



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 18 August 2022

Time: 7.00 pm

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

Membership:

Councillors Cameron Beart, Monique Bonney, Richard Darby, Oliver Eakin, Tim Gibson (Chair), James Hall, Mike Henderson, James Hunt, Carole Jackson, Elliott Jayes (Vice-Chair), Peter Marchington, Ben J Martin, Ken Rowles, 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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Recording Notice

Please note: this meeting may be recorded, and the recording may be added to the website.

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

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

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

1. Emergency Evacuation Procedure

The Chair 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 Chair 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 Chair 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 Chair 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 Chair 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 21 July 2022 (Minute Nos. 201 - 208) 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 Chair 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. Planning Working Group

To approve the Minutes of the Meeting held on 9 August 2022 (Minute Nos. to follow).

To consider application 21/503124/OUT Land to the North of Elm Lane, Minster-on-Sea, Sheerness, Kent, ME12 3RZ.

6. Deferred Items

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To consider the following applications:

- Deferred Item 1 21/505461/PSINF HMP Standford Hill, Church Road, Eastchurch;
- Deferred Item 2 22/501315/FULL St Mawes, The Street, Borden; and
- Deferred Item 3 21/500204/FULL Old House at Home, High Street, Sheerness

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

Requests to speak on these items must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 17 August 2022.

7. Report of the Head of Planning Services

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

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 17 August 2022.

Issued on Wednesday, 10 August 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

18 AUGUST 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 – 18 AUGUST 2022

- Minutes of last Planning Committee Meeting
- Deferred Items
- Minutes of any Working Party Meetings – Land North of Elm Lane Minster (21/503124/OUT)

DEFERRED ITEMS

DEF ITEM 1	21/505461/PSINF	EASTCHURCH	HMP Standford Hill Church Road
DEF ITEM 2	22/501315/FULL	BORDEN	St Mawes The Street
DEF ITEM 3	21/500204/FULL	SHEERNESS	Old House at Home High Street

PART 2

2.1	21/502545/FULL	FAVERSHAM	Railway Depot Station Road
2.2	21/505544/FULL	BORDEN	Hillyfield Hearts Delight
2.3	22/500007/FULL	SHEERNESS	Sheerness Bus Station Bridge Road
2.4	22/502863/FULL/ 22/502864/LBC	HARTLIP	The Stables Sweepstakes Farm Lower Hartlip Road
2.5	22/502679/ADV	SITTINGBOURNE	Manor Farm Key Street
2.6	21/506787/PSINF	EASTCHURCH	HMP Elmley Church Road

PART 3

3.1	22/502498/FULL	NEWNHAM	5 The Wineycock
3.2	22/502340/OUT	LOWER HALSTOW	Land adjacent Westfield Cottages Breach Lane

PART 5 – INDEX

5.1	21/506751/FULL	MINSTER	310 Minster Road
5.2	19/502204/FULL	MINSTER	Land west of Greyhound Road
5.3	21/505502/FULL	UPCHURCH	15 Horsham Lane
5.4	21/506434/FULL	SITTINGBOURNE	1 Woodland Cottages Highsted Road
5.5	21/505397/FULL	EASTCHURCH	118 High Street
5.6	21/504980/FULL	NEWINGTON	33 The Willows
5.7	21/502476/FULL	MINSTER	2 The Myrtles Summerville Avenue
5.8	21/505209/FULL	SITTINGBOURNE	1 Donemowe Drive

PLANNING COMMITTEE – 18 AUGUST 2022**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 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 with delegated 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>No objection has been raised by statutory consultees and the scheme has been subject to an independent highway review which has concluded that the proposal is compliant with local and national highway policies.</p>		
REASON FOR REFERRAL TO COMMITTEE		
The application was deferred at the 12 th May Planning Committee meeting, to allow officers to liaise with KCC Highways and Transportation about the highway impacts and the Council requested independent traffic consultants to look at the impact of the application on the local road network. This analysis has now been concluded and this report and the Appendices set out the details.		
WARD Sheppey East	PARISH/TOWN Eastchurch	COUNCIL APPLICANT MOJ AGENT Cushman & Wakefield
DECISION DUE DATE 29/12/21	PUBLICITY EXPIRY DATE 28/07/22	

1. BACKGROUND

- 1.1 This application was first reported to the Planning Committee on 12th May 2022 where Members resolved *“That application 21/505461/PSINF be deferred to allow officers to liaise with KCC Highways and Transportation about the highway impacts and the Council requested independent traffic consultants to look at the impact of the application on the local road network”*
- 1.2 The independent highway advice as referred to above has been obtained. The initial highways advice received is included at Appendix 1 and sought further information from the applicant. This was provided in a Transport Executive Summary Note (Appendix 2), and an updated Transport Statement (Appendix 3). The further information was sent to KCC Highways and the independent highways consultant to be reviewed, and the independent highways advice in Appendix 4. I have also included the original committee report at Appendix 5, which sets out the description of the site, the proposal, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. Appendix 6 and 7 comprises the tabled updates regarding KCC Highways comments for the original committee report. KCC Highways comments are awaited and will be included via a tabled update.
- 1.3 As a result, the form that this supplementary report will take will be to discuss the independent highway advice received, and further comments by KCC Highways and how this has informed the recommendation reached by Officers.

2. CONSULTATION RESPONSES

- 2.1 The following consultation responses have been received since the last committee report:
- 2.2 **KCC Highways and Transportation – awaiting comments, to be provided as a tabled update.**
- 2.3 National Highways raise no objection, subject to condition, and advise their original response dated 28 January 2022 remains appropriate.

“We have reviewed the further information submitted in support of this planning application 21/505461/PSINF (an updated Transport Statement addressing KCC highways queries). We remain content that the proposals would not have an unacceptable impact on the SRN, provide that planning conditions in respect of a Construction Management Plan and restrictions on delivery vehicles are attached to any permission granted.”

- 2.4 Natural England have no further comments, refer to previous comments.
- 2.5 Kent Police have no further comments, refer to previous comments.

3. LOCAL REPRESENTATIONS

- 3.1 The following responses have been received since the last committee report:
- 3.2 Eastchurch Parish Council objects to the application and has provided further comments dated 16/06/22 and are intending to provide further comments on 09/08/22 which will be reported to Members via a tabled update.

16/06/22: *“Having read the further reports and information supplied, the Planning Committee of Eastchurch Parish Council sees no reason to change the original strenuous objection.*

The highways problems raised have not been dealt with. There have been no further meetings with the agents who had agreed to come back with proposals to mitigate the existing speed and safety issues. There are additional concerns with the cumulative effect of the two prison extensions The Highway network mentioned in the reports is not the issue. The speed of existing traffic and the safety of the residents/visitors/prison staff who both walk and drive on Church Road has still not been addressed. Reports and statistics cannot replace valid experiences of residents on a daily basis.

A section 106 agreement is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community. Eastchurch Parish Council ask for S106 or CIL, in order to fund active physical road calming in order to protect both residents and the prison community. There is already a high direct impact on the local population.

The cumulative effect of the two current expansions will see this at breaking point. Swale Borough Council and MoJ have a Duty of Care to ensure that an acceptable resolution is found.”

4. APPRAISAL

- 4.1 As set out above, in addition to the detailed assessment of highway related matters undertaken by KCC Highways & Transportation during the course of the application, since the application was deferred at the 12th May 2022 committee meeting, an in depth independent review of the highway issues has been carried out.
- 4.2 The initial independent review is provided in full in Appendix 1. As part of this review a site visit was carried out. This is in addition to the site visits carried out by the applicant in producing their proposals and the visits carried out by Officers.
- 4.3 Members will note that the initial independent review concluded *“For the most part, the development proposal is considered appropriate in principle, however, further information is required from the applicant before the proposed development can be fully supported:* The further information related to the suitability of the proposal in relation to local and national policy, including how the development encourages active travel; number of prisoners expected to leave or arrive at the site each day, including travel mode; the discussed shuttle bus, as demonstrated in the Travel Plan Statement (TPS), should be secured by a planning condition; and the applicant should provide vehicle speed surveys on Church Road to determine whether there is an existing speed issue.
- 4.4 In response to this, the applicant has provided a Transport Executive Summary Note (Appendix 2), and an updated Transport Statement (Appendix 3), which has been reviewed by the independent highways consultant (Appendix 4).

Prisoner movements (existing and proposed)

- 4.5 As HMP Stanford Hill is an open prison, there are prisoners with external work placements which can be accessed either by a private car or prison vehicle. The updated Transport

Statement sets out that of the current prison population, 140 prisoner (30%) attend external work placements with 69 (49%) having access to a private car or prison van. On average, peak movement times for prisoners leaving and returning to the prison are 05:00 - 07:30 and 18:00 – 21:00. In terms of car ownership, around 15% of existing population have access to their own car.

- 4.6 The updated Transport Statement provides information on prisoner movements, including the number of additional prisoners anticipated to access the site each day, including mode of travel. The applicant states that of the new prisoners, 19 are likely to travel to jobs outside of the prison or travel to work placements off site using their own vehicle. 19 further prisoners are likely to travel by car sharing or a minibus. Peak movement times are likely to be 05:00 - 07:30 and 18:00-21:00. These additional prisoner movements are noted to take place outside of typical peak hours and are considered low (38 two-way trips), especially when travelling by sustainable transport modes
- 4.7 The independent review has noted that taking into account the above, the impact on the local highway network will be minimal and the increase in prisoner trips deemed acceptable.
- 4.8 With regard to other vehicular movements to the site as a result of the proposed development, the TS sets out existing and forecast vehicular trips for staff and visitors. In the initial independent review (Appendix 1) advises that the number of additional staff trips will be low and will not materially impact the local or strategic highway network. For visitor trips it sets out that visiting times occur outside typical highway peak hours, and it is considered that the additional visitor trips resulting from the expansion of the site are considered negligible and will not cause a material impact to the local or strategic highway network.
- 4.9 KCC Highways in their original consultation response (12/05/22) raised no objection with regard to staff numbers and forecast vehicular trips noting that this would have a negligible impact on the highway network.

Travel Plan and Shuttle Bus

- 4.10 The application has been supported by a Travel Plan, which includes working with other prisons in the cluster to promote reduced car travel. Within the updated TS, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times, to consolidate journeys and make sustainable travel by staff easier and more attractive. KCC Highways advise that further details are required by condition (condition 33). The independent review has raised no objection to this approach.

Speed Surveys

- 4.11 Concerns have been raised by the Parish Council regarding existing speeding along Church Road. The initial independent highways advice requested vehicle speed surveys for both directions on Church Road, to determine whether there is an existing speed issue. The updated Transport Statement provided this, and the data indicates that 85th percentile average speeds on Church Road do not exceed 28.2mph in either direction, which is below

the posted 30mph speed limit. Therefore the data does not suggest there is a speeding problem on Church Road.

- 4.12 Appendix 2 sets out that the applicant is willing in principle to provide additional signage at the exit of the prison cluster advising vehicles to drive carefully and with consideration to neighbours
- 4.13 The independent highways advice does not seek any further information in this respect, and does not advise that traffic calming measures are required along Church Road. This is consistent with the advice KCC Highways provided (Appendix 7) which notes the following: *“I note that the committee report anticipates comment on the Parish Council’s request for traffic calming measures on Church Road. However, the scale of the current development, and negligible traffic impact from 13 additional staff would not warrant any mitigation. In any case, it is not considered that there is any evidence from the latest crash records to indicate that there is an existing problem that requires attention. Consequently, no off-site highway works will be sought from this development proposal.”*
- 4.14 To conclude, the additional information provided by the applicant is satisfactory and the application is considered acceptable on highway grounds, for the following reasons as contained in the final independent highway review:
- *The applicant has provided the anticipated number of additional prisoners with access to their own vehicle on site (19 total), which is anticipated to generate around 38 two way trips, likely outside of the peak hours.*
 - *We acknowledge that the remaining 19 additional prisoner journeys are likely to be by sustainable modes of travel, such as car sharing or minibuses.*
 - *The applicant has demonstrated that there is not an existing road speed issue on Church Road, with recorded 85th percentile speeds noted to be under the posted 30mph speed limit.*
 - *In line with KCC requests, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times.*
 - *We note this will help reduce single occupancy trips to and from the site and make sustainable travel by staff easier and more attractive.*
 - *Whilst the applicant has not demonstrated how the site encourages active travel, they have committed to minimising single occupancy car trips. Assessing the proposal in relation to NPPF, we do not believe that there is valid reason to prevent or refuse this planning application on highway grounds.*
- 4.15 KCC Highways comments are awaited and will be included via a tabled update.
- 4.16 I do recognise that Eastchurch Parish Council and Members have raised concerns regarding the impact of the proposal upon highway safety and amenity. However, now in addition to KCC Highways & Transportation raising no objection (subject to conditions which have been recommended), I am in receipt of very detailed independent highway advice which clearly sets out that the proposal *‘is considered compliant with relevant*

national and local highway policy.’ On this basis I can reach no other conclusion than that the proposal would not give rise to harm to highway safety and amenity nor give rise to a severe impact upon the road network (the tests set out in the relevant policies) and is acceptable in this regard.

CONCLUSION

- 4.17 The overall planning policy context within which the planning application is now being considered is identical to when this proposal was reported to the Planning Committee on 12th May 2022 where Officers recommended approval.
- 4.18 Since this time an independent highway review has been carried out. The review(s) have been attached in full (including the applicant’s response to the initial review) with a very clear conclusion being drawn by the Council’s consultant that the proposal is compliant with the relevant local and national highway policies.
- 4.19 On the basis of the above, in the event that the Planning Committee was minded to refuse the scheme for reasons related to highway impacts, I consider there would be a high likelihood that such a refusal would not be credible at appeal. This is based on the fact that both KCC Highways & Transportation, and separately an independent highway consultant has assessed the scheme in detail and concluded that the proposals are in accordance with the relevant local and national highway policies. At an appeal it would be expected that the Council was able to defend reasons for refusal with appropriate technical evidence. In this case, the lack of any technical evidence to support a reason for refusal on these grounds would, as well as likely resulting in an Inspector allowing an appeal, also mean in my view that there would be a high risk of costs being awarded against the Council at an appeal in such a scenario.

5. RECOMMENDATION

GRANT – Subject to the following conditions and with delegated 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.

Reason: In order that the Council may be satisfied with the details of the proposal

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 Standford 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.

33. The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To reduce dependency on the private car

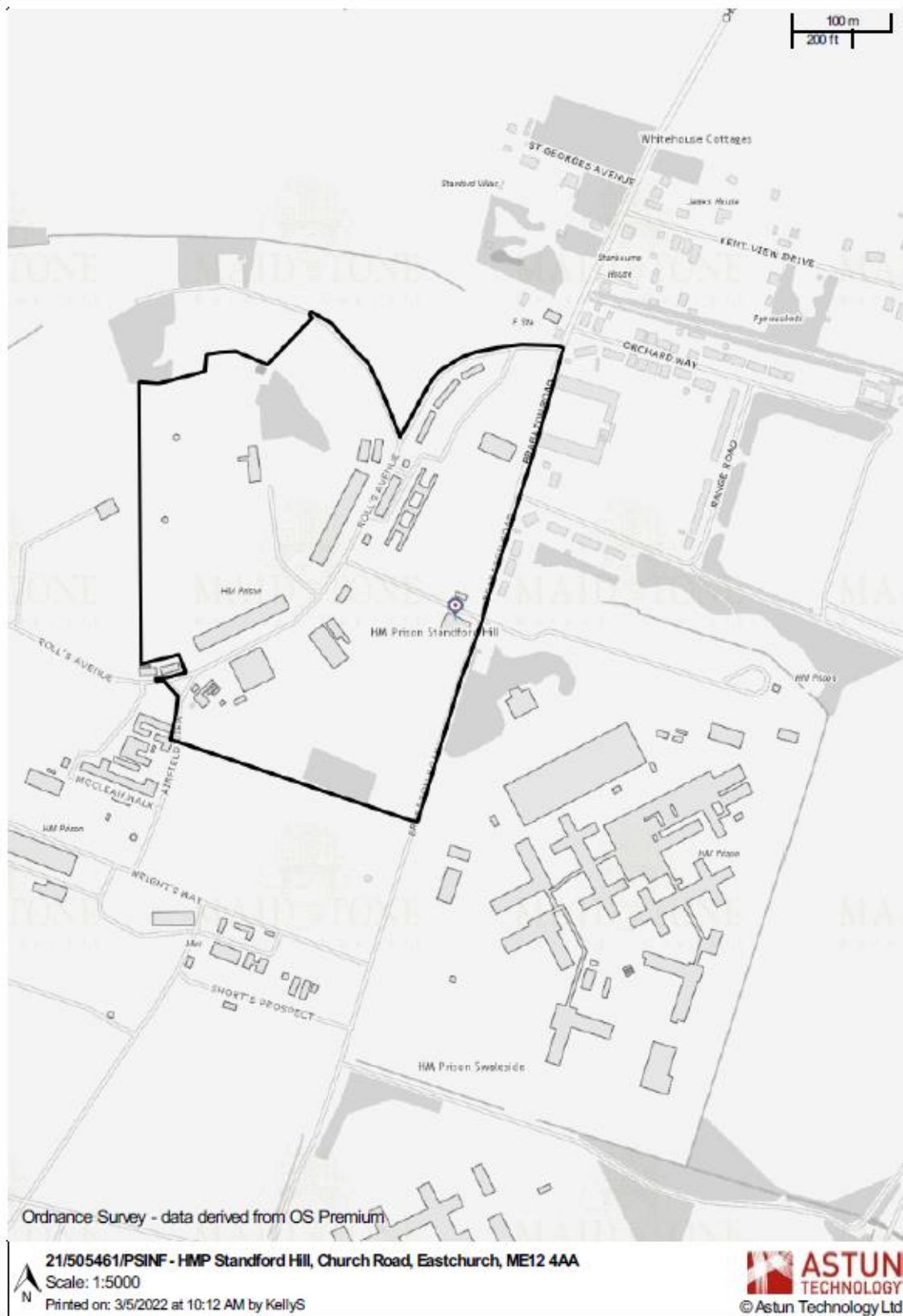
The Council's approach to the application

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.





Technical Note

Highways Review

Project	21/505461/PSINF - HMP Stanford Hill	Job No	1000007836
Subject	Highways Review Technical Note	Issue	01
Prepared by	Olivia Reed	Date	07/06/22
Approved by	Ben Meekings	Date	07/06/22

Introduction

- 1.1 Swale Borough Council (SBC) has commissioned Project Centre (PCL) to provide a Technical Note (TN) reviewing highway matters relating to:
 - HMP Stanford Hill, Church Road, Eastchurch, ME12 4AA - 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).
- 1.2 A Transport Statement (TS) was submitted by Ministry of Justice (MoJ) in November 2021 in support of a full planning application (21/505461/PSINF) for the extension of HM Prison Stanford Hill in the Isle of Sheppey.
- 1.3 A separate application was previously submitted by the applicant to extend the HM Stanford Prison car park by 40 spaces in March 2021 (21/501437/FULL) however, this application was withdrawn and these proposals are subsequently being considered as part of this application.
- 1.4 It is noted that there are ambitions to expand the wider prison site, with an additional application under consideration to increase resident capacity at HM Prison Elmley (21/506787/PSINF), with access from Brabazon Road via Church Road.
- 1.5 We (PCL) have been commissioned to review the submitted information in to the HMP Stanford Hill proposal outlined above.

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- 1.6 Concerns have been raised by Eastchurch Parish Councillors relating to highway safety on Church Road. As part of this review, we undertook a site visit on 26 May 2022, to identify any existing issues on Church Road. Given the sensitivity of the site, we did not review Brabazon Road.
- 1.7 By way of summary, the applicant must provide additional information before the proposal can be supported, including:
- o Demonstrate how the proposed development adheres to national and local policy, as highlighted in section 2 of this TN. In particular, we require the applicant to demonstrate how the development encourages active travel,
 - o Establish the number of prisoners expected to leave or arrive at the site each day. This should include:
 - Prisoner mode of travel, as well as the numbers of prisoners accessing the site, to determine the impact on the local highway network,
 - o We advise that the discussed shuttle bus, as demonstrated in the Travel Plan Statement (TPS), should be secured by a planning condition,
 - o The applicant should provide vehicle speed surveys on Church Road to determine whether there is an existing speed issue.

Policy Context

National Policy

- 2.1 We have reviewed the Transport Statement (TS) and associated Travel Plan Statement (TPS) Revision A, in relation to national planning policies, noting:
- National Planning Policy Framework (NPPF)
 - o Appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location (paragraph 110);
 - o Safe and suitable access to the site can be achieved for all users (paragraph 110);
-

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- The design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code (paragraph 128);
- Any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree (paragraph 104).
- In NPPF (paragraph 111); "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".
- National Planning Practice Guidance (NPPG)
 - NPPG notes how Transport Statements can positively contribute to different transport and highway improvements. The TS should therefore outline how the development contributes to:
 - Encouraging sustainable travel,
 - Lessening traffic generation and its detrimental impacts,
 - Reducing carbon emissions and climate impacts,
 - Creating accessible, connected, inclusive communities,
 - Improving health outcomes and quality of life,
 - Improving road safety; and;
 - Reducing the need for new development to increase existing road capacity or provide new roads.



