the potential harm to the SPA through either on-site or off-site measures.

8.40 In this case, Natural England and KCC Ecology have confirmed that off-site mitigation measures would provide a satisfactory means of mitigating against the potential harm to the SPA.

8.41 The agent has confirmed that the applicant is prepared to make the standard financial contribution in this regard to mitigate against the potential harm to the SPA in accordance with the current agreement with Natural England and this sum will be collected prior to determination, subject to the approval of the proposed scheme.

8.42 Flood Risk

8.43 Policy DM21 of the Swale Local Plan 2017 relates to water, flooding and drainage. The policy states that when considering the water-related, flooding and drainage implications of development, development proposals should accord with national planning policy and planning practice guidance and avoid inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere.

8.44 The policy states that site specific flood risk assessments should be carried out to the satisfaction of the Environment Agency and, where relevant, the Internal Drainage Board. These assessments should include details of new flood alleviation and flood defence measures to be installed and maintained by the developer. The policy also sets out other requirements and states that within areas at risk of flooding, a suitable flood warning and emergency plan which has been approved by the relevant emergency planning regime should also be submitted.

8.45 The site is located within flood zones 2 and 3 and is deemed to be at risk of coastal flooding in this location. The Environment Agency raise no objection to the scheme as long as a condition is added restricting the location of any sleeping accommodation to the upper floors of the building. A condition will be added on this basis.

Other Matters

8.46 Archaeology – Due to the age of the existing building, it is recommended that archaeological conditions should be added to any future consent to ensure that any significant findings are recorded. The conditions recommended by KCC Archaeology and the Swale Borough Council Conservation Officer will be added in line with their recommendations.

8.47 Drainage – Some information as to drainage proposals has been set out in the flood risk assessment. However, as the measures are only recommended in the report, further information relating to the proposed foul and surface water drainage schemes shall be requested via condition.

9. CONCLUSION

- 9.1 The proposed demolition of the existing vacant building is considered acceptable in heritage terms, despite the presence of some historic elements to the building. The proposal would retain a public house use at ground floor level and the proposed design with flats on upper floors would make good use of this corner site and is good quality design. Given that the Council is currently unable to demonstrate a 5 year housing supply, the proposal will also make a contribution to local housing stock and regenerate a vacant premises in a prominent location. On this basis, it is considered that the applications accords with the development plan and should be approved.

10. RECOMMENDATION

That planning permission is Granted, subject to receipt of the relevant SAMMS payment and subject to the following conditions:

CONDITIONS to include

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

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

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

20.39.PL01, 20.39.PL02A, 20.39.PL03A, 20.39.PL05B, 20.39.PL06A, 20.39.PL07A, 20.39.PL08, 20.39.PL09, KDP/1702/22, Fellgrove Arboriculture Tree Survey

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

3. The ground floor commercial premises shall be used for the purpose of a micropub only and for no other purpose, including any other purposes under the Town and Country Planning (Use Classes) Order 1987 (as amended), and shall be operated in accordance with the following -

- That the business is primarily operated for the sale of real ales and cider
- That no slot machines, games machines, televisions, jukeboxes, live or amplified music are operated from the premises.

Reason: In the interests of the residential amenities of the flats above the premises.

4. The micropub hereby approved shall not be open to the public outside of the hours of 11.00 to 23.00.

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

5. No development beyond the construction of foundations shall take place until a scheme of acoustic insulation measures to mitigate the transmission of noise between the ground floor commercial unit and upper floor residential units has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To protect the amenities of future occupiers of the residential units.

6. No outdoor seating areas, smoking shelters or other outdoor facilities for patrons of the ground floor commercial unit shall be provided or operated.

Reason: To protect the amenities of future occupiers of the residential units.

7. Details of any mechanical ventilation system to be installed shall be submitted to and approved in writing by the Local Planning Authority prior to first use of the development, and upon approval shall be installed, maintained and operated in a manner that prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

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

8. No development shall be commenced until a Construction Management Plan has been submitted to and approved in writing by the local planning authority, and shall include the following:
 - (a) Routing of construction and delivery vehicles to / from the 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

The approved details shall be adhered to throughout the construction process.

Reason: In the interest of highway safety

9. The site access as shown on the submitted plans, shall be completed prior to the use of the site commencing and maintained for such use thereafter.

Reason: In the interest of highway safety.

10. Prior to the use of the site commencing, the visibility splays as shown on the submitted plan ref: 20.39.PL08 and 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access shall be implemented on site and maintained thereafter, with no obstructions over 0.6metres above carriageway level within the splays.

Reason: In the interest of highway safety.

11. The approved vehicular access shall be created using a bound surface for the first 5 metres of the access when measured from the edge of the highway.

Reason: In the interest of highway safety.

12. No development shall commence until details of the proposed means of foul sewerage and surface water disposal, including measures to prevent the discharge of surface water onto the highway, have been submitted to and approved in writing by, the Local Planning Authority. The drainage systems shall be implemented on site in accordance with the approved details prior to first occupation of the development.

Reason: In order to ensure that existing drainage systems are not overloaded and to prevent surface water runoff on to the highway.

13. The parking spaces and the bicycle store shown on the submitted plans shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to the parking spaces or access to the bicycle store. The parking spaces bicycle store and access thereto shall be provided prior to the occupation of the development hereby approved.

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

14. One active and 5 passive Electric Vehicle charging points shall be provided at the site prior to the occupation of the development hereby permitted and they shall be retained permanently thereafter. All Electric Vehicle charging points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). (Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>)

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

15. No development beyond the construction of foundations shall take place until a scheme of biodiversity enhancement measures 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 species planting' The approved details shall be completed prior to first occupation of the development and thereafter retained.

Reason: To minimise impacts on and provide net gains for biodiversity in accordance with the requirements of the NPPF.

16. No development shall commence (including site clearance) until an updated bat

scoping survey report has been submitted to and approved by the local planning authority. The survey will include a full external and internal inspection of the buildings to be demolished and consider the potential for bats to be roosting within the buildings and identify if there is a need for bat emergence surveys to be carried out. If the survey identifies a need for bat emergence surveys to be carried out, the results of these surveys must be included with the submission for this condition discharge and feature suitable mitigation measures for the construction phase of the development, which will need to be carried out under Natural England licence. The approved mitigation measures must be implemented thereafter.

Reason: To reduce the potential for harm to protected species on the site.

17. No development shall commence 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 key principles contained within the Flood Risk Assessment report by Herrington's Consulting (January 2021). The submission shall also 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 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.

18. The development shall not 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 in writing 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. No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials to be used in the construction of the development 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

20. 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.

21. The residential units hereby approved shall be constructed and tested to achieve the following measure:

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

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

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

22. Any proposed perimeter and boundary treatments which are to be installed on the site shall be a minimum of 1.8m in height, including any side entrance gates and the gates should be capable of being locked on both sides.

Reason: In the interests of crime prevention.

23. All residential development shall be located at first floor level and above.

Reason To ensure the protection of all residents at the site from flood risk.

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

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

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

Reason: To ensure that historic building features are properly examined and recorded.

26. All hard and soft landscape works shall be carried out on the site in accordance with the details contained in drawing ref: KDP/1702/22. 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. Upon completion of the approved hard and soft landscaping scheme as detailed on the approved drawings, if any trees or shrubs are removed, die, become severely damaged or become seriously diseased within five years of planting, they shall be replaced with trees/shrubs of a similar size and species unless otherwise agreed in writing with the Local Planning Authority.

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

27. Prior to first use of the micropub, full details of the refuse storage and disposal arrangements for the micropub shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first use of the micropub and retained for such purposes thereafter.

Reason: In the interest of protecting and preserving neighbouring amenity.

INFORMATIVES

1. 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](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
2. The new pedestrian access which is proposed from Millennium Way into the development will involve the removal of shrubs and trees located in the adjacent verge, which falls under the control of Kent County Council. Kent County Council will need to be compensated for the loss of these assets in line with CAVAT (Capital Asset Value of Amenity Trees). Agreement must be sought and compensation agreed directly with Kent County Council under a Section 278 Agreement prior to the commencement of works to the access and verge.
3. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

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Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highway-s-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

4. The exact position of the public assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.

Please note:

- The 8 inches public water main requires a clearance of 6 metres on either side of the water main to protect it from construction works and to allow for future access for maintenance.
- No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water main without consent from Southern Water.
- No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water main.

- All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works.

Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf

The impact of any works within the highway/access road on public apparatus shall be assessed and approved, in consultation with Southern Water, under a NRSWA enquiry in order to protect public apparatus. Please send these enquiries to: Developer.Services@southernwater.co.uk

5. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

To make an application visit Southern Water's Get Connected service: developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link:

southernwater.co.uk/developing-building/connection-charging-arrangements

6. The developer can discharge surface water flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the sewerage system.
7. The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx

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

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

- Specify the responsibilities of each party for the implementation of the SuDS scheme.

- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

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

8. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at:
SouthernWaterPlanning@southernwater.co.uk

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

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

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

The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

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

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

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

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

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

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

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

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

It can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme

(SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others (<https://birdwise.org.uk/>).

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

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



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2.12 REFERENCE NO - 22/500843/FULL		
APPLICATION PROPOSAL Replacement of 10 existing chalets with 8 modern chalets.		
ADDRESS Isle Of Sheppey Holiday Village Warden Bay Road Leysdown Sheerness Kent ME12 4LX		
RECOMMENDATION Grant subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Sheppey East	PARISH/TOWN COUNCIL Leysdown	APPLICANT Isle Of Sheppey Holiday Village AGENT Carter Jonas
DECISION DUE DATE 02/05/22		PUBLICITY EXPIRY DATE 31/03/22

Planning History

21/506646/FULL

Erection of a wardens accommodation chalet with associated parking.
Approved Decision Date: 15.02.2022

21/506407/FULL

Replacement of 5 no. chalets.
Approved Decision Date: 26.01.2022

21/502544/LAWPRO

Lawful Development Certificate (Proposed) for year-round occupation of holiday chalets.
Approved Decision Date: 13.08.2021

1. DESCRIPTION OF SITE

1.1 The application site concerns a long established Holiday Park site originally approved in 1955. The site is known as the Isle of Sheppey Holiday Village and is located just north of Leysdown Road and east of Warden Bay Road. The site forms part of a cluster of holiday sites and is surrounded by other holiday camps including Warden Bay Caravan Park to the west, Vanity Farm Holiday Camp to the south, Loves Holiday Camp to the north and Little Groves Holiday Caravan and Chalet Park to the east. The site is outside of any built confines but forms part of the Council's designated holiday park sites under policies DM4 and DM5 of the Local Plan.

2. PROPOSAL

2.1 This application seeks planning permission for the replacement of 10 chalets on the Isle of Sheppey Holiday Village, numbers 105, 106, 107, 108, 109, 110, 111, 112, 113 and 114 with 8 modern chalets.

- 2.2 The replacement chalets will measure 11.9m in length with a width of 4.6m which is a larger footprint than the existing chalets (which are approx. 3.66m x 7.77m). The chalets will have pitched roofs measuring 2.8m to eaves height and 4.2m to ridge height from natural ground level.
- 2.3 A small deck area will be provided to the rear of each chalet which will have a minimum level of 300mm and a parking space would be located to the side of each chalet.
- 2.4 5 of the chalets will provide one double bedroom, bathroom, kitchen/dining/living space as well as some storage, with one of these being wheelchair accessible. The other 3 chalets will provide two bedrooms, bathroom, kitchen/dining/living space as well as some storage.
- 2.5 Materials include profiled metal sheeting for the roofs, Cedral cladding for the walls and the windows and doors are to be UPVC.

3. PLANNING CONSTRAINTS

- 3.1 Some peripheral areas of the wider park fall within Environment Agency Flood Zones 2 and 3 although it does not appear that this extends to the chalets subject to this application.

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) support appropriate economic and tourist development, subject to general amenity considerations.
- 4.2 Policies ST1, CP1, CP4, DM4, DM5, DM14, and DM21 of the adopted Swale Borough Local Plan 2017 are relevant.
- 4.3 Policy DM4 “New Holiday Parks or Extensions to Existing Parks” is of specific relevance and states:

“1. Planning permission will be granted for the upgrading and improvement of existing static holiday caravan and chalet sites (including their conversion from one to the other) within the existing boundaries of the Holiday Park areas as shown on the Proposals Map. Planning permission will not be granted for any new static holiday caravans and chalets, or extensions, outside of the Holiday Park areas on the Isle of Sheppey as shown on the Proposals Map...

3. Where new or improved facilities are proposed within the existing boundaries of the Holiday Park areas, as shown on the Proposals Map, planning permission will be granted provided they are:

- a. of a type and scale appropriate to the site or park they are intended to serve;*
- b. where feasible, made available for use by the local resident population; and*
- c. in accordance with Policy DM 5”*

5. LOCAL REPRESENTATIONS

5.1 Leysdown Parish Council comments as follows:

The Parish Council welcomes improvements to the site and encourage the site owners to do this. However, the Council wanted to make it very clear that Swale Borough Council will ensure that Sheppey Holiday Village will remain a holiday camp and not commit to a full residential estate. Otherwise, no further comments regarding this application have been raised.

5.2 Warden Parish Council object to the application. Their initial comments were as follows:

Warden Parish Councils comments are that the permissions if granted must state that the accommodation must remain holiday units not residential. Also please ensure that the existing chalets are removed safely, complying with all the safety regulations that are in place regards to asbestos removal and disposal. This is due to the adverse impact that additional residents to the area, would significantly make to the settled community in use of already stretched GP services and school places.

Clarification was then sought from the Parish Council on their reasons for objecting. The below response was received:

Warden Parish Council is responding that as far as we are aware, the 12months holiday occupancy has been agreed on this site, and we welcome the upgrading of any site. However, in recent years units have been demolished both within the site and adjacent to the public highway, with no permission, and no safeguarding policies in place. Which is why we asked in our previous comments for these conditions to be imposed. As far as the Parish Council understands, we are asked for constructive comments not just objections on planning applications, as many applications whilst not objectionable impinges on the settled community as well as holiday makers.

A further email was then received confirming the Parish Council's stance was to maintain an objection to the application.

5.3 5 local representations have been received, objecting to the application. Their reasons for objecting are summarised below:

- Will make the units and the site unaffordable to holidaymakers
- Changes to the size/shape/and styling of the chalets will alter the appearance of wider site

CONSULTATIONS

5.4 Natural England have no objection.

5.5 Environment Agency request a contamination condition and confirmation of how foul water would be disposed of.

5.6 KCC Drainage state that the application falls outside their remit to comment.

5.7 KCC Highways state that the application is outside their remit to comment.

5.8 Environmental Health have no comments to make.

5.9 The SBC Tourism Officer supports the application “*which recommends site refresh/modernisation with replacement of 10 existing chalets with 8 modern chalets.*”

6. BACKGROUND PAPERS AND PLANS

6.1 Plans and documents relating to 22/500843/FULL.

7. APPRAISAL

Principle of Development

7.1 The site is long established and a designated holiday park site under the Local Plan. Policy DM4 specifically promotes the upgrading and improvement of existing static holiday caravan and chalet parks.

7.2 The existing chalets to be replaced are in varying states of repair as they have been modified and upgraded by individual owners. The planning statement confirms that the intention to remove and rebuild these chalets is to allow modernisation so the site can compete in the market.

7.3 The replacement with newly constructed chalets to modern and more energy efficient standards would, in my opinion, constitute a clear upgrade and improvement to the holiday park offer and would comply with Policy DM4. The Council’s Tourism manager also lends support to the application. As such I consider that the principle of development is clearly accepted.

Visual Impact

7.4 The proposed chalets are slightly larger than the existing chalets but would remain as modest single storey units and appropriate to the context of the holiday park. The chalets would appear modern in design with cladding of a neutral colour and solar panels to the roofs. They would each have a raised deck area to the rear and would project slightly further the east of the application than the existing chalets. I still consider the open nature of the site would be retained with sufficient distances between the proposed chalets and chalets on the wider site. A row of 8 modern chalets identical in design and appearance would in my view be visually acceptable and would maintain, if not improve, the appearance of the site.

Residential Amenity

7.5 The internal floorspace has been logically arranged with windows only located in one elevation to help provide some privacy for neighbouring chalets. I have included a condition below restricting hours of construction to ensure the development does not cause harm to amenity during the construction phase. I also include a condition removing permitted development rights for the replacement chalets, in order to prevent the uncontrolled expansion of the units.

Flooding

7.6 The wider park is partially located in Flood Zone 3, and a flood risk assessment has been submitted to accompany this development. The FRA confirms that the site lies in a tidal Flood Zone 3 (high probability) but benefits from the presence of flood defences

which classes the risk of flooding from rivers or sea as low to very low. The report also confirms that the site is at a Very Low to Low risk of pluvial flooding and a Negligible risk of groundwater flooding. Notwithstanding this, the Council's flood maps do not identify the location of the chalets within flood zones 2 or 3, and the EA has not submitted any comments or advice on the scheme. In any case, given that the development represents the replacement of chalets already on the site I do not consider the development would cause any additional flood risk issues over that which may exist for the existing chalets.

- 7.7 The Environment Agency have asked for confirmation of how foul drainage would be disposed of and the agent has confirmed this would be through the existing drainage system in place on the site.

Contamination

- 7.8 The Environment Agency have requested that a contaminated condition be included on the permission in case, during development, contamination not previously identified is discovered. I have included this below.

Other Matters

- 7.9 I note that as this is for replacement units rather than entirely new, additional plots there is no requirement for a SAMMS contribution to be secured as there is no net gain in accommodation.
- 7.10 The holiday park operates under a planning permission (NK/8/55/65) that does not restrict seasonal occupancy of the units. This has also been confirmed through a Lawful Development Certificate under 21/502544/LAWPRO - meaning that the site can lawfully operate for 12 months of the year. As this application would replace existing chalets on a site that is not restricted in terms of occupancy, it would be unreasonable to impose any occupancy restrictions on the replacement chalet buildings. This is consistent with the Council's position and that of an appeal decision at another holiday site at Seaview Park, Warden Bay Road which permitted a similar proposal for replacement chalets on a park which had no existing occupancy conditions.
- 7.11 The parish council has highlighted that the site should remain as a holiday park. There is nothing to suggest in this application that the site is intended for any use other than as holiday accommodation. If this was to occur (e.g if the site was used as permanent residential homes), the Council would need to consider whether a material change of use had occurred, taking into account the lack of any occupancy conditions on the site. This matter has been the subject of some extensive wider planning caselaw, although I would reiterate that there is no suggestion in this application that the site would be used for purposes other than as holiday accommodation.