Local Policy

- 3.1 We have reviewed the TS and TPS in relation to Local Planning Policies, noting:
- SBC Parking Policy
 - Swale Borough Local Plan
 - Swale Transport Strategy
 - Kent Local Transport Plan 4 (LTP4)
 - Kent County Council Active Travel Strategy
- 3.2 Based on a review of the submitted documents against the national and local policy outlined above, due to the nature and location of the development, opportunities to promote sustainable travel and minimise dependency on vehicles are limited.
- 3.3 We note that the TPS outlines that the site can be accessed on foot, on bicycle and public transport. Whilst the proposed development is located within walking distance to a bus stop on Brabazon Road, it is noted that these services are infrequent and may be unattractive, particularly to visitors due to bus times and visiting times not coinciding.
- 3.4 It is noted that the bus services coinciding with prison change over times only serve Sheppey and not the mainland. We consider that buses might be considered a convenient mode of travel to staff members on the site, the majority of which are likely to travel from within Sheppey (paragraph 4.7 of the TS).
- 3.5 It is deemed that buses are unlikely to be used by visitors, as the buses which serve routes beyond Sheppey to the mainland do not coincide with visitor arrival or departure times, and visitors to the site are more likely to be travelling from further afield.
- 3.6 The submitted TPS outlines the following initiatives and measures to promote sustainable travel:
- Provide a Travel Information Pack for staff,
 - Promote events and increase awareness of active travel,
 - Provide a noticeboard on sustainable travel routes,
-

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CENTRE**

- Provide promotional leaflets,
 - Provide plans indicating safe cycle routes and where cycle parking facilities are located,
 - Provide an active travel reward system for staff,
 - Promote car sharing,
 - Allocate priority parking to car sharers,
 - Provide four electric vehicle charging spaces on site,
 - Investigate the potential to provide a dedicated minibus between the Sheppey Prison Cluster and Sheerness Railway Station at key shift times.
- 3.7 We consider that the initiatives and measures outlined in the updated TPS to promote sustainable travel options (particularly cycling) are unlikely to lead to an uptake in active travel.
- 3.8 Due to the site being geographically isolated and accessed via an A road (A2500), it is considered unlikely that cycling or walking will be considered an attractive method of transport for staff or visitors. It is therefore considered imperative that the provision of a shuttle bus between the prison cluster and Sheerness Railway Station at key shift change times is secured as a condition of the planning application, and it is advised that the applicant considers how a shuttle bus service to Sheerness Railway Station can be accommodated during visiting times as well to increase the accessibility of the site for those who want to, or can use public transport as opposed to private vehicles.
- 3.9 Furthermore, access to the development is from Church Road via the A2500 which the LTP4 highlights experiences serious congestion. The submitted information on increased number of staff movements (4 two-way movements per day) is considered a negligible impact to the A2500.
- 3.10 As outlined in the TS, this is an open prison, so further information is required on predicted prisoner movements and their predicted mode. This information has not been provided at the time of this review. It is advised that information on prisoner movements, including which mode they are expected to travel are provided by the applicant before the application can be fully supported.
-



- 3.11 Site observations and a conclusion about the necessity for measures to improve road safety on the local highway network can be found in Section 4 of this TN.

Road Safety on the Local Highway Network

- 4.1 A site visit was undertaken on 28 May 2022 and observations were made around existing road safety and speeding issues on Church Road, as required by SBC.
- 4.2 Specifically, concerns have been raised around staff from the prison cluster speeding along Church Road during shift change over times.
- 4.3 We have assessed collision data in the vicinity of the site including Church Road as provided in the TS and note that only one collision has occurred in the last five-year period, which related to vehicles turning and did not indicate speeding issues.
- 4.4 Based on a review of the provided data we consider there is no pattern of accidents recorded associated with speeding vehicles. As set in Section 5 of this TN, the prison extension will only result in a minor increase in staff vehicle trips (four trips per day).
- 4.5 Staff movements were raised as a key concern from Parish Councillors. Based on the evidence provided by the applicant it is therefore not anticipated that additional staff trips will adversely impact on the local highway network.
- 4.6 The following observations were made on Church Road:
- 40mph signs are mounted back-to-back with 30mph signs at the junction of Church Way and the Rowetts Way roundabout, however these were not illuminated, as illustrated in Figure 1.

Figure 1: 30mph signage in direction of prison at entry to Church Road



- 15mph speed limit signage is mounted back-to-back with 30mph signage at the entry to Church Road from Brabazon Road as shown in Figure 2, this signage is also not illuminated.

Figure 2: 30mph signage at entrance to Church Road from Brabazon Road



- A vehicle activated speed (VAS) sign was observed on Church Road close to the junction with Kent View Drive. It is noted this did not activate while on site, however, the green power light was on.
- Another VAS sign which is no longer functional was observed further to the north on Church Road, closer to the Rowetts Way roundabout.

4.7 It is advised that the applicant provides the following as part of the planning application:

- Vehicle speed surveys for both directions on Church Road, to determine whether there is an existing speed issue.

Vehicle Movements

Staff Movements

5.1 The TS assumes the normal staffing ratio during the day is:

- One operational staff member for every 16 prisoners,
- One non-operational staff member per 5 prisoners.

5.2 Existing staff numbers at the site are as follows:

- 29 operational staff,
- 93 non-operational staff.



- 5.3 With the number of prisoners increasing by 120, it has been assumed that the proposed site would add another:
- 8 operational staff,
 - 24 non-operational staff.
- 5.4 However, it is noted that in the response from the applicant to KCC Highways dated 3rd May 2022, the applicant has provided updated information on predicted staffing numbers from the Ministry of Justice (MoJ), as follows:
- 3 operational staff.
 - 10 non-operational staff.
- 5.5 The response from the applicant to KCC Highways notes that these 13 additional staff accessing the site will be working full-time Monday to Friday with occasional weekends, however below it is noted that this will only lead to 2 additional staff accessing the site daily (4 two-way movements).
- 5.6 We question whether this is an error and whether this is in reference to an additional 2 staff members accessing the site during peak hours.
- 5.7 Nonetheless, we acknowledged that the number of additional staff trips will be low and will not materially impact the local or strategic highway network.
- Visitor Movements
- 5.8 The TS outlines that personal visits occur 4 days a week and official visits occur each day.
- 5.9 The proposed expansion is anticipated to generate up to an additional:
- 240 personal visits per month.
 - 60 personal visitors a week (15 personal visitors a day over four days).
 - 120 official visits per month.
 - 30 official visitors a week (4 per day over seven days).



- 5.10 The TS outlines visiting times are as follows:
- Personal visits, on Wednesdays, Thursdays, Saturdays and Sundays occur for a maximum of 2 hours between 13:45 and 15:45 and;
 - Official visits occur every morning for 2.5 hours between 09:00 and 11:30.
- 5.11 It is acknowledged that visiting times occur outside typical highway peak hours, and it is considered that the additional visitor trips resulting from the expansion of the site are considered negligible and will not cause a material impact to the local or strategic highway network.
- Prisoner Movements
- 5.12 As outlined in Section 1.3 of the TS, is acknowledged that HM Prison Stanford Hill is an open prison.
- 5.13 At present, as outlined in Section 2.3 of the TS there is existing capacity to house 464 prisoners onsite, and approval is being sought for accommodation for an additional 120 prisoners.
- 5.14 As such it has been assumed that a prison population of up to 584 could have the capability to come and go from the site, however the TS does not address prisoner movements.
- 5.15 We request that the applicant addresses the number of daily potential prisoner movements and establishes which modes they are likely to use, before the application can be fully supported.



Conclusion

6.1 6.1 To conclude:

- Project Centre has reviewed highways matters relating to an application for two additional prison blocks housing 120 prisoners and an extension to the prison car park by 40 spaces.
- For the most part the development is considered acceptable however further information is required from the applicant before the proposed development can be fully supported:
 - Demonstrate how the proposed development adheres to national and local policy, as highlighted in section 2 of this TN. In particular, we require the applicant to demonstrate how the development encourages active travel,
 - Establish the number of prisoners expected to leave or arrive at the site each day. This should include:
 - Prisoner mode of travel, as well as the numbers of prisoners accessing the site, to determine the impact on the local highway network,
 - We advise that the discussed shuttle bus, as demonstrated in the TPS, should be secured by a planning condition,
 - The applicant should provide vehicle speed surveys on Church Road to determine whether there is an existing speed issue.

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21/505461/PSINF – PROPOSED EXPANSION OF HMP STANDFORD HILL

TRANSPORT EXECUTIVE SUMMARY NOTE

JUNE 2022

1. Introduction

- 1.1. This note has been prepared following the resolution at Planning Committee (12.5.22) to defer the determination of this planning application to allow further consideration of the highways issues, specifically prisoner vehicle movements.
- 1.2. A revised Transport Statement has been prepared.
- 1.3. It is noted that KCC Highways department has no objection to these proposals and has advised that no further mitigation is required.

2. Prisoner Vehicle Movements

Existing situation

- 2.1. There are 464 prisoners currently at Standford Hill of which 140 prisoners attend external work placements. Of these, 69 prisoners have their own vehicle. Prisoners are only allowed to park on prison property and own a vehicle if they are in paid employment.
- 2.2. Peak movement times for prisoners leaving and returning to the prison would be 05:00-07:30 and 18:00-21:00 respectively.

Proposed figures

- 2.3. It can be confirmed that based on 120 new prisoners:
 - 38 prisoners could attend jobs off site.
 - Of those, 19 are likely to travel in their own car.
 - The remaining 19 are likely to travel by car sharing or minibus.
 - Peak movement times will be the same as above.

Analysis

- 2.4. With reference to the above, it can be confirmed that:
 - The increase in vehicle movements associated with prisoners accessing jobs off site is minimal, with 19 departures by car in the morning and 19 arrivals by car in the evening.



- Prisoner vehicle movements will avoid the typical highway peak hours of 08:00-09:00 and 17:00-18:00.
- The traffic movements will not have a significant impact on the local highway network.
- Car ownership is a privilege given to trusted prisoners and there is capacity within the proposed car park to park the additional cars/prison vehicles.

3. Traffic Calming

3.1. The applicant has met with Eastchurch Parish Council on 16.3.22 to discuss their concerns related to highways matters. As part of this dialogue, it was agreed to meet with KCC Highways to discuss whether traffic calming measures are required as part of this application. KCC Highways has confirmed in their response dated 12.5.22 that traffic calming measures are not required for this application.

Traffic Survey

3.2. A week-long traffic and speed survey was undertaken between 15th and 21st September 2021. The data from this survey is detailed below and demonstrates that 85th percentile speeds (recorded in line with national guidance) did not exceed the signed 30mph speed limit.

Table 3.1 – Recorded 85th Percentile Speeds on Church Road

	1000-1200	1400-1600	Average
Northbound	25.5 mph	26.1 mph	25.8 mph
Southbound	28.1 mph	28.3 mph	28.2 mph

3.3. The applicant is willing in principle to provide additional signage at the exit of the prison cluster advising vehicles to drive carefully and with consideration to neighbours.

4. Conclusions

4.1. A revised Transport Statement has been prepared following resolution to defer application 21/505461/PSINF to allow further consideration of prisoner vehicles movements.

4.2. It has been confirmed that up to 38 prisoners could travel off site for work and of those 19 could have access to a vehicle. The traffic impact of prisoner vehicle movements is therefore negligible with the majority of movements taking place outside of the typical peak hours on the highway network.

4.3. It is finally concluded that traffic movements associated with the proposed expansion of HMP Stanford Hill will not have a significant impact on the local highway network.

June 2022 | P21-2460/TR01/A



**21/505461/PSINF PLANNING APPLICATION FOR
THE EXPANSION OF HMP STANDFORD HILL**

**TRANSPORT STATEMENT
REVISION A**

**HMP STANDFORD HILL, CHURCH ROAD,
EASTCHURCH, SHEERNESS, KENT, ME12 4AA**

ON BEHALF OF MINISTRY OF JUSTICE

AMENDED



Pegasus Group

Birmingham | Bracknell | Bristol | Cambridge | Cirencester | Dublin | East Midlands | Edinburgh | Leeds | Liverpool | London | Manchester | Newcastle | Peterborough | Solent

DESIGN ENVIRONMENT PLANNING ECONOMICS HERITAGE

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Ministry of Justice
HMP Stanford Hill
Transport Statement (Revision A)



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Prepared by: AG
 Checked by: KS
 Approved by: AJ

1.0 INTRODUCTION

1.1 This Transport Statement (TS) has been prepared by Pegasus Group on behalf of the Ministry of Justice (MOJ) to support a full planning application for the expansion of HM Prison Stanford Hill, located on the Isle of Sheppey.

1.2 The proposal is for a full planning application for the construction of two houseblocks (two storeys) for 120 prisoners, a proposed record store, library, office and extension to the existing car park (40 spaces) within the perimeter fence at HMP Stanford Hill Category D Prison.

Planning application 21/505461/PSINF was submitted in October 2021 and the application went to planning committee on 15th May 2022. A TS was previously submitted as part of the application.

1.3 HM Prison Stanford Hill is a Category D (open) prison and is located within the Sheppey Prisons Cluster alongside HMP Swaleside and HMP Elmley, approximately 1.5 kilometres south of Eastchurch. It is located within the Swale District. The highway authority is Kent County Council (KCC).

1.4 It is understood that HMP Elmley will also undergo an expansion in the near future and will provide one 4-storey accommodation block for an additional 246 prisoners. This has been considered as part of this Transport Statement.

- 1.5 Pre-application discussions have been held with Kent County Council (KCC) as highway authority. KCC confirmed that they had previously provided pre-application comments on the application for the car park at the site and that a formal pre-application submission should be made. However, due to time constraints this has not been possible. The applicant is willing to work with KCC once the application has been submitted.
- 1.6 Pre-application advice has also been sought from National Highways (NH) who are responsible for the strategic road network, namely the A249 and M2 in the vicinity of the site. The correspondence with National Highways is contained at **Appendix A**. This confirms that whilst NH have recently been operating a Grampian system in order to manage impacts on M2 Junction 5 (which sought to prevent movements in peak hours), the current position is that this will be assessed on a case-by-case basis as the J5 improvements are now consented with works proposed to start imminently. NH have therefore confirmed that, if it can be demonstrated that the vast majority of traffic movements will occur outside of the peak hours (7.30 to 9.30 and 16.30 to 18.30), it is probable that they will have no objection to a few additional peak time movements. NH also confirmed that they will require a cumulative assessment of the HMP Stanford Hill proposals alongside those at HMP Elmley.

Scope of Work

- 1.7 The previous TS included the following key transport issues:
- i. a review of highway safety.
 - ii. the relative accessibility of the site.
 - iii. the nature of the development proposals, including access, parking and servicing arrangements.
 - iv. the forecast trips associated with the scheme, including a cumulative assessment with HMP Elmley; and
 - v. summary of national and local transport policies.

-
- 1.8 The TS has been updated to reflect a consultation response received from KCC dated 16th March 2022 and further to comments raised at planning committee on 15th May. This TS therefore includes:
- i. Further clarification of staff numbers.
 - ii. Further information on vehicle movements by prisoners.
 - iii. Consideration of the highways impact at the roundabout junction between Church Road and Rowetts Way.
 - iv. Clarification on the parking proposals, including number of EV charging spaces; and
 - v. Travel Plan strategy.
- 1.9 A Travel Plan, which includes measures to encourage sustainable travel, is submitted separately as part of the planning application and should be read in conjunction with this TS.
- 1.10 This TS concludes that HMP Stanford Hill can be accessed on foot, by bicycle and by public transport, that appropriate vehicular access arrangements can be achieved and that the vehicular trips associated with the scheme proposals will not have a material impact on the operation and safety of the local or strategic highway network.
- 1.11 It is finally concluded that there are no highway or transportation reasons that should prevent the proposed expansion of HMP Stanford Hill.

2.0 SITE CONTEXT AND LOCAL HIGHWAY NETWORK

Site Location and Context

- 2.1 HMP Stanford Hill is located on the Isle of Sheppy around 1.5 kilometres to the south of Eastchurch. The site is bound by Brabazon Road to the east, Eastchurch fire station to the north, Eastchurch Museum to the south and undeveloped land to the west.
- 2.2 The site location in the context of the local highway network is illustrated at **Figure 2.1**.

Existing Operations

- 2.3 HMP Stanford Hill is a Category D (open) prison whereby the purpose is to reintegrate prisoners back into the community safely. Therefore, prisoners are offered employment and education through on site facilities.

Staff

- 2.4 The existing number of prisoners at HMP Stanford Hill is 464 (as of July 2008). There are 77 operational staff members in total, this includes senior managers and governors. There are 65 non-operational staff members directly employed by HMP Stanford Hill and there are approximately 45 other staff, employed in Education, GFSL, Healthcare, resettlement and other ancillary areas.
- 2.5 There are three shift time slots through the course of a day for operational staff as follows:
- Early shift: 06:00 – 14:30;
 - Late shift: 12:30 – 21:30; and

- Night shift: 19:00 – 08:00.
- 2.6 It has been confirmed that the early, main and late shifts require 40% of total operational staff each. The night shift requires 20% of total operational staff.
- 2.7 There are two shift time slots for non-operational staff as follows:
- Main shift 1: 07:30 – 17:30; and
 - Main shift 2: 08:30 – 16:00.
- 2.8 It has been confirmed that the Main shift 1 requires 48% of non-operational staff and the main shift 2 requires 52% of non-operational staff.

Visitors

- 2.9 The prison operates as a Category D prison which allows prisoners two visitor slots per month and one official visitor slot per month. Personal visits last for up to two hours and occur between 13:45 and 15:45 on Wednesday, Thursday, Saturday and Sunday. Official Visits last for up to two and a half hours and run every morning between 09:00-11:30.

Prisoners

- 2.10 The MOJ has confirmed that of the current prison population, 140 prisoners (30%) attend external work placements with 69 (49%) having access to a private car or prison van.
- 2.11 On average, peak movement times for prisoners leaving and returning to the prison are 05:00 - 07:30 and 18:00 – 21:00.
- 2.12 In terms of car ownership, around 15% of existing population have access to their own car.

Access Arrangements

- 2.13 Vehicular and pedestrian access to the Sheppey Prison Cluster complex is provided from Brabazon Road. Access to HMP Stanford Hill is achieved via a controlled access from the western arm of the prison complex mini-roundabout.

Car Parking

- 2.14 Separate car parking areas are provided for HMP Swaleside and HMP Elmley. Car parking for HMP Stanford Hill is located to the west of Brabazon Road.
- 2.15 A dedicated visitor car park provides around 40 spaces and is located adjacent to the Social Visits Centre.
- 2.16 A separate staff car park providing around 52 spaces is located on the access road to HMP Stanford Hill, to the west of Brabazon Road. In addition, there are around 86 parking spaces distributed across the site within courtyards and next to individual buildings.

Cycle Parking

- 2.17 There are 15 cycle spaces provided inside the prison boundary which are located near to the main entrance. These cycle spaces are for use by staff and visitors.

Existing Highway Network

Brabazon Road

- 2.18 Brabazon Road is a single carriageway road that measures around 6.7 metres wide. It is illuminated and subject to a 15mph speed limit within the vicinity of the site.

2.19 There is a 'no parking at any time' traffic regulation order (TRO) on both sides of the carriageway and the road has speed restraints measures in the form of speed humps.

2.20 Brabazon Road becomes Church Road around 400 metres to the north of HMP Stanford Hill.

Church Road

2.21 Church Road is a single carriageway road that is around 6.5 metres wide, illuminated and subject to a 30mph speed limit.

2.22 Church road forms the southern arm of a four-arm roundabout with Rowetts Way around one kilometre to the north of the site.

2.23 There is a two-metre wide footway on the western side of Brabazon Road and Church Road between the site and Eastchurch in the north.

2.24 A week-long traffic and speed survey was undertaken between 15th and 21st September 2021. The data from this survey is detailed below and demonstrates that 85th percentile speeds (recorded in line with national guidance) did not exceed the signed 30mph speed limit.

Table 2.1 - Recorded 85th Percentile Speeds on Church Road

	1000-1200	1400-1600	Average
Northbound	25.5 mph	26.1 mph	25.8 mph
Southbound	28.1 mph	28.3 mph	28.2 mph

Accessibility

- 2.25 Due to the nature and location of HMP Stanford Hill, it is acknowledged that there will be a reliance upon the car to access the site. However, there are some opportunities for local trips to be made by non-car modes.
- 2.26 The existing pedestrian provision is generally of good standard, comprising of a two-metre wide footway on the western side of Brabazon Road and Church Road between the site and Eastchurch in the north. The footway is lit and there are dropped kerbs at crossing points to junctions. The footway provides access between the site and the Fire station Bus Stop. Two pedestrian crossing facilities are provided along Brabazon Road which facilitate pedestrian access between the eastern and western portions of the wider HMP Sheppey Cluster.
- 2.27 Buses serve Brabazon Road with a service every two hours at the Fire Station bus stop between Warden Point and Sheerness. Bus times generally coincide with shift times set out in **paragraphs 2.5 and 2.7**.

Highway Safety

- 2.28 Personal Injury Collision (PIC) data has been obtained from the CrashMap database for the most recent five-year period between 2016 – 2020. The relevant extracts are included at **Appendix B**.
- 2.29 There has been one slight incident in the vicinity of the site which occurred at the Brabazon Road/Orchard Way junction around 310 metres to the north of the main entrance to HMP Stanford. The incident appears to have involved a motorcycle overtaking a car on its offside while the car was in the act of turning right. It is considered that this is attributed to temporary driver error or misjudgement.
- 2.30 It is therefore concluded that the local highway network in the vicinity of the site operates safely and there is no material existing accident pattern or problem.

3.0 DEVELOPMENT PROPOSALS

3.1 The planning application is for the construction of two houseblocks (two storeys) for 120 prisoners, a proposed record store, library, office and extension to the existing car park (40 spaces) within the perimeter fence at HMP Stanford Hill Category D Prison.

3.2 A copy of the site layout plan is included separately as part of the planning submission.

Proposed Site Access Arrangements

3.3 It is proposed that the existing access arrangements from Brabazon Road via the mini roundabout will be retained.

Car Parking Provision

3.4 As discussed in **Section 2**, there are an existing 178 vehicular parking spaces within the HMP Stanford Hill Prison site boundary and an additional 40 space car park is proposed to the north of the existing visitor car park. These parking spaces are available for staff and visitors to use. Therefore, there will be a total of 218 vehicular parking spaces to serve the scheme.

3.5 The car parking arrangements are considered suitable to accommodate any increased demand associated with staff and visitors to HMP Stanford Hill.