8. CONCLUSION

- 8.1 In conclusion, the chalets would replace existing chalets that are poor in appearance and construction. The replacement chalets would be of a larger scale and footprint but would be more energy efficient, and of better visual appearance. This would comply with the aims of Policy DM4 to improve holiday stock on existing designated parks.

9. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) No development shall take place other than in accordance with the details shown on the following drawings: 2110-01 Location Plan; 2110-05 Proposed Plan and Elevations, 2113-02 Block Plan; 2113-04 Proposed Site Plan; 2113-07 Proposed Elevation and Model Views.

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

- (3) The external finishing materials shall include Marley Cedral cladding in beige, bronze metro roof tiles and brown UPVC windows and doors (Ral number 8016).

Reasons: In the interest of visual amenity.

- (4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework.

- (5) 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 local amenity.

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

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

INFORMATIVES

KCC Highways:

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

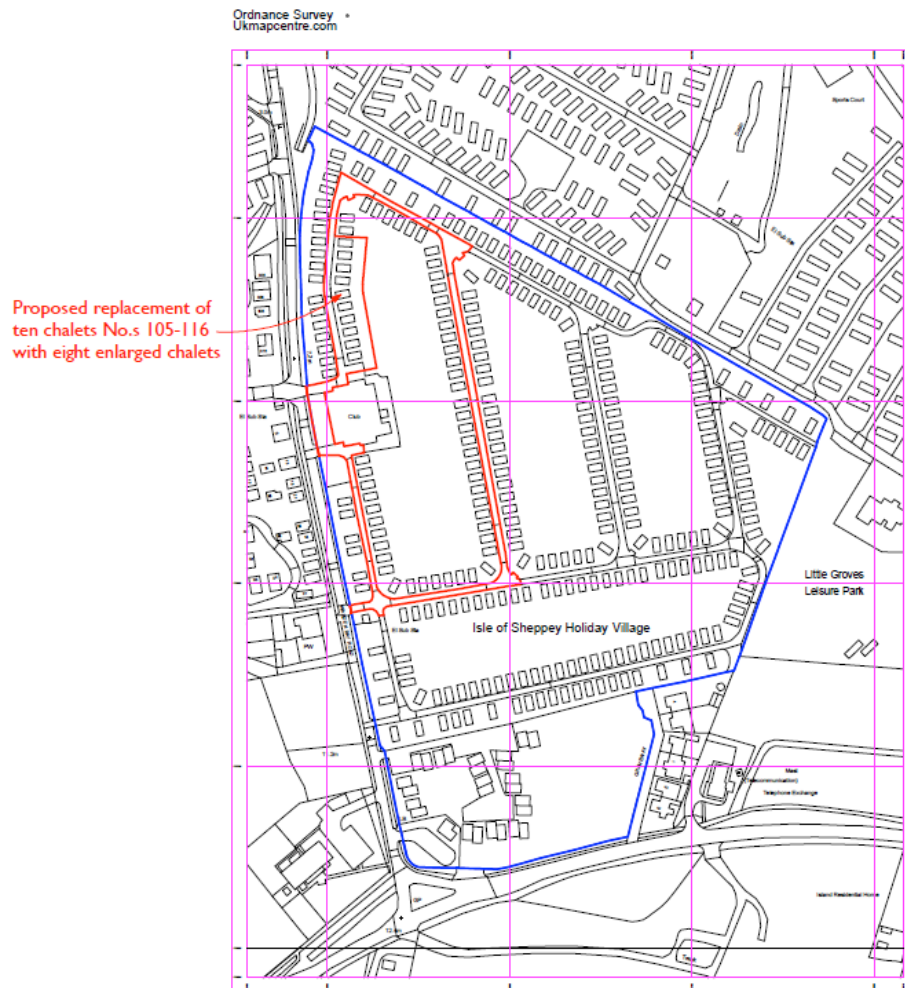
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The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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.



2.13 REFERENCE NO - 21/505461/PSINF		
APPLICATION PROPOSAL		
The construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces).		
ADDRESS HMP Standford Hill Church Road Eastchurch ME12 4AA		
RECOMMENDATION GRANT – Subject to the following conditions and comments from KCC Highways and Transportation (including requested conditions), and with authority to amend conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The proposals for the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces) would be acceptable in principle, due to the siting of the proposals within the confines of an existing prison, and noting wider demands for an increase in criminal justice accommodation and the policy support for enhanced public service infrastructure.</p> <p>With regard to wider planning considerations, the proposals are acceptable subject to a number of conditions which are included below. Details of materials and soft landscaping are sought in the interests of visual amenity and ensuring suitable landscaping is proposed to screen the new houseblocks and to mitigate lost tree planting within the proposed car park extensions. The proposals are considered to be acceptable in terms of design and visual impact; landscaping and trees; biodiversity noting that a net gain on 15% is to be achieved; residential amenity; flood risk/drainage; environmental matters; sustainability/energy noting the supporting energy statement and proposals meeting BREEAM “Very Good”; and with regard to the Conservation of Habitats and Species Regulations 2017.</p> <p>As set out within the report below, there are outstanding highway matters that will need to be addressed before the determination of the application. The requested highway information has been sought from the applicants, and will be reconsulted on. Members will be updated regarding this at the committee meeting, or via tabled papers.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council Objection		
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL APPLICANT MOJ AGENT Cushman & Wakefield
DECISION DUE DATE 29/12/21	PUBLICITY EXPIRY DATE 07/03/22	

21/506517/PSINF

Erection of a new kitchen, plant room and bin store.
Pending Consideration

21/501437/FULL

Extension to the visitor's car park of HMP Standford Hill to provide 40 additional parking bays.
Withdrawn Decision Date: 25.10.2021

21/505986/ENVSCR

Screening Opinion for the construction of two houseblocks (two storeys) for a total of 120 prisoners, a proposed record store,

library, office and extension to the existing visitor car park (40 spaces) within boundary of HMP Standford Hill Category D Prison. The proposed development falls within Schedule 2 of the EIA Regulations 2017 (Schedule 2, 10 (b)) Urban Development Projects.

Decision Date: 02.12.2021

14/505343/LAWPRO

Certificate of Lawful Development for a proposed development to convert and refurbish the 3 No housing blocks to residential properties to house 39 prisoners. Proposed works to include external and internal alterations. 2m high steel Palisade boundary fencing is to be installed. 1 No. prison issue pedestrian gate and 2 No. vehicle gates

Approved Decision Date: 01.05.2019

SW/10/1567

The erection, 25 year operation and subsequent decommissioning of a wind energy development comprised of the following elements: two wind turbines, each with a maximum overall height (to vertical blade tip) of up to 121 metres, together with new access tracks, temporary works, hard standing areas, control and metering building, cabling and new vehicular access from Brabazon Road

Grant of Conditional PP Decision Date: 11.11.2011

SW/09/0913

The erection of a new single storey education building.

Grant of Conditional PP Decision Date: 23.11.2009

SW/09/0425

The erection of a new energy centre at HMP Elmley including a generator, plant room, oil tank, associated hardstanding and landscaping and a three metre high palisade security fence, with new vehicular access of Brabazon Road.

Grant of Unconditional (stat 3yrs) Decision Date: 10.07.2009

Extensive planning history relating to the prison complex at Standford Hill dating back to 2000.

Adjacent Site:

21/506787/PSINF (HMP Elmley)

Construction of a 4 storey (Category C) houseblock for up to 247 prisoners, a new workshop, a staff administration building, extension to existing property store, extension to existing sports store, new 7-a-side sports pitch, new 3G MUGA pitch, extension to the existing car park (80 spaces) and realignment of existing containment fencing at HMP Elmley Category B/C Prison. Pending Consideration

1. DESCRIPTION OF SITE

- 1.1 The application site is HMP Standford Hill which is a category D men's open prison. HMP Standford Hill, together with HMP Swaleside and HMP Elmley comprise the Isle of Sheppey Prison Cluster which are situated to the south of Eastchurch (approx. 1.6km) and are within the open countryside. To the north of HMP Standford Hill is a small housing estate and Eastchurch Fire Station. To the south is a water treatment facility and wind turbines. To the east and south east are the other prisons in the Sheppey Cluster and to the west is farmland.
- 1.2 HMP Standford Hill is located to the west of Brabazon Road, and the HMP site covers a large area of 16.43 hectares. HMP Standford Hill comprises a series of low rise buildings providing accommodation, a gym, swimming pool and workshops. There are a mix of building styles and storey heights at the site (the current houseblocks are 2 storeys in

height). The main entrance to the prison is via Brabazon Road via Church Road which provides access to A2/M2 (via A249). Parking for visitors and staff is provided in the existing car park which is accessed from Brabazon Road. The buildings are set within open space.

- 1.3 HMP Standford Hill was opened on the site of an ex Royal Air Force Station and was first used as a prison in 1950 (although the current buildings date from 1986). The site would fall within use Class C2A (Secure Residential Institution).
- 1.4 The application site is within Flood Zone 1 (Low Flood Risk)
- 1.5 There are no heritage assets within the site boundary itself, however there are Grade II listed former aircraft hangars ('Four Hangars') to the south of the site, and to the south of Wrights Way. The hangars are listed in respect of their historical interest (dating back to the early days of manned flight) rather than architectural interest.

2. Proposal

- 2.1 The application seeks the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces).

Houseblocks

- 2.2 The proposed houseblocks would provide 120 additional bed spaces for HMP Standford Hill. They would be two storeys in height and will be situated on open land close to the southern red site boundary, and close to the existing education and healthcare blocks to the north.
- 2.3 The proposed houseblocks are rectangular buildings measuring 12m x 66m, and would have a simple pitched roof with a ridge height of 10m and eaves of 6.3m. The buildings would be finished in brick at ground floor level, cladding at first floor level, with a standing seam roof. Coloured cladding would be featured on the side gable elevations and entrance of each building, one in yellow and one in blue. Solar PV panels are proposed on the roof.

Office Records Store

- 2.4 The proposed office records store would be situated adjacent to the parole block in the north-western part of the site. It is a single storey building measuring approximately 6.7m x 10.4m, with a pitched roof with a ridge of 5.9m and eaves of 3.8m. It would be finished in brick, with cladding in the eaves and top part of the external walls, with a standing seam roof. Strips of green cladding are proposed on the side gable wall elevation, and entrance doors.

Library & Healthcare Office

- 2.5 The library and healthcare office is proposed to be situated adjacent to the existing car park and healthcare building in a central part of the site. It is a single storey L shaped building measuring approximately 15.4 x 16.9m, with a pitched roof with a ridge of 5.9m and eaves of 3.9m. It would be finished in brick, with cladding in the eaves and top part of the external walls, with a standing seam roof. Strips of yellow cladding are proposed on the side gable wall elevations.

Visitor Car Park Extension

- 2.6 The existing visitor car park (adjacent to Brabazon Road) will be extended to the north to provide 40 additional car parking spaces, in the north-eastern part of the site. It would be extended by removing two parking bays and a timber fence from the existing car parking area to provide access to the proposed extension. The finishing material is noted to be permeable paving.

3. SUMMARY INFORMATION

Building	No. of Buildings Proposed	Storeys	Total Area (sqm)
Accommodation Block	2	2	2301 (per block)
Library & Healthcare Office	1	1	153
Records Store	1	1	67
Car Parking	40 spaces		1429
		Total	6251

4. PLANNING CONSTRAINTS

- Outside the built-up settlement boundary, within the open countryside
- Grade II listed buildings to the south
- Within 6KM Buffer for SAMMS Strategy
- Potential Archaeological Potential

5. POLICY AND OTHER CONSIDERATIONS5.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:

- 5.2 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); CP2 (Promoting Sustainable Transport); CP4 (Requiring good design); CP7 (Conserving and enhancing the natural environment); CP8 (Conserving and enhancing the historic environment); DM3 (The rural economy); DM6 (Managing transport demand and impact); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM32 (Development involving listed buildings)

- 5.3 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 82 (economic objectives for planning policy); 92 (healthy, inclusive and safe places); 96 (faster delivery of public service infrastructure such as criminal justice accommodation); 110 (sustainable transport); 111 (highway safety); 112 (pedestrian and cycle, safe and secure layouts); 130 (achieving well designed places); 169 (sustainable

drainage systems); 174 (local and natural environment); 179 (biodiversity).

5.4 Supplementary Planning Documents (SPD): Parking Standards (2020).

5.5 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. The key characteristics also include the prison complex which is described in the document as a dominant feature in the open rural landscape which has a wide impact on the adjoining marshland, particularly when floodlit at night. One of the guidelines for development in this area is to minimise the impacts of external lighting at the prisons on wider landscape.

6. LOCAL REPRESENTATIONS

6.1 Eastchurch Parish Council have objected, and their comments dated 04/11/21 and 08/02/22 are included below:

6.2 **04/11/21:** *An application had been previously received for an extension to the carpark. This had been strongly objected to by this committee including:*

"Landscaping required to carpark area. The loss of the site area to carparking will provide an urban feel to a rural area. British native tree replacement required elsewhere on the estate. Transport statement requires mitigation for existing residents in close proximity, which is not 2km as stated. Brabazon Rd, Orchard Way, Range Road, Kent View Drive, St Georges Avenue and Church Road are all residential streets. Due to constant speeding these roads have become dangerous to access and egress. Church Road and the northern end of Brabazon Road only have pavement on one side on a very fast road. These are on opposite sides which necessitates the crossing of the road for pedestrians. High volumes of traffic onto the site for officers, support staff and visitors for the three prisons, not just HMP Standford Hill, this is the only access road. Historical record of persistent speeding. MOJ has already acknowledged this and joined with KCC and EPC to provide an interactive speed sign. This had little effect and has now been removed as it is no longer viable (10+ years old). The Governors of all three prisons are aware of the issue and requests are repeatedly made for them to remind their staff and contractors of the speed limits and safety issues. Extensions to the site cannot be considered before sufficient road calming measures are put in place to provide safety both for existing residents and for users of the site. Speed cushions have already been deemed inappropriate on this road".

It was agreed that these concerns particularly regarding the speed and volume of traffic on the road has yet again not been addressed by the MoJ. The additional spaces and extra blocks for 120 prisoners at Standford Hill will only provide an increase to not only visitors but also support staff and delivery vehicles. This cannot be acceptable for the safety of the residents. The 2m footpath mentioned in the Traffic Management report is measured from Kerb to far verge. It does not take into account the width of the verge on either side or the lack of maintenance with vegetation obscuring the footpath and forcing pedestrians onto the road in order to get past brambles and stinging nettles. It is not maintained by KH&T unless repeatedly asked by the Parish Council and pedestrians already have a frightening time walking up to the schools and shops that the main village provides. If the new blocks are inhabited by prisoners using the back to work scheme, this will exacerbate the situation even more. The traffic plan mentions that there are also plans for an expansion to Elmley for a further 246 prisoners. This would prove to an untenable situation. The buses that serve the prison stop at 6.00pm and thereby

encourage the use of personal vehicles for staff and prisoners who are at work.

The forecast for traffic movements is inapplicable to this application. The dataset used is thirteen years out of date. The out-of-date data set provides an additional possible 18 visitor journeys per day. This is on top of the additional non-operational staff movements at 1 every five or six minutes. This is deemed not material. Eastchurch is a village, and the Isle of Sheppey is a rural location. Whilst these figures might be acceptable in an urban area with appropriate infrastructure, it is totally unsuitable for the location discussed.

Church Road provides the only access to the prison sites and as such there are bottle necks during the day, particularly at shift change over. When there is an accident, there is no alternative access, and the traffic quickly backs up to the bypass. The Lower Road/Eastchurch Road junction is difficult to turn out of due to the volume of traffic emanating from the prison site.

The levels of staffing and occupancy of the sites are thirteen years out of date. The census data is from 2011 and 10 years out of date. This needs to be updated before the planning application is given consideration and needs to include not only permanent occupancy, but also temporary occupancy in order to reflect the true figures as well as complete figures for prison staff, both operational and support staff, agency staff and permanent and temporary workforce.

There is an assumption of the level of vehicles travelling on the A249 which are taken from statistics which are able to be interpreted in many ways. Whether the vehicles are local to the island or whether they travel on the A 249 or M2 is irrelevant to the immediate imposition on the local residents of a high speed, and high volume traffic flow on a rural road. There is a large residential population in the immediate surrounds who already are affected by the existing problems that the prison sites cause. The conclusion of 4.23 is wrong. There will be a major material impact on a rural road. The prisons already suffer staffing shortages and to assume that these can be met by the local population is proved incorrect. Therefore there will be more journeys on the A249 and M2 junction traffic will likely increase.

The road infrastructure is already unsuitable for the existing prison sites. Before any further increase and expansion to any of the prisons on the cluster, the road infrastructure must be addressed through a S106 agreement with a robust report on how to permanently mitigate speeding on the immediate surrounding roads and to provide safety for the residents in the area through robust traffic calming, such as full width speed cushions or chicanes with designated crossing points near the junction of Orchard Way and Brabazon Road. The Parish Council would be keen to enter into dialogue with the MoJ so that a satisfactory resolution could be found.

- 6.3 **08/02/22:** *Members agreed that the pre-existing highways issues are **caused by the high levels of traffic already accessing the prison cluster site** (Eastchurch PC emphasis). The MoJ installed flashing speed signs in acknowledgement of this. The signs have since fallen into disrepair and have been removed. This needs to be addressed before any expansion is permitted.*

With the cumulative impact of the traffic increase, the safety of the existing residents is once again being ignored. A developer contribution should be sought from MoJ by KCC and SBC in order to mitigate costs of permanent resolution and protection of the environment, highway and safety of residents and users. The MoJ need to take a proactive approach to its responsibility as the main source of the traffic and provide a

future proof solution for all parties with the continuing expansion.