3.6 As requested by KCC, at least 10% of parking spaces will be active electric vehicle charging spaces with a total of four EV charging parking spaces provided to serve the scheme.

Servicing

3.7 Servicing arrangements will remain as existing.

3.8 The refuse from HMP Stanford Hill is collected by Biffa once or twice a week and all deliveries are managed through the main stores.

3.9 All deliveries are delivered to the Sheppey Cluster's main stores, which cater for all three prisons on site. Generally, stock and items are delivered on a Thursday to Stanford Hill.

Travel Plan

3.10 A Travel Plan is submitted as part of the wider planning application which aims to minimise single occupancy vehicle use by staff and future visitors of the site, and to promote sustainable travel options.

3.11 As requested by KCC, HMP Stanford Hill will work with the neighbouring sites (including HMP Elmley and HMP Swaleside) to set out a strategy for reducing car travel. The potential for providing a mini-bus service at key shift times between Sheerness Railway Station and the Prison Cluster will be investigated, following initial liaison with existing staff to gauge interest. An updated Travel Plan has been prepared and is submitted alongside this TS.

4.0 FORECAST VEHICULAR TRIPS

Staff

- 4.1 HMP Stanford Hill has confirmed that the normal staffing ratio during the day for existing staff is one operational staff member for every 16 prisoners. This includes senior managers and governors. There is not a minimum requirement of non-operational staff, but there is approximately one non-operational staff member per five prisoners. This includes all non HMP employed staff in ancillary positions.
- 4.2 The existing number of prisoners at HMP Stanford Hill is 464 prisoners with 29 operational and 93 non-operational staff on a daily basis.
- 4.3 The application seeks to increase the capacity by 120 prisoners.
- 4.4 Since submission of the original TS, the MOJ has confirmed that the number of staff associated with the new houseblocks at the site will be as follows:
- Number of Operational Staff = 10.
 - Number of Non-Operational Staff = 3.
- 4.5 There will therefore be a total of 13 new staff employed at the site working 37 hours Monday to Friday with occasional weekends.
- 4.6 In relation to shift patterns, the MOJ have confirmed that there will be two additional staff accessing the site on a daily basis (4 two-way people movements). Given the location and nature of HMP Stanford Hill, the majority of trips to the site are expected to be by car (as driver or passenger). As a worst case, there could therefore be four two-way vehicle movements per day associated with the proposals at HMP Stanford Hill. KCC have confirmed that this will have a negligible impact on the operation of the local highway network.

Trip Distribution

- 4.7 The National Census Data from 2011 has been used to confirm the usual place of residents for people working within Middle Super Output Area (MSOA) Swale 006 (E02005120), within which the site is located. The Census data is included at **Appendix C**.
- 4.8 This confirms that 87.2% of employees travelling by car to work within Swale 006 also live within Swale, and that 66.7% live on the Isle of Sheppey (19.3% within Swale 006).
- 4.9 With reference to the additional staff trips set out in **paragraph 4.6**, this equates to three trips originating on the Isle of Sheppey and one travelling from further afield, potentially using the A249(T) and M2 motorway.

Summary

- 4.10 It is therefore concluded that the forecast number of additional staff trips are not material, and the proposed expansion will not have a detrimental impact on the local or strategic highway network. KCC as highway authority and National Highways (responsible for the strategic road network) have confirmed that the proposals are acceptable.

Visitors

- 4.11 As discussed in **Section 2**, prisoners are allowed two personal visitor slots per month and one official visitor (i.e. lawyer) per month. Visits last for up to two hours. Personal visits occur between 13:45-15:45 on Wednesdays, Thursdays, Saturday and Sunday. Official Visits last for up to two and a half hours and run every Morning between 09:00-11:30.

- 4.12 The proposed expansion of 120 prisoners could generate up to 240 personal visits per month and 120 official visits per month. This could result in a maximum of 60 personal visitors per week (equivalent to 15 per day over four days) in addition to 30 official visits per week (equivalent of around four per day over seven days).
- 4.13 As a worst case therefore, it is estimated that there could be a maximum of four additional trips arriving and departing between 09:00 and 11:00 (i.e. four arrivals and four departures), and 15 additional vehicle trips by visitors on a daily basis, arriving at 13:45 and departing at or before 15:45 (i.e. 15 arrivals and 15 departures). In reality, car sharing is likely to occur and the maximum quantum of visitors may not access the site every day.
- 4.14 It is concluded that the proposed number of additional visitor trips associated with the proposed expansion are not material and are outside of the peak hours. Therefore, it is concluded the development will not have a detrimental impact on the local or strategic highway network.

Prisoners

- 4.15 As set out in **paragraphs 2.10 – 2.12**, 30 percent of existing prisoners attend jobs off site. As such, based on the increase in 120 prisoners at the site, there could be an increase in 38 prisoners attending jobs off site. Of those, 19 are likely to travel in their own car or prison vehicle.
- 4.16 The times prisoners depart and arrive back at the site (05.00 – 07.30 and 18.00 – 21.00) appear to be typically outside of the traditional highway peak hours. Assuming they all leave and arrive back in the same hour period (which is highly unlikely given the hours provided below), this equates to one additional vehicle trip every three minutes on average which is not a material increase.

- 4.17 The MOJ has confirmed that prisoners are only allowed to park on Prison property and can only own one if they are in paid employment. In terms of parking demand of new prisoners, 18 could own a car. The existing and proposed car parking provision at the site is considered suitable to accommodate this demand.

Cumulative Impact Assessment – HMP Elmley

- 4.18 As requested by National Highways, a cumulative assessment of both the HMP Stanford Hill and HMP Elmley proposals on the strategic road network has been undertaken.
- 4.19 As set out in paragraph 4.16 of the original TS, technical work for the expansion of HMP Elmley was not available at the time of the application submission. A TS, prepared by Cundall and dated 07 December 2021, has since been submitted for the HMP Elmley proposals. This confirms that up to an additional 101 staff members and 162 two-way person trips could be associated with HMP Elmley, 138 of which could be by car. The TS confirms that HMP Elmley could be associated with an additional 81 arrivals or departures in any one hour (likely to be during the cross over between day and evening shifts at 07:30), with 50 of these by car. The assumptions made in the HMP Stanford Hill TS (which assumed 45 movements in any given hour) are therefore broadly comparable and considered appropriate, equating to up to one additional vehicle every minute on average.
- 4.20 With reference to the revised HMP Stanford Hill staffing numbers and confirmation of forecast vehicle trips for HMP Elmley, the cumulative impact of the proposals could be up to 52 two-way vehicle movements in any given hour. This equates to less than one additional vehicle trip per minute on average.

-
- 4.21 KCC's consultation response suggests that no analysis of the Rowetts Way roundabout junction has been provided and advises that this should be examined in combination with the cumulative impact of the whole prison cluster expansion. On the basis that the level of trips generated by HMP Stanford Hill and HMP Elmley will have a minimal impact on the wider highway network, further analysis of the junction is not considered necessary.
- 4.22 It is finally concluded that there will be no material impact on the operation of the strategic road network.

5.0 TRANSPORT POLICY AND GUIDANCE

5.1 Relevant transportation policies and guidance is set out in the following documents:

- i. National Planning Policy Framework (2021);
- i. National Planning Practice Guidance (2014);
- ii. Manual for Streets (2007);
- iii. Manual for Streets 2: Wider Application for the Principles (2010);
- iv. Swale Adopted Local Plan (2017);
- v. Swale Borough Council Transport Strategy (2022 – 2037);
- vi. Kent County Council Local Transport Plan 4: Delivering Growth Without Gridlock 2016-2031; and
- vii. Kent County Council Active Travel Strategy.

5.2 The main objectives within the national and local policy and guidance is to:

- i. reduce the need to travel;
- ii. reduce car dependency; and
- iii. encourage sustainable travel such as walking, cycling and public transport.

5.3 In transport terms NPPF recognises 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 (paragraph 111).

5.4 Whilst it is expected that the majority of trips to and from the site will be by car (either as a driver or passenger), there are opportunities for staff and visitors to access the site on foot, bicycle or by public transport. The numbers of forecast trips associated with the expansion of HMP Stanford Hill are not forecast to have a material impact on the safety or operation of the local highway network, nor is there forecast to be any cumulative effects with the expansion of HMP Elmley. It is therefore considered that the proposals are broadly in accordance with the transport policies of local and national government.

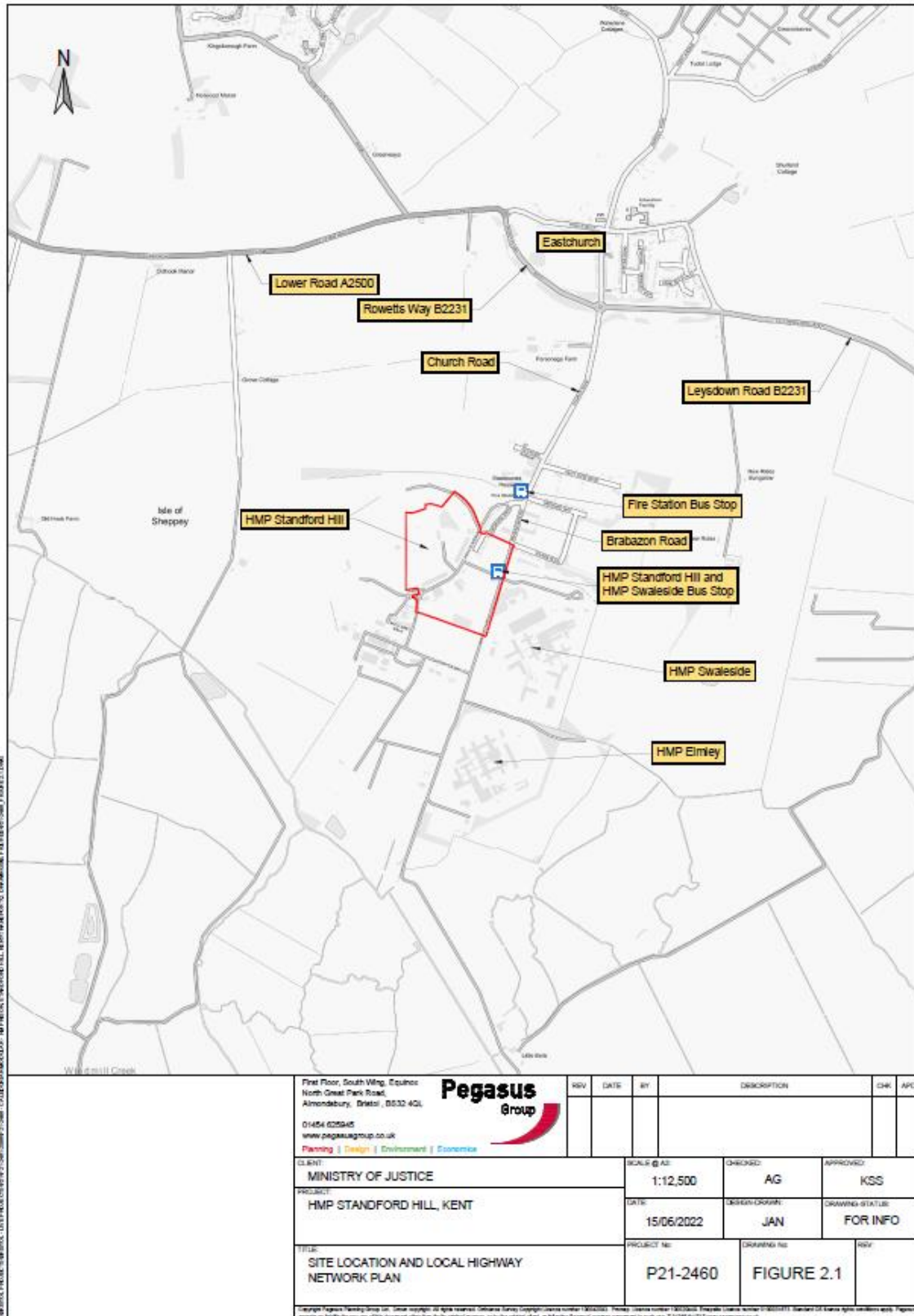
6.0 CONCLUSIONS

- 6.1 This Transport Statement (TS) has been prepared by Pegasus Group on behalf of Caledonian Modular Limited to support a full planning application for the expansion of HMP Stanford Hill, located on the Isle of Sheppey.
- 6.2 This TS concludes that HMP Stanford Hill can be accessed on foot, by bicycle and by public transport.
- 6.3 Appropriate vehicular access arrangements and car parking will be provided.
- 6.4 The vehicular trips forecast to be associated with the scheme will not have a material impact on the operation and safety of the local highway network. It is also concluded that the cumulative trips associated with both the HMP Stanford Hill and HMP Elmley schemes will not have a detrimental impact on the strategic road network. This is agreed with Kent County Council and National Highways.
- 6.5 It is finally concluded that there are no highway or transportation reasons that should prevent the proposed expansion of HMP Stanford Hill.

Ministry of Justice
HMP Stanford Hill
Transport Statement (Revision A)



FIGURES



Ministry of Justice
HMP Stanford Hill
Transport Statement (Revision A)



APPENDIX A

From: [Brown, Kevin](#)
To: [Katie Stock](#)
Cc: [Planning SE; Alex Graham; Spatial Planning](#)
Subject: FAO Katie Stock: Highways England response (our ref #14191) RE: Proposed Expansion of HMP Standford Hill, Isle of Sheppey
Date: 14 September 2021 17:44:13
Attachments: [image001.png](#)
[image002.png](#)

For the Attention of:	Katie Stock
Site:	HMP Standford Hill
Development:	Expansion of prison facilities at HMP Standford
Highways England's Ref No:	#14191

Dear Ms Stock,

Thank you for your email of 25 August 2021 seeking pre-application advice, on behalf of your client, the Ministry of Justice, regarding an upcoming application for expansion of HMP Standford, Isle of Sheppey, Kent facility. In accordance with our 21 day response target we are responding no later than 15 September.

Highways England (aka National Highways from 19 August 2021) 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 Highways England 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.

We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M2 at Junction 5 and the HE section of the A249 from M2J5 to Sheerness.

Highways England Recent Position re Development and Impacts on M2J5

It is unclear whether you are aware, but we are currently operating a Grampian system in order to manage impacts on M2J5. This is because it has been operating both over capacity and outside the safety led tolerance we are sometimes able to accommodate at congested junctions.

Our current Grampian conditions prohibit occupation of residential dwellings prior to the opening to traffic of the new junction. Our commercial Grampians likewise prevent movements in peak hours and require ANPR style monitoring to demonstrate compliance. However, we stated that we would review our position once the J5 improvement was consented and under construction.

I am pleased to inform you that the M2 junction 5 improvement works are expected to commence imminently and end in 2025 – see [M2 junction 5 improvements - Highways England](#) .

As a result, because the road conditions will now be carefully managed throughout the works period, we are able to reconsider our basic stance on a case by case basis.

Therefore, provided that it can be demonstrated that the vast majority of movements (construction and then operational workforce/visitors) will occur outside of the peak hours (7.30 to 9.30 and 16.30 to 18.30 – these timings also allow for shoulder peaks), then it is probable (but at this point cannot be guaranteed) that we will have no objection to a few additional peak time movements as they will simply have to queue and drive within the lower speed-limit through the controlled works areas.

Identification of Cumulative SRN Traffic Impacts

APPENDIX 3

As you note, HMP Elmley, that also forms part of the Sheppey prison cluster, is likely to bring forward expansion proposals in the near future.

We have also been consulted by the agent for that project, Alan Reid at Atkins global. They have not yet provided the same level of detail regarding the proposals they are dealing with and their implications for the SRN

We would expect the Ministry of Justice, via its agents, to work holistically to assess the cumulative impacts of the various proposals. Therefore, while respecting your respective privacy and any security implications (hence why we have not sent 1 response to you both and have not repeated information supplied by Pegasus), we would recommend you liaise with each other in terms of the preparation and submission of the TS/TAs for the respective applications.

Therefore both separately and cumulatively a standard TS/TA approach should be acceptable (including looking at the A249/A2500 junction in particular in terms of traffic generation /distribution/ queue lengths and delays that also takes account of other committed development as the closest SRN junction to the site), mindful of the need to demonstrate an absence of any unacceptable impacts on M2J5 ahead of its opening to traffic circa 2024/5. In this respect we also need to understand when the various impacts might be felt ie when construction would start/ finish and when the facilities would become operational and when they would reach maximum operational capacity and impact.

Next Steps

We would be content to review any draft TS/TAs for the separate/ combined sites, or to simply await being consulted by Swale once applications have been submitted

We therefore look forward to continuous engagement with the project and being consulted as the proposals develop.

If you have any queries regarding our response, please contact us at planningse@highwaysengland.co.uk.

Regards

Kevin Bown BSc(Hons) MPhil CMS MRTPI Spatial (Town) Planning Manager
Spatial Planning Team, South East Region Operations Directorate
Highways England | Bridge House | 1 Walnut Tree Close | Guildford | GU1 4LZ
Tel:xxxx xxx xxxxxall calls to this number will also patch through to my mobile)
Web: <http://www.highways.co.uk>

Please note that:

1)Highways England became National Highways from 19 August 2021. During transition both names may be used with equal affect and meaning.

2) for the foreseeable future we are all working from home. All meetings will be via telephone or TEAMS. We will continue to seek to work to our statutory and other deadlines. In case of IT or other issues, please copy all emails to PlanningSE@highwaysengland.co.uk.

Safe roads, reliable journeys, informed travellers
Highways England:operating, maintaining and improving the strategic road network in England.

From: Katie Stock
Sent: 25 August 2021 15:49
To: Bown, Kevin
Cc: Planning SE <planningse@highwaysengland.co.uk>; Alex Graham

Subject: Proposed Expansion of HMP Stanford Hill, Isle of Sheppey

Hi Kevin

I hope you are well.

We are supporting a forthcoming planning application for the expansion of HMP Stanford Hill within the Sheppey Prison's Cluster on the Isle of Sheppey. It is understood that HMP Elmley, also within the Sheppey Prison's Cluster, will also undergo an expansion in the near future. However, at this stage the development proposals for HMP Elmley are unknown.

The Stanford Hill proposal comprises the construction of several modular buildings including 2no. residential blocks, each containing 60 spaces; and ancillary facilities including a new kitchen to serve 700 persons; five open plan office spaces; a library building, and records building.

We are preparing a Transport Statement and Travel Plan to support the application and at this stage we estimate that the proposals will result in up to an additional 120 prisoners and 32 staff (comprising 8 operational staff with shifts between 0600-1430, 1230-2130 and 1900-0800, and 24 non-operational staff with shifts between 0730-1730 and 0830-1600).

In terms of trip impact, given the location and nature of HMP Stanford Hill, the majority of trips to and from the site are expected to be by car, either as a driver or passenger. With reference to the shift patterns of staff, the greatest number of trips will be generated by the non-operational staff in either shift resulting in a maximum of 12 additional two-way vehicular trips in any given hour.

The prison has advised that staff generally arrive 30 minutes before their shift time and leave 30 minutes after to allow for security procedures. Therefore, there is anticipated to be up to 12 additional vehicles arriving at the site at 0700 and departing at 1800, and 12 arriving at 0800 and departing at 1630.

The site operates as a Category D prison which allows prisoners two visitor slots per month and one official visitor slot per month. Personal visits last for up to two hours and occur between 13:45 and 15:45 on Wednesday, Thursday, Saturday and Sunday. Official Visits last for up to two and a half hours and run every morning between 09:00-11:30. Visits can occur at any time during this period. The proposed expansion of 120 prisoners could generate up to 240 personal visits per month and 120 official visits per month, resulting in a maximum of 60 personal visitors per week (equivalent to 15 per day) in addition to 30 official visits per week (equivalent of around four per day).

HMP Stanford Hill is located approximately 8 kilometres from the A249 and 20 kilometres from M2 junction 5. With reference to DfT count flows on the A429 at the Sheppey bridge crossing, the impact of the expansion is forecast to be around 1% and therefore well within the daily variation of traffic along this link and at M2 Junction 5.

The forecast vehicle numbers are also considered robust on the basis that all new staff have been assumed to travel by car whereas in reality some are likely to get a lift or use non-car modes.

Based on the above, can you please confirm that National Highways do not require an assessment of the strategic road network?

I look forward to hearing from you at your earliest convenience. However, please let me or my colleague Alex Graham know if you would like to discuss.

Kind regards



Katie

Katie Stock
Associate Transport Planner

Pegasus Group

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Ministry of Justice
HMP Stanford Hill
Transport Statement (Revision A)



APPENDIX B

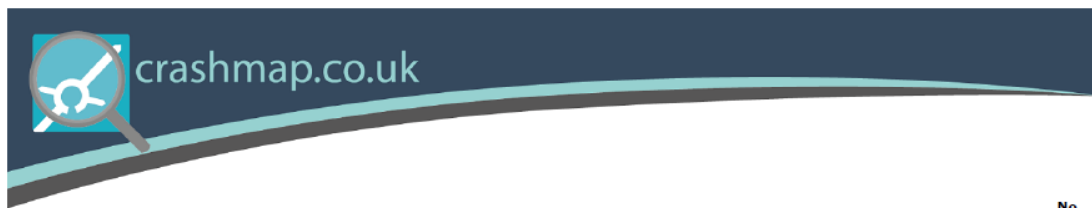


Crash Date:	Monday, November 19, 2018	Time of Crash:	1:30:00 PM	Crash Reference:	2018460349789	No	
Highest Injury Severity:	Slight	Road Number:	U0	Number of Casualties:	1		
Highway Authority:	Kent exc Medway Towns	Number of Vehicles:	2	OS Grid Reference:	598546 170361		
Local Authority:	Swale Borough	Weather Description:	Raining without high winds				
Road Surface Description:	Wet or Damp	Road Surface Description:	Wet or Damp				
Speed Limit:	30	Speed Limit:	30				
Light Conditions:	Daylight: regardless of presence of streetlights						
Carriageway Hazards:	None						
Junction Detail:	Using private drive or entrance						
Junction Pedestrian Crossing:	No physical crossing facility within 50 metres						
Road Type:	Single carriageway						
Junction Control:	Give way or uncontrolled						



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No

Vehicles involved

Vehicle Ref	Vehicle Type	Vehicle Age	Driver Gender	Driver Age Band	Vehicle Manoeuvre	First Point of Impact	Journey Purpose	Hit Object - On Carriageway	Hit Object - Off Carriageway
1	Motorcycle over 50cc and up to 125cc	-1	Male	26 - 35	Vehicle is passing another moving vehicle on its offside	Front	Commuting to/from work	None	None
2	Car (excluding private hire)	-1	Female	46 - 55	Vehicle is in the act of turning right	Offside	Commuting to/from work	None	None

Casualties

Vehicle Ref	Casualty Ref	Injury Severity	Casualty Class	Gender	Age Band	Pedestrian Location	Pedestrian Movement
1	1	Slight	Driver or rider	Male	26 - 35	Unknown or other	Unknown or other

For more information about the data please visit: www.crashmap.co.uk/home/Faq
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Ministry of Justice
HMP Stanford Hill
Transport Statement (Revision A)



APPENDIX C

WU03EW - Location of usual residence and place of work by method of travel to work (MSOA level)

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Population : All usual residents aged 16 and over in employment the week before the census

Units : Persons

Date : 2011

place of work : E02005120 : Swale 006 (2011 super output area - middle layer)

usual residence : 2011 super output area - midd	All categor	Work main	Undergrou	Train	Bus, minibi	Taxi	Motorcycle, scooter o	Driving a car or van	Passenger	Bicycle	On foot	Other method of travel to work	
E02005120 : Swale 006	478	0	0	1	5	0	1	294	19.3%	24	8	143	2
E02005118 : Swale 004	348	0	0	1	2	0	3	300	19.7%	31	6	5	0
E02005117 : Swale 003	164	0	0	1	2	0	1	147	9.6%	10	1	2	0
E02005119 : Swale 005	146	0	0	2	1	0	2	122	8.0%	15	3	1	0
E02005115 : Swale 001	113	0	0	0	0	0	0	93	6.1%	14	2	4	0
E02005116 : Swale 002	83	0	0	0	2	1	5	60	3.9%	10	1	4	0
E02005121 : Swale 007	82	0	0	2	0	0	1	76	5.0%	3	0	0	0
E02005123 : Swale 009	47	0	0	1	0	0	4	40	2.6%	0	0	0	2
E02005124 : Swale 010	45	0	0	0	0	1	4	33	2.2%	3	1	3	0
E02005127 : Swale 013	40	0	0	0	0	0	0	37	2.4%	3	0	0	0
E02005125 : Swale 011	32	0	0	1	0	0	0	26	1.7%	2	1	2	0
E02005126 : Swale 012	32	0	0	1	0	0	1	28	1.8%	1	0	1	0
E02005122 : Swale 008	25	0	0	0	0	0	0	25	1.6%	0	0	0	0
E02005129 : Swale 015	23	0	0	1	0	0	0	20	1.3%	1	0	1	0
E02005128 : Swale 014	17	0	0	0	0	0	0	12	0.8%	1	0	4	0
E02005130 : Swale 016	17	0	0	0	0	0	0	16	1.0%	0	1	0	0
E02003342 : Medway 029	13	0	0	0	0	0	0	13	0.9%	0	0	0	0
E02005073 : Maidstone 006	12	0	0	0	0	0	0	12	0.8%	0	0	0	0
E02003338 : Medway 025	11	0	0	0	0	0	0	11	0.7%	0	0	0	0
E02003322 : Medway 009	10	0	0	0	0	0	0	9	0.6%	1	0	0	0
E02005131 : Swale 017	10	0	0	0	1	0	0	7	0.5%	1	0	0	1
E02003316 : Medway 003	9	0	0	0	0	0	0	9	0.6%	0	0	0	0
E02003324 : Medway 011	9	0	0	0	0	0	1	8	0.5%	0	0	0	0
E02005020 : Canterbury 011	9	0	0	0	0	0	0	9	0.6%	0	0	0	0
E02003345 : Medway 032	8	0	0	0	0	0	0	8	0.5%	0	0	0	0
E02004999 : Ashford 004	8	0	0	0	0	0	1	7	0.5%	0	0	0	0
E02005015 : Canterbury 006	8	0	0	0	0	0	0	8	0.5%	0	0	0	0
E02005046 : Dover 006	8	0	0	0	0	0	0	8	0.5%	0	0	0	0
E02005051 : Dover 011	8	0	0	0	0	0	0	7	0.5%	1	0	0	0
E02005076 : Maidstone 009	8	0	0	0	0	0	0	8	0.5%	0	0	0	0
E02003323 : Medway 010	7	0	0	0	0	0	0	6	0.4%	1	0	0	0
E02003332 : Medway 019	7	0	0	0	0	0	0	7	0.5%	0	0	0	0
E02003333 : Medway 020	7	0	0	1	0	0	0	5	0.3%	1	0	0	0
E02003349 : Medway 036	7	0	0	0	0	0	0	7	0.5%	0	0	0	0
E02005068 : Maidstone 001	7	0	0	0	0	0	0	7	0.5%	0	0	0	0
E02005070 : Maidstone 003	7	0	0	0	0	0	0	7	0.5%	0	0	0	0
E02005075 : Maidstone 008	7	0	0	0	0	0	0	6	0.4%	1	0	0	0
E02005080 : Maidstone 013	7	0	0	1	0	0	0	5	0.3%	1	0	0	0
E02003326 : Medway 013	6	0	0	0	0	0	0	6	0.4%	0	0	0	0
E02003329 : Medway 016	6	0	0	0	0	0	0	4	0.3%	2	0	0	0
E02003336 : Medway 023	6	0	0	0	0	0	0	6	0.4%	0	0	0	0
E02005012 : Canterbury 003	6	0	0	0	0	0	0	5	0.3%	0	1	0	0
								1524					

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Technical Note

Highways Review

Project	21/505461/PSINF - HMP Stanford Hill	Job No	1000007836
Subject	Highways Review Technical Note – Response to additional information received.	Issue	01
Prepared by	Olivia Reed	Date	20/07/22
Approved by	Ben Meekings	Date	20/07/22

PCL Response

- 1.1 Swale Borough Council (SBC) has commissioned Project Centre (PCL) to provide a Technical Note (TN) reviewing highway matters relating to:
- HMP Stanford Hill, Church Road, Eastchurch, ME12 4AA - 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).
- 1.2 We (PCL) provided a Highways Review TN dated 7th June 2022 to SBC and concluded that for the most part the proposed development is considered acceptable, however, we requested that the applicant should provide the following information before the application can be fully supported:
- Demonstrate how the proposed development adheres to national and local planning policy, as highlighted in Section 2 of our original TN. In particular, we required the applicant to demonstrate how the development encourages active travel,
 - Establish the number of prisoners expected to leave or arrive at the site each day. This should include:
 - Prisoner mode of travel, as well as the numbers of prisoners accessing the site, to determine the impact on the local highway network,



- We advised that the discussed shuttle bus, as demonstrated in the TPS, should be secured by a planning condition,
- The applicant should provide vehicle speed surveys on Church Road to determine whether there is an existing speed issue.

1.3 In response, the applicant has submitted an executive summary note alongside an updated Transport Statement (TS). As such, the following points raised by PCL in June 2022 have been addressed by the applicant.

Prisoner Movements

1.4 The updated TS provides information on prisoner movements, including the number of additional prisoners anticipated to access the site each day, including mode of travel.

1.5 The applicant states that of the new prisoners, 19 are likely to travel to jobs outside of the prison or travel to work placements off site using their own vehicle. 19 further prisoners are likely to travel by car sharing or a minibus.

1.6 Peak movement times are likely to be 05:00 - 07:30 and 18:00-21:00.

1.7 These additional prisoner movements are noted to take place outside of typical peak hours and are considered low (38 two-way trips), especially when travelling by sustainable transport modes.

1.8 We therefore anticipate the impact on the local highway network will be minimal and the increase in prisoner trips deemed acceptable.

Speed Surveys

2.1 As requested, the applicant has provided speed surveys undertaken in September 2021.

2.2 Data indicates that 85th percentile average speeds on Church Road do not exceed 28.2mph in either direction, which is below the posted 30mph speed limit. We note that data does not suggest there is a speeding problem on Church Road.

**PROJECT
CENTRE**

- 2.3 It is acknowledged that the applicant considers providing additional signage at the exit of the prison cluster advising vehicles to drive carefully, which is supported.
- 2.4 We note that KCC Highways have provided confirmation in their response dated 12th May 2022 that traffic calming measures on Church Road are not required as part of this application.

Travel Plan and Shuttle Bus Provision

- 3.1 KCC Highways requested that the applicant should explore options that minimise single-occupancy vehicle journeys associated with the proposed expansion of the site.
- 3.2 Within the updated TS, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times, to consolidate journeys and make sustainable travel by staff easier and more attractive.
- 3.3 Liaison with existing staff is noted to be undertaken to gauge interest in the service and is supported.

Conclusion

- 4.1 To conclude, the additional information provided by the applicant is satisfactory and the application is considered acceptable on highway grounds, for the following reasons:
- The applicant has provided the anticipated number of additional prisoners with access to their own vehicle on site (19 total), which is anticipated to generate around 38 two way trips, likely outside of the peak hours.
 - We acknowledge that the remaining 19 additional prisoner journeys are likely to be by sustainable modes of travel, such as car sharing or minibus.
 - The applicant has demonstrated that there is not an existing road speed issue on Church Road, with recorded 85th percentile speeds noted to be under the posted 30mph speed limit.

PROJECT CENTRE

- In line with KCC requests, the applicant has committed to investigating the introduction of a mini-bus service to and from Sheerness Railway Station at key shift changeover times.
 - We note this will help reduce single occupancy trips to and from the site and make sustainable travel by staff easier and more attractive.
- Whilst the applicant has not demonstrated how the site encourages active travel, they have committed to minimising single occupancy car trips. Assessing the proposal in relation to NPPF, we do not believe that there is valid reason to prevent or refuse this planning application on highway grounds.

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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

APPENDIX 5

Report to Planning Committee – 12 May 2022

ITEM 2.13

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.
Grand 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

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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

APPENDIX 5

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. Buildings Proposed	of 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

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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

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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

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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>	The requested conditions re a Construction Management Plan; and delivery hours are included within the recommended conditions list.
KCC Flood and Water Management	Having reviewed the submission documents, raise no objection subject to a condition seeking a detailed sustainable surface water drainage.	The requested conditions seeking a detailed sustainable surface water drainage scheme is included

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		within the recommended conditions list.
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><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 Stanford 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>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>

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	<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 areas of demand on the island, for instance Sheerness Rail Station.</p>	
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.

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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	<p>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 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>	The requested condition to secure a programme of archaeological works is in the conditions list

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	<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	<p>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.</p> <p>Noise: Agrees with the contents of the noise assessment, and recommends conditions regarding details of any plant/ducting system and construction hours</p>	<p>The requested conditions regarding air quality; dust control; noise re equipment; and construction hours are included within the recommended conditions list.</p>
Climate Change Officer	<p>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%.</p>	<p>It is recommended that these elements be captured via condition.</p>

APPENDIX 5**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 Stanford 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).

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- 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 Stanford 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.

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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

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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).

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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

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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

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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.

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- 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.

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- 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

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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

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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

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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.

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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

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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).

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- 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,

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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

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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 Library 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.

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- 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.

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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

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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.

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- 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

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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

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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

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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

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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 brought 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

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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)

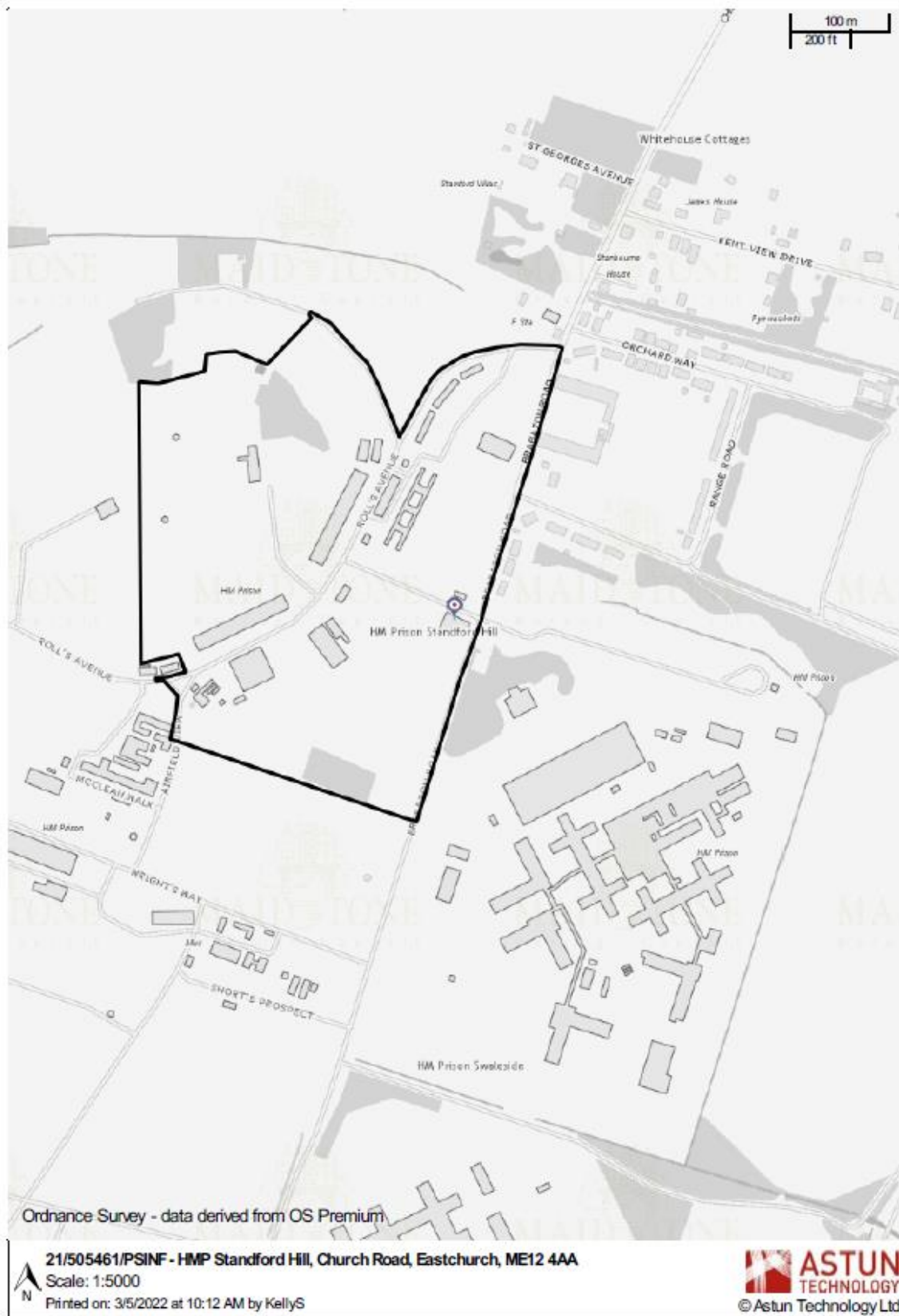
Please refer to the consultation response dated 29/10/21 for guidance on any potential required consents under the Land Drainage Act 1991 and Byelaws.

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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.



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TABLED UPDATE FOR ITEM 2.13

21/505461/PSINF – HMP STANDFORD HILL CHURCH ROAD EASTCHURCH ME12 4AA

1. Further to KCC Highways consultation response in section 7 of the committee report, the applicant has submitted information in response to KCC Highways consultation comments dated 16/03/22.
2. KCC Highways have provided further consultation comments dated 12/05/22 which are included as a tabled paper. In summary the comments set out that KCC Highways raise no objection subject to conditions including a construction management plan; provision of electric charging points; provision and retention of vehicle parking spaces; and submission of a Travel Plan.
3. Further to paragraph 8.45 of the committee report, with regard to the highways impact further information has been provided regarding staff shift pattern forecast vehicular trips. The operational staff shift patterns mean that the vehicular movements associated with travel to and from work will occur outside of the network peaks. The additional 4 trips at the start and end of each of these shifts are therefore considered to have a negligible impact on the highway network. Similarly, the 3 additional non-operational staff members spread over their two shift patterns more aligned with the normal working day would also be considered to have a negligible impact. Therefore, in terms of the current application, the highways impact is acceptable.
4. Further to paragraph 8.46 of the committee report, a revised Travel Plan has been submitted, which includes working with other prisons in the cluster to promote reduced car travel. KCC Highways advise that further details are required by condition. This will require an additional condition (no. 33) as follows;

"The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To reduce dependency on the private car"

5. Further to paragraphs 8.50 – 8.53 of the committee report, regarding the Parish Councils request for traffic calming measures on Church Road. KCC Highways have advised that the scale of the current development, and negligible traffic impact from 13 additional staff would not warrant any mitigation. Furthermore they note that is not considered that there is any evidence from the latest crash records to indicate that there is an existing problem that requires attention. Consequently, no off-site highway works will be sought from this development proposal.
6. With regard to the requested conditions, these have been covered in the existing conditions list as follows: condition 3 - construction management plan; condition 19 - provision of electric charging points and condition 32 - provision and retention of vehicle parking spaces. The Travel Plan details will be sought via additional condition 33 as worded above.

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7. There was a query regarding whether prison accommodation would count towards the housing land supply. To clarify, prison accommodation (falling within use class C2a Secure Residential Institutions) are not included in the housing land supply as residence is time limited and not permanent.
8. The recommendation at section 10 of item 2.13 should be amended to read;
“GRANT – Subject to the conditions set out in the committee report, and additional condition (33) as set out in the tabled update and with authority to amend conditions as may reasonably be required”
9. Recommendation: planning permission to be granted subject to the conditions set out in the committee report, and additional condition (33) as set out in the tabled update and with authority to amend conditions as may reasonably be required.



Highways and Transportation
 Ashford Highway Depot
 4 Javelin Way
 Ashford
 TN24 8AD
 Tel: 03000 418181
 Date: 12 May 2022
 Our Ref:

Swale Borough Council
 Swale House
 East Street
 Sittingbourne
 Kent
 ME10 3HT

Application - SW/21/505461/PSINF
 Location - HMP Stanford Hill, Church Road, Eastchurch, ME12 4AA
 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).

Dear Corinna

Thank you for your consultation of 5th May 2022, following the submission of additional information to address my previous comments.

Staff Numbers and Forecast Vehicular Trips

The Ministry of Justice has now confirmed that the development proposals would require the increase in operational staff by 10, and non-operational staff by 3. The transport statement details that the operational staff work 3 shift patterns, which therefore derives the following for operational staff:

Early shift - 06:00 to 14:30 (40% = 4 staff)
 Late shift - 12:30 to 21:30 (40% = 4 staff)
 Night shift - 19:00 to 08:00 (20% = 2 staff)

The 3 non-operational staff work 2 shift patterns (Main shift 1 – 07:30 to 17:30 and Main shift 2 – 08:30 to 16:00)

Highway Impact

As previously acknowledged, the operational staff shift patterns mean that the vehicular movements associated with travel to and from work will occur outside of the network peaks. The additional 4 trips at the start and end of each of these shifts are therefore considered to have a negligible impact on the highway network. Similarly, the 3 additional non-operational staff members spread over their two shift patterns more aligned with the normal working day would also be considered to have a negligible impact.

In terms of the current application, the impact is acceptable, but it will incumbent on the current larger Elmley prison expansion application to assess the cumulative impact. I can therefore confirm that the cumulative impact study is not required for this application for Stanford Hill.

Parking

As previously accepted, the amount of additional parking proposed is appropriate for the scale of development. The applicant has now confirmed that proposed Electric Vehicle parking spaces will be increased by 4 in total, as requested, so I am satisfied that this issue has been resolved.

Travel Plan

The Travel Plan has been revised to include working with the other prisons in the cluster to promote reduced car travel. I would like to see a firmer commitment to clearer targets and a monitoring strategy, together with actions to be taken if the targets are not met. Staff surveys should be completed on mode of travel and general location of origin so this can be used to assess the possibility of the mini bus service. I am content that the approval of a Travel Plan to include these requirements can be secured by condition.

Other Matters

I note that the committee report anticipates comment on the Parish Council's request for traffic calming measures on Church Road. However, the scale of the current development, and negligible traffic impact from 13 additional staff would not warrant any mitigation. In any case, it is not considered that there is any evidence from the latest crash records to indicate that there is an existing problem that requires attention. Consequently, no off-site highway works will be sought from this development proposal.

I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.:

- Submission of a Construction Management Plan before the commencement of any development on site to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

- Provision of 4 Electric Vehicle chargers 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>

- Provision and permanent retention of the vehicle parking spaces as shown on the submitted plans prior to the use of the site commencing.

- The development shall not be brought into use until a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Informative: 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

Yours Faithfully

Director of Highways & Transportation

*This is a statutory technical response on behalf of KCC as Highway Authority. If you wish to make representations in relation to highways matters associated with the planning application under consideration, please make these directly to the Planning Authority.

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DEF ITEM 2 REFERENCE NO - 22/501315/FULL		
APPLICATION PROPOSAL Raising of roof height and insertion of dormer window and roof lights together with two storey front and rear extension as amended by drawing No. 01.22.09C.		
ADDRESS St Mawes, The Street, Borden, Kent ME9 8JN.		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Deferred following Planning Committee Meeting of 23 June 2022.		
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mr Scott Hawkins AGENT Jane Elizabeth Architects
DECISION DUE DATE 26/05/22		PUBLICITY EXPIRY DATE 05/05/22

1. INTRODUCTION

- 1.1 Members will recall that this application was reported to Planning Committee on 23rd June 2022. The original committee report is attached as Appendix 1 to this report.
- 1.2 After some discussion in which Members raised some concerns about the proposal, it was resolved

“That application 22/501315/FULL be deferred to allow for further discussion with Ward Members to determine an improved design and look at any potential loss of light issues with the neighbouring properties.”