6.4 No comments have been received from neighbouring properties.

7. CONSULTATION RESPONSES

External

	COMMENTS RECEIVED	OFFICER RESPONSE
National Highways	<p>We have concluded that the quantum of operational traffic on the A249 and at M2 Junction 5 will be low. However, during the construction phase there are potential adverse impacts which may be mitigated by means of a Construction Management Plan.</p> <p>Having assessed application 21/505461/PSINF, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (A249(T) and M2 Junction 5), provided that the following conditions are imposed, (reflecting the DfT Circular 02/2013 paragraphs 8 -11 and MHCLG NPPF 2021 paragraph 110-113 tests). Advised no objection subject to the imposition of conditions.</p>	<p>The requested conditions re a Construction Management Plan; and delivery hours are included within the recommended conditions list.</p>
KCC Flood and Water Management	<p>Having reviewed the submission documents, raise no objection subject to a condition seeking a detailed sustainable surface water drainage.</p>	<p>The requested conditions seeking a detailed sustainable surface water drainage scheme is included within the recommended conditions list.</p>
KCC Highways	<p>16/03/22</p> <p><u>Existing Development & Trip Generation:</u> there are discrepancies in the submitted information regarding staff numbers (including shift pattern and officer to prisoner ratio) and trip generation. The comments request that further clarification is therefore required to confirm the appropriate staff numbers to be used in the trip calculations.</p> <p><u>Development Proposals:</u> Whilst section 4 of the Transport Statement indicates that this would see an increase in 8 operational and 24 non-operational staff, it is not clear how these figures have been determined, particularly given the discrepancies highlighted above with the existing staff numbers associated to the current prison population.</p> <p><u>Forecast Vehicular Trip Rates:</u> TBC. Once the requested additional information has been provided to confirm the existing staff numbers and how these would apply to the shift patterns, together with validation of the associated increase in staff, I will be able to consider the trip rates provided in table 4.1 or an updated version of it.</p>	<p>Further information has been requested to address KCC Highways comments in terms of the discrepancies in the submitted information re staff numbers and trip generation. Once provided KCC Highways will provided revised comments to assess the following matters development proposal; trip rates; and highway impact.</p> <p>Requested further information regarding the Travel Plan comments, including a strategy to work with the other prisons to reduce reliance on the car.</p>

	<p><u>Highway Impact:</u> It is apparent from the operational staff shift patterns that the vehicular movements associated with travel to and from work will occur outside of the network peaks, and the main impact is therefore likely to be from the non-operational staff as although they work 2 shift patterns, they both would start and end near the traditional network peak hours. No analysis of the Rowett's Way/Church Road junction has been made to consider how this will operate with the additional traffic, and this should be examined in combination with the cumulative impact from the whole prison cluster expansion proposals.</p> <p><u>Parking:</u> It's noted that there are currently 92 parking spaces provided within two dedicated car parks on the prison site, and it is suggested that there are a further 86 parking spaces spread within the prison site. The Transport Statement confirms that it is proposed to construct an additional 40 space car park to the north of the existing visitor car park, giving a total of 218 spaces within the HMP Standford Hill site. Based on the highest staffing figures quoted, and considering the overlap between any two shifts, the additional 40 spaces would appear appropriate for the scale of the development.</p> <p>The details show 2 EV charging points within the car park, but this would not comply with Swale Borough Council's parking standards. A minimum provision of 10% active charging spaces should be provided, with the remainder being passive. 4 active charging spaces will therefore be required.</p> <p><u>Travel Plan:</u> The content of the Travel Plan is noted, but it is also acknowledged that there will be a reliance upon the car to access the site due to the nature and location of HMP Standford Hill. Whilst it lists objectives to encourage more sustainable travel options, there does seem the opportunity given the size of the prison cluster as a whole to investigate measures to reduce car use, particularly single occupancy. The numbers of staff involved and the shift patterns would suggest that opportunities exist to combine staff journeys, and a co-ordinated approach with the other prisons within the cluster should be explored.</p> <p>There are some positive measures regarding monitoring and the provision of information but no measures or recommended investment that would be likely to encourage modal shift. The applicant is requested to set up a strategy within the Travel Plan to work with the other prisons in the area with a view to reducing the need to arrive to the complex by private car and reduce the impact on the highway. This should investigate the feasibility of providing a funded mini bus service to collect staff from</p>	
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	areas of demand on the island, for instance Sheerness Rail Station.	
Environment Agency	We have no comments to make on this planning application as it falls outside our remit as a statutory planning consultee.	Noted
KCC Ecology	<p>Following a review of the submission documents, no further information is required and the details are acceptable subject to conditions.</p> <p>The submitted EclA states that the proposed landscaping scheme for this application will result in ecological enhancements and a 15% Biodiversity Net Gain, achieved principally through the ecological enhancement of the current neutral grassland within the application site. A Biodiversity Net Gain (BNG) calculation using the Defra Metric V3.0 is referred to in this respect. However, we could find no such calculations in Appendix 4 of the EclA. However, we advise that this can be addressed through suitably worded conditions.</p>	The requested conditions are included within the recommended conditions list. These include the submission of a Construction Environmental Management Plan; sensitive lighting scheme; biodiversity mitigation and enhancement plan; biodiversity net gain condition.
Natural England	Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.	Noted
Southern Water	Further information has been provided about the necessary consents the applicant will need to seek from Southern Water. An informative is also recommended.	The additional information is included as an informative
Kent Police	Kent Police attended a meeting held on 2 nd March with the applicants to discuss potential concerns. Kent Police have subsequently advised that any concerns have been addressed, and no further information or condition is required.	Noted.
Lower Medway Internal Drainage Board	Provided further information for the applicant in respect of additional consents that will be required and recommend that these be sought at an early stage.	These are non-planning consents and therefore it is not a requirement that the applicant have secured the additional consents prior to the determination of the application. The information will be included as an informative for the applicant to review however.
Historic England	On the basis of the information available to date, in our view you do not need to notify us of this application under the relevant statutory provisions, details of which are enclosed.	Noted
KCC Archaeology	There is archaeological potential of the prison site through its early aviation history, its use as a Royal Naval Air Station in the First World War and subsequently RAF Eastchurch in the Second World War. It was converted for prison use in the 1950s. The prison includes a range of heritage assets associated	The requested condition to secure a programme of archaeological works is in the conditions list

	<p>with the aviation history of the site both as standing buildings and as buried archaeology. Although much of the heritage is undesignated there are hangers associated with the early flying ground that are Listed Buildings. In addition, there is potential for earlier archaeology within the prison site as is illustrated by the discovery of Roman remains on Standford Hill in 1967.</p> <p>The submission includes a Heritage Statement (Pegasus Group November 2021) that includes an archaeological desk-based study by SWAT Archaeology (Appendix 2). The study provides a good account of the archaeological potential of the site identifying the high potential for remains of Roman and of 20th century date associated with the aviation history of the site though no specific features are identified within the location of the development works.</p> <p>The study notes that the area proposed for the two houseblocks will be constructed on relatively undisturbed ground and could potentially affect archaeological remains. The smaller buildings will similarly be constructed on open land close to existing buildings, while the car park extension is to be built in an area that has seen some prior disturbance through the former light railway branch and buildings dating to the 1940s and 1960s. The Design and Access Statement sets out that the landfall within the site has a drop of around 3m in the area of the new accommodation blocks, 1m in the area of the proposed library and office and 0.5m in the area of the records store. Significant earthworks are needed to level the ground, particularly in the area of the accommodation blocks.</p> <p>Given the potential for buried archaeological remains to lie within the area of the proposed development works which will include excavations for ground levelling, formation of access, parking and services it will be appropriate to secure a programme of archaeological works which can be secured through condition.</p>	
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Internal

	COMMENTS RECEIVED	OFFICER RESPONSE
Environmental Health	Air Quality: The reviewed the submitted air quality assessment (AQ assessment). The AQ assessment suggest measures in the Travel Plan will be funded by the damage cost, however there are a number of measures which go over and above the damage cost. A condition relating to air quality mitigation measures is therefore requested.	The requested conditions regarding air quality; dust control; noise re equipment; and construction hours are included within the recommended conditions list.

		Noise: Agrees with the contents of the noise assessment, and recommends conditions regarding details of any plant/ducting system and construction hours	
Climate Officer	Change	This application aspires to BREEAM excellent which is better than our Local Plan requirements. No fossils fuels will be used in the two new houseblocks. Solar PV and Air Source Heat Pumps will be used for lighting and heating. EV charging points will be installed. Water is from a private borehole but will be metered for monitoring use. There will be a biodiversity net gain of 16%.	It is recommended that these elements be captured via condition.

8. APPRAISAL

8.1 The main planning considerations are as follows:

- Principle
- Design/Visual Impact
- Landscaping and Wider Impacts
- Residential Amenity
- Highways/Transport
- Biodiversity
- Flood Risk/Drainage
- Environmental Matters (including Noise, Air quality and Contamination)
- Sustainability / Energy
- The Conservation of Habitats and Species Regulations 2017

Principle of Development

8.2 Policy ST1 of the Local Plan seeks to deliver sustainable development that accords with the settlement strategy for the Borough. The Council's spatial strategy is set out in Policy ST3 which identifies a hierarchy of 5 types of settlement. The site is not designated under ST4.

8.3 The site is classified as open countryside and therefore Policy ST3(5) is relevant. The policy directs refusal of new development proposals unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities. Paragraph 174 requires planning decisions to contribute to and enhance the natural environment in a number of ways, including recognising the intrinsic character and beauty of the countryside.

8.4 Paragraph 96 also highlights the need to work proactively and positively with promoters, delivery partners and statutory bodies to plan for required public service infrastructure facilities (including criminal justice accommodation).

8.5 The Planning Statement, submitted in support of the application, highlights the on-going demand for prison places and notes that:

The prison population is currently forecast to increase over the next 10 years reaching unprecedented levels by the end of the decade. The MoJ and its executive agency, Her Majesty's Prison and Probation Service (HMPPS) is embarking on an ambitious

programme of prison expansion in over a century, delivering over 18,000 additional prison places through a portfolio of programmes and projects, including the 10,000 additional prison places programme.

- 8.6 The planning statement goes on to highlight that HMP Standford Hill has been identified as one of the prisons which has been selected for expansion, given an identified need for further spaces in Category D prisons. To that end, permission is sought for the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces).
- 8.7 The application site is located outside the built-up area settlement boundary. The nearest settlement is Eastchurch, which is a Tier 4 settlement with paragraph 4.3.69 of the Local Plan describing it as being more rural and remote in character in comparison to other settlements on the Isle of Sheppey, such as those which fall within the West Sheppey Triangle. However, the application site is situated within HMP Standford Hill which forms part of the prison cluster along with HMP Elmley and HMP Swaleside and therefore the immediate surrounding is characterised by built form.
- 8.8 In terms of employment, the Prisons are a notable employer on the Isle of Sheppey, which provide employment to many Swale residents. The proposed development will provide new jobs during construction, long term maintenance and additional employment in the supply chain. It is therefore considered that the proposed development will meet the economic objective of the NPPF to help build a strong responsive and competitive economy (paragraph 81).
- 8.9 Given the fact that the proposal is situated within the confines of an existing prison, the wider demands for an increase in criminal justice accommodation and the policy support for enhanced public service infrastructure, it is considered that the proposal is acceptable in principle.

Design / Visual Impact

- 8.10 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 8.11 Policy CP4 sets out the requirements for requiring good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 8.12 Policy DM14 of the Local Plan sets out the General Development Criteria for development proposals. This includes a number of requirements including the requirement that proposals be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location; that any proposal provides for an integrated landscape strategy that will achieve a high standard landscaping scheme and that any proposal reflects the positive characteristics and features of the site and locality.

8.13 The application site area is 16.43ha; however, the proposal does not span this entire area of HMP Stanford Hill and relates to the construction of two new buildings within this wider perimeter along with the two ancillary buildings and the hardstanding for the car park.

8.14 The new blocks to serve as criminal justice accommodation are both two storey buildings with access into the roof space. Both of the ancillary buildings are single storey. The proposals measure as follows:

Accommodation Houseblock 1:

- Height; Ridge 10m, Eaves 6.3m
- Width: 12m
- Length: 66m

Accommodation Houseblock 2:

- Height; Ridge 10m, Eaves 6.3m
- Width: 12m
- Length: 66m

Office Record store:

- Height: Ridge 5.9m, Eaves 3.8m
- Width: 6.7m
- Length: 10.4m

Library & Healthcare Office:

- Height: Ridge 5.9m, Eaves 3.9m
- Width: 15.4m
- Length: 16.9m

8.15 The new buildings are set within the context of the existing prison facilities which are made up of a series of buildings of a similar height and scale. The proposed accommodation houseblocks would be situated parallel to one another, and would be located to the south of the education and healthcare block on site and south-east of the existing accommodation block. The proposed library and healthcare office would be located adjacent to the existing healthcare block and staff car park. The proposed office record store would be adjacent to an existing Parole office in the north-western part of the site. It is considered that the proposed siting of the buildings is suitable as these would be positioned in the central location within the prison complex, or area adjacent to existing buildings. Given the existing context and the proposed scale of the buildings, the proposal is considered to be of a modest scale and appropriate for its setting.

8.16 The proposed buildings would have a simple appearance, finished in brick, cladding and a standing seam roof. This would broadly reflect the existing development on site, which are buildings of a simple design. The Urban Design Officer has commented that the proposed cladding and roof materials are suitable, but has requested that the brick should be a colour to match existing buildings on the site. The appearance of the proposals are therefore considered to be acceptable. Further details of materials, including external hardsurfacing for the extended car park area can be sought via condition.

Landscaping and wider visual impacts

8.17 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement

for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development.

- 8.18 Paragraph 131 sets out that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 8.19 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal. Policy DM24 further requires that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed and that the scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment.
- 8.20 Swale's Landscape Character and Biodiversity Appraisal is also relevant as it provides a framework for Development Management decisions on matters of landscape character. The application site lies within Swale's Landscape Character Area 13 (Central Sheppey Farmlands). Some of the key characteristics of the area are described as ridge of London clay rising steeply to north and large-scale open predominantly arable landscape, with infrequent isolated orchards. The key characteristics also include the prison complex which is described in the document as a dominant feature in the open rural landscape which has a wide impact on the adjoining marshland, particularly when floodlit at night. One of the guidelines for development in this area is to minimise the impacts of external lighting at the prisons on wider landscape.
- 8.21 The site is not within a designated landscape but lies approximately 1km to the north of an Area of High Landscape Value. The prison complex is noted in the Swale Landscape Character and Biodiversity Appraisal SPD (2011) as being highly prominent in the rural landscape. The Swale Special Protection Area and Ramsar site is located approximately 2 kms from the proposal.
- 8.22 HMP Standford is located on a hillside with a height difference of over 15m from the entrance to the northwestern part of the site being developed and 3m lower to the south western part of the site being developed. The new site buildings therefore range over 18m of height difference, meaning the impact of the proposal varies depending on the viewpoint.
- 8.23 The application is supported by a Landscape and Visual Impact Assessment which sets out the impact of the proposal in this regard. It advises that the case of the proposals, mitigation should include the retention of existing vegetation where possible, introduction of new planting and a sensitive approach to materials and heights of structures so as to avoid or minimise potential impacts on the character and appearance of the area and on views/visual amenity. It advises that any proposed new buildings should not exceed the height of existing buildings on site, and the current proposals would comply with this. New planting is recommended to provide long term screening on south/south-eastern side of the accommodation blocks, provisional along the south-eastern corner of the site or, if appropriate, in a strip adjacent to the sports pitches (noting that that this land is not in the red line, but is land controlled by the applicant).
- 8.24 The LVIA sets out that subject to the landscape strategy and appropriate mitigation, the proposed development is anticipated to be subservient to the scale, character and appearance of the existing built form within the prison complex (and wider prison

cluster). As such, a condition has been requested regarding a landscaping scheme, with sets out that submission shall reflect the recommended landscape strategy in para 4.1 of the Landscape and Visual Appraisal (dated August 2021) to ensure appropriate screening is in place.

Trees

- 8.25 The application is supported by an Arboricultural report. This shows that there are a total of 114 no. trees of individual distinction, fourteen groups of trees and four hedgerows within influence of the application area. None of the trees are protected by a Tree Preservation Order and there are no conservation areas affecting the site. As a result of the works, it is proposed that 10 trees are to be removed, 5 Category B trees (4x Lombardy Poplar and 1x Horse Chestnut), 5 category C trees (1x Blackthorn, 1x Hawthorne, 1x White Poplar and 2x Sycamore) and no Category A or U trees. There are an additional two trees (1x Horse Chestnut and 1x Lombardy Poplar) by which the car park will encroach onto the root protection zone. The report concludes however that the impact will be minimal and it is not expected that this will affect the health of the trees. Tree Protection measures are detailed within the AIA. The report concludes that the impact on existing trees is negligible and this is confirmed by SBC's Tree Consultant who concludes that the scheme is acceptable subject to conditions. SBC's Tree Consultant has requested a condition which seeks a detailed arboricultural method statement (AMS) supported by technical drawings is produced that ensures the safe integration and protection of the existing trees within the scheme.
- 8.26 Along with securing the mitigation measures set out in the AIA, it is further recommended that a condition be imposed in respect to biodiversity net gain, which should also require additional tree planting along with other biodiversity enhancements. On this basis, it is considered that the arboricultural impacts are acceptable at this stage subject to further information being provided via condition.

Heritage and Archaeology

- 8.27 Section 16 of the NPPF sets out how the historic environment should be conserved and enhanced and makes it clear at paragraph 199 that when considering the impact of a proposed development on a designated heritage asset, local planning authorities should give 'great weight' to preserving the asset's significance, irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Paragraph 200 of the NPPF states that any harm or loss should require clear and convincing justification. Where harm is caused to a heritage asset, the NPPF requires decision makers to determine whether the harm is substantial, or less than substantial. If the harm is deemed to be less than substantial, paragraph 196 of the NPPF requires the harm to be weighed against the public benefits of the proposals. Furthermore, paragraph 203 sets out that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 8.28 Policy 32 of the Local Plan deals with development that affects a listed building, including its setting. It advises that development will be permitted where such an impact arises provided that the building's special architectural or historic interest, and its setting and any features of special architectural or historic interest which it possesses, are preserved, paying special attention to the:
- a. design, including scale, materials, situation and detailing;
 - b. appropriateness of the proposed use of the building; and
 - c. desirability of removing unsightly or negative features or restoring or reinstating historic features.