- 1.3 Since the meeting I have met with the occupiers of the adjacent bungalow at Ridgeways and had discussions with the agent regarding the design of the proposed extension.

2. THIS REPORT

- 2.1 This report is to update Members regarding the additional information they requested and the position with the application. The agent has worked with officers to try and address concerns with the design, such as through the use of painted brickwork/lighter weatherboarding. However, ultimately these changes were not considered to be an improvement from your officers’ perspectives. Therefore, no changes are being proposed to the design or finishing materials in the scheme before you today. It is the same scheme which members previously considered at the Planning Committee meeting on the 23rd June.

3. DISCUSSION

Impact upon neighbouring properties

- 3.1 There is no identifiable harm on the amenities of St Martins Cottage, as this already has a long rear wing that projects much further rearwards than the rear wall of St Mawes.
- 3.2 I also see no issue in relation to the amenities of Ridgeways as this already sits well back from St Mawes. This neighbouring property has a kitchen and lounge/dining room at the rear that overlooks the long garden at the rear. There are two windows serving the kitchen – one on the side elevation facing the driveway and boundary fence, and the other overlooking the rear garden. The other windows on the side elevation serve a bedroom and a bathroom. I advised Members at the last meeting that the flank wall of the proposed extension to St Mawes would lie approximately 6.7m from the side elevation of Ridgeways. On this basis, I do not consider that there is a reasonable argument here to say it will result in significant loss of sunlight to this neighbouring property. Given this intervening distance, and the fact that the proposed extension will not project beyond the rear wall of Ridgeways, I am of the view that the proposal would be unlikely to have a significant impact on the residential amenities of the occupiers of Ridgeways in respect of loss of light or overshadowing.

Impact on character and appearance of conservation area

- 3.3 The application property forms part of a group of dwellings located on the south side of The Street, opposite the 'Playstool' Recreation Area, within the Borden (The Street) Conservation Area. The application property and the other three dwellings are all visible from slightly elevated views from within the 'Playstool'.
- 3.4 The recent conservation area character appraisal and management plan document (approved for adoption by the Council's Cabinet before the change over to the Committee system) references this group of dwellings as follows:

[Directly adjacent to the application property – to the west] ‘...is the locally important building of St. Martin’s Cottage, dating to 1777. This is a very attractive building slightly set back on its plot with low iron railings in front. The run of historic interest is then broken up by a series of late 20th century bungalows set far back on their plots with paved and concreted fronts. The low brick walls which front onto the pavement area are not in character with the more historic boundary treatments in the Conservation Area. The bungalows occupy the former site of the vicarage and still feature the Gargoyles associated with this 19th century building. The historic and architectural interest then returns with The Homestead, formerly occupied by William Barrow. It is a locally important building which is based on a 15th century Wealden Hall timber hall, subsequently clad in brick. It is offset on its plot and presents its side to the road’.

- 3.5 The front boundary treatment to the group of four 20th century bungalows is specifically noted as a negative feature of the conservation area in the adopted character appraisal and management plan, but the bungalows themselves which have mellowed with age are considered to be more neutral in terms of their impact on the conservation area street scene. It is the non contextual front boundary treatments combined with relatively large areas of hardsurfacing for parking areas which are the most negative element in the street scene.

- 3.6 The bungalows can be appreciated as a designed group in the street scene, although the design is pleasant but unremarkable architecturally and a combination of minor alterations to the bungalow frontages and planting along the frontage party boundaries render it more difficult to do so. It could not reasonably be described as a strong and distinctive architectural composition as we see it today, although it is likely it was more striking when first built.
- 3.7 The front boundary wall to the easternmost bungalow (the one featuring the gargoyle) is a remnant section of the redbrick boundary enclosure to the former vicarage at the site and can clearly be seen as different in form and scale to the castellated brick wall design to the two middle, semi-detached bungalows. The front wall design to the application property has clearly been replaced and is different in design to both the aforementioned front boundaries. The application property also has a more leafy/strongly landscaped frontage and together with the existing box-form rear dormer which is readily visible from certain public vantage points, this does serve to already visually distinguish St. Mawes from the three other bungalows to some degree.
- 3.8 The proposed changes to St. Mawes would further increase the visual differences between it and the other three bungalows, and it is likely that with those changes, the currently still discernible appreciation of the 4 bungalows as a designed group would be almost, if not completely lost. This would effectively create a precedent for material alteration of the other three bungalows and that needs to be borne in mind in determining this application.
- 3.9 With a much stronger and more distinctive architectural design and overall composition, there would certainly be a case to be made that at least the frontages of the four bungalows should be retained in a broadly matching form but that is not the case. Were this so, it is considered that the adopted Character Appraisal and Management Plan would have specifically referred to such architectural quality. Instead, the Appraisal states that “the run of historic interest is broken up by a series of late 20th century bungalows”. This implies that the bungalows can be left to continue to evolve individually, with each bungalow over time taking on a more individual character as proposals for their alteration and extension are brought forward, subject to this being contextually appropriate with neighbouring buildings in this part of the street-scene. As they stand, they do not make an intrinsic contribution to the historic character and appearance of the Conservation Area that needs to be protected.
- 3.10 The proposed alterations to St. Mawes unarguably represent a significant re-modelling of its appearance, character, and overall form, but accepting that it is appropriate to allow each of the bungalows (or at least the two on either end) to evolve in a more individual manner, the key questions which need to be considered are:
- (a) Is the design still sufficiently contextually appropriate?;
 - (b) Is the design proposed of a suitably high standard, considering the detailing and materials in the elevational treatment; and
 - (c) would the net change to the appearance of the dwelling preserve or enhance the character and appearance of the conservation area?

3.11 The proposed alterations will remove a large flat roofed box dormer at the rear of the bungalow which is harmful to its character and appearance. I remain of the view that the raising of the main roof being proposed here is minimal and as such in keeping with the adjoining bungalow. The design of the front dormer conforms to the SPG guidance and the existing UPVC framed windows will be replaced with potentially more finely aluminium framed glazing, which represents an improvement. The use of featheredged boarding can be seen on other properties within the village, and as such will preserve the character and appearance of the conservation area. This accords with the aim of policy DM33 that new development within a conservation area should be sensitive to the special character of the area and of a high standard design. Whilst the proposed remodelled design of the dwelling is markedly different to the current form, taking into account the unsympathetic changes that have previously taken place to the dwelling, which would be eliminated through the remodelling, I am of the view that the net effect of the changes would be no more harmful than leaving the dwelling in its current form, and that they would in reality, be likely to have a marginal enhancing effect.

4. CONCLUSION

4.1 It is a statutory requirement set out in Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 that in conservation areas local authorities should give 'special attention ... to the desirability of preserving or enhancing the character or appearance of that conservation area'. In the context of the net effect on the character and appearance of the changes to the conservation area - and given that no material harm would arise in relation to the residential amenity of neighbouring properties - I cannot see any reason to move away from my previous recommendation. It is considered that, whilst not necessarily impossible, it would likely be very difficult to defend refusal of this proposal in the event of an appeal and, accordingly, on balance, I recommend that the application is granted planning permission.

5. RECOMMENDATION – GRANT subject to the following conditions:

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

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

- (2) The development hereby approved shall be carried out in accordance with approved drawings, including in accordance with the specification of materials to be used in the construction of the external surfaces of the extension set out thereon:

01.22.02; 01.22.05B; 01.22.06C; 01.22.07 and 01.22.09C.

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

- (3) The proposed roof-lights to bedroom 1 and ensuite on the gable roof of the rear extension 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.

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 - 22/501315/FULL		
APPLICATION PROPOSAL Raising of roof height and insertion of dormer window and roof lights together with two storey front and rear extension as amended by drawing No. 01.22.09C.		
ADDRESS St Mawes The Street Borden Kent ME9 8JN		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Mr Scott Hawkins AGENT Jane Elizabeth Architects
DECISION DUE DATE 26/05/22	PUBLICITY EXPIRY DATE 05/05/22	

Planning History

There is no recorded planning history for St Mawes, but the bungalow has been extended at the rear with a large flat roofed box dormer.

1. DESCRIPTION OF SITE

- 1.1 St Mawes is a brick built detached bungalow with a single storey detached garage set behind the property. The bungalow is located within the built-up area boundary of Borden and within the village conservation area. The property is situated on the south side of The Street alongside a row of four bungalows that are set well back from the road.
- 1.2 The adjacent bungalow to the east known as Ridgeways has a single storey detached garage to the rear which sits on the common boundary and a generously sized rear garden that wraps around the garden boundary of St Mawes.
- 1.3 However, the adjacent property to the west, known as St Martins Cottage, is a traditionally designed two storey house of some age; one that makes an important contribution to the character of the conservation area as it is prominently sited much further forward and closer to the highway. The principal flank elevation of St Martins Cottage sits in front of the façade of St Mawes, but this property also has a long single storey building at the rear that sits on the common boundary with St Mawes.

APPENDIX 1**2. PROPOSAL**

- 2.1 This application seeks planning permission for increasing the height of the existing front bedroom wing to create a new entrance hall and stairway (with a fully glazed front gable), and to construct a rear extension with two floors to provide additional living space at ground floor, and a third bedroom within the roofspace, again with full height glazing to the new gable end.
- 2.2 The proposals also involve raising the main ridgeline of the bungalow by 0.7m and include a new pitched roof dormer window to the front, and four rooflights to the rear. The extension to the rear would have a ridgeline at the same height as the new main roof and would project 4m beyond the rear wall of the bungalow. This extension would have a pitched roof with two high level side facing rooflights serving the ensuite and master bedroom. The other two rooflights at the rear will be positioned at eye level overlooking the rear garden and will serve bedroom 2 and 3.
- 2.3 The external walls of the bungalow will be clad in black horizontal featheredged timber weatherboarding above a red brick plinth and have a brown tiled roof. The existing bungalow has UPVC windows and doors, although the front door is wooden. The proposal is to install grey slimline aluminium windows, an oak door, and aluminium bi-folding doors at the rear. The new gable ends will be oak framed.
- 2.4 The new resin driveway to the front (looks similar to pea shingle) will provide turning space and off-road parking for at least three cars. There will be a small, grassed area in front of the new gable end. The revised block plan shows a privet hedge will be planted behind the new 0.9m high brick boundary wall together with two Laurel trees.
- 2.5 The application is supported by a Design, Access and Heritage Statement which explains the proposal will provide an additional bedroom and larger kitchen for the occupants, and that the proposed materials will be used to improve the appearance of the property. They have included photographs of other properties within the village that have glazed gable ends and have used similar external materials - red brick, black weatherboarding, and a brown tiled roof.
- 2.6 The applicant sought pre-application advice prior to submitting the application and was advised that the proposal was likely to be acceptable, providing the walls are clad in timber weatherboarding rather than a composite, that the front dormer is designed with a two-pane window and the rooflight serving bedroom 2 is positioned at eye level. This application has addressed all these issues.

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area The Street, Borden

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies CP4 Requiring good design; CP8 Conserving and enhancing the historic environment;

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DM7 Vehicle parking; DM14 General development criteria; DM16 Alterations and extensions; DM33 Development affecting a conservation area.

Policy DM33 states:

Development within, affecting the setting of, or views into and out of a conservation area, will preserve or enhance all features that contribute positively to the area's special character or appearance.

- 4.2 Supplementary Planning Guidance (SPG): "Designing an Extension – a Guide for Householders" provides guidance on the design and scale of extensions. With regards to dormer windows, the guidance states that

5.5 Dormers should be in proportion with the roof and only as large as necessary to allow light into the roof space. As a guide the dormer should be no deeper than half the depth of the roof slope and have square proportions or a vertical emphasis. They should normally have pitched roofs with tiles to match the main roof. Suitably designed dormer windows are preferred to rooflights in Conservation Areas and the Area of Outstanding Natural Beauty.

- 4.3 With regards to the scale of rear extensions the SPG states:

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.

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

- 4.4 With regards to windows, the guidance states:

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.

- 4.5 Supplementary Planning Guidance (SPG): "Conservation Areas" states that

*Any new development should preserve or enhance the special character or appearance of a conservation area, whilst allowing the area to remain alive and prosperous. It will be important to see that every new building is designed not as a separate entity, but as part of a larger whole which has a well established character of its own. **A high standard of development therefore will be required for all buildings in conservation areas and for extensions to existing buildings.***

- 4.6 Supplementary Planning Guidance (SPG): "Parking Standards" (May 2020) recommends 3+ parking spaces for a three-bedroom house in a rural location.

APPENDIX 1**5. LOCAL REPRESENTATIONS**

- 5.1 One objection has been received raising concerns regarding loss of light to rooms with windows along its side elevation, as well as to its patio area. They also are concerned that the proposed black timber cladding will worsen this issue and result in an offensive outlook from their property. Also, they do not believe the alterations are in keeping with neighbouring bungalows which have historic value in The Street.

6. CONSULTATIONS

- 6.1 Borden Parish Council objects, commenting as follows:

“... it would be out of character in the row it is within and with the substantial use of glass and minimal use of traditional materials. It is also in conservation area and would overlook the neighbours property.”

- 6.2 The Council's Tree Consultant recommended that a one metre bed of shrubs and trees are planted inside the front boundary wall, or a hedge with at least one tree.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 22/501315/FULL.

8. APPRAISAL

- 8.1 I consider the key issues in this case are its design and the impact on the character and appearance of the conservation area, and the impact upon residential amenities of neighbours.

- 8.2 The Character Appraisal and Management Plan for The Street (adopted April 2021) describes the area as:

The next property is the locally important building of St Martin's Cottage, dating back to 1777. This is a very attractive building slightly set back on its plot with low iron railings in front.

The run of historic interest is then broken up by a series of late 20th century bungalows set far back on their plots with paved and concreted fronts. The low brick walls which front onto the pavement area are not in character with the more historic boundary treatments in the Conservation area. The bungalows occupy the former site of the Vicarage and still feature the Gargoyles associated with this 19th century building... although this quirk is somewhat spoiled by the insensitive siting of a CCTV camera right next to one.

And identifies the key negative characteristics as:

- *Low brick retaining walls at the frontage of modern 20th century properties not in character in size and material and detract from the appearance of the street scene where they occur on The Street and School Lane.*

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- *Areas of hard standing and parking in the front of the setback 20th century buildings on the south side of The Street. This creates a discordant note to the street scene.*
- 8.3 I believe the proposed scheme is well-considered and takes on board the advice given at pre-application stage. In particular, the enclosed frontage has since been significantly modified to protect the character of the conservation area street scene. I consider the new brickwork wall with dog tooth dentils and planting of a new hedgerow would enhance the character and appearance of the conservation area.
- 8.4 I consider the raising of the main roof being proposed here to be minimal and in keeping with the adjoining bungalow. The alterations will still leave a single storey appearance, so this property will still sit well within the street scene. The design of the front dormer conforms to the SPG guidance, and the use of featheredged boarding is considered appropriate for a property located within a conservation area. Furthermore, the aluminium framed glazing to replace the existing UPVC framed windows to the property will be an improvement. This accords with the aim of policy DM33 that new development within a conservation area should be sensitive to the special character of the area and of a high standard of design.
- 8.5 I have carefully considered the neighbours' concerns about the rear extension blocking out light to their bungalow and patio area. The proposed two storey extension would project four metres to the rear at both ground and first floor levels. The Council's SPG sets out local guidance that a larger rear extension may be allowed on detached properties or where an extension is to be built away from the boundary. In this case, the proposed two storey rear extension will be situated approx. 4.5m away from the common boundary with Ridgeways, and moreover, the living accommodation at Ridgeways is set away from the boundary, so I do not consider it will adversely impact on the living conditions of this neighbouring property. Neither do I see an issue in relation to the amenities of St Martins Cottage, as this already has a long rear wing that projects much further rearwards than the rear wall of St Mawes. I consider the proposed two storey rear extension to be appropriately designed and of an acceptable scale in relation to both adjacent properties.
- 8.6 The new bedroom at first floor will have glazed doors within the gable end overlooking the rear garden but I do not believe this will result in any harmful overlooking as they face directly down the garden, not towards the rear gardens of the adjacent properties. The rooflights within the gable end will serve the ensuite and master bedroom. I recommend imposing a condition which require these rooflights to open only 1.7m above the finished floor levels of the rooms they serve and maintained as such to prevent any loss of privacy to the properties either side.
- 8.7 The rooflight serving bedroom 2 will be positioned at eye level which will provide some outlook to this room. As this rooflight will be positioned on the rear facing roofslope, I do not believe there will be any overlooking issues here if it is set below eye level.

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9. CONCLUSION

- 9.1 I consider that the proposal is acceptable in terms of its design and impact upon the character and appearance of the conservation area, and upon the residential amenities of neighbouring properties. 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 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, including in accordance with the specification of materials to be used in the construction of the external surfaces of the extension set out thereon:

01.22.02; 01.22.05B; 01.22.06C; 01.22.07 and 01.22.09C.

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

- (3) The proposed rooflights to bedroom 1 and ensuite on the gable roof of the rear extension 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.

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.

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



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DEF ITEM 3 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 8 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 conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed scheme will provide 8 residential units 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 The application was deferred by the Planning Committee in May 2022.		
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

1 Background

- 1.1 Members will recall that this application was previously reported to the Planning Committee on 12th May. During the Committee, the application was deferred due to a request from members for the applicant to improve the design, to consider a more traditional appearance and form and to incorporate a roof to the building.
- 1.2 The agent for the applicant has since been working with the case officer and the Conservation and Design Manager in order to improve the aesthetic quality of the development and the agent has redesigned the building with a view to achieving a more traditional appearance through the addition of a mansard roof, the use of brick elevations, more traditional window designs and the use of brick headers, banding and coping features.
- 1.3 The amendments to the design of the building have resulted in the creation of an eighth residential unit, as the mansard roof provides a greater amount of internal floorspace on the upper floors. The development description has therefore been amended to take this into account and a further re-consultation process has been undertaken.

Reconsultation Responses

- 1.4 The amended drawings are subject to a reconsultation, which runs to the 16th August. As the consultation period is still running at the time of this report submission, I will update members if any new comments are received.

2 Appraisal

2.1 Due to the amendments which have been undertaken to the design, the potential impact of the proposal upon the following issues have been reassessed below:

- Impact on Visual Amenity
- Impact on the Conservation Area
- Impact on Neighbouring Amenity

Impact on Visual Amenity

The proposed replacement building in its amended form occupies the same footprint as the previously proposed scheme. However, although the curved frontage to the tower element of the building has been retained, the building as currently presented is far more traditional in its form due to the use of wholly brick elevations with traditional window detailing and the addition of a mansard roof to the central tower and to the two wings of the building above the roof parapet. Although the amended roof form increases the height of the building, as the mansard roof is recessed on all sides and the tallest part of the roof is limited to the central tower section of the building, the building should not appear overly dominant in the context of the wider streetscene, where the surrounding buildings are typically two or three storeys in height. The plans also demonstrate that the roof would not be taller than the building on the opposite side of the High Street. The use of arched dormer windows framed in zinc along the full length of the two wings at roof level further enhances the traditional appearance of the development and complements the decorative brick archways to the pedestrian accesses leading on to the High Street and Trinity Way. The design of the fenestration on the lower floors has also been amended to allow for a more traditional design and the use of recessed dark grey powder coated aluminium sash windows with defined cills and soldier course detailing to the window headers helps to add some visual interest to the front and rear elevations of the building.

2.2 In line with the previous scheme, the replacement building continues to afford a strong sense of enclosure along the High Street. The proposed construction materials, which will include the use of Wienerberger Smeed Dean Yellow Brick, natural slate to the roof, zinc and powder coated aluminium are considered to complement the design of the building and are appropriate in the context of the wider area. The eight new flats are also appropriately sized and fall within the minimum national space requirements. As before, adequate provision has been made for parking, refuse storage and bicycle storage on the site. The communal private amenity area remains unaltered and will provide access to green space for future residents.

2.3 In light of the above, the proposal is considered to be of good design and more reflective of the traditional form of development within the High Street that Members were keen to be adopted for the scheme, and in accordance policy CP4 of the Swale Local Plan 2017.

Impact on Heritage Assets

2.4 As mentioned in the officer's report at Appendix 1, the application site is located approximately 35 metres from the boundary of Sheerness Mile Town Conservation Area and the existing building is neither nationally nor locally listed. The Conservation Officer has confirmed that although the building has low heritage significance in architectural terms, its long-standing contribution to the local community through the provision of a public house has resulted in the building having some historic value. However, the creation of a micropub on the ground floor of the new proposed building will help to

ensure that the site retains a public house on the site, which will be of continued benefit to the wider locality.

- 2.5 In my opinion, the design and appearance of the new proposed building would have a very limited impact on the setting of the conservation area, given its distance from the conservation area boundary and intervening development. However I would suggest that the revised form would have a positive contribution to views leading into the Conservation Area by introducing an attractive building with a traditional roof form at the entrance of the High Street. The height and design of the building will better contribute to the sense of enclosure along the High Street and improve the views leading into the Conservation Area.
- 2.6 On this basis, the proposal is considered to meet the requirements of Policy DM33 of the Swale Local Plan 2017.

Impact on Neighbouring Amenity

- 2.7 With regards to the potential impact of the proposed works upon neighbouring amenity, although the new proposed building will be taller due to the amendments to the roof design, the building remains set back from the nearest neighbouring properties and it is unlikely to have an unreasonable impact upon neighbouring access to daylight or sunlight. Similarly, owing to the detached nature of the new proposed building and its relationship with neighbouring buildings, neighbouring outlook is unlikely to be unreasonably affected by the development
- 2.8 With regards to the potential impact of the proposal upon neighbouring privacy, although the design and position of the windows has been amended, the distances between the proposed new building and the nearest neighbouring properties remain the same so the proposed new glazing is unlikely to result in an unreasonable degree of overlooking.
- 2.9 With regards to the potential for noise pollution, the same conditions as were previously proposed for the new windows in the original officer report will be added to any future consent to mitigate against potential noise pollution to any future residents from the micropub.