- 8.29 The application site is not located within a Conservation area and there are no listed buildings within the application site itself. A group of four Grade II Listed Aircraft Hangars are located to the south of the Site, referred to as the 'Four Hangars'. The list entry provides the following summary: *Aircraft hangars. 1912, built by the engineers Harbrows for the Admiralty. Steel-framed, with stanchions at 10 ft centres; lower sections of party walls separating hangars and the same stratum of their front elevation are of coarse concrete blocks; corrugated iron cladding; all roofs are of felt on timber boarding. (see List Entry 1391502).*
- 8.30 As such, the development would have an impact on the setting of the heritage asset. Moreover, there are a number of non-designated heritage assets at the site which are related to the sites original use as part of its previous uses as a Royal Air Force Station. The summary of the structures and their heritage significance is set out in section 7 of the Heritage Statement.
- 8.31 The proposal would not result in any physical alternations to any heritage asset and therefore the impact is on setting only. The Heritage Statement identifies that the setting of the hangars contributes to their significance, albeit to a lesser degree than the fabric of the structures themselves. In describing the site and the setting of the hangars, the heritage statement finds that the site is considered to make only a minor contribution to the overall heritage significance of the hangars. Furthermore, the statement notes that no specific views of the hangars from the site, or vice versa, have been identified as making a particular contribution to the overall heritage significance of the assets. The Heritage Statement goes on to describe the impacts of the proposal and make an assessment of any potential harm. The statement finds that no harm arises to the heritage assets.
- 8.32 The Conservation Officer has reviewed the proposal and highlights that the location of the proposed three blocks A, B & C has been appropriately chosen to have minimum impact of the setting of the existing landscape and buildings within the prison complex. The massing and scale of the new structures is in keeping with its immediate environment and does not have an adverse impact on the non- designated heritage assets on the site. I have no objection to the proposals as presented and consider that no harm would arise to the identified designated and non-designated heritage assets, via a change in setting.
- 8.33 As the proposal does not result in harm, an assessment of the public benefits is not required in accordance with the requirements of the NPPF.
- 8.34 The site is within an area of archaeological potential, and the application has been supported by a Heritage Assessment, which includes a section on archaeology (desk-based assessment). Comments are awaited from the KCC Archaeology Team regarding the submitted information. To ensure that features of archaeological interest are properly examined and recorded, a condition is attached seeking a programme of archaeological work.
- 8.35 Given the location of the proposed development along with the scale, it is considered that the impact is considered acceptable and in accordance with the development plan. The proposal is therefore considered to be acceptable in respect of Heritage.

Residential Amenity

- 8.36 Paragraph 130(f) of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard

of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.37 Policy DM 14 of the Local Plan requires all development, as appropriate, to cause no significant harm to amenity and other sensitive uses or areas. It also requires developments to ensure impacts on residential amenity are minimised and to mitigate any impacts to an acceptable level in respect of safety, including noise, air quality, tranquillity and transport.
- 8.38 The application site is situated within the existing complex of the prison cluster. The closest residential property to the proposed built form is over 300m away. There are also additional buildings that form part of the prison facilities which are much closer to the existing residential properties. As such, it is not considered that the proposal will give rise to a loss of amenity from overlooking, overshadowing or being overbearing. Any additional lighting will also be at a sufficient distance to avoid an adverse impact, notwithstanding that any impact experienced will likely result from the facilities which exist already. The proposal documents set out that there will be an increase in vehicular traffic which may cause some disturbance.
- 8.39 A car park is proposed at the entrance to the site which is within close proximity to residential properties on Orchard Way (to the north-east). The proposed car park is an extension to the existing car park, on the other side of Brabazon Road (eastern side) there is a large area of hard landscaping set between existing buildings, directly to the rear of the properties on Orchard Way which is in the ownership of the Ministry of Justice (MOJ) which also appears to be used to park vehicles. The impacts associated with the car park will result from the increased movement of vehicles, however it is not considered that the impact would result in significant harm to the neighbours in terms of noise and disturbance.
- 8.40 Given the existing site conditions and the distance between the proposed buildings and any neighbouring properties, it is considered that the impact in this regard is acceptable.

Highways

- 8.41 Paragraph 111 of the NPPF sets out that development should only be refused on highways grounds when an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 92 promotes healthy, inclusive and safe places through a number of measures including ensuring streets are designed to allow easy pedestrian and cycle connections within and between neighbourhoods. This is further emphasised in Paragraph 104.
- 8.42 Policy DM6 sets out the requirements for managing transport demand and impact. The policy requires development proposals involving intensification of any existing access onto a strategic, primary or other route will need to demonstrate that it is of a suitable capacity and safety standard or can be improved to achieve such a standard. Policy DM 7 requires compliance with the Swale Vehicle Parking SPD. The policy further requires cycle parking facilities on new developments to be of an appropriate design and in a convenient, safe, secure and sheltered location. Policy DM26 directs refusal of applications that either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Church Road to the north of the site is classified as a rural lane.
- 8.43 The application is supported by a Transport Statement, which has been provided to assess the impact of the proposed development. As a result of the proposal, the Transport Statement sets out that the development is anticipated to result in an uplift of

32 two-way trips on a daily basis which equates to an uplift of 26% against the existing movements.

- 8.44 KCC Highways have reviewed the information provided within the application and advised that there are discrepancies in the submitted information regarding staff numbers (including shift pattern and officer to prisoner ratio) and trip generation. As a result, it has not been possible to provide comments regarding the development proposals, trip rates until this information is provided. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters.
- 8.45 With regard to the impact upon the highway network, KCC Highways advised that from the operational staff shift patterns that the vehicular movements associated with travel to and from work will occur outside of the network peaks, and the main impact is therefore likely to be from the non-operational staff as although they work 2 shift patterns, they both would start and end near the traditional network peak hours. No analysis of the Rowett's Way/Church Road junction has been made to consider how this will operate with the additional traffic, and this should be examined in combination with the cumulative impact from the whole prison cluster expansion proposals. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters.
- 8.46 Furthermore, KCC Highways have requested that the submitted Travel Plan could be revised to investigate measures to reduce car use, particularly single occupancy given the size of the prison cluster as a whole. The applicant is therefore requested to set up a strategy within the Travel Plan to work with the other prisons in the area with a view to reducing the need to arrive to the complex by private car and reduce the impact on the highway. The advice sets out that this should investigate the feasibility of providing a funded mini bus service to collect staff from areas of demand on the island, for instance Sheerness Rail Station. The information has been requested from the agent, and members will be updated at committee regarding KCC Highways comments on these matters. For example, there is currently a pending application at HMP Elmley (ref 21/506787/PSINF) which seeks a houseblock for up to 247 prisoners, new ancillary buildings, new sports pitches and extension to the car park of 80 spaces. The Travel Plan could address KCC Highways comments in context with other proposed development in the prison complex.
- 8.47 In terms of car parking provision, the application proposes a car park to accommodate an additional 40 spaces. This is on top of the existing 178 vehicular parking spaces within the HMP Standford Hill Prison site boundary, creating a total of 218 vehicular parking spaces to serve the scheme. KCC Highways advise that the proposed additional parking would appear appropriate for the scale of the development.
- 8.48 Swale's Parking SPD requires that 10% of parking spaces be provided as Active Charging Spaces with all other spaces to be provided as Passive Charging Space for Electric Vehicle Parking. The submitted plans only show the provision of two EV charging points, whereas the proposals would require 4 active charging points with the remainder having passive provision. As such, a condition seeking details of EV charging points has been included.
- 8.49 Church Road, which leads onto Brabazon Road where the application site is located, is classified as a Rural Lane in accordance with Policy DM26. The policy directs refusal whereby there would be an adverse impact on the character of the rural lane. Whilst the proposal would result in an uplift of vehicle movements, the road is already characterised as the access road into the prison complex serving both HMP Elmley (which has

capacity for 985 prisoners) and HMP Swaleside (which has capacity for 1,112 prisoners), as well as HMP Standford Hill (which currently has 464 prisoners, without the current proposal). It is also noted that Church Road is the only access road into the prison complex and therefore if the prisons are to expand in accordance with the MOJ's ambitions (which are set out earlier in this report) then the road will undoubtedly have to accommodate an increase in movement. As such, given the existing context and the need for additional criminal justice accommodation, the impact on the rural lane is considered acceptable.

- 8.50 The Parish Council have raised concerns regarding highway safety, outlining that the proposed development will exacerbate existing safety issues regarding speeding resulting in dangerous access onto Church Road from residential streets, and safety concerns for pedestrians. The Parish Council note the interactive speed sign previously installed as a measure to reduce vehicle speeds along Church Road had little effect, and have since fallen into disrepair and have been removed. Their comments outline that traffic calming measures should be requested via a S.106 agreement and joint working between the Ministry of Justice (MOJ), Swale Borough Council (SBC), and Kent County Council (KCC) as set out below;

“The road infrastructure is already unsuitable for the existing prison sites. Before any further increase and expansion to any of the prisons on the cluster, the road infrastructure must be addressed through a S106 agreement with a robust report on how to permanently mitigate speeding on the immediate surrounding roads and to provide safety for the residents in the area through robust traffic calming, such as full width speed cushions or chicanes with designated crossing points near the junction of Orchard Way and Brabazon Road. The Parish Council would be keen to enter into dialogue with the MoJ so that a satisfactory resolution could be found.

With the cumulative impact of the traffic increase, the safety of the existing residents is once again being ignored. A developer contribution should be sought from MoJ by KCC and SBC in order to mitigate costs of permanent resolution and protection of the environment, highway and safety of residents and users. The MoJ need to take a proactive approach to its responsibility as the main source of the traffic and provide a future proof solution for all parties with the continuing expansion.”

- 8.51 In response to the above, the application team for this application and for the HMP Elmley application met with Eastchurch Parish Council on 16th March 2022 to discuss their concerns, and potential traffic calming measures along Church Road. The applicants sought a meeting with Kent County Council Highways Department to discuss traffic calming and potential costs for these, however at the time of writing this report the meeting has not taken place.
- 8.52 It should be noted that the applicants have not submitted a scheme for potential traffic calming measures to be reviewed by KCC Highways. Any traffic calming measures would be outside the red site boundaries of both applications at HMP Standford Hill, and HMP Elmley (ref 21/506787/PSINF), as these would likely to be located outside MOJ land on Church Road. As such, these building would require separate consent under a section 278 agreement.
- 8.53 KCC Highways will be asked to consider the parish council concerns, including potential for traffic calming measures alongside the updated highways information when this is submitted.

Biodiversity

- 8.54 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal. The NPPF further requires development to provide provision and use of community facilities, which includes open space.
- 8.55 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development. Paragraph 180 of the NPPF sets out the principles by which planning applications should be considered against in respect to habitats and biodiversity.
- 8.56 The application site is located within 6km of the SAMMS strategy given the sites proximity to nearby Special Protection Areas. These 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 appropriate steps to be taken 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. 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. For such applications, a contribution is requested. Given the fact that the proposal relates to Criminal Justice Accommodation as well as ancillary facilities and parking, the proposal is not of the residential nature that would trigger a contribution.
- 8.57 The 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." Again, as the proposal is not the type of development that would give rise to the adverse impacts associated with some forms of new development, an Appropriate Assessment was not considered necessary in this instance.
- 8.58 It is noted that Natural England have been consulted on the application and have not requested a contribution nor an appropriate assessment. Instead, they have advised that no objection is raised.
- 8.59 The application is also supported by an Ecological Impact Assessment prepared by EPR. This has been undertaken to understand any ecological constraints, any mitigation measures that may be necessary, any additional survey work that may be required and to identify opportunities for ecological enhancement.
- 8.60 The site primarily consists of multiple buildings with associated hardstanding, amenity grassland, a mosaic of ephemeral/short perennial and bare ground, scattered trees, treelines and species-poor hedgerows.
- 8.61 In terms of habitats, the report notes that given the managed nature of the grassland, it is very limited in terms of ecological importance although is suitable to support some

notable species. There are also linear habitats present on site in the form of treelines or hedgerows. Further scattered trees are also present along with a resident run allotment.

- 8.62 The supporting report sets out that whilst the site was considered unsuitable for roosting bats, the habitat was considered suitable to support commuting and foraging bats. The site provides suitable foraging habitat for badgers in the local area. The site is considered to have low potential to support dormice due to the habitats present and the lack of records of dormice in the data searches. The scrub habitat along the edges of the site are linked to the habitat surrounding ponds where GCN have been identified. Most of the site is unsuitable to support reptiles; however, there are records of reptiles in the wider surrounding area as such the site has a low potential for reptiles. The trees, and scrub on site provide suitable nesting habitat for bird and the scrub on site is suitable to support hedgehog. The impact is considered to be minor.
- 8.63 In terms of species, no evidence of badgers, dormice, invertebrates, great crested newts and common amphibians was identified. The supporting documents notes evidence of bats within a 2km radius. Further survey work in 2020 and 2021 identified several of the trees on site may contain features with the potential to support bat roosts and highlights that the potential need for further survey work in the form of tree climbing inspections or emergence surveys on trees deemed to have greater than low suitability for bats. Common bird species were noted flying through the site, mitigation includes removal of trees outside of nesting season and where this is not possible, inspection by an appropriately qualified ecologist. The update EA identified areas of grassland on Site which have the potential to provide foraging, commuting, refuge, and hibernating opportunities for common reptiles (likely common lizard, grass snake and slow worm). The Site is well connected to the wider landscape; therefore, it is possible that reptile species could be utilising suitable habitats on site. A reptile survey was carried out on site in 2021 and no reptiles were identified on site. However, given the site conditions, it is recommended that works be undertaken under a Working Method Statement, including a staged habitat clearance measure. The site provides suitable foraging habitat for Hedgehogs and mitigation measures, such as further checks prior to clearance followed by a relocation strategy are recommended.
- 8.64 The submitted EclA states that the proposed landscaping scheme for this application will result in ecological enhancements and a 15% Biodiversity Net Gain, achieved principally through the ecological enhancement of the current neutral grassland within the application site. KCC Biodiversity have reviewed the submitted information and advise that further information is required via condition to ensure a 15% Biodiversity Net Gain as described.
- 8.65 KCC Ecology and Natural England have both been consulted and raise no objection subject to the necessary restrictions being imposed on the consent.

Flood Risk and Drainage

- 8.66 Policy DM21 of the local plan sets out the requirements for water, flooding and drainage. The policy sets out a series of 10 criteria by which developments should adhere to. The Local Plan is consistent with the requirements of the NPPF which directs development away from areas of highest flood risk.
- 8.67 Using the Environment Agency flood risk map, it can be seen that the application site is located within Flood Zone 1, meaning it is an area with a low probability of flooding. Planning Practice Guidance confirms that the aim is to steer new development to Flood Zone 1. In respect of the Flood Risk Vulnerability Classification the health facility/library and admin room are classified as 'less vulnerable' whilst the criminal justice

accommodation is considered to be a residential institution and is therefore classified as 'more vulnerable'. Within Flood Zone 1, Table 3 of the Planning Practice Guidance confirms that 'less vulnerable' and 'more vulnerable' uses in Flood Zone 1 are appropriate and an exception test is not required.

- 8.68 As the application site is greater than 1 ha a Flood Risk Assessment (FRA) is required. Such an assessment has been carried out by the applicant and the submission is supported by an FRA. The proposed surface water drainage strategy is set out in section 5, the Foul Water Drainage strategy is set out in section 6 along with the Operation and Maintenance in Section 7. The supporting FRA confirms that these proposed extensions to the prison complex will not increase the risk of flooding in surrounding areas. It is noted that foul drainage is dealt with under separate legislation and therefore it is not generally reasonable to impose a foul drainage condition; however, a condition requiring compliance with the flood risk assessment along with conditions relating to surface water drainage are recommended.
- 8.69 KCC Flood and Water Management have been consulted on the proposal and confirm that they raise no objection to the proposal subject to the imposition of conditions. Southern Water have also been consulted and confirmed that the proposal is acceptable subject to the imposition of conditions.
- 8.70 The principle of development categorised as 'more vulnerable' and 'less vulnerable' in Flood Zone 1 is considered acceptable. The application is supported by the necessary assessments and has been subject to relevant consultation which has found the proposal to be acceptable. If Members are minded to permit the application, the recommended conditions have been set out later in this report.

Sustainability / Energy

- 8.71 The NPPF supports proposals for improvements to environmental sustainability, placing sustainability at the heart of the framework. Paragraph 152 requires the planning system to support the transition to a low carbon future in a changing climate, including the requirement to help shape places in ways that contribute to radical reductions in greenhouse gas emissions. Paragraph 154 goes on to require new development to reduce greenhouse gas emissions, such as through its location, orientation, and design. This is further iterated in Paragraph 157 which sets out that in determining planning applications, new development should take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.
- 8.72 Policy DM19 of the Local Plan requires development proposals will include measures to address and adapt to climate change. The ways in which this shall be achieved are then further detailed in the policy; including measures such as use of materials and construction techniques which increase energy efficiency and thermal performance; promotion of waste reduction, re-use, recycling and composting; and design of buildings which will be adaptable to change and reuse over the long term and which include features which enable energy efficient ways of living, for example.
- 8.73 Policy DM21 also requires that new residential development, all homes to be designed to achieve a minimum water efficiency of 110 litres per person per day.
- 8.74 In addition to the above, the Council has declared a Climate Change and Ecological Emergency and applications are expected to demonstrate how they incorporate all reasonable sustainable design and construction measures within the scheme in order to minimise environmental impacts. This can include measures such as electric vehicle

charging points; solar panels; passive energy measures, as examples. The report does note however that, it is not possible to connect to local district heating network.

- 8.75 The application is supported by an Energy Statement which sets out the measures employed as part of the proposal. The building has been designed using off-site modern modular means of construction. Building elements are manufactured off-site to high standard specifications. Some of the passive measures involve technics such as, using high performance glazing, promotion of natural lighting and high level of air tightness (beyond building regulation minimums). Further consideration has been given to renewable energy technologies, some of which have been discounted as they were found to be unsuitable, this is set out in more detail in the Energy Statement. The assessment found; however, 300m² of solar panels can be provided on each accommodation block. Additionally, Air Source Heat Pumps (ASHPs) are to be installed for all space heating and domestic hot water generation, delivering a low carbon heating and hot water solution via a renewable technology to the Accommodation Blocks. The report confirms that no fossil fuel is to be employed in these all-electric buildings, offering the opportunity for all energy to be via low carbon electricity sources. The proposal also includes electric vehicle parking provision.
- 8.76 The application is also supported by a BREEAM pre-assessment which sets out that the development is targeted at a BREEAM score of 77.31% which would place the proposal comfortably within the 'Excellent' range (which is 70% and above). This rating is higher than that which is required by Policy DM19 which sets out that all new non-residential developments will aim to achieve BREEAM 'Good' standard or equivalent as a minimum. The policy all sets out that all new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM "Very Good" standard or equivalent as a minimum.
- 8.77 The Climate Change Officer has been consulted and raised no objection on the proposal. It is recommended that conditions be imposed requiring full details of the renewable energy measures be submitted and requiring compliance with the energy statement.

Environmental Matters

Noise

- 8.78 NPPF Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment. The paragraph requires a number of measures to achieve this including by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of environmental impacts including noise pollution.
- 8.79 Paragraph 185 requires that planning decisions ensure new development is appropriate for its location taking account of the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The paragraph notes that this includes a requirement to mitigate and reduce to a minimum any potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.80 Paragraph 187 further states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Further stating that existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they

were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 8.81 The application is supported by a noise assessment which sets out the process by which an assessment was made and notes that the current noise sources affecting the proposed development come from within the prison site itself. The accommodation is expected to be naturally ventilated via open windows. The report concludes that the resultant internal ambient noise level would be expected to achieve the appropriate limited (35dB during the day and 30dB during the night). The internal ambient noise levels within the library and healthcare office would also satisfy the limits (50/55dB).
- 8.82 Members will have noted above that the Environmental Health Team raise no objection subject to conditions. Overall, the scheme is considered acceptable in this respect.

Air Quality

- 8.83 The application has been supported by an Air Quality assessment (AQ assessment) which has been reviewed by the Environmental Health team. The comments note they are broadly satisfied with the submitted information. The AQ assessment suggest measures in the Travel Plan will be funded by the damage cost, however there are a number of measures which go over and above the damage cost. A condition relating to air quality mitigation measures is therefore requested.

Contamination

- 8.84 Paragraph 183 of the NPPF requires sites to ensure they are suitable for the proposed used, including consideration of contamination. Paragraph 184 places the responsibility onto the developer and/or landowner for ensuring the site is safe.
- 8.85 To ensure the application site is safe for its intended use, it is recommended that the applicant be required to submit a contamination report prior to the commencement of development and a contamination verification report prior to occupation to ensure the works have been carried out in accordance with the approved method statement. It is also recommended that a further condition be imposed to deal with any unexpected contamination that is not foreseen as part of the initial contamination report.
- 8.86 Members will note the Environmental Protection Team raise no objection to the application subject to the imposition of the recommended conditions.

Unexploded Ordnance (UXO)

- 8.87 The application is supported by a UXO survey as Records have been found indicating that at least 500No. High Explosive (HE) bombs fell on Royal Air Force (RAF) Eastchurch, encompassing the Site, during several heavy air raids in World War Two (WWII). Given the intensity of the bombing and the severe damage caused to the airfield facilities, it is considered that there is an elevated probability that a UXB fell on the site unnoticed. The report sets out that to proactively mitigate the risk prior to excavations, it is recommended that a non-intrusive UXO survey is undertaken to map shallow-buried UXO. In some areas, a geophysical survey may not be possible due to access restrictions. In this instance, it is considered practical for an EOC engineer to attend site and supervise during excavation works. To clear borehole or pile positions of potential UXB, an intrusive magnetometer survey should be undertaken.

- 8.88 To ensure compliance with the requirements set out in the UXO survey report, it is recommended that a condition be imposed requiring works to be carried out in strict accordance with the methodology and mitigation measures set out in the report.

9. CONCLUSION

- 9.1 It is considered that the proposals for the construction of two houseblocks to provide criminal justice accommodation for 120 prisoners, along with a proposed record store, library, office and extension to the existing visitor car park (40 spaces) would be acceptable in principle, due to the siting of the proposals within the confines of an existing prison, and noting wider demands for an increase in criminal justice accommodation and the policy support for enhanced public service infrastructure.
- 9.2 With regard to wider planning considerations, the proposals are acceptable subject to a number of conditions which are included below. Details of materials and soft landscaping are sought in the interests of visual amenity and ensuring suitable landscaping is proposed to screen the new houseblocks and to mitigate lost tree planting within the proposed car park extensions.
- 9.3 The proposals are considered to be acceptable in terms of design and visual impact; landscaping and trees; biodiversity noting that a net gain on 15% is to be achieved; residential amenity; flood risk/drainage; environmental matters; sustainability/energy noting the supporting energy statement and proposals meeting BREEAM “Very Good”; and with regard to the Conservation of Habitats and Species Regulations 2017.
- 9.4 As set out within the report above there are outstanding highway matters that will need to be addressed before the determination of the application. The requested highway information has been sought from the applicants, and will be reconsulted on. Members will be updated regarding this at the committee meeting, or via tabled papers.

10. RECOMMENDATION

GRANT – Subject to the following conditions and comments from KCC Highways (including requested conditions), and with authority to amend conditions as may reasonably be required.

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 permitted shall not be carried out other than in complete accordance with the following approved plans and documents:

Site Location Plan, drawing no. 705674-5375-RPS-000-00-DR-A-1000 P05
Site Layout Plan, drawing no. 705674-5375-RPS-000-00-DR-A-1001 P07
Proposed Block Plan Sheet 1, drawing no. 705674-5375-RPS-000-00-DR-A-1003 P07
Proposed Block Plan Sheet 2, drawing no. 705674-5375-RPS-000-00-DR-A-1005 P05

Site Sections Accommodation Blocks, drawing no. 705674-5375-RPS-000-XX-DR-A-1030 P02
 Accommodation Block 1 Sections, drawing no. 705674-5375-RPS-090-XX-DR-A-1082 P06
 Accommodation Block 1 Proposed Elevations drawing no. 705674-5375-RPS-090-XX-DR-A-1083 P07
 Accommodation Block 1 Proposed Floor Plan drawing no. 705674-5375-RPS-090-ZZ-DR-A-1080 P06
 Accommodation Block 1 Roof Plan drawing no. 705674-5375-RPS-090-ZZ-DR-A-1081 P06
 Accommodation Block 2 Sections, drawing no. 705674-5375-RPS-091-XX-DR-A-1092 P06
 Accommodation Block 2 Proposed Elevations drawing no. 705674-5375-RPS-091-XX-DR-A-1093 P07
 Accommodation Block 2 Proposed Floor Plan drawing no. 705674-5375-RPS-091-ZZ-DR-A-1090 P06
 Accommodation Block 2 Roof Plan drawing no. 705674-5375-RPS-091-ZZ-DR-A-1091 P06
 Library and Healthcare Office Proposed Section drawing no. 705674-5375-RPS-094-XX-DR-A-1071 P04
 Library and Healthcare Office Proposed Elevations drawing no. 705674-5375-RPS-094-XX-DR-A-1072 P04
 Library and Healthcare Office Proposed Plans drawing no. 705674-5375-RPS-094-ZZ-DR-A-1070 P04
 Admin Record Store Plans and Elevations, drawing no. 705674-5375-RPS-095-ZZ-DR-A-1060 P04
 Proposed Extension to Visitors Car Park, drawing no. 705674-5313-CTG-XXX-XX-DR-A-0011-S2-01-D0100 05

Reason: In the interests of proper planning

PRE-COMMENCEMENT

3. No development shall take place, including any works of demolition, until a Demolition & Construction Method Statement/Management Plan has been submitted to, and approved in writing by, the Local Planning Authority (who shall consult with National Highways). The Statement shall provide details of:
 - a) Routing of construction and delivery vehicles to / from site
 - b) Parking and turning areas for construction and delivery vehicles and site personnel and visitors
 - c) Timing of deliveries
 - d) Loading and unloading of plant and materials
 - e) storage of plant and materials used in constructing the development
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - g) Temporary traffic management / signage
 - h) wheel washing facilities
 - i) measures to control the emission of dust, particulates and dirt during construction
 - j) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - k) Bonfire policy
 - l) Proposals for monitoring, reporting and mitigation of vibration levels at surrounding residential properties where they are likely to exceed 1mm/s measures peak particle velocity.

- m) Proposed contact details and method for dealing with complaints from neighbours

The details of the Demolition/Construction Method Statement shall be strictly adhered to throughout the entirety of the demolition and construction period until completion of the development.

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

4. The commencement of the development shall not take place until a programme for the control and suppression of dust during the construction & demolition phase has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: To aid the control and suppression of dust

5. No development shall take place (including ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP (Biodiversity)) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:
- a) Risk assessment of potentially damaging construction activities.
 - b) Identification of 'biodiversity protection zones.
 - c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
 - d) The location and timing of sensitive works to avoid harm to biodiversity features.
 - e) The times during construction when specialist ecologists need to be present on site to oversee works.
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP (Biodiversity) shall be adhered to and implemented throughout the construction period in accordance with the approved details.

Reason: To ensure that any adverse environmental impacts of development activities are mitigated.

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

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

PRIOR TO TREE WORKS

7. The commencement of the development shall not take place until a scheme for the adequate mitigation measures equating the value of the damage cost have been submitted to and approved in writing by the Local Planning Authority in respect to air quality. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

Reason: To ensure there is no adverse impact on air quality

8. No tree works shall take place until methods of work, position of site offices, material storage, compounds, parking and tree protection and impact mitigation measures prior to commencement of the relevant part of the development and the associated clearance work have been agreed in writing by the Local Planning Authority.
 - a) Prior to the commencement of any works affecting trees an arboricultural method statement shall be submitted to and approved in writing by the Local Planning Authority. The recommended measures for arboricultural management shall be carried out in full and thereafter retained.
 - b) All permitted or approved tree work will be carried out in accordance with the British Standard BS3998:2010 (or prevailing standard), an Arboricultural Association Approved Contractor or an ISA Certified Arborist/Tree Worker suitably insured and experienced to carry out the tree works.
 - c) All tree works are to be carried out between July and September or November and February. Tree works should also avoid the season for nesting birds.
 - d) No tree works shall be undertaken until permission is given, or a programme of recommendations is received in writing as a result of a bat survey conducted by a suitably qualified ecologist.
 - e) All tree works, and tree surgery works will be carried out prior to the development of the site, and erection of protective fencing.
 - f) All protective measures; including fencing, shall be implemented prior to any demolition or construction works and remain in situ and intact throughout the duration of the relevant part of the development. Written approval by the Local Planning Authority shall be obtained prior to any temporary removal of protective measures during the relevant part of the development period.
 - g) Should additional tree work other than those identified in the arboricultural impact assessment approved in part (b) above become apparent during the construction process, written consent will be required from the Local Planning Authority prior to these additional works being undertaken.
 - h) Any trees or plants which form part of the approved landscaping scheme which die within a period of 5 years from the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless otherwise agreed in writing by the Local Planning

Reason: In order to improve the character and amenities of the area.

9. If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.

Reason: To contribute to protecting and enhancing biodiversity, and visual amenity of the area

PRIOR TO ABOVE GROUND WORKS

10. No development above slab level until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Flood Risk and Drainage Assessment report by Alan Wood and Partners (16/11/2021). The submission 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 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.

11. Prior to above ground works taking place, details of the external finishing materials, including hard surfacing 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.

12. Development approved by this permission shall be commenced in accordance with the approved GI Phase 2 Report (dated August 2021):
 - a) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.
 - b) all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance.

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

13. No development on above ground works shall commence until a landscape plan has been submitted to and approved in writing by the local planning authority showing that the scheme achieves a minimum biodiversity net gain of 15% against the existing site conditions. The development shall be carried out in full

accordance with the approved biodiversity gain plan.

Reason: to ensure that biodiversity gains are delivered for enhancement and improvements of habitats.

14. Before commencement of above ground works, a Biodiversity Mitigation and Enhancement Plan (BMEP) addressing ecological mitigation and biodiversity enhancement of the site should be submitted to and approved in writing by the local planning authority. The BMEP shall demonstrate how biodiversity losses are to be mitigated for and how biodiversity net gain is to be delivered and include the following:
- a) Purpose and conservation objectives for the proposed works including restoring and creating suitable habitat and features for reptiles, hedgehog, foraging bats and breeding birds and replacement tree planting.
 - b) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - c) Extent and location of proposed mitigation and enhancement measures on appropriate scale maps and plans.
 - d) Type and source of materials to be used where appropriate, e.g., native species of local provenance.
 - e) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - f) Persons responsible for implementing the works.
 - g) Details of initial aftercare and long-term maintenance.
 - h) Details for monitoring and remedial measures.

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

Reason: To ensure that the losses of biodiversity can be compensated for and a net gain in biodiversity delivered in accordance with the requirements of the NPPF, July 2021, and that the proposed design, specification, and planting can demonstrate this.

15. Notwithstanding the submitted landscaping details, prior to the commencement of above ground works, details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. The details shall demonstrate the biodiversity net gains in as per Condition **13**. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, lighting, bollards, street furniture (including waste bins), cycle linkages, wayfinding, permeability of all hard surfaces, materials, use of planting to provide privacy and defensible areas and an implementation programme. All new streets must be tree lined. The scheme shall reflect the recommended landscape strategy in para 4.1 of the Landscape and Visual Appraisal (dated August 2021).

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 submitted to and agreed in writing with the Local Planning Authority.

16. The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees

or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

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

17. 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 building

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

18. Full details of the location and type of facilities for parking of cycles within the relevant part of the development for occupants and visitors shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of above ground works. The cycle parking shall be provided in accordance with the Swale Parking SPD (or most recent relevant standard). Once approved, the cycle parking shall be fully implemented prior to first occupation and maintained for the lifetime of the development

The approved cycle parking shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

Reason: To promote sustainable travel

19. Full details of the electric vehicle charging shall be submitted to and approved in writing by the Local Planning Authority, providing 10% active spaces and all other spaces to be provided as passive spaces prior to above ground works commencing. The agreed details shall then be implemented prior to first use of the site. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development

20. Full details of car parking provision for people with disabilities shall be submitted to and approved in writing by the Local Planning Authority prior to above ground works commencing. The details shall show a minimum of 4 designated spaces and shall be provided in accordance with the Swale Parking SPD (or most recent relevant standard). The agreed details shall then be implemented prior to first use of the site and maintained for the lifetime of the development.

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development

FIRST OCCUPATION / USE

21. The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority prior to first commencement.

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

22. Prior to the first occupation or first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity

23. Prior to the use of the first building, details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals) and will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: to ensure any bats that may be present or use the site are not adversely affected by the development.

24. The buildings hereby approved shall be constructed to BREEAM 'Excellent' Standard or an equivalent standard and prior to 6 months of occupation the relevant certification shall be submitted to and approved by the Local Planning Authority confirming that the required standard has been achieved.

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

25. The development shall include provision of measures to prevent the discharge of surface water onto the public highway at all times. The development shall not be brought into use until such details are operational and the measures shall be maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

26. Full details of a refuse and recycling strategy including collection arrangements for all uses shall be submitted to and approved in writing by the Local Planning

Authority prior to the first occupation/first use of the relevant part of the development.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

Reason: In order that the Council may be satisfied with the details of the proposal

27. Prior to the installation of any external lighting details of any lighting columns, the type and luminance of the lighting units with glare shields and details of lux levels both inside and outside the site shall be submitted to and approved in writing by the Local Planning Authority. All lighting shall be switched off (except any agreed security lights) when the site is not in use.

Any floodlighting or canopy lighting shall be so sited, angled and shielded as to ensure that the light falls wholly within the curtilage of the site and such lighting shall be of an intensity and type to be approved by the Local Planning Authority before it is first used.

COMPLIANCE

28. No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: Monday to Friday 0730 - 1800 hours, Saturdays 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 the amenities of the area

29. All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present, then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981.

30. No vehicles delivering to the site hereby permitted shall enter or leave the site between the hours of 07:30 to 09:30 and 16:30 to 18:30 Monday to Friday inclusive.

Reason: To ensure that M2 Motorway and A249 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, to safeguard the local highway network and to satisfy the reasonable requirements of road safety.

31. The buildings hereby approved shall be used for the purpose of criminal justice accommodation, a proposed record store, library, office in connection with the wider HMP Stanford Hill prison complex and for no other purpose as may be allowed by the Town and Country Planning (Use Classes) Order 1987 (as amended).

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

32. The area shown on the submitted plan for any loading, off-loading and parking spaces shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on that area of land or in such a position as to preclude vehicular access to this reserved area; such land and access thereto shall be provided prior to the commencement of the use hereby permitted. The parking provision shall be available for use prior to the criminal justice accommodation being first bought into use and retained thereafter in accordance with the details hereby approved. The car parking shall be used solely in connection with the operation of HMP Stanford Hill and for no other purposes.

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

INFORMATIVES

National Highways

To demonstrate compliance with Condition 29 (Delivery Hours), records shall be kept of all movements into or out of the site (timings /registration numbers) and shall be made available on request (7 days' notice) to the Local Planning Authority and/or, Strategic or Local Highway Authority.'

The Construction Management Plan as required by Condition 3 shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, National Highways Planning Response (NHPR 21-09) September 2021 frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

KCC Biodiversity

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

KCC Archaeology

The archaeological works should take the form of an initial stage of evaluation trial trenching that is targeted at the areas of impact of the new buildings and the access road to the accommodation blocks. Following the evaluation there may be a need for further stages of archaeological work depending on the results. Given the disturbance in part of the area of the proposed car park extension, archaeological mitigation can be addressed in that area through an archaeological watching brief.

Southern Water

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

Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service:

developerservices.southernwater.co.uk and please read our New Connections Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

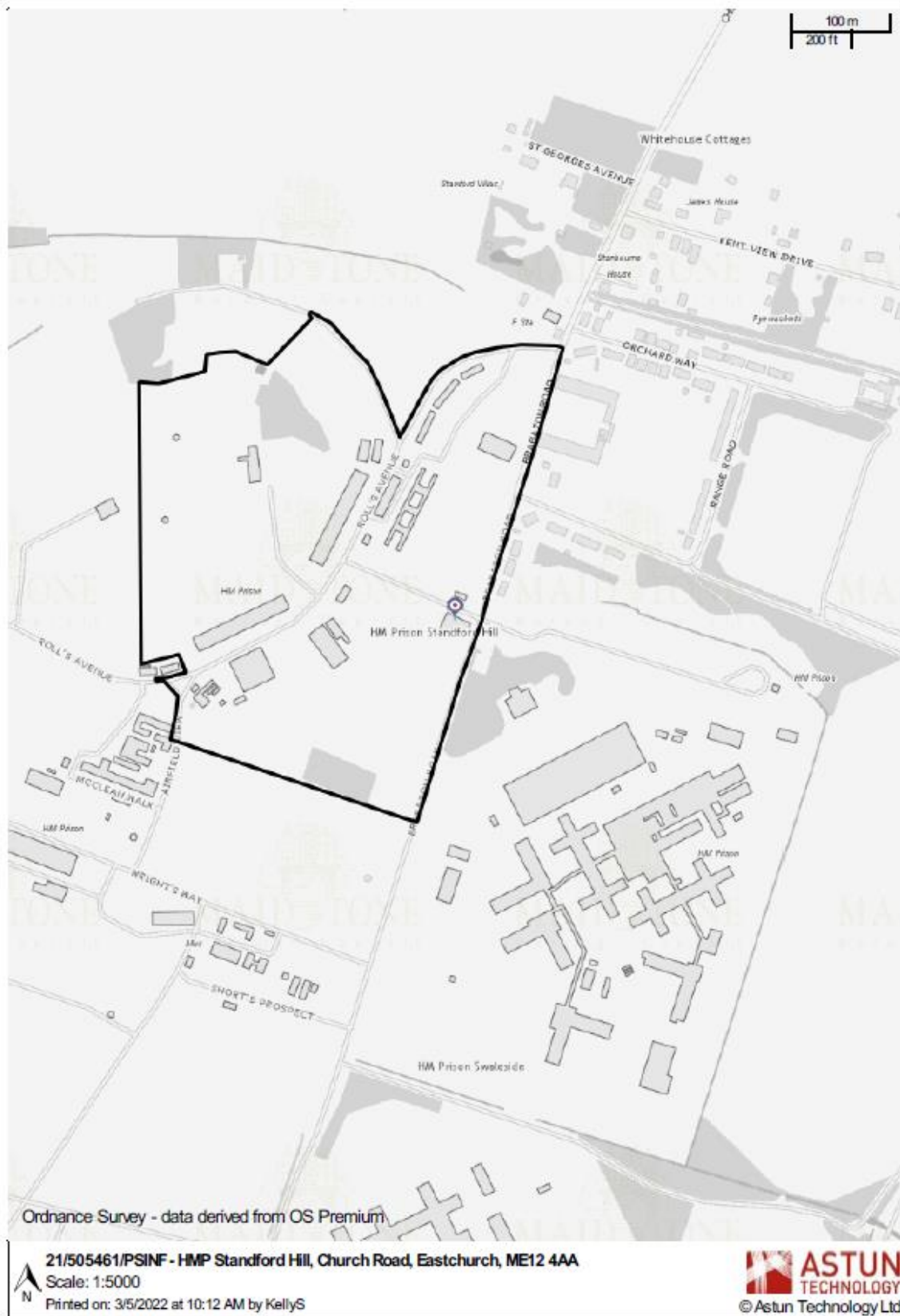
Lower Medway Internal Drainage Board (IDB)

Please refer to the consultation response dated 29/10/21 for guidance on any potential required consents under the Land Drainage Act 1991 and Byelaws.