3 CONCLUSION

- 3.1 The proposed amendments to the scheme as sought following deferral of the application at the May planning committee have, in my opinion, resulted in a scheme that would be of high quality design and would assimilate well with the more traditional form of development on the High Street. The additional resulting scale arising from this is considered acceptable.
- 3.2 The officer assessment as to all other matters detailed in the officer's report which was presented to the Planning Committee (Appendix 1) and the officer recommendation remains unchanged. A copy of the report is attached as Appendix 1 for reference.
- 3.3 It is recommended that planning permission should be granted in accordance with the following conditions :
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.PL02C, 20.39.PL03C, 20.39.PL05D, 20.39.PL06C, 20.39.PL07C, 20.39.PL08C, 20.39.PL09C, 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.PL08C 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-schem>

[e-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. 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.

23. 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.

24. 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.

25. Other than as specified in condition 27, 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.

26. 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.

27. Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place until details in the form of samples of the hard surfacing materials to be used on any part of the site between the building hereby approved and the public highway 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 interests of visual amenity

28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no fences, wall or other means of enclosure shall be erected between the frontage of the building hereby approved and the public highway.

Reason: In the interests of visual 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.

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

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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APPENDIX 1

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.

APPENDIX 1**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

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- 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.

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- 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

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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.

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- 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

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- 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

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- 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.

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- 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.

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- 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.

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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

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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

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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.

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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

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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

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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 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

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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-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.

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- 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

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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

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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.

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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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PLANNING COMMITTEE – 18 AUGUST 2022**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 21/502545/FULL		
APPLICATION PROPOSAL Residential and commercial development comprising of 32no. residential units and 246 sqm of commercial space (Class E Use), with associated parking and amenity areas.		
ADDRESS Railway Depot, Station Road, Faversham, ME13 8GE		
RECOMMENDATION Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Halstow Grove	PARISH/TOWN COUNCIL Faversham Town	APPLICANT George Wilson Developments AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 31/08/2022		PUBLICITY EXPIRY DATE 28/04/2022

Planning History:

18/504627/FULL

Erection of 3no. two storey blocks comprising of 9no. small business units for B1, B2 and B8 Use with associated car parking, service access, landscaping and access roadway. Additional car parking to serve both the proposed new units and the existing units at neighbouring Jubilee Industrial Estate. New access to link the new development into the existing neighbouring development at Jubilee Way Industrial Estate via Sidings Close and retention of existing access leading to Station Road.

Approved Decision Date: 29.05.2019

19/506143/FULL

Section 73 application (minor material amendment) to application 18/504627/FULL for erection of 3no. two storey blocks comprising of 9no. small business units for B1, B2 and B8 Use with associated car parking, service access, landscaping and access roadway. Additional car parking to serve both the proposed new units and the existing units at neighbouring Jubilee Industrial Estate. New access to link the new development into the existing neighbouring development at Jubilee Way Industrial Estate via Sidings Close and retention of existing access leading to Station Road - with amendment to site layout.

Approved Decision Date: 06.04.2020

19/503736/SUB

Submission of details pursuant to Conditions 3: Details of materials, & 22: Programme of archaeological works (original application ref: 18/504627/FULL).

Approved Decision Date: 20.09.2019

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the east of Station Road and St Mary's Road in Faversham. The site is located off a private access to the east of Faversham Station (and south of Beaumont Terrace) and was formally associated with the use of the railway. The site sits to the north of the adjacent railway tracks. To the east of the site there is a commercial operation, and a raised footbridge (for PROW ZF24) runs long above the site to the eastern part of the site. A second footbridge adjoins the far western end of the application site.
- 1.2 The site has a long narrow access which opens up to a triangle section of land which is subject hardstanding and formally a number of buildings. Some of the buildings are still in situ including to the first half of the site which contains some low-level built form. The site is considered previously developed land/brownfield and is located within the Built-up area of Faversham.
- 1.3 The site is subject to a heavy landscape boundary to the north of the site. The trees in this location are well established and provide a separation between the site and the recreational ground to the north and residential properties along the initial entrance to the site (Beaumont Terrace and then the dwellings at Preston Malt House).
- 1.4 As set out above, the site has been subject to previous planning consent in 2018 for commercial use. The permission granted consent for 9 business uses, the uses granted under the pre-amended use class order for B1, B2, and B8 (now E(g)(I – iii) and B2 and B8).
- 1.5 The site is located in the Faversham Conservation Area.

2. PROPOSAL

- 2.1 The proposed development is seeking to change the use of the land to provide a single commercial unit and residential development.
- 2.2 The proposal would provide approximately 246sqm of office space which would be used for offices under class E(g)(i). The proposed commercial unit would be single storey, have a linear form, and a pitched roof. The roof would have a cascade/stepped form. The windows and doors would have an arched appearance and the materiality of the building would be predominately composed of brick. The commercial space would be located to the entrance to the site and to the south of properties along Beaumont Terrace which is located approximately 21m from the unit.
- 2.3 To the west of the commercial space 11 parking spaces would be provided, these would include 2 disabled spaces, 2 of the spaces would have active charging points. To the north of the commercial building a storeroom would be provided.

- 2.4 The main access to the site would be subject to chicanes and the surfacing would indicate a shared space for pedestrians and vehicles.
- 2.5 The residential area of the site is located to the east of the site. The proposal seeks the provision of 32 units. The units would include a semi-detached unit and a block of flats.
- 2.6 The proposed semi-detached units referred to as (units 3 and 4 by elevation and 1 and 2 on the site plan) would be single storey. The units would be 1-bedroom. The semi-detached pair would have a dual pitched roof, traditional detailing, and chimney flue.
- 2.7 To the west of the semi-detached dwellings 5 parking spaces with 2 active charging spaces. A bike store would also be provided adjacent to the parking.
- 2.8 The proposed flat block would be three storeys high with a dual pitched roof. The building would have two entrances operating as two separate blocks adjoined. The flat block would contain 30 residential units.
- 2.9 The proposed flats would be comprised of 12 1-bedroom flats and 18 2-bedroom flats. In total the development would provide 14 1-bedroom flats. The flats would contain solar panels to the roof.
- 2.10 Along the southern border of the site, an access gate to the railway tracks would be maintained. To the east of this access gate a further 3 parking spaces and a bin store would be located. A further 25 parking spaces would extend to the eastern boundary to the north of the site, with 2 active charging spaces. A bike store would be located to the northern half of the parking.
- 2.11 A pedestrian and cycle access would be provided to the Faversham Recreation ground and the access to the footbridge would also be provided.
3. The density of development would be approximately 46.6 dwellings per hectare (dph).

4. PLANNING CONSTRAINTS

- 4.1 Public Right of Way – ZF 24
- 4.2 Faversham Conservation Area
- 4.3 Setting of Listed Buildings
- 4.4 The majority of the site is in Flood Zone 1 (low flood risk). However, a small part of the site is in Flood Zone 2 and 3.
- 4.5 Area of Archaeological Potential
- 4.6 Special Protection Area 6km SAMMS
- 4.7 Within the Built-up area boundary of Faversham

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

5.2 Development Plan:

ST 1 – Delivering sustainable development in Swale,
ST 3 – The Swale settlement strategy,
ST 7 – The Faversham area and Kent Downs Strategy,
CP 1 – Building a strong, competitive economy,
CP 3 – Delivering a wide choice of high quality homes,
CP 4 – Requiring good design,
CP 8 – Conserving and enhancing the historic environment,
DM 1 – Maintaining and enhancing the vitality and viability of town centres and other areas,
DM 6 – Managing transport demand and impact,
DM 7 – Vehicle Parking,
DM 8 – Affordable Housing,
DM 14 – General development criteria,
DM 17 – Open space, sports and recreation provision,
DM 19 – Sustainable design and construction,
DM 21 – Water, flooding and drainage,
DM 28 – Biodiversity and geological conservation,
DM 29 – Woodlands, trees and hedges,
DM 32 – Development involving listed buildings,
DM 33 – Development affecting conservation area,
DM 34 – Scheduled Monuments and archaeological sites.

5.3 Supplementary Planning Guidance (SPG):, Conservation Areas, Faversham Town Conservation Area Appraisal, Swale Borough Council Parking Standards Supplementary Planning Document (SPD) Section 2 Residential, Section 3 Commercial, Section 4 EV Charging Points.

6. LOCAL REPRESENTATIONS

6.1 4 objections have been received. A summary of the points raised in the objections is set out below:

- Objection as the development fails to include the footpath link that was included in earlier approved scheme for commercial,
- Impact on the traffic at the junction with St Mary's Road which is already a blind spot for cars,
- Impact to parking,
- What will the use of the building opposite Beaumont Terrace be?,
- Can bin stores be moved,
- Loss of trees should be mitigated,

- Is further housing necessary,
- Inconvenience of construction so close to the properties is of great concern, how will this be compensated for?,
- All but 2 of the units lie 200m from the operational railway station with announcements, unit 1 and 2 will be only 8m from the operational platforms where passenger announcements will be made with unit 1 only 3m from the metal footbridge with people passing over it,
- Remove units close to operational platforms,
- Removal of trees is of concern as they provide a good sound barrier from train noise and loss of wildlife habitat,
- Vehicle movements would exacerbate light into dwellings,
- Greater privacy is required,
- Greater number of access than acknowledged in traffic report due to door mirrors being removed,
- In favour of the development subject to high fencing, good wildlife environment is replaced, and more effort is placed on the road junction, written schedule of works required,
- Loss of privacy,
- Increased noise pollution,
- 45 units is too dense a development [Members will note that the application now proposes 32 dwellings],
- Further traffic surveys required,
- Safety of the site should be considered in regard to CCTV, children playing near railway site etc,
- How will all residents be involved in decisions on planting.

6.2 4 comments neither objecting or supporting the application. A summary of the points raised is set out below:

- Disappointed that walking/cycling link to Jubilee Way commercial estate is not provide,
- Access is needed due to vast amount of development proposed to the east of the town such access is needed,
- What is proposed opposite Beaumont Terrace (bin store proximity to fence),
- How will trees be removed (will the road be closed, how many will be removed, will roads be closed, how many will be maintained as they are overgrown),

- Disappointed that opportunity to gain vehicular access to the Recreation Ground Lodge to prevent vehicle movements amid pedestrians on the Rec's eastern promenade,
- A through route for cycles should be provided between Jubilee Way and Station Road,
- Good use of land,
- Opportunity to gain access to Lodge in Recreation ground.

6.3 2 Comments in support have been received. A summary of the points raised in the support are set out below:

- Support the building on brownfield land,
- Support the provision of small housing units for which there is a shortage,
- Disappointed that 1- and 2-bedroom properties have been reduced,
- Permeability and opportunities for walking and cycling are important,
- Faversham Community Land Trust seeks opportunity to open access from Windermere to the Long Bridge and Railway Depot/Sidings to access recreation ground and Railway Station,
- Footpath access should be provided to the Jubilee Site aware that there is no access available and desirability for footpath link justifies the loss of other Section 106 benefits,
- Supports KCC Ecology advice,
- Pleased with removal trees which lining Beaumont Terrace and to the rear of Preston Malthouse which are overgrown and diseased which reduce sunlight to residential amenity areas,
- Replacement planting looks fine.

7. CONSULTATIONS

7.1 KCC Highways:

7.2 1st Response. 9/09/2021

7.3 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-

7.4 This proposal was subject to pre-application discussion with Kent County Council Highways and Transportation.

7.5 I note that the application form details that it is the intention of the applicant that there will be new publicly adoptable roads within the application site. Having discussed this proposal with KCC's Agreements team, this is not a site we would look to adopt given the lack of frontage development and the propensity of flats. The proposed site does not meet Agreements' standard criteria for adoption as it solely comprises an access road to serves flats and their associated parking. I would also point out that during pre-application discussions we advised

that this development should remain in private ownership. As such we will have limited interest in the internal layout, however I will supply comments for your assistance.

- 7.6 The proposal is for the erection of 45 units with associated parking. This brownfield site already has an extant use that would generate associated traffic movements, and a TRICS assessment has been carried out for the site proposals. The previous site use would result in 12 AM peak movements, 9 PM peak movements and a total of 113 movements for a 12 hour period (07.00 - 19.00 hrs), compared to the current proposals that will result in 11 AM peak movements, 13 PM peak movements and a total of 126 movements for a 12 hour period (07.00 -19.00 hrs).
- 7.7 The resulting trip generation for the above proposals do not cause a concern with regard to the impact on the wider highway network, and as such would not warrant a recommendation of refusal for this application from the Highway Authority.
- 7.8 A Stage 1 Road Safety Audit has been conducted and a Designers response submitted.
- 7.9 Access
- 7.10 An existing access will be utilised, and plans demonstrating the visibility splays have been submitted which are acceptable, and the splays can be conditioned to ensure they are maintained.
- 7.11 Plans demonstrating tracking for an 11.4m refuse vehicle and a fire tender have been submitted as part of the Amended Transport Statement, and the East Site plan demonstrates the turning manoeuvre for an 11.4m refuse vehicle in the turning head only. Outside flats 4,5 & 6 there would appear to be some overrun.
- 7.12 A pedestrian footpath is proposed to run through the length of the site, which will link into the existing pedestrian network on Station Road and continue through to the far eastern side of the site to a gate providing direct access to the Recreation Ground. This gate will be available for non-residents here, thereby providing a direct link for pedestrians and cyclists from Station Road to the Recreation Ground.
- 7.13 Given the level of pedestrian activity we would expect the vehicle crossover sections of the pedestrian footway to be served by a dropped kerb and not a bell mouth.
- 7.14 Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles. Concerns regarding this have been raised as part of the Road Safety Audit, and the Designers response does address these. Tactile paving will be installed for pedestrians and the bollards on the traffic calming features will have reflective material on them. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.15 Parking
- 7.16 45 parking spaces are proposed (one per dwelling) along with 9 visitor parking spaces. However the visitor parking spaces are indicated at the entrance of the access road. This means they are remote from flats No 3-45. In addition, there is nothing to prevent these

spaces from being used by commuters or other car drivers not visiting residents on this site. Visitor parking should be spread evenly throughout the site, and clearly identified as such.

- 7.17 Flats 1 & 2 - Pedestrian visibility splays of 1m x 1m behind the footway on both sides of the parking space are also required. There must be no obstruction over 0.6m within these splays.
- 7.18 There are no dimensions detailed on the submitted plans, where a parking space abuts a wall/building a width of 2.7m is required. For Flats 1 & 2 the parking spaces appear to be enclosed on both sides, as such a minimum width of 2.9m is required.
- 7.19 Two spaces are located either side of the proposed bicycle storage area at the far eastern end of the site. Visibility for these car parking spaces is obstructed by the bicycle storage units - however I have concerns with the bicycle storage unit here - please see my comments under Bicycle Storage.
- 7.20 Electric Vehicle charging points are required, in line with Government proposals to increase the use of this type of vehicle, and should be in accordance with Swale Borough Council' s adopted parking standards.
- 7.21 Bicycle Storage
- 7.22 There is no bicycle storage indicated for Plots 1 & 2. This is required to be enclosed and secure. For the remainder of the site, 2 storage area's are proposed which would house 44 bikes in each unit. No details have been submitted on the storage system itself, this is required so we can ensure it will fit in the area/units indicated.
- 7.23 I have concerns with the bicycle storage unit at the far eastern end of the site, opposite flats 4,5 & 6. The entrance would appear to open out directly onto the access road. This is a safety concern, for both car drivers and anyone attempting to remove their bicycle from the storage area. As such this unit needs to be relocated where access can be gained from a pedestrian area and not the main access road. The current position also restricts visibility for vehicles emerging from the parking spaces.
- 7.24 I would be grateful therefore, if you would forward any amended plans or additional information to me for my further consideration.
- 7.25 2nd Response. 20/01/2022.
- 7.26 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-
- 7.27 Further to previous comments, the proposal has now been amended and now comprises of 32 residential units and 246sqm of commercial space.
- 7.28 As stated in the previous comments we submitted and having discussed the revised proposals with KCC's Agreements team, this is not a site we would look to adopt given the lack of frontage development and the propensity of flats. The proposed site does not meet Agreements' standard criteria for adoption as it solely comprises an access road to serve the commercial unit and residential flats with their associated parking. I would also point out that during pre-application discussions we advised that this development should remain in private

ownership. As such we will have limited interest in the internal layout, however I will supply comments below for your assistance.

- 7.29 Further clarification is required on the Class E end use, as no details have been submitted other than a floor plan and the Transport Statement mentions it will be office space. There are a number of different uses that are now covered by E Class applications, and each have their own requirements for parking allocation and delivery vehicle access. This should be conditioned to restrict the use to Office Use within the E class.
- 7.30 The applicant has submitted a revised Transport Statement, to reflect the change in the proposals. However the Road Safety Audit is based on the previously proposed layout.
- 7.31 This brownfield site already has an extant use that would generate associated traffic movements, and a TRICS assessment has been carried out for the site proposals.
- 7.32 The previous site use would result in 12 AM peak movements, 9 PM peak movements. The current proposals (which include the proposed commercial use) will result in 19 AM peak movements, 20 PM peak movements. This is an increase of 7 AM peak movements and 11 PM peak movements.
- 7.33 The resulting trip generation for the above proposals do not cause a concern with regard to the impact on the wider highway network, and as such would not warrant a recommendation of refusal for this application from the Highway Authority.
- 7.34 Access
- 7.35 An existing access will be utilised, and plans demonstrating the visibility splays have been submitted as part of the Transport Statement Appendix B, they are acceptable.
- 7.36 The Transport Statement includes plans demonstrating the tracking for a refuse vehicle when entering and exiting the site, which are acceptable
- 7.37 Whilst tracking for a vehicle has been shown on the revised site plan 20 0931/03 Rev A for the eastern end of the site, they do not state what size vehicle they pertain to, and on checking the vehicle it only appears to be 10m in length. Plans demonstrating tracking for a 11.4m refuse vehicle should be submitted.
- 7.38 The commercial unit, if used as office space, will require a delivery area for a 12m rigid vehicle (for supplies etc).
- 7.39 The site will provide access for Network Rail vehicles, however confirmation is required from Network Rail as to the largest size vehicle that will require access, so the correct tracking can be demonstrated for this vehicle, especially where it enters the Network Rail site.
- 7.40 A pedestrian footpath is proposed to run from Station Road on the southern side of the access road, where it will continue in front of the proposed commercial building and parking spaces, up to the beginning of the shared space area. From this point on no pedestrian footpath is proposed, with the remaining part of the site to be a shared space. This does not raise any particular concerns, given the number of residential units served
- 7.41 At the far eastern side of the site, on the northern boundary, there is a gate providing direct access to the Recreation Ground. This gate will be available for both residents and non-

residents here, thereby providing a direct link for pedestrians and cyclists from Station Road to the Recreation Ground.

- 7.42 Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles, which will continue as a shared space into the eastern end of the site. The Road Safety Audit has not been updated to take into account these changes. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.43 Parking
- 7.44 Commercial Unit - 11 spaces are proposed with the units proposed used as an office space. This is 2 spaces short of the required 13, based on Swale Borough Council's Non Residential Parking Standards for offices up to 500sqm. Given the central location this would be acceptable. The Transport Statement 5.3.2 states that 2 spaces will be accessible. The only site plan that indicates these parking spaces is part of the Transport Statement - the three separate submitted site plans do not indicate these. The two accessible spaces should be as close to the main building as possible.
- 7.45 Pedestrian visibility splays of 1m x 1m behind the footway at either end of the commercial parking spaces are required. There must be no obstruction over 0.6m within these splays.
- 7.46 33 parking spaces are proposed for the 32 flats. 7 visitor parking spaces are also required, therefore the development falls short by 6 spaces. 28 parking spaces are located at the far eastern end of the site, which means they are remote from a large number of the flats. 5 parking spaces are located adjacent to flats 1 & 2, but the remaining 3 spaces are again remote from the flats they will serve. This and the lack of visitor parking may result in on street parking, as future residents may wish to park closer to their homes. Any on street parking would impact on the ability of Network Rail to access their site, which requires 24 hour access.
- 7.47 The three parking spaces that are indicated next to what I assume is a refuse collection storage area (it has not been indicated on the submitted plans what this area is), this building obstructs the visibility for drivers when exiting these parking spaces and needs to be revised.
- 7.48 There are no dimensions detailed on the submitted plans, where a parking space abuts a wall/building a width of 2.7m is required.
- 7.49 Electric Vehicle charging points are required, in line with Government proposals to increase the use of this type of vehicle, and should be in accordance with Swale Borough Council's adopted parking standards. These are required for both the commercial unit and the residential flats
- 7.50 Bicycle Storage
- 7.51 There is no bicycle storage indicated for the commercial unit. 3 covered and secure spaces are required and should be indicated on submitted plans.