Council's Approach to the Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application. In this instance, pre-application advice was sought prior to submission. During the application process, further supporting information was required along with revisions to the proposal; following which the application was considered acceptable and approved without delay.

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



PLANNING COMMITTEE – 12 MAY 2022**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – Land Lying South of Dunlin Walk Iwade**

APPEAL ALLOWED & COSTS REFUSED**COMMITTEE REFUSAL****Observations**

Members will recall that officers had recommended this outline application for approval. The Inspector considered details regarding servicing and parking arrangements in great detail, and concluded that the proposed development for 20 dwellings could be designed at reserved matters stage so that the amount of housing proposed could be acceptably and safely accommodated on the site, with particular regard to servicing and parking arrangements.

The Inspector therefore found that it accords with Policies CP2, CP4, DM7 and DM14 of the Bearing Fruits 2031, The Swale Borough Local Plan 2017 (Local Plan). Amongst other aspects, these: set out that the Kent County Council vehicle parking standards will be applied until the Council's Parking Standards SPD is adopted; include general development criteria; and seek development to be located where the need to travel will be minimised, provide adequate parking and create safe, accessible places. The proposal would also be consistent with the provisions in the Framework in relation to promoting sustainable transport; and the Parking Standards SPD.

Costs

The appellants submitted an application for a full award of costs against Swale Borough Council. The appellant considered that the Council acted unreasonably by failing to address two key national policy tests, refusing permission on issues which could be addressed by condition at reserved matters stage, and failing to produce evidence to substantiate its decision. The application for an award of costs was refused.

The Council submitted an application for a partial award of costs against the appellant. The Council considered (the appellant) acted unreasonably by submitting the two additional illustrative plans on 31 January 2022 at a late stage within the appeal process. The application for an award of costs was refused

- **Item 5.2 – Plough Leisure Caravan Park Plough Road Minster**

APPEAL DISMISSED**DELEGATED REFUSAL****Observations**

The Inspector agreed with the Council's longstanding policies regarding restricting occupation of holiday accommodation to 10 months of the year, concluding that residential use of the site would result in harm to the character and appearance of the area and prejudice the Council's approach to holiday accommodation. It would be in conflict with Policies CP1, ST6, DM3, DM5 and DM14 of the LP which seek, amongst other things, to restrict the occupation of caravans for recreational use and during certain months of the year to ensure a sustainable pattern of development and to protect the character of the countryside.

The Inspector agreed with the Council's assessment that the site is an unsustainable location outside of the settlement boundary, which would not be suitable for residential accommodation.

The Inspector assessed the level of weight of the Interim Planning Policy Statement for Park Homes Sites (IPP) and notes that the IPP was not publicly examined, it is not an adopted policy and does not form part of the development plan, and therefore only attributed very limited weight to this.

The Inspector concluded that the identified harm (harm to the character and appearance of the area and the inappropriate location of the site to access services and facilities) is serious and significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Thus, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.



Appeal Decision

Hearing (Virtual) held on 1 March 2022

Site visit made on 3 March 2022

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Appeal Ref: APP/V2255/W/21/3272760

Land lying to the south of Dunlin Walk, Iwade ME9 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by BDW Kent against the decision of Swale Borough Council.
 - The application Ref 18/506328/OUT, dated 20 November 2018, was refused by notice dated 18 November 2020.
 - The development proposed is described as 20 residential dwellings with means of access approved and all other matters reserved on the land lying to the south of Dunlin Walk, Iwade, as identified on the indicative layout.
-

Decision

1. The appeal is allowed and planning permission is granted for 20 residential dwellings with means of access approved and all other matters reserved on the land lying to the south of Dunlin Walk, Iwade, as identified on the indicative layout at Land lying to the south of Dunlin Walk, Iwade ME9 8TG in accordance with the terms of the application, Ref 18/506328/OUT, dated 10 December 2018, and subject to the conditions set out in the schedule to this decision.

Applications for costs

2. Applications for costs were made by BDW Kent and the Council against each other. These applications are the subject of separate Decisions.

Preliminary Matters

3. The appeal is made in outline with all matters except access reserved for future consideration. I have therefore assessed the submitted plans as merely illustrative insofar as they relate to the reserved matters of layout, scale, appearance and landscaping.
4. The site address has been taken from the appeal form and decision notice as the application form only included a grid reference.
5. A signed and dated deed of agreement, made as a Deed on 15 March 2022 pursuant to s106 of the 1990 Act and imposing planning obligations on the site, was submitted with the appeal (s106 agreement). I have had regard to it in reaching my decision.

Main Issues

6. The main issues are:
 - whether the proposed development could be designed at reserved matters stage so that the amount of housing proposed could be acceptably and

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Appeal Decision APP/V2255/W/21/3272760

safely accommodated on the site, with particular regard to servicing and parking arrangements; and

- the effect of the proposed development on designated nature conservation sites.

Reasons

Servicing and parking

7. During the appeal and prior to the hearing, the appellant submitted two additional plans Drawings 1810028-TK17-01 Rev B and 1810028-TK17-03 Rev B) showing an alternative indicative layout for the proposed development. The illustrative plans show swept paths for refuse vehicles utilising a turning head at the eastern end of the site. Amongst other aspects, they also show a different indicative mix of units and parking provision compared to the illustrative plans originally submitted with the planning application.
8. At the hearing and after the appellant answered some clarification questions, the Council was able to update its position with respect to servicing in response to the new illustrative plans. The Council clarified that with the additional plans showing that the proposed development could accommodate a turning head at the eastern end on the site, it was satisfied, subject to further detail and design at reserved matters stage, that the appeal proposal could be acceptably and safely serviced. The Council therefore confirmed that the concerns set out in its decision notice and appeal statements with respect to servicing had been resolved. On the basis of the submitted evidence and what I heard at the hearing, I am also satisfied that the appeal proposal could be designed so that the proposed houses could be acceptably and safely accommodated on the site with regard to servicing arrangements, including in relation to refuse collections, emergency services and deliveries.
9. This matter would need to be finalised as part of the layout to be approved at reserved matters stage. From what I heard at the hearing, the Council is clearly of the opinion that a turning head sufficient for vehicles up to the size of a refuse vehicle is necessary in terms of safe servicing of the site and that measures would be needed to ensure that such a turning head would be kept available for its intended purpose and not used for parking. Given its likely proximity to Dunlin Walk – which I observed on my site visit is a well-used route, including by children going to and from the adjacent school – and the southern boundary, I also heard that consideration would need to be given to pedestrian safety and the ecological mitigation proposed. However, these aspects, along with boundary treatment, are covered by the reserved matters and can therefore be dealt with and suitably secured at that stage.
10. With the application made in outline and only access into the site to be approved at this stage, details including the internal layout of the proposed development and the final number of parking spaces are yet to be determined. The various plans showing development across the site are therefore only indicative and show various possible layouts with a varying mix of units. Nevertheless, the Council is concerned that the site would be unable to accommodate sufficient parking for the number of houses proposed.
11. Extrapolating on its concerns, the Council explained at the hearing that it considers that the likely occupiers of the proposed houses would be reliant on

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private vehicles despite the public transport options available and agreeing that the site is in a sustainable location with various services and facilities nearby. Reasons for this relate to there being no supermarket in Iwade, the need to travel to other settlements for leisure attractions, secondary education, employment and healthcare, and the proposed development likely being occupied by families given the indicative unit mixes include three- and four-bedroom houses. On this basis, the Council considers that the development would result in significant parking demand and it is concerned about repeating previous mistakes with housing estates having insufficient parking provision.

12. The Council's Parking Standards Supplementary Planning Document (2020, SPD) provides guidance on parking standards within the borough and aims to establish an appropriate and effective response to parking issues related to new development. Amongst other aspects, it includes recommended parking standards, sets out that parking should be well-designed and usable, and seeks to balance the need to provide an appropriate parking provision, ensure safe highway operation and encourage travel by sustainable modes where practical.
13. The main parties agree that the site is best described as suburban for the purposes of calculating the SPD parking standard. It was agreed at the hearing that the SPD recommended parking range for the development would be between 46/48-60 spaces based on the mix of units set out in the submitted Planning and Design and Access Statements. The appellant also confirmed that a total of 56 parking spaces¹ would be provided under the layout shown in the Indicative Layout (Rev A) plan. In addition, I heard at the hearing that the SPD range for the mix of units that would be provided under the alternative site layout shown on the additional illustrative plans would be 44-60 spaces and that those plans include 49 parking spaces² at least³.
14. Accordingly, the total number of parking spaces proposed (including visitor spaces and all types of resident parking spaces) by the appellant under the various indicative site layouts all fall within the SPD's recommended range based on the related indicative mix of units. However, the Council considers that tandem spaces are unlikely to be used as efficiently as single spaces and that garages are often used for storage. If such spaces were discounted, the parking provisions shown in the different indicative layouts covered above would fall below the SPD's recommended range.
15. However, the mix of units is yet to be finalised and it was put to me at the hearing that the development could be designed at reserved matters stage to involve, for example, twenty two-bedroom houses with a resulting SPD range of 24-44 spaces. In this scenario, it seems to me that it would be entirely feasible to design the proposed development with parking provision well within such a range without having to rely on tandem or garage spaces. Furthermore, although Kent County Council's Interim Guidance Note 3 (2008) Residential Parking (IGN3) document sets out that tandem parking arrangements are often under-utilised, the Council's more recent SPD – which I heard at the hearing takes precedence over IGN3 – does not identify tandem parking as unacceptable subject to appropriate design. Although triple tandem parking

¹ Including 12 tandem spaces, eight garages and four visitor spaces.

² Drawings 1810028-TK17-01 Rev B and 1810028-TK17-03 Rev B show 17 single and 24 tandem spaces, and the appellant explained that the plans also include four car barns/ports and should include four visitor spaces rather than the three currently shown.

³ It was put to me that the 49 spaces in the latest indicative layout could actually total 53 if the double tandem spaces shown near the site access were designed at reserved matters stage as triple tandem spaces.

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may provide a less useable and efficient parking arrangement than double tandem spaces, I have also not been presented with any substantive evidence that indicates that tandem spaces, when associated with a single household and designed appropriately, would be significantly underutilised.

16. Accordingly, the evidence before me does not indicate that tandem spaces would result in an unacceptable parking arrangement and should not be counted as part of the parking provision. Indeed, the Council confirmed at the hearing that double tandem spaces are accepted across the borough. In this case, even discounting garages, sufficient parking within the SPD range could therefore be provided in relation to the indicative layouts discussed above.
17. In relation to garages, some are undoubtedly used for storage and, as the SPD sets out, are often not used for parking when they are for example too small, are part of a tandem arrangement and located in areas without on-street controls. However, the data in IGN3 shows that not all garages are used for storage, with 41% of garages in Sanderling Way being used for parking for example. The appellant also indicated at the hearing that the scheme could be designed at reserved matters stage to provide open-sided car barns/ports rather than fully enclosed garages, and the SPD sets out that such structures are, subject to good design, typically well-used for parking.
18. The Council explained at the hearing that they have had various applications for different uses of car barns and there have been some instances where such structures have been removed from the parking provision by occupiers moving fences to incorporate them into gardens for example. It was put to me that the structure of car barns/ports can also introduce difficulties in relation to electric vehicle charging and that they would be less well used when part of a tandem parking layout. Be that as it may, it seems to me that open sided car barns/ports are much more likely to be used for parking rather than storage and detailed design at reserved matters stage could ensure that any proposed as part of the overall parking provision would provide usable parking space.
19. In addition, the Council could impose conditions at that stage to prevent them from, for example, being enclosed and used for other purposes. The enforcement of such conditions would be a matter for the Council to determine as necessary should the issue arise, but it seems to me that such conditions could pass the relevant tests in the National Planning Policy Framework (Framework). The SPD's photos of good parking examples also include two tandem spaces in front of a garage. Consequently, I am satisfied that detailed design at reserved matters stage would mean that car barns/ports and at least a proportion of any garages proposed could also count towards the development's overall parking provision. In this case, the indicative layouts discussed above provide parking provision well within the SPD range.
20. Setting out that parking is not just a numbers game, the SPD indicates that provision should satisfy reasonable demand bearing in mind the location. In this instance, the submitted census data shows 88% of households in the Iwade ward have two or fewer vehicles. Despite being a few years old, such data provides a useful benchmark and indicates that meeting the lower end of the SPD's range would in this case be sufficient even if several of the units proposed were to be family-sized houses. Furthermore, applying average vehicle ownership levels to the indicative mix of units considered in the

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Council's Railton report (Technical Note 1, dated 12/11/2020) indicates that parking demand on the site would be approximately 1.5 per household.

21. This would equate to a total demand of some 30 residential parking spaces for that scenario and approximately 28 spaces under the indicative layout shown in the additional illustrative plans. The indicative parking provisions before me would therefore exceed likely demand even if many of the proposed houses were to accommodate families and the garages, car barns/ports and tandem spaces shown in the illustrative plans were all discounted⁴. Furthermore, the site's location, near to various local facilities and services and the public bus stops that connect Iwade to larger nearby settlements with a wider range of services and facilities, would serve to check demand to some extent and indicates that future occupiers of the proposed development would not be entirely reliant on private vehicles.
22. Accordingly, there is no reason why the proposal should be required to provide parking provision at the highest end of the SPD range. In coming to this view, I have taken into account that family activities may often involve travel out of Iwade; there are no public car parks in the locality; households increasingly include several generations and are likely to receive more visitors following the easing of Covid restrictions; the lower frequency of buses in the evenings and at weekends; and that some bus services in the wider area may soon be cut.
23. At the time of my site visit, I observed numerous vehicles parked in Sanderling Way and in neighbouring streets, both in designated bays and on the highway. As has been put to me by the Council and various interested parties, the locality is clearly relatively heavily parked. It is therefore evident to me that an insufficient on-site parking provision would lead to overspill parking from into an area which is already experiencing parking stress. This could result in various issues, such as vehicle parking blocking existing residents' access and hindering pedestrian and vehicular movements to the detriment of highway safety, and could also lead to neighbour disputes as safe parking becomes increasingly competitive and difficult.
24. However, the evidence before me, including what I heard at the hearing, indicates that the scheme could be designed at reserved matters stage to provide sufficient on-site parking that would meet likely demand and, subject to suitably designed tandem and any proposed covered parking spaces, also be within the SPD recommended range for the proposed mix of units. For the reasons above, and with neither the layout nor mix of units set at this stage, it is clear that there is significant scope to identify a suitable level of parking provision and arrangement – including in relation to occupiers' access to front doors – as part of the detailed design of the proposed development and for the Council to secure it at that stage. Without being unacceptably cramped or constituting – in the words of the Council – overdevelopment, the proposed development could therefore be accommodated on the site with regard to parking, as the indicative scenarios discussed above demonstrate, and would not lead to overspill parking into the surrounding area.
25. For the above reasons, I conclude that the proposed development could be designed at reserved matters stage so that the amount of housing proposed could be acceptably and safely accommodated on the site, with particular regard to servicing and parking arrangements. I therefore find that it accords

⁴ Although discounting them from the overall provision would be unreasonable given my findings above.

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with Policies CP2, CP4, DM7 and DM14 of the Bearing Fruits 2031, The Swale Borough Local Plan 2017 (Local Plan). Amongst other aspects, these: set out that the Kent County Council vehicle parking standards will be applied until the Council's Parking Standards SPD is adopted; include general development criteria; and seek development to be located where the need to travel will be minimised, provide adequate parking and create safe, accessible places. The proposal would also be consistent with the provisions in the Framework in relation to promoting sustainable transport; and the Parking Standards SPD.

Designated nature conservation sites

26. The site is within the zone of influence of the North Kent designated sites which include the Swale Special Protection Area (SPA) and Ramsar site and the Thames and Medway Estuary and Marshes SPAs and Ramsar sites. The submitted evidence indicates that certain types of development, including all new housing, within 6 kilometres of the SPAs and Ramsar sites add to increasing recreational disturbance at the designated sites, which have been identified as vulnerable to such threats. Alone and/or in-combination with other relevant development in the area, the appeal proposal would therefore be likely to have a significant effect on the designated sites. Accordingly, under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations), Appropriate Assessment of the implications of the project for the designated sites in view of the conservation objectives is required. In accordance with Local Plan Policies CP7 and DM28, appropriate mitigation would, where necessary, also need to be secured.
27. Of national and international ornithological importance, the North Kent designated sites qualify as SPAs and Ramsar sites because of the birds that use them throughout the year, both in terms of overall numbers/assemblages and the type and number of Annex I and migratory species. The conservation objectives for the sites seek to ensure that integrity is maintained or restored as appropriate and that the sites contribute to achieving the aims of the Wild Birds Directive by maintaining or restoring the: extent and distribution of the habitats of the qualifying features; structure and function of the habitats of the qualifying features; supporting processes on which the habitats of the qualifying features rely; population of each of the qualifying features; and the distribution of the qualifying features within the sites.
28. The available evidence indicates that without mitigation it would not be possible to ascertain that the proposed development would not adversely affect the integrity of the North Kent designated sites through the indirect effects of increased recreational impacts on the sites' qualifying features. However, the reports by Footprint Ecology and the North Kent SAMMS Project Board⁵ set out that implementing a series of measures to mitigate the disturbance to birds can avoid the adverse effects of development caused by an increase in visitor numbers. Such measures include employing wardens, public engagement exercises, various infrastructure works including for example signage, footpath diversions, provision of alternative natural greenspace sites, and enforcement and monitoring. Collectively, these are known as Strategic Access Management and Monitoring (SAMM) which are being delivered through the Bird Wise project and funded by financial contributions from relevant development.

⁵ The Thames, Medway and Swale Estuaries – Strategic Access Management and Monitoring Strategy, 2014; and the Bird Wise North Kent Mitigation Strategy, 2018.

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29. Based on the submitted evidence, the securing of the necessary mitigation would be sufficient to mitigate the effects of the development on the designated sites. In this case, the s106 agreement submitted with the appeal includes an index-linked financial contribution, payable prior to commencement of development, and requires the Council to apply the contribution towards the cost of mitigation. Accordingly, I am satisfied that the contribution would mitigate the effects of the development on the designated sites and the necessary mitigation would be provided in a timely manner.
30. On this basis and following consultation with Natural England, I am able to ascertain, as the competent authority undertaking Appropriate Assessment, that the integrity of the designated sites would not be adversely affected by the proposed development. Consequently, I find that the proposal would accord with the Habitats Regulations and Local Plan Policies CP7 and DM28.

Other matters

31. It has been put to me that the proposed dwellings are not required, that the amount of housing proposed is not significant and that the affordable housing provision is likely to become a commuted sum because the small number of on-site units is unlikely to be of interest to a registered provider. It was also suggested at the hearing that the Council tends to find that commuted sums are not enough to cover the delivery of affordable housing elsewhere. However, given the Council's lack of a sufficient supply of housing land and its housing list having over 1000 people, it is clear that the appeal proposal would deliver much-needed housing, while the affordable housing provision would provide a policy compliant level with an acceptable delivery mechanism.
32. The affordable housing would be secured by the s106 agreement, which also includes contributions towards various matters such as off-site open space, highways, education, healthcare and waste facilities. Amongst other aspects, the obligations within the s106 secure the affordable housing provision⁶, the submission of full details of the affordable housing units prior to commencement of development, and various financial contributions⁷.
33. The submitted evidence indicates that the obligations in the Deed are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. Accordingly, and for the reasons above, I find that all the obligations meet the tests set out in the Framework and the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), represent material considerations and collectively constitute a reason for granting planning permission in accordance with Regulation 122 of the CIL Regulations.
34. I note the concern of third parties and the information submitted, including photographs and plans, with regards to drainage and expansion of the adjoining school. However, although I observed on my site visit that the site was damp underfoot, the Council has not raised any concerns in relation to

⁶ Including one First Homes unit on-site and either: one affordable rented unit on-site or, subject to various requirements, one shared ownership unit on-site, a similar provision on an alternative site within the borough or a commuted sum in-lieu of its on-site provision.

⁷ Including for: SPA mitigation; highways works to the A249/Grovehurst junction; healthcare facilities that would serve the healthcare requirements of the occupiers of the development; open-space facilities in Iwade; library facilities in Sittingbourne and the expansion of primary and secondary education facilities in the area to cover the additional library and educational infrastructure needs that would arise as a result of the development; and the provision of waste bins for the dwellings.

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flooding or drainage and Kent County Council Drainage removed their original objection following the provision of additional drainage details. Planning conditions can also secure a sufficient drainage scheme which includes for climate change adjusted scenarios. In relation to school expansion, despite the original plans for the surrounding housing development showing the site within an area identified as land available as school expansion, the evidence before me indicates that Kent County Council have determined that the school cannot now be expanded any further and have not identified that the current outdoor space is insufficient. It is also common ground between the main parties that the site is not included as part of the designated school future expansion land for Iwade Community Primary School. The proposed development would not therefore impact on the current or future operation of the adjoining school, and any existing school drainage infrastructure that may cross the site can be dealt with at reserved matters stage and through detailed drainage design.

35. The appeal proposal would bring houses closer to the school's northern boundary and it is likely that there would be some views from them across the school grounds. However, it is not unusual for housing to be situated close to schools in general and it seems to me that there is no particular reason why the proposed units would represent any more of an issue than any of the existing houses that border the school. Suitable landscaping and boundary treatment on the boundary can also be secured at reserved matters stage.
36. The site is currently easily accessible from Dunlin Walk. Residents therefore make use of the grassy area as play/open space and it has been put to me that people have previously been told that it would remain available for such recreational uses and was protected from future development. However, with it being privately owned, it seems to me that residents' long running use of the site could be stopped at any time, irrespective of the appeal proposal. Furthermore, although the proposed development would mean residents could no longer make use of it, the site is not identified or formally designated as public open space. The submitted evidence also indicates that there are various existing and planned provisions in the locality which provide sufficient public open space and play facilities.
37. I acknowledge that there is significant concern amongst existing residents about the development risking the safety of highway users, particularly of pedestrians and cyclists using Dunlin Walk but also of vehicles parking and manoeuvring on Sanderling Way and near to the proposed site access. However, the submitted evidence, including the Road Safety Audit, indicate that the proposal can be designed and constructed in such a manner that the safety of highway users, including people using Dunlin Walk, is not put at risk.
38. The proposal has generated considerable interest, with a number of consultation responses submitted in response to the planning application and further representations submitted at appeal. I have taken into account all of the other matters and concerns raised in the submissions which have not been covered above, including on issues such as: the extent of neighbour and interested party consultation on the planning application; part of the site (parcel 1) not being allocated for housing in the Local Plan, loss of a greenfield site and why was it not developed when the other houses were built; other highway issues, including the highway network needing to be upgraded and being unable to accommodate the increased vehicular movements, particularly at school drop off/pick up times, insufficient space and visibility of surrounding

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roads and nearby junctions, and inadequate access for construction, delivery and emergency vehicles; another proposed housing scheme nearby which would also be accessed via Sanderling Way and the need to consider both schemes together, including via a transport statement; air pollution and dust; construction works distracting from school lessons and either temporarily depressing prices or preventing sales of adjoining houses; non-compliance with the Construction (Design and Management) Regulations 2015; the proposed access leading to a loss of parking spaces on Sanderling Way; insufficient water supply; harm to the living conditions of adjoining occupiers, including in relation to overlooking/privacy, loss of outlook and light, overshadowing, noise disturbance and disruption from construction works; anti-social behaviour; pressure on limited, overstretched public services such as health and education; limited/insufficient local facilities; over-population; harm to the character of the village and the appearance of the surrounding area; loss of trees/vegetation and the need to preserve trees; harm to protected species and other wildlife, including through habitat loss and the works proposed on parcel 2 not sufficiently offsetting harm to wildlife from the development of parcel 1; the affordability of the market housing units; and the site could be better used as parking for the school/nursery/shops which do not have enough.

39. However, whilst I take these submissions seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed. Some of the issues raised would also be covered at reserved matters stage and by condition, while the Highway Authority did also not object to the application or raise concern in relation to highway safety.
40. I have found that the proposed development would not conflict with the development plan policies identified in the Council's Decision Notice. Accordingly, and on the basis of the evidence before me and my findings above, I find that the appeal proposal accords with the development plan as a whole. On this basis, it is not necessary to consider the appeal proposal against the approach set out in paragraph 11 of the Framework.

Conditions

41. I have had regard to the various planning conditions that have been suggested by the main parties and which were discussed at the hearing. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents, to ensure that details are submitted to and considered by the Council where relevant, and for clarity and consistency.
42. The first three conditions covering reserved matters are necessary to secure details of the outstanding matters prior to the development proceeding. I have imposed an additional condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.
43. A condition securing the provision and retention of land for vehicular parking is necessary in order to ensure that adequate parking provision is provided and retained. A condition requiring the submission of an arboricultural report is necessary in order to protect existing trees. Conditions relating to hard and soft landscaping are necessary in the interests of the visual amenities of the area and for wildlife and biodiversity.

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44. Conditions covering surface water and foul drainage are necessary to ensure that the development is served by satisfactory drainage arrangements and to avoid increasing the risk of on-/off-site flooding. A condition relating to archaeology is necessary given the archaeological sensitivity of the locality. A condition securing samples of external materials is necessary in the interests of the character and appearance of the surrounding area. Conditions securing an Ecological Mitigation and Enhancement Strategy and Management Plan, the design of external lighting and fences, and biodiversity enhancement on the site are necessary in the interests of preserving and enhancing biodiversity and protected species. Conditions securing a Code of Construction Practice, completion of the site access and a Construction Method Statement are necessary in the interests of highway safety and the living conditions of adjoining occupiers.
45. Conditions relating to energy efficiency, carbon emissions, construction waste, air pollution, electric vehicle charging and water consumption are necessary in relation to climate change, pollution, limiting the use of resources and sustainable development. A condition relating to the design of the development minimising crime and anti-social behaviour is necessary in relation to good design and the living conditions of residents. A condition relating to the height of the proposed dwellings is necessary in relation to the character and appearance of the surrounding area. Conditions restricting hours of construction and piling are necessary in the interests of surrounding occupiers living conditions. A condition relating to the provision of communication infrastructure to the dwellings is necessary to ensure the timely provision of such infrastructure. A condition covering boundary treatment along the site's southern boundary is necessary to ensure suitable boundary treatment is provided between Iwade primary school and the proposed development.
46. It was suggested during the hearing that an additional condition could be imposed requiring the provision of a turning head at the eastern end of the site, with details included as part of any future reserved matters application(s). However, the Council has made its position clear that it considers that a turning head within the site is necessary and it could refuse any reserved matters application(s) that it considers do not provide sufficient on-site turning space. The proposed development could also be laid out in a number of different ways and it seems to me that the furthest end of the site is not the only place where a turning head could be provided. Accordingly, such a condition is neither necessary nor reasonable. I have thus declined to impose it.

Conclusion

47. For the above reasons, the appeal is allowed.

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SCHEDULE OF CONDITIONS

- 1) Details of the landscaping, layout, scale and appearance (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than two years from the date of this permission.
- 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Section 104 Agreement - As Built Survey (Drawing No 13024_104); Proposed Highway Arrangement (Drawing 1810028-03, Rev A); and Area Proposed for Adoption as Highway (Drawing 1810028-02, Rev A).
- 5) 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 Parking Standards SPD 2020) which 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.
- 6) No demolition, construction or ground works shall take place until an Arboricultural Method Statement in accordance with the current edition of BS: 5837 has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.
- 7) The details submitted pursuant to condition 1 above shall include details of both hard and soft landscape works. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, the retention and reinforcement of vegetation along the southern and eastern boundaries of the site and an implementation programme. The works shall be carried out prior to the occupation of any part of the development and in accordance with the programme that has first been submitted to and approved in writing by the local planning authority.
- 8) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, die, are severely damaged or become 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.
- 9) No development shall take place until the details required by condition 1 above demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted

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critical 100 year storm can be accommodated within the proposed development layout.

- 10) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the principles contained within the Drainage Impact Statement and Design Philosophy (Reference 6960-D007, Revision P4) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on- or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and 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.
- 11) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the local planning authority, in consultation with the Lead Local Flood Authority. The report shall demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed and shall contain: information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.
- 12) 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.
- 13) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been first submitted to and approved in writing by the local planning authority.
- 14) The details submitted pursuant to condition 1 above shall include details in the form of samples of external finishing materials to be used in the construction of the development hereby approved.
- 15) No development shall take place until an Ecological Mitigation and Enhancement Strategy and Management Plan (EMES & MP) has been submitted to and approved in writing by the local planning authority. The EMES & MP shall include the following: a) Purpose and conservation objectives for the proposed works; b) Review of site potential and constraints; c) Detailed design(s) and/or working method(s) to achieve stated objectives; d) Extent and location/area of

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- proposed works on appropriate scale maps and plans; e) Type and source of materials to be used where appropriate, e.g. native species of local provenance; f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; g) Details of initial aftercare and long-term maintenance; h) Details for monitoring and remedial measures. The EMES & MP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.
- 16) All external lighting shall be designed and installed in accordance with the details within section 6.3 of the submitted Ecological Assessment (Bakerwell Ltd, November 2018).
- 17) To allow the movement of Hedgehogs through the development area, all ecological measures and/or works shall be carried out in accordance with the details within section 6.4 of the submitted Ecological Assessment (Bakerwell Ltd, November 2018). Prior to the occupation of the development hereby approved, details (including locations and specifications in accordance with section 6.4 of the Ecological Assessment dated November 2018) of the fence holes for hedgehogs shall be submitted to and approved in writing by the local planning authority. The approved details will be implemented prior to occupation and thereafter retained.
- 18) Prior to the commencement of any above ground works, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the local planning authority. These shall include the installation of bat and bird nesting boxes and the provision of native planting where possible, and incorporation of recommendations as detailed in section 7 of the Ecological Assessment (Bakerwell Ltd November 2018). The approved details will be implemented and thereafter retained. The provision and installation of enhancements should take place within 6 months of the commencement of works, where appropriate.
- 19) Prior to the commencement of the development, a Code of Construction Practice shall be submitted to and approved in writing by the local planning authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless otherwise previously agreed in writing by the local planning authority. The code shall include: measures to minimise the production of dust on the site; measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s) as necessary; the design and provision of site hoardings; the location and design of site office(s) and storage compounds.
- 20) No dwelling hereby permitted shall be occupied until completion of the access in accordance with the details shown in Drawing 1810028-03 Rev A and hereby approved, and the applicant has secured a Section 278 (or Section 38) agreement with the Highway Authority for Highway Works associated with the connection to the adopted Highway.
- 21) 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

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- of construction and delivery vehicles to / from site; b) Parking and turning areas for construction and delivery vehicles and site personnel; c) Timing of deliveries and HGV movements (to be restricted to outside school drop-off/pick-up times); d) Provision of wheel washing facilities; e) Provision of measures to prevent the discharge of surface water onto the highway; and f) Temporary traffic management/signage and the location of temporary vehicle access points to the site including measures to protect and give priority to pedestrians and cyclists using Dunlin Walk (including provision of a banks person).
- 22) Prior to the construction of any dwelling in any phase, details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.
- 23) 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.
- 24) 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).
- 25) The details submitted pursuant to condition 1 above shall demonstrate how principles relating to minimising the opportunities for crime and anti-social behaviour have been incorporated in the layout, landscaping and building design.
- 26) The details submitted pursuant to condition 1 above shall show dwellings extending to no more than 2.5 storeys in height.
- 27) 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, and Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the local planning authority.
- 28) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times: Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the local planning authority.
- 29) No development beyond the construction of foundations shall take place until details for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point

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destinations and all buildings including residential has been submitted to and approved in writing by the local planning authority. The details shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The agreed details shall be laid out at the same time as other services during the construction process.

- 30) The details submitted pursuant to condition 1 above shall include a detailed plan regarding the boundary treatment between the southern boundary of the application site and Iwade Primary School.

END OF SCHEDULE

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APPEARANCES

FOR THE APPELLANT

Kate Rowe	BDW Kent
Zack Simons	Landmark Chambers, Barrister
Steve Giles	Motion, Transport
Andrew Watson	Savills, Planning
Graham Wilson	Savills, Planning

FOR THE COUNCIL

Corinna Griffiths	Senior Planning Officer
Andrew Jeffers	Development Manager
Clive Burbridge	Iceni Projects Limited
Cllr Monique Bonney	Cabinet Member for Economy and Property
Cllr Ben Martin	Cabinet Member for Housing

INTERESTED PARTIES

Cllr Hunt
Cllr Baldock



Costs Decision

Hearing (Virtual) held on 1 March 2022

Site visit made on 3 March 2022

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Costs application in relation to Appeal Ref: APP/V2255/W/21/3272760 Land lying to the south of Dunlin Walk, Iwade ME9 8TG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by BDW Kent for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal of planning permission for 20 residential dwellings with means of access approved and all other matters reserved on the land lying to the south of Dunlin Walk, Iwade, as identified on the indicative layout.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant considers that the Council acted unreasonably by failing to address two key national policy tests, refusing permission on issues which could be addressed by condition at reserved matters stage, and failing to produce evidence to substantiate its decision.
3. The Council's reason for refusal refers to paragraphs in the National Planning Policy Framework (Framework) that are relevant to the specific subject matter. Although the Council's appeal submissions neither use the specific phrasing of Framework paragraph 111 nor refer to the test it contains, the statement by Mr Burbridge refers to safety issues on several occasions and identifies, for example, 'grave concerns' over the accessibility of the site for delivery and servicing. To my mind, that relates sufficiently to the approach of paragraph 111 and the Council's written position is clear that the appeal proposal would, in its opinion, have an unacceptable impact on highway safety.
4. The refusal reason does not refer to Framework paragraph 11d and the Council's written submissions do not directly address the presumption in favour of sustainable development which is triggered in cases such as this where there is not a five year supply of deliverable housing sites. However, with the Council's appeal statement by Councillor Bonney referring to the 'tilted balance', it is clear that the Council was cognisant of this national policy test. Although not explicitly stated by the Council, the evidence before me, including what the Council said during the hearing in relation to matters such as the

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weight it considered should be afforded to the proposal's benefits, also points to it considering that the adverse impacts it alleged would arise in relation to highway safety would significantly and demonstrably outweigh the benefits. Furthermore, it seems to me that this is what Councillor Bonney means in her reference to the 'tilted balance should not apply' as opposed to meaning that the approach set out under paragraph 11d is simply not applicable. While the applicant may disagree with the Council's position and the weight it afforded to the proposal's benefits and alleged harm, this does not mean that the Council failed to have regard to the approach set out in Framework paragraph 11d.