- 7.52 The bicycle storage for all 32 flats is located at the far eastern end of the site and is therefore remote from the flats they will be serving, and as such not overlooked and vulnerable to crime. In addition, unless well lit, this area would be dark and uninviting for residents to use.
- 7.53 Other points for consideration
- 7.54 there would appear to be a large refuse collection area opposite the commercial unit, this would appear unnecessary.
- 7.55 Once the Borough Council is satisfied that the internal issues have been addressed, and are minded to approve this application, then the following conditions should be applied to secure Highway matters:
- 7.56 Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries
 - (c) Provision of wheel washing facilities
 - (d) Temporary traffic management / signage
- 7.57 Completion and maintenance of the access shown on the submitted plans 20-065/002 prior to the use of the site commencing.
- 7.58 Provision and maintenance of the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- 7.59 Provision and permanent retention of the vehicle parking spaces shown on the approved plans prior to the use of the site commencing.
- 7.60 Provision and permanent retention of the cycle parking facilities shown on the approved plans prior to the use of the site commencing.
- 7.61 Provision and permanent retention of Electric Vehicle Charging points shown on the approved plan. All Electric Vehicle chargers provided for homeowners in residential developments must 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>
- 7.62 Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 7.63 3rd Response. 15/03/2022

- 7.64 Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :-
- 7.65 Further to previous comments, revised plans have been submitted. As I have previously stated, as this road will not be adopted by KCC Highways and Transportation, we have a limited interest in the internal layout, however I have a few comments for your assistance.
- 7.66 The applicant has addressed a number of the points raised previously, however the following remain outstanding;
- 7.67 - the plans demonstrating the tracking would still only appear to be for a 10m long vehicle, rather than the requested 11.4m long vehicle. However, having assessed the submitted plans there is additional room available to enable a longer vehicle to make a turning manoeuvre at the eastern end of the site. I am therefore satisfied that an 11.4m refuse vehicle would be able to turn in the space indicated on the submitted plans.
- 7.68 - Due to the fact the access road narrows for a length of approximately 120m further into the site, the applicant is proposing traffic calming features at this point and to make this area a shared space for both pedestrians and vehicles, which will continue as a shared space into the eastern end of the site. The Road Safety Audit has not been updated to take into account these changes. Please note that roads subject to a 20mph speed limit would normally be expected to provide traffic calming features every 60m.
- 7.69 33 parking spaces are proposed for the 32 flats. 7 visitor parking spaces are also required, therefore the development falls short by 6 spaces.
- 7.70 - No Electric Vehicle Charging points have been indicated.
- 7.71 - There is no bicycle storage indicated for the commercial unit. 3 covered and secure spaces are required.
- 7.72 - Further clarification is required on the Class E end use, as no details have been submitted other than a floor plan and the Transport Statement mentions it will be office space. There are a number of different uses that are now covered by E Class applications, and each have their own requirements for parking allocation and delivery vehicle access. This should be conditioned to restrict the use to Office Use within the E class.
- 7.73 The applicant has submitted a revised Transport Statement, to reflect the change in the proposals. However, the Road Safety Audit is based on the previously proposed layout.
- 7.74 Once the Borough Council is satisfied that the internal issues have been addressed, and are minded to approve this application, then the following conditions should be applied to secure
- 7.75 Highway matters:
- 7.76 - Submission of a Construction Management Plan before the commencement of any development on site to include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel

- (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
- 7.77 - Completion and maintenance of the access shown on the submitted plans 20-065/002 prior to the use of the site commencing.
- 7.78 - Provision and maintenance of the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays, prior to the use of the site commencing.
- 7.79 - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- 7.80 - Provision and permanent retention of the vehicle parking spaces shown on the approved plans prior to the use of the site commencing.
- 7.81 - Provision and permanent retention of the cycle parking facilities shown on the approved plans prior to the use of the site commencing.
- 7.82 - Provision and permanent retention of Electric Vehicle Charging points shown on the approved plan. All Electric Vehicle chargers provided for homeowners in residential developments must 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>
- NOTE: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.
- 7.83 Highways England [now re-named as National Highways]:
- 7.84 1st Response. 20/07/2021
- 7.85 Referring to the notification of a planning application dated 1 June 2021 referenced above, in the vicinity of the M2 south of Faversham that forms part of the Strategic Road Network, notice is hereby given that Highways England's formal recommendation is that we:
- 7.86 a) offer no objection*;
- 7.87 *Whilst we do not agree with the applicant's assessment of the traffic implications of the proposal, our own analysis indicates that the proposals will generate minimal additional traffic on the SRN in Peak Hours. We therefore consider that the development will not materially affect the safety, reliability and / or operation of the SRN (the tests set out in DfT C2/13 paras 8 to 11 and MHCLG NPPF2019 paras 108 to 111), in this location...'.
- 7.88 b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – Highways England recommended Planning Conditions);

- 7.89 c) recommend that planning permission not be granted for a specified period (see Annex A – further assessment required);
- 7.90 d) recommend that the application be refused (see Annex A – Reasons for recommending Refusal).
- 7.91 Highways Act Section 175B is not relevant to this application.1
- 7.92 HIGHWAYS ENGLAND (“we”) have 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 we work 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.
- 7.93 This represents Highways England’s formal recommendation (prepared by the Area 4 Spatial Planning Team) and is made available to the Department for Transport as per the terms of our Licence.
- 7.94 Should the Local Planning Authority disagree with any recommendation made under b), c) or d) above, the application must not be determined before they have: i) informed Highways England; and ii) consulted the Secretary of State for Transport, as per the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk.
- 7.95 2nd Response. 24/12/2021
- 7.96 Thank you for your email of 21 December 2021 consulting National Highways (formerly Highways England) regarding the above application; seeking a response by 11 January 2022.
- 7.97 You will recall that we provided a No Objection response on 21 June 2021 that has been uploaded to the application webpage at https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21_502545_FULLHighways_England-5288520.pdf
- 7.98 We note that the amendment comprises a reduction in residential units from 45 to 32 and the introduction of 246sqm of Class E employment space. However, we cannot see in the latest submissions an update to the Transport Statement to assess the implications of the proposed amendments.
- 7.99 Therefore, please refrain from determining this now amended application (other than a refusal if you so wish) until such time as a revised TS has been submitted and we have provided our response to it. To avoid potential confusion I will not, unless you wish me to, withdraw our previous HEPR and replace it with an official Holding Recommendation.
- 7.100 You will note I have copied this email to the applicant’s agent (Steve Davies at Hobbs) and await their response in due course.

7.101 If you or others have any questions regarding our response, please contact us at planningse@highwaysengland.co.uk.

7.102 3rd Response.

7.103 Thank you for your email of 19 January 2022 consulting National Highways (formerly Highways England) regarding the above application; seeking a response by 26 January 2022.

7.104 We have assessed the Transport Statement Update, submitted by C&A and uploaded on to the application webpage on 18 January 2022 https://pa.midkent.gov.uk/onlineapplications/files/433FC3E6CF70B8D4760F3A7F21B4F53E/pdf/21_502545_FULLTransport_Statement_Revised_Part_1-5474237.pdf .

7.105 As a result we remain content to rely on our response dated 21 June 2021 of No Objection https://pa.midkent.gov.uk/onlineapplications/files/0376868411B48899515BA3CA341A17C0/pdf/21_502545_FULLHighways_England-5288520.pdf .

7.106 If you or anyone else have any queries regarding our response, please contact us at planningse@highwaysengland.co.uk .

7.107 Environment Agency:

7.108 1st Response. 16/06/2022.

7.109 We have no objection to the proposed development providing the following conditions are included on any planning permission granted.

7.110 2nd Response. 22/12/2021.

7.111 Thank you for consulting us on this application. The change of description of the proposal will not change our position, therefore we do not have any additional comments to make. Please refer to our previous comments in our letter referenced KT/2021/128461/01-L01 dated 16 June 2021. If you require any further information, please do not hesitate to contact me.

7.112 Natural England:

7.113 1st Response. 8/06/2022.

7.114 Thank you for contacting Natural England regarding the above-mentioned development. Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

7.115 Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate

assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

7.116 This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union 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. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

7.117 Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

7.118 Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

7.119 We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

7.120 2nd Response.

7.121 Natural England has previously commented on this proposal and made comments to the authority in our email dated **8 June 2021**.

7.122 The advice provided in our previous response applies equally to these amendments although we made no objection to the original proposal.

7.123 The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

7.124 Should the proposal be amended in a way which **significantly** affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

7.125 KCC Archaeology:

7.126 1st Response.

7.127 Thank you for consulting on the above application. I note that we corresponded with respect to the 2019 permission on this site and discharged the archaeological condition on the basis

that substantial made ground is evident. I can therefore confirm that no archaeological measures are required in connection with the proposal.

7.128 KCC Rights of Way:

7.129 1st Response. 26/05/2022.

7.130 Thank you for giving me the opportunity to comment on this planning application.

7.131 Public footpath ZF24 passes along the Long Bridge at the eastern boundary of the site. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed.

7.132 The application does not affect the footpath and therefore I raise no objections.

7.133 The applicant is proposing to create new pedestrian access links which are welcomed. However, it is not expected that these will become public rights of way recorded on the definitive map so it is important that Swale Borough Council secures appropriate funding or agreements for future maintenance of these routes.

7.134 Please make the applicant aware of the following informatives;

7.135 Informatives • No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. • 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. • Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.

7.136 This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.

7.137 2nd Response.

7.138 Thank you for giving me the opportunity to comment on this planning application. I have no further comments to my letter of 26 May 2021. I have no objection to the proposals.

7.139 KCC Ecology:

7.140 1st Response.

7.141 We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

Designated Sites

7.142 The development includes proposals for new dwellings within the zone of influence (6km) of The Swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access

Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites, and to ensure that adequate means are in place to secure the mitigation before first occupation.

7.143A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full ‘appropriate assessment’ is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.

Lighting and Biodiversity

7.144To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2021, we suggest that section 6.1.7 of the ecology report is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for biodiversity is submitted to the local planning authority and secured via an attached condition with any planning permission. Suggested wording:

7.145Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will demonstrate adherence to the recommendations in section 6.1.7 of the Ecological Appraisal (Aspect Ecology March 2021) and show that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Protected Species

7.146To avoid impacts to potentially-present protected species (such as breeding birds and commuting badgers), the report has recommended precautionary mitigation measures. This includes sensitive timings of work and covering of excavations overnight.

7.147To secure the implementation of precautionary mitigation measures, we advise that a condition is attached to any granted planning permission. Suggested wording:

7.148From the commencement of work (including site clearance), all precautionary mitigation measures for protected species will be implemented in accordance with the details in sections 6.1.8, 6.1.9 and 6.1.10 within the Ecological Appraisal (Aspect Ecology March 2021).

Biodiversity and Enhancements

7.149Under section 40 of the NERC Act (2006), and paragraph 174 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

7.150The ecology report makes suitable recommendations, such as native species planting and the provision of bird/bat boxes. Whilst some of the species planting is detailed within the landscape plan, we advise that a full planting schedule is provided.

7.151 To secure the implementation of enhancements and a detailed landscape plan, we advise that a condition is attached to any granted planning permission. Suggested wording:

7.152 Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and recommendation in section 6.2 of the Ecological Appraisal (Aspect Ecology March 2021). The approved details will be implemented and thereafter retained.

7.153 KCC Development Contributions:

7.154 1st Response.

Request Summary

	Per Applicable House	Per Applicable Flat	Project
Primary Education	£6,800.00	£1700.00	Towards a new Primary School in Sittingbourne
Special Education	£1,051.82	£262.97	Towards expansion of capacity through a satellite school of Meadowfield School, Sittingbourne
Secondary Education	£5,176.00	£1294.00	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups
Secondary Land	£2,635.73	£658.93	Towards the land costs of the new Secondary School in Northwest Sittingbourne (Local Plan Policy MU1) and/or new Secondary Schools in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups.

'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please advise if any 1 bed units or sheltered accommodation is proposed?

	Per Dwelling (x135)	Total	Project
Community Learning	£16.42	£2,216.70	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre.
Youth Service	£65.50	£8,842.50	Towards additional resources and upgrade of existing youth facilities including the New House Sports and Youth Centre in Sittingbourne to accommodate the additional attendees, as well as resources and equipment to enable outreach services in the vicinity of the development.
Libraries	£55.45	£7,485.75	Towards additional resources, services, stock, and works to Sittingbourne Library to increase capacity to meet the needs of the development.
Social Care	£146.88	£19,828.80	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.
	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£24,795.45	Towards additional capacity at the HWRC & WTS in Sittingbourne
Broadband:	Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point		

	<p>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.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>

Please note that these figures:

- are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)
- are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.

7.155 UK Power Networks: No response.

7.156 KCC Education: No response.

7.157 Southern Water:

7.158 1st Response.

7.159 Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7.160 To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

7.161 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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here: [water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

7.162 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.

7.163 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.

7.164 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. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors. It is possible that a sewer now deemed to be public could be crossing the development site.

7.165 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.

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

7.167 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance 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).

7.168nd Response:

7.169 Thank you for your letter dated 21/12/2021.

7.170 Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.

7.171 To make an application visit: southernwater.co.uk/developing and please read our New Connections Services Charging Arrangements documents which are available on our website via the following link: southernwater.co.uk/developing-building/connection-charging-arrangements

7.172 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 Design and Construction Guidance (Appendix C) and CIRIA guidance available here: [water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx](https://www.water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

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- Specify a timetable for implementation.
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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. Land uses such as general hard standing that may be subject to oil/petrol spillages should be drained by means of appropriate oil trap gullies or petrol/oil interceptors.

It is possible that a sewer now deemed to be public could be crossing the development site.

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7.177 This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with the Design and Construction Guidance 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.

7.178 Kent Police:

7.179 1st Response.

7.180 We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).

7.181 The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

7.182 Regarding this planning application, we confirm that if the requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police have no objection to its approval:

1. We recommend the use of SBD Homes 2019.
2. Perimeter, boundary and divisional treatments to be 1.8m in height, including any gates providing a service alleyway to the rear of the building. Gates must also be lockable from both sides and flush to the building line to retain surveillance opportunities.

3. On the plan there is a shared pedestrian/vehicle surface. For a road serving multiple units, we would advise against this however this area only services two units. We are concerned however for visitors using this parking area and walking to one of the other units on the east of the site. To prevent pedestrian/ vehicle conflict we recommend this area has suitable lighting and that there are no informal parking areas formed which would result in a pedestrian having to walk round a vehicle – creating a safety concern.
4. Parking Inc. visitor. To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. SBD or solid secure ground or wall anchors can help provide this. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
5. All doorset to each apartment and any sliding, folding or patio doors to ground and first floors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development. For individual flat doors we recommend the use of a spy hole and door chain for further security.
6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies should also meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Windows on side elevations and active windows on the ground floor increase surveillance and a sense of security, especially when overlooking parking areas/ driveways.
7. Corner properties require defensible spaces to avoid desire lines that can cause conflict.
8. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
9. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), to help avoid conflict and light pollution. We advise against the use of bollards as a primary light source as they can be easily obscured. External lighting plans should meet BS5489:2020.
10. We recommend “A GUIDE FOR SELECTING FLAT ENTRANCE DOORSETS 2019” for buildings featuring multiple units, any covered access must deflect loitering that can stop residents and their visitors from using it without fearing crime. Entrance doors must be lit and designed to provide no hiding place.
11. Access Control and Security Compartmentalisation– For the main communal doors audio/visual door entry systems are required, and residents to have a key fob or access card which would control areas in which they have access to. We strongly advise against trade buttons and timed-release mechanisms, as they permit unlawful access and have previously resulted in issues with Crime and ASB.

12. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents. We advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area.
13. Mail delivery to meet SBD TS009 are strongly recommended for buildings with multiple occupants along with a freestanding post box of SBD/Sold Secure approved Gold standard. For Unit 1 and 2 we recommend SBD TS008.
14. CCTV is advised for all communal entry points and to cover the mail delivery area.
15. If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.

We welcome a discussion with the applicant/agent about site specific designing out crime.

If the points above are not addressed, they can affect the development and local policing. Current levels of reported crime have been taken into account.

This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.

7.1832nd Response.

7.184 Thank you for the opportunity to comment on the revised/ additional documents for this proposal. We have no further comments to make, however our response dated 04.06.2021 still remains relevant.

7.185 KCC Drainage:

7.186 Thank you for your consultation on the above referenced planning application. Kent County Council as Lead Local Flood Authority have the following comments: Unfortunately the information submitted is insufficient to be able to make an assessment as to the suitability of the proposals for dealing with surface water. We would therefore recommend the application is not determined until a surface water drainage strategy has been provided for consultation. At a minimum, a drainage strategy submission must comprise:

- A location plan
- A site layout
- A drainage proposal schematic or sketch
- A clear description of key drainage features within the drainage scheme (e.g. attenuation volumes, flow control devices etc.)
- Information to support any key assumptions (e.g. impermeable areas, infiltration rates etc.)

- Supporting calculations to demonstrate the drainage system's operation and drainage model network schematic
- Drainage strategy summary form (from our Drainage and Planning Policy Statement)
- Consideration of key questions and / or local authority planning policy requirements.

7.187 Our Drainage and Planning Policy Statement sets out how Kent County Council, as Lead Local Flood Authority and statutory consultee, will review drainage strategies and surface water management provisions associated with applications for major development and should be referred to for further details about our submission requirements. This is available to download at www.kent.gov.uk.

7.188 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

7.189 2nd Response:

7.190 Thank you for your consultation on the above referenced planning application.

7.191 Kent County Council as Lead Local Flood Authority have the following comments:

7.192 Having reviewed the latest information supplied we are now satisfied with the design proposed, namely a system of attenuation with a restricted outfall to the existing sewer, and as such have no objection to the proposal.

7.193 Should you be minded to grant approval we would recommend that the following conditions with advisories be applied.

Advisories

7.194 We note that parts of the site are within Flood Zones 2 and 3 and we would expect for the Environment Agency to be consulted with regards to the appropriateness for development in these areas and for them to sign off the design from this aspect.

7.195 Furthermore, when referencing the Environment Agency's Flood Map for Surface Water an area of the site is shown as being affected from Surface Water flow paths/flooding. We will require for it to be demonstrated as part of the detailed design submission that this has been considered and it does not put the development at risk.

7.196 The EA recommended a number of conditions relating to the disposal of surface water, detailed drainage strategy, and verification reports.

7.197 This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.

7.198 KCC Minerals:

7.199 Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.

- 7.200 I can confirm that the application site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.
- 7.201 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is not coincident with any safeguarded mineral deposit in the area.
- 7.202 The County Council has therefore no minerals or waste safeguarding comments to make.
- 7.203 SBC Lower Medway Board: No response.
- 7.204 Asset Engineer: No response.
- 7.205 Network Rail:
- 7.206 1st Response
- 7.207 Thank you for consulting Network Rail (NR) on the above planning application. Following an internal consultation, which included the train operating company (TOC) Southeastern Railway (SE), NR would like to make the following comments.
- 7.208 NR is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently any third-party development that presents a risk to Network Rail's infrastructure and operation railway is a concern to Network Rail.
- 7.209 As the applicant will be aware following NR's pre-application reps, the proposal for a residential scheme in this location, adjacent to NR's operational land, is a serious concern to NR and entirely inappropriate for the following reasons.
- 7.210 Network Rail Track Access**
- 7.211 There is a key strategic Road Rail Vehicle (RRV) track access point at this location, which is in use 24 hours (including weekends). Though workable next to a commercial / industrial development, this would be entirely incompatible with a residential scheme. As 24-hour access is needed, the narrow approach road to the former Maintenance Delivery Unit (MDU) must remain clear and unencumbered at all times.
- 7.212 A residential scheme with uncontrolled parking could encourage parking along the access road, particularly out of hours along the approach road and blocking the key track access point. This would then prevent NR's wide operational vehicles from delivering plant, machinery and materials, consequently impacting NR's ability to provide and maintain a safe operational railway.
- 7.213 It should also be noted that there are cables within the area (also noted by the applicant), should an urgent repair be needed and the access to the railway is blocked, this could result

in delays and be costly to NR. There is also no secondary access that could be used in a railway emergency.

7.214 Even if assurances are made that our access would not be blocked through the implementation of planning conditions, this does not physically stop vehicles from parking and blocking NR's access.

7.215 Although the applicant has undertaken some swept path analysis, Network Rail require further swept path analysis to be undertaken to demonstrate that our large vehicles (examples shown below) are able to fit down the access road, particularly where bollards are proposed.

7.216 **Potential for noise complaints**

7.217 Introducing a noise sensitive use through a residential scheme would create the risk of civil claims of nuisance against NR due to noise when using the track access point, especially when essential projects need to be undertaken during unsociable hours.

7.218 It should also be noted that NR are about to change the way we work (no red zone working), consequently this means there will be more night time works, increasing the risk of complaints further. To assist with the new working arrangements, NR are looking at installing junction lighting, which past experience identifies that this will lead to complaints.

7.219 It should be noted that SE have plans to expand the use of the sidings for stabling HS1 trains. As would be the risk to NR, this activity could create noise (in addition to the noise emissions from the trains' air conditioning systems) that could potentially attract a civil nuisance claim against Southeastern.

7.220 Noise complaints pose a significant risk to NR's operations, as they can lead unreasonable restrictions placed on NR which will impact NR's ability to provide and maintain a safe operational railway.

7.221 At a national level there is continued and clear policy support and direction in the National Planning Policy Framework (NPPF, 2019) with regards to existing sites. The NPPF in the context of: Conserving and enhancing the natural environment, and in particular with regard to the consideration of 'Pollution', confirms at **Paragraph 182** that:

7.222 *"Planning policies and decision should ensure that new development can be integrated effectively with existing businesses and community facilities (such as place of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result 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 application (or agent of change) should be required to provide suitable mitigation before the development has been completed."*

7.223 The Agent of Change Principle therefore places the responsibility for mitigating the impact of noise and other nuisances firmly on the new development. This means that where new developments are proposed close to existing noise-generating uses, for example, applicants will need to design them in a more sensitive way to protect the new occupiers. Evidence

needs to be provided to demonstrate that there is no risk of civil claims of nuisance against NR.

7.224 **Other issues**

7.225• The current fencing is entirely inappropriate in parts, especially between points A-K on the attached plan.

7.226• Units 1-4 are located in a direct line behind the buffers of a siding creating a significant safety risk in the event of a train crashing through the buffer and into the units.

7.227 **Conclusion**

7.228To conclude, NR maintain that a residential scheme in this location would be entirely incompatible with the neighbouring operational uses and the key strategic track access point which must be accessible 24 / 7.

7.229I trust the above clearly sets out NR's position on the planning application. Should you require any more information from NR, please do not hesitate to contact me.

7.2302nd Response. 18/01/2022.

7.231Thank you for consulting Network Rail (NR) on the amendments to the above planning application.