5. With the planning application made in outline with all matters except access reserved for future consideration, the Council's refusal reason covers layout-related issues that would be finalised at reserved matters stage and which could usually be covered by condition. During the hearing, in response to the additional illustrative plans submitted by the applicant, the Council also withdrew its concerns that the appeal proposal could not be acceptably laid out with regards to servicing and confirmed that this matter could now be appropriately addressed at reserved matters stage and dealt with by condition.
6. However, the Council's appeal submissions, including what was said at the hearing, indicate that it considered that it would not be possible to resolve its layout-related concerns via condition/at reserved matters stage. This was because the Council deemed, on the basis of the information available when it made its decision and submitted its written appeal submissions, that the proposed development of 20 dwellings could not be designed and laid out on the site in the manner that would provide acceptable servicing and parking arrangements. The straying into detailed issues that are covered by the reserved matters, such as housing mix and parking numbers, was therefore neither particularly surprising nor unreasonable. Although the additional illustrative plans submitted by the applicant prior to the hearing subsequently demonstrated an acceptable layout could be achieved in relation to servicing, the Council did not have this when preparing its written appeal submissions. The Council also maintained its parking-related concerns were neither resolved by the additional plans nor could be resolved via a different layout.
7. Although such matters can be – and usually are – addressed by condition for outline applications such as this, granting permission for a development that the Council believed would be unlikely to be approved at reserved matters stage and imposing conditions that it considered could not be resolved at that point would, in my view, not have been judicious. Accordingly, it seems reasonable to me for the Council to have refused permission for a scheme that it considered – rightly or wrongly – presents issues that could not be addressed by condition and could thus not actually be delivered. That I have come to a different conclusion and that the Council withdrew its servicing-related concerns during the hearing in response to the additional illustrative plans do not mean that it acted unreasonably in relation to this matter. In coming to this view, I have also taken into account that the Highway Authority had not objected to the planning application.
8. The Council's written appeal submissions, particularly in relation to the matter of parking provision and which Councillors Bonney and Martin focused on, are relatively concise. However, they refer to relevant guidance, are not particularly vague, generalised or inaccurate, and neither their brevity nor a lack of professional qualification or specific expertise in relation to the matter of

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parking mean that the information provided is inherently insufficient to substantiate the Council's position. The Council's servicing concerns were also covered by a suitably qualified professional. In addition, setting out the reason for refusal, the Decision Notice is complete, precise, specific and relevant to the development proposed, and details the alleged harm and the local and national planning policies and guidance that the Council considered the development conflicts with.

9. In this case, the Council's written submissions, combined with what was said during the hearing, sufficiently elaborate its concerns with the proposed development and substantiate the refusal reason. Although I have come to a different conclusion and the Council's concerns relate to reserved matters, this does not mean that its views with respect to parking were unfounded to the point that they are unreasonable. The lack of technical evidence regarding the Council's concerns with parking provision, the lack of objection from the Highway Authority and the Council's concerns being related to a reserved matter do not lead me to a different conclusion.
10. Although I have come to a different overall conclusion to the Council and have allowed the appeal, this does not mean that it acted unreasonably in refusing the planning application. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

T Gethin

INSPECTOR



The Planning Inspectorate

Costs Decision

Hearing (Virtual) held on 1 March 2022

Site visit made on 3 March 2022

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 April 2022

Costs application in relation to Appeal Ref: APP/V2255/W/21/3272760 Land lying to the south of Dunlin Walk, Iwade ME9 8TG

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Swale Borough Council for a partial award of costs against BDW Kent.
 - The appeal was against the refusal of planning permission for 20 residential dwellings with means of access approved and all other matters reserved on the land lying to the south of Dunlin Walk, Iwade, as identified on the indicative layout.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. On the basis of the submitted costs application, I understand that the applicant (the Council) considers that BDW Kent (the appellant) acted unreasonably by submitting the two additional illustrative plans on 31 January 2022 rather than earlier.
3. The appeal resulted from the Planning Committee determining the planning application contrary to officer recommendation. Therefore, when submitting the appeal, the only published detail available to the appellant which set out the Council's official concerns was the reason for refusal on the Decision Notice. Although the refusal reason refers to the lack of a turning area at the eastern end of the site, it was thus not until the Council's appeal statements had been submitted that the appellant had a comprehensive understanding of the Council's position.
4. The appellant could perhaps have provided the additional illustrative plans sooner than it did. However, the appellant's appeal statement sets out why it considered that a turning area at the eastern end of the site was not necessary. It was also not unreasonable for the appellant to submit the additional illustrative plans after it had a more informed understanding of the Council's concerns, even if that meant that the Council had by then engaged the services of a consultant to prepare a written submission to help defend its position at appeal. In addition, the submission of the additional plans did not result in an adjournment of the hearing or any further preparatory work by the Council.

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5. Furthermore, with the appeal proposal made in outline, there was no obligation on the appellant to provide any illustrative plans in any event or to show a turning head solution even if it is common practice to do so. Therefore, while such plans can be helpful, it would not have constituted unreasonable behaviour for the appellant to have not produced the additional illustrative plans that it did. In such circumstances, the Council's servicing-related concerns would presumably have remained unresolved and thus the issue would have taken up more time at the hearing than it did. However, as it happens, the additional illustrative plans submitted prior to the hearing resolved part of the Council's refusal reason. As such, the timing of the submission of the additional plans was not unreasonable and instead saved time at the hearing, benefitting all parties.
6. The appellant could have sought to discuss the Council's concerns in detail after the Planning Committee resolved to refuse the planning application and before the appeal was made. However, it was not incumbent on the appellant to do so. It seems to me that the Council could equally have approached the appellant to discuss potential resolutions to its concerns if it wished to narrow the issues at appeal and avoid engaging a consultant to defend its position.
7. The earlier submission of an illustrative layout showing that a turning area at the site's eastern end could be provided as part of the proposed development could have resolved the Council's servicing-related concerns earlier. This may have meant the Council did not engage the services of a consultant, and indeed the issue may not have arisen at all were such a plan available before the Council made its decision on the planning application. Be that as it may, the illustrative plans showing such a turning area were submitted – not unreasonably – shortly before the hearing, while the lack of such a plan was not unreasonable given the appeal was made in outline. Furthermore, the submission of the additional plans, in an attempt to overcome part of the Council's concerns, was ultimately helpful to all parties at the appeal.
8. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

T Gethin

INSPECTOR

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Appeal Decision

Site visit made on 1 March 2022

by **Graham Wyatt BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th April 2022

Appeal Ref: APP/V2255/W/21/3277288

Plough Leisure Caravan Park, Plough Road, Minster on Sea, Sheerness, Kent ME12 4JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Plough Leisure Caravan Park against the decision of Swale Borough Council.
- The application Ref 20/502811/FULL, dated 3 August 2020, was refused by notice dated 24 March 2021.
The application sought planning permission for the variation of condition (i) of planning permission NK/8/61/83 to extend occupancy period from eight to ten months (1st March to 2nd January) without complying with conditions attached to planning permission Ref SW/12/0024, dated 10 May 2012.
- The conditions in dispute are Nos 2, 3 and 4 which state that:
Condition 2: No caravans shall be occupied except between 1st March and 2 January in the following calendar year, and no caravan shall be occupied unless there is a signed agreement between the owners or operators of the Park and all caravan owners within the application site, stating that: (a) The caravans are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any permission to believe that it is being used as the sole or main residence; and (b) No caravan shall be used as a postal address; and (c) No caravan shall be used as an address for registering, claiming or receipt of any state benefit; and (d) No caravan shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rents Act 1968 and 1974, and (e) If any caravan owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence. On request, copies of the signed agreement(s) shall be provided to the Local Planning Authority.
Condition 3: Any caravan that is not the subject of a signed agreement pursuant to condition 2 shall not be occupied at any time.
Condition 4: The owners or operators of the Park shall at all times operate the Park strictly in accordance with the terms of the Schedule appended to this decision notice.
- The reasons given for the conditions are: Condition 2,3 and 4: In order to prevent the caravans from being used as a permanent place of residence, and in pursuance of policies E1 and E6 of the Swale Local Plan 2008

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appellant's appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I sought the views of the main parties in writing

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and I have taken any subsequent responses into account in reaching my decision.

Main Issues

3. The main issues in this appeal are whether the:
- conditions are reasonable with regard to the effect of the development on the character and appearance of the area,
 - location of the development is appropriate having regard to the development plan, and
 - proposal provides adequate mitigation measures in respect of the Habitat Regulations and appropriate contributions towards infrastructure provision.

Reasons

Character and Appearance

4. The appeal site is a largely open parcel of land with hedging to its north, east and southern boundaries and a belt of trees running through the middle. The southern part of the site contains several rectangular concrete pads and an access road allowing vehicles to enter into this part of the site. The main access off Plough Road directs vehicles to the north west corner of the appeal site where a small group of buildings, including a reception office, are located.
5. The site is part of the more open and rural landscape to the north of Plough Road which has a distinct rural character that is reinforced by the presence of mature landscaping within this countryside setting. Dwellings on Parker Avenue and Kingsborough Drive that back onto Plough Road form part of, and are intrinsically linked to, the larger built up area to the south.
6. The Council argue that the occupational restrictions set out within the original permission are necessary to ensure that the character of the area is protected, especially during the closed season. Moreover, a permanent use of caravans would prejudice the Council's approach to holiday accommodation as set out within the Swale Borough Council Local Plan 2017 (LP). Policy DM5 of the LP recognises this and states that in order to ensure a sustainable pattern of development, and to protect the character and appearance of the countryside, planning permission will not be granted for the permanent occupation of caravans and chalets.
7. The site lies beyond any identified built-up boundary identified under Table 4.3.1 of the LP and thus, lies within the countryside. Policy ST3 of the LP states that locations in the countryside, outside of built-up area boundaries development will not be permitted unless it is supported by national policy and, amongst other things, contributes towards protecting the intrinsic beauty of the countryside and the vitality of rural communities.
8. I note that the site is not within a defined holiday area as shown on the adopted Proposals Map. However, the Council confirm that the appeal site has been the subject of a successful application for a lawful development certificate¹ to demonstrate that it is lawful to place caravans on the appeal site, subject to the conditions that are the subject of this appeal. The appellant also states that the site is committed to a development of caravans. It is argued however, that if the effect of the development on the character and appearance of the area is acceptable for 10 months of the year, it follows that the remaining two months,

¹ 17/506202/LAWPRO

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notably January and February, should also be considered acceptable as the caravans would still be on the site. Therefore, it is whether the caravans are occupied or not, any visual impact would remain.

9. I accept that the stationing of either static or touring caravans for holiday purposes within a countryside location such as this, would not be considered out of place given its location adjacent to existing caravan parks, and is something that one could expect to see. Nevertheless, the effect of the development on the character of the area derives not just from a caravan's physical appearance, but also its use.
10. Notwithstanding that the 'closed months' may take place in January and February, the cessation of the holiday use of the caravans allows a period of respite from holiday makers, creating a more peaceful and tranquil time whereby those that live permanently in the area can quietly enjoy the facilities and amenities that ultimately draw holiday makers to the area.
11. Moreover, as the proposal seeks the permanent occupation of the site, I am not persuaded that there would only be little activity generated. Although I accept that the development would not harm the living conditions of surrounding occupiers through noise and disturbance, overlooking and such like, there would still be the comings and goings associated with the 38 units. Furthermore, notwithstanding that the age limit would be set at 55, this could include taking children to school, along with travel to work each day, receiving post and other deliveries such as internet orders, the daily parking of resident's vehicles and so on. There would also be off-site demands such as those for educational and medical services which cannot be likened to those occupying the caravans for a holiday. The permanent occupation could also result in domestic features such as fencing, washing lines, lighting and garden furniture which add to the effect of the permanent use of the appeal site.
12. Therefore, there is a clear difference between a seasonal holiday use and the permanent occupation of the caravans as residential units. I am not persuaded that the closure of the site during the months of January and February is not necessary to allow a more peaceful time when the area is free from visitors.
13. Thus, the development would result in harm to the character and appearance of the area and prejudice the Council's approach to holiday accommodation. It would be in conflict with Policies CP1, ST6, DM3, DM5 and DM14 of the LP which seek, amongst other things, to restrict the occupation of caravans for recreational use and during certain months of the year to ensure a sustainable pattern of development and to protect the character of the countryside.

Location

14. The appellant has provided details of the facilities available in Minster and those that are closer to the appeal site. Although the parties disagree slightly over the exact distance from the appeal site to these services, there is agreement that a bus service from Chequers Road/Eastchurch Road serves Minster to the west where a range of facilities including healthcare can be accessed.
15. The distance to the bus stops is between 0.3 and 0.5km and includes a walk along Plough Road which is quite narrow and does not have continuous footpaths or street lighting. The Council confirm that buses operating from the stops is limited to an hourly service which, from the evidence that has been provided, does not operate late into the evening.
16. Therefore, given the distance to the bus stops and the lack of continuous footpaths and adequate street lighting, I am not persuaded that future occupiers of the

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proposed caravans would rely on public transport to access services and facilities. Moreover, although I acknowledge that occupiers could access the bus stops via alternative route through the holiday park, it is highly probable that those residing at the appeal site would not walk to the bus stop during bad weather, the winter months, at night or when laden with shopping. Moreover, those with low mobility are also unlikely to walk to the bus stop to access services within Minster or further afield.

17. Thus, notwithstanding that the caravans are aimed at older residents that may indeed possess a bus pass, I do not find the prospect of walking the 500 or so metres to catch a bus an appealing prospect. Moreover, given the overall distance and lack of connecting footpaths, I am not persuaded that occupants would choose to walk, or indeed cycle, to Minster either.
18. For these reasons, I consider it likely that future occupants of the development proposed would be predominantly reliant on the car to access a range of services and facilities necessary to meet their day to day needs. Although future occupants may choose to utilise the services available in Minster this can in no way be guaranteed and the extent to which this may directly maintain or enhance the vitality of services in the area is unclear in any event.
19. The Council's decision notice also refers to paragraph 79 (now paragraph 80) of the Framework which seeks to avoid isolated homes in the countryside. The courts have determined that when considering such matters, it is generally held that the term isolated means far or remote from a settlement. In this instance, I do not find the appeal site to be remote from the settlement of dwellings that make up Kingsborough Manor to the south of the appeal site. Thus, the circumstances listed at paragraph 80 of the Framework do not apply.
20. However, notwithstanding the proximity of other houses at Kingsborough, the appeal site lies beyond a built-up boundary and is within a location where development is restricted. I consider that it is not within a location where a range of goods and services would be accessible via sustainable transport modes. This is a factor that does not weigh in favour of the appeal proposal.
21. Thus, it is highly probable that future occupiers would be heavily reliant on the private motor car to access services and facilities required for day to day living. The development does not seek to promote healthy communities as set out at paragraphs 8, 92 c) and 104 c) of the Framework. It is in conflict with Policies ST1, ST3, ST6, CP3, DM5 and DM14 of the LP which seek, amongst other things, to achieve convenient routes and facilities for pedestrians and cyclists.

Contributions

22. The development falls within the Zone of Influence of the Swale and Medway Estuary Special Protection Area where wintering birds are located. In combination with other developments in Swale, additional residential accommodation would be liable to lead to recreational disturbance and so have a detrimental impact on the birds. There would therefore be a likely significant effect on the SPA.
23. To ensure the requirements of the Conservation of Habitats and Species Regulations 2017 are met, the Council requires the collection of payments from relevant developments towards the mitigation measures set out in the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy. The collection of the tariff to facilitate off-site measures is intended to avoid significant or long-term impacts. Natural England concurs with this approach.

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24. However, as the appeal is being dismissed on other substantive issues, it is not necessary to look at this matter in detail. Moreover, had I been minded to allow the appeal, I would have explored the necessity for undertaking an Appropriate Assessment and whether the payment provided by the appellant would off-set the impact of the development on the site identified above.
25. Additionally, the contributions towards health facilities, community learning, libraries, social care and waste services secured through the undertaking submitted by the appellant would only be necessary to make the development acceptable in planning terms. Thus, this aspect is a neutral factor in the case rather than a benefit.

Other Matters

26. Whilst I acknowledge that the LP seeks to restrict new and extended static holiday caravan sites, I have not been presented with any substantive evidence to demonstrate that the role of Sheppy as a holiday destination is on the wane.
27. The appellant refers to the Interim Planning Policy Statement for Park Homes Sites (IPP) which was approved by the Council. Moreover, a letter² (the letter) was sent to park owners which sought opinions to establish whether there was demand for occupiers and owners to enable a full 12 month occupancy of accommodation, rather than the current 8/10 month constraint that was currently applied. The appellant also refers to Policy DM18 of the Swale Borough Council Local Plan Review 2021 (LPR) and argues that significant weight should be afforded to both the IIP and Policy DM18 of the LPR.
28. However, the Council has confirmed that it has since decided not to proceed with the LPR which was consulted on in February to April 2021 which will now be consulted on during spring 2022 with a view to adopting it in 2023. Furthermore, as the IIP was not publicly examined, it is not an adopted policy and does not form part of the development plan. I also recognise that the appeal site is not within a defined holiday area and that the LP does not seek to allow further holiday parks outside of the areas shown on the proposals map. However, as the LPR could be the subject of change, and given the status of the IIP, even as a material consideration, the weight that they can be afforded in support of the development before me is very limited.
29. The appellant has directed me to the housing development located to the south of the appeal site at Kingsborough Manor. Whilst I note this development, it is evident that this site is within a defined settlement boundary where residential development is accepted in principle. It is also residential in character, forming part of the traditional housing and larger built up area that exists to the south of Plough Road. Thus, it is not comparable to the site and development before me.
30. The appellant also refers to a scheme at Beckenham storage which was granted permission³ for 36 residential mobile homes for occupation by those aged over 55. Whilst I note this permission, it is clear from the officer's report that this site was used for the storage of caravans and not the occupation of caravans for holiday use. The site was also considered to be sustainable given its location close to a bus stop and thus, public transport options to access and services and amenities. Moreover, the development included improvements to signage to allow residents to walk to these services. That is not the case before me.

² Letter from Swale Borough Council dated 22 January 2020

³ SW/20/501183

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31. Therefore, I am not persuaded that the permission at the Beckenham storage site or the development at Kingsborough Manor represent an irresistible precedent to find in favour of the development before me. In any event, I have considered this appeal on its own merits which is a fundamental principle that underpins the planning system.

Planning Balance and Conclusion

32. The Council acknowledge that it cannot currently demonstrate a five year housing land supply. In such circumstances, the policies that are the most important for determining the application are considered out of date and the tilted balance at paragraph 11 of the Framework is engaged. For decision making this means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework's policies taken as a whole.

33. It is evident that the development would provide lower cost homes, particularly for older people where there is an identified shortage. I recognise that there would be both social and economic benefits as a result of the proposal such as occupiers that may contribute towards the local economy, which would include those months when the site is normally closed, and employment associated with the construction and maintenance of the site.

34. However, good design and its impact on the character and appearance of an area along with sustainable development are recognised by the Framework. Accordingly, given my findings outlined above concerning the resultant harm to the character and appearance of the area and the inappropriate location of the site to access services and facilities, the proposal would fail to meet the environmental and social dimensions of the Framework. Consequently, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Thus, the application of the tilted balance in paragraph 11 of the Framework does not indicate that planning permission should be granted.

Conclusion

35. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR

By virtue of paragraph(s) 5, 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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