7.232NR is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any third-party proposal that impacts NR's ability to deliver a safe operational railway is a concern.

7.233The applicant has not formally responded to our original objection dated 14/06/2021 (found within the Appendix of this response) or, to our knowledge, made any attempt to address the issues raised within it. Consequently, many of our concerns remain unchanged. Please see outstanding issues below:

- There is a key strategic track access point at this location, which is in use 24 hours (including weekends). Though workable next to a commercial/industrial development, this would be entirely incompatible with a residential scheme.
- A residential scheme would create the risk of civil claims of nuisance against Network Rail due to noise when using the track access point, especially when essential projects need to be undertaken during unsociable hours. Whilst the applicant has provided a Noise Assessment, it is unclear whether the noise data was collected during a period where noise emitting from the site is at its greatest. Furthermore, Southeastern Railway has plans to expand the use of the sidings for stabling High Speed 1 trains. This activity could further create noise (in addition to the noise emissions from the trains' air conditioning systems) that could potentially attract a civil nuisance claim against Southeastern.
- No information is provided to address concerns caused by uncontrolled parking. As 24-hour access is needed, the narrow approach road to the former Maintenance Delivery Unit must remain clear and unencumbered at all times. There is a risk that a residential scheme

(and potentially a commercial scheme depending on the number of visitors / customers) could encourage parking along the approach road, which could block Network Rail's wide operational vehicles from delivering plant, machinery, and materials, as well as, blocking the gates of the key track access point. In the event of the approach road being blocked, there is no secondary access that could be used in a railway emergency.

- The current fencing is entirely inappropriate in parts, particularly along the south-western boundary.
- Whilst we welcome the fact that what was previously residential units 1-4 has now been replaced with commercial space, the unit still lies in a direct line behind the buffers of a siding which keeps the (admittedly low) risk of the buffers being breached in the case of an accident.
- The swept path analysis shown within the site plans suggests that vehicles will be required to go onto the area where the new sidings are to be constructed (shown in red within the plan shown in Appendix 2), therefore, in reality it will not be possible for vehicles to access this area. Consequently, we remain concerned that large vehicles using the access point will not be able to turn around.
- The location of the bike shelter right in the corner near the railway could make it easier for people to climb onto the railway, consequently increasing the risk of trespassing. Higher fencing or finial detail on top of the fencing is needed to prevent this.

7.234 As a result of the outstanding issues outlined above, Network Rail continue to object to this proposal as it presents a significant risk in our ability to deliver a safe operational railway.

7.235 We would also like to add that whilst the applicant may suggest these issues can be resolved through a private Asset Protection Agreement with Network Rail, currently there is no Asset Protection Agreement in place for this scheme and experience shows that the applicant is unwilling to pursue this route to resolve issues. As a result, Network Rail are concerned the issues will not be resolved if this proposal is approved in its current form.

7.236 3rd Response.

7.237 Thank you for consulting Network Rail on the new information submitted as part of the above planning application. Of particular interest is the applicant's response dated 24/01/2022 to our holding objection dated 18/01/2022.

7.238 As previously stated within our original response, Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland, and Wales. As statutory undertaker, Network Rail is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Consequently, any development that impacts Network Rail's ability to deliver a safe operational railway is a concern to Network Rail.

7.239 Whilst we acknowledge the applicant's response, it does not address our concerns. Consequently, both Network Rail's and Southeastern Railway's views remains unchanged, and we continue to oppose a residential development in this location.

7.240 Should Swale Borough Council be minded to grant planning permission, Network Rail strongly urge that the Council impose suitable planning conditions to address our concerns, these should include:

- Noise level exposure to ensure that the level of noise experienced by future residents does not result in nuisance claims against Network Rail. This is a condition that has been accepted in the past and I can provide details on this.
- Parking control to ensure that Network Rail's crucial Road Rail Vehicle access is maintained at all times.
- Fencing specification & cycle parking location to ensure that the structure does not create a trespass risk.

7.241 We would welcome the opportunity to review the wording of the conditions to ensure that our concerns are suitably addressed.

7.242 We would also like to remind the applicant that should they receive planning permission, they will be required to engage with our Asset Protection team to get the required resource and expertise on-board to enable approval of detailed works.

7.243 I trust that the above clearly sets out Network Rail's position on the proposal, should you require additional information please do not hesitate to contact me.

7.244 NHS Swale:

	Total Chargeable units	Total	Project
General Practice	45	£27,000	Towards refurbishment, reconfiguration and/or extension of the existing Newton Place Surgery and Faversham Medical Practice

			within the Faversham PCN
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Appendix 1

The CCG uses a formula for calculating s106 contributions which has been used for some time and is calculated as fair and reasonable. This calculation is based the number of proposed units multiplied by the assumed occupancy multiplied by £360.

Where the application identifies unit sizes the following predicted occupancy rates will be used.

- 1 bed unit @ 1.4 persons
- 2 bed unit @ 2 persons
- 3 bed unit @ 2.8 persons
- 4 bed unit @ 3.5 persons
- 5 bed unit @ 4.8 persons

Where the unit sizes are not identified then an average occupancy of 2.4 persons will be used.

The calculations for this development are:

Based on the dwelling mix provided:

Total Units (per application) (A)	Proposed Number of Bedrooms (per planning application)					NHS Predicted Occupancy Rates					Predicted Occupancy (N)	X £360 (O)
	1 (D)	2 (E)	3 (F)	4 (G)	5+ (H)	1 (I)	2 (J)	3 (K)	4 (L)	5+ (M)		
0	25					1.4					35	£12,600
		20					2				40	£14,400
			0					2.8				
				0					3.5			
					0					4.8		
											75	£27,000

7.245 SBC Environmental Health:

7.246 1st Response.

7.247 Air Quality

7.248 I have reviewed the Air Quality Assessment submitted with this application and concur with the report's conclusion, that emissions arising from traffic generated by the proposed development will result in a negligible impact on local pollution concentrations.

7.249 Any potential impact resulting from the construction phase can be suitably mitigated by the following recommended condition:

7.250 No development shall take place until a Construction and Environmental 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. This shall include details relating to:

- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
- (ii) The loading and unloading and storage of plant and materials on site;
- (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

- (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (vi) Measures to control mud deposition off-site from vehicles leaving the site;
- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking,
- (x) Phasing of the development.

7.251 Contaminated Land - The Environment Agency (EA) comments dated 16th June 2021 regarding this application include recommended conditions in relation to potential contamination of the site. Rather than recommend similar conditions that duplicate those of the EA, I suggest that their recommended ones be adopted for this development.

7.252 Construction Hours - No construction work (excluding impact pile driving dealt with by separate condition), 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.

7.253 Impact Pile Driving - 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 :

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

7.255 EV Charging - The commencement of the development shall not take place until a scheme for the adequate provision of active electric vehicle charging points has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved.

7.256 Operational Noise - I have reviewed the Environmental noise Assessment by Entran Ltd and submitted with this application. I am satisfied that the potential noise impacts have been assessed in accordance with the most relevant national and local standards and guidelines. Therefore, following any detailed calculations undertaken when the final layout is approved and that the developer carries out the recommended mitigation measures; particularly in relation to enhanced glazing and attenuated ventilation where necessary, future occupiers of the development should enjoy a satisfactory level of noise internally.

7.257 Please do not hesitate to contact me for further advice or information in relation to this matter.

7.258 Greenspaces Manager: No response, though I hope to have a response in time for the meeting and will update Members

7.259 SBC Housing:

7.260 Please see below affordable housing comments in regard to the amendments submitted for this application, noting a reduced total number of flats proposed on the site, resulting in less affordable housing provision also:

7.261 As per adopted Affordable Housing Policy DM8, and because this development is located in Faversham, **35%** of the total number of homes should be **rounded up** to deliver **12 affordable homes**.

7.262 Of the 12 affordable homes, **11** (90%) will be required as **Affordable/Social rent_Tenure housing**, and the remaining **1** (10%) as **Intermediate housing**.

7.263 The affordable homes should be a reasonable and proportionate mix to the open market_sale homes available – please refer to the table below:

Total	Total	35% Affordable asper Policy DM8	90% Affordable/Social Rented	10% Intermediate
1-bedroom flat	14	5	5	0
2-bedroom flat	18	7	6	1
TOTAL	32	12	11	1

7.264

7.265 There may be issues with accommodating 12 affordable flats into one large block, albeit this is then divided into two 15-unit blocks. Mixed tenure blocks of flats often raises concerns for prospective RP's and therefore it may be necessary to accept all twelve affordable homes as one tenure. In line with housing need of the borough, preference would be to have them all as Affordable/Social Rent Tenure.

7.266 At least 2 of the affordable homes should be provided to M4(3) building regulation standard, and would suggest that these are provided as Affordable/Social Rented one-bedroom ground floor flats as this is the greatest need for this type of home in the Borough.

7.267 All other affordable homes should be built to M4(2) standard

7.268 I can confirm that Swale's Housing Register demonstrates a need for all types and sizes_of affordable accommodation in this area of Borough.

7.269 Historic England:

7.270. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

7.271 Faversham Town Council:

7.272 1st Response.

7.273 No objection

- 1) The Town Council considered that elements of the proposal were positive including development of a brownfield site, reduced height of blocks 1 and 2 sited closest to exiting residential areas, the provision of 1- and 2-bedroom units and connectivity to train station.

Condition:

- 1) Whilst the Town Council has no objection it noted the serious concerns raised by neighbours regarding the road. The Town Council requests that SBC Officers and Members meet with residents to discuss their concerns and mitigation measures before determining the application.

Comment:

- 1) The Town Council would welcome electric vehicle charging points and solar panels to be incorporated into the proposal.

7.2742nd Response.

7.275 Objection. Reason:

- 1) The lack of active transport infrastructure from the Station to the East of Faversham was a major concern for members. Further this is a good opportunity to link the Station/Town with the Jubilee Estate. It is imperative that if development in the South East happens alternatives to the long bridge are provided.

7.276 Comments:

- 1) Members still consider there to be strong elements to the proposal and building on brownfield sites is to be encouraged.
- 2) The bins will be unsightly for the residents of the Oast Houses and members request that they are positioned elsewhere on site.
- 3) Throughout the planning process there has been good communication between the developers, members and residents and the Committee would like to encourage this to continue.

8. BACKGROUND PAPERS AND PLANS

- 8.1 Transport Statement Part 1 and 2 – 20-065-002 Rev – January 2022,
- 8.2 Tree Assessment – Update Letter,
- 8.3 Road Safety Audit Stage 1 22nd June 2022,
- 8.4 Planning Statement,
- 8.5 Heritage Assessment – Faversham Rail Yard,
- 8.6 Aspect Ecology – Ecology Appraisal,
- 8.7 Entran Environment Noise Assessment,
- 8.8 Flood Risk Assessment – Ref: 20 0931,
- 8.9 Ecologia Phase 2 Preliminary Geo-Environmental Assessment – Faversham Rail Yard,
- 8.10 Hollis Update Letter – Daylight and Sunlight,
- 8.11 Design Response to the Stage 1 Safety Audit Report 20-065-006 June 2022,

- 8.12 Hollis Daylight and Sunlight Amenity Report for the Proposed Development 110101-100/IM/JoS,
- 8.13 Entran Air Quality Assessment,
- 8.14 Bike Store – Proposed Plans & 3D Perspective 20-0931-60,
- 8.15 Bike Store – Proposed Elevations & Sections – 20-0931-61,
- 8.16 Tree Retention, Removal, & Protection during construction 2561/21/B/3,
- 8.17 Tree Retention, Removal, & Protection during construction 2561/24/B4,
- 8.18 Design and Access Statement,
- 8.19 Faversham Railway Yard Tree Survey Amended Issue 3 April 2022,
- 8.20 Site Location Plan 20 0931 05,
- 8.21 Site Plan as Proposed – 20 0931/03 Rev F,
- 8.22 Site Plan as Proposed Part 1 – East – 20 0931/01 Rev D,
- 8.23 Site Plan as Proposed Part 2 – West – 20 0931/02 Rev E,
- 8.24 Units 5 – 19 Proposed Ground Floor Plan Amended 20-0931-20 Rev F,
- 8.25 Units 5 – 19 Proposed First Floor Plan – Amended – 20-0931-21 Rev F,
- 8.26 Units 5 – 19 Proposed Second Floor Plan – Amended – 20-0931-11 Rev F,
- 8.27 Units 5 – 19 Proposed Roof Plan – Amended – 20-0931-23 Rev E,
- 8.28 Units 20 – 34 Proposed Ground Floor Plan – Amended – 20-0931-30 Rev C,
- 8.29 Units 20 – 34 Proposed First Floor Plan – Amended – 20-0931-31 Rev C,
- 8.30 Units 20 – 34 Proposed Second Floor Plan – Amended – 20-0931-32 Rev C,
- 8.31 Units 20 – 34 Proposed Roof Plan – Amended – 20-0931-33 Rev C,
- 8.32 Units 5 – 34 3D View & Proposed Elevation South – Amended – 20-0931-25 Rev D,
- 8.33 Units 5 – 34 Proposed Elevation East – Amended – 20-0931-26 Rev D,
- 8.34 Units 5 – 34 Proposed 3D views & Elevation North – Amended – 20-0931-27 Rev E,
- 8.35 Units 5 – 34 Proposed Elevation West – Amended – 20-0931-28 Rev D,
- 8.36 Units 03 & 04 Proposed Floor Plans – Amended – 20-0931-10 Rev D,
- 8.37 Units 03 & 04 Proposed Roof Plan & 3D Perspective – Amended – 20-0931-11 Rev D,
- 8.38 Units 03 & 04 Proposed Elevations North & East – Amended – 20-0931-12 Rev D,
- 8.39 Units 03 & 04 Proposed Elevations South & West – Amended – 20-0931-13 Rev D,
- 8.40 Commercial Unit Proposed Floor Plans – Amended – 20-0931-40,
- 8.41 Commercial Unit Proposed Roof Plan – Amended – 20-0931-41,
- 8.42 Commercial Unit Proposed Elevations Front Elevations – Amended – 20-0931-42,
- 8.43 Commercial Units Proposed Elevations Side Elevations – Amended – 20-0931-43,
- 8.44 Commercial Units Proposed Elevations Rear – Amended – 20-0931-44,
- 8.45 Landscape Strategy – Amended – 0422/21/B/1B.

9. APPRAISAL

9.1 Principle of Development

9.2 The Railway Depot site is located within the defined Built-up Area boundary of Faversham. Policy ST 7 of the Local Plan states that the conservation and enhancement of the historic and natural environment are the primary aims. Policy ST 3 identifies Faversham as a secondary focus for growth in the Borough.

9.3 Paragraph 119 of the National Planning Policy Framework states that:

“Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear

strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously developed or 'brownfield land'.

- 9.4 The application site is within a high tier settlement in Swale and is considered Previously Developed Land, as much of the site is subject to hardstanding and has previously been used in connection with the railway. Further, application 18/504627/FULL established a principle for commercial development on site.
- 9.5 Paragraph 11 of the National Planning Policy Framework (NPPF) states that plans and decisions should apply a presumption in favour of sustainable development.
- 9.6 The Council's latest position indicates a demonstratable position of a 4.8-year housing supply and does not meet the minimum requirement of a 5-year housing land supply. In such situations, the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development.
- 9.7 For decision making paragraph 11 states:
- 'd) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.*
- 9.8 While the Council cannot demonstrate a 5-year housing supply, the titled balance does not apply as the site is within a designated heritage asset i.e. Faversham Conservation Area. Conservation Areas are considered a protected area as defined by the Framework.
- 9.9 However, the Council's lack of housing supply is a material consideration. This aside the site is considered brownfield land within a defined settlement. As such, the principle of development is considered acceptable in line with paragraph 119 of the National Planning Policy Framework in making effective use of land.
- 9.10 The proposal also seeks to provide a mix use site with the provision of both residential and commercial development. Policy CP 1 of the Local Plan seeks to support the building of a strong and competitive economy.
- 9.11 Paragraph 81 of the National Planning Policy Framework states that:
- "Planning Policies and decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".*
- 9.12 The proposal would seek to provide a single commercial unit which would provide office accommodation. The accommodation would provide additional office space within the Borough which would support the local economy.

- 9.13 While the site's location does not trigger the titled balance, for completeness an assessment of the site's sustainability will be considered below.
- 9.14 Paragraph 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:
- a) **an economic objective** – to help building 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;
- 9.15 Paragraph 81 of the NPPF applies significant weight to supporting economic growth. Policy CP 1 of the local plan seeks to ensure that employment sites and allocations are appropriately located and sustainable.
- 9.16 The application site is not an allocated employment site. However, a previous consent was granted for the redevelopment of the site for commercial purposes.
- 9.17 The proposal would provide a mixed-use site through the provision of both residential and commercial floor space. The interaction between commercial and residential spaces is recognised by the NPPF as having a tangible benefit to the vitality of town centres. Indeed, paragraph 86 of the National Planning Policy Framework states that:
- 'Planning policies and decisions should be supporting the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:*
- ...(f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourages residential development on appropriate sites'.*
- 9.18 The benefits can be seen in an economic sense from not only the additional provision of an additional 246sqm of office floor space in Faversham, but also from the secondary impact r.e. workers using local amenities such as shops and associated services.
- 9.19 The introduction of residential development would have a somewhat lesser economic benefit. However, the proposal would see gains in terms of increased residential spend power within the town. Alongside this would be the short-term gains from the construction process.
- 9.20 The proposal would be considered to have a degree of economic benefit to the town centre as supported by both local and national policy.
- b) **a social objective** – to support strong, responsive and competitive economy, 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
- 9.21 Policy CP 3 of the Local Plan seeks to ensure the delivery of a wide choice of homes. Paragraph 5.3.6 of the Local Plan states that the Strategic Housing Market Assessment (SHMA) indicates that the largest growth will come from single person and lone parent

households. For market housing the need indicates a requirement for 7% 1-bedroom properties and 36% 2-bedroom properties.

- 9.22 The proposed development would support the provision of additional housing in the Borough. Currently the council cannot demonstrate a 5-year housing supply, as a result an additional buffer is required to address this shortfall.
- 9.23 The proposal would seek the introduction of 32 market residential units. The provision of additional housing would contribute to the provision for present and future generations. The proposed units would be comprised of 1- and 2-bedroom units and would be located in close proximity to the train station. The provision of such units would be considered to have a social benefit in regard to the tenure, and siting as per the councils SHMA.
- 9.24 The proposal would have a single vehicle access, while third party comments and internal consultees have sought additional vehicular access this cannot be gained due to land ownership. However, the proposed layout would allow for a secondary pedestrian and cycle access to the Faversham Recreation Ground. As a result, the proposal would allow for permeability for pedestrians and cyclists both from the station and the Recreation ground.
- 9.25 While a single vehicle access does result in a cul-de-sac style development, it does limit the presence of cars within the development and prevents a cut through. The limitation of car movements would aid in creating a greater sense of shared surfaces and prevents car dominance over that of the pedestrian. The sites proximity to the station would be seen to encourage a preference for use of public transport as pose to vehicular trips.
- 9.26 The proposals' location adjacent to the train station and within Faversham Town provides access to a wide range of local services and amenities. These services include; schools, restaurants, shops and public open space within reasonable walking distance.
- 9.27 The site is considered by virtue of its location to meet a high bar in regard to its social objective. These benefits would be given substantive weight in consideration.
- c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigation and adapting to climate change, including moving to a low carbon economy.
- 9.28 Policy ST 3 of the Local Plan recognises that the Faversham is a secondary urban focus for growth. Further, policy DM 19 of the Local Plan seeks to ensure development includes measures to address and adapt to climate change.
- 9.29 The Manual for Streets guidance indicates that:

'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas which residents may access comfortably on foot... Manual for streets encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distances of most residents'.

- 9.30 The application site is located within the defined settlement of Faversham and is within reasonable walking distance to services within the town. Further, the site would be located within walking distance of the train station.
- 9.31 The location of the site is considered to provide a wide extent of future occupants needs without placing an undue reliance on the car. The proposal would provide some parking on site and offers the opportunity for electrical vehicle charging points. The proposal would also include solar panels to ensure the proposal would meet sustainability aims of the local and national policy.
- 9.32 The application site is covered in hardstanding which has limited opportunities for environmental benefits. The site does have some vegetative boundaries particularly to the north however the site currently has a low environmental quality. The proposal would offer the opportunity for landscaping and overall improvements which would have an environmental benefit.
- 9.33 The proposal would be considered to meet environmental objectives, and these would again be given substantive weight in regard to the sustainability of the site.
- 9.34 The site, for the reasons above, is acceptable for mixed use development. The proposal is considered to have tangible social, economic, and environmental benefits and is within an easy walking distance of amenities. The proposal is considered to be sustainably located and provides residential development within a secondary urban area of growth for the borough.
- 9.35 **Visual Impact**
- 9.36 As above, policy ST 3 of the Local Plan identifies Faversham as a secondary urban centre for growth at a scale and form compatible to their historic and natural assets.
- 9.37 Policies CP 3, CP 4, and DM 14 seek to ensure development has a high-quality design, is appropriate to the site context, and reinforces the local distinctiveness. Paragraph 124 (d) of the National Planning Policy Framework seeks to ensure efficient use of land which maintains the areas prevailing character.
- 9.38 The application site is located within the built confines of Faversham and just outside of the policy defined Town Centre. The site is located in an urban setting and context. The sites clear relationship, by virtue of both the proximity and historic use, with the railway network.
- 9.39 The Station building has a clear architectural form and character which was typical of the time and provides a clear visual relationship between the building and its function. The proposal would introduce three buildings on site. Two single storey and one three storey building. These would reflect and continue the architectural style of the station.
- 9.40 The proposed office building would sit within the private access off Station Road. Due to the curvature of Station Road and the proposed single storey height of the building and it's siting the building would sit comfortably in the wider setting of Station Road.
- 9.41 The proposed office building would follow the linear form and massing associated within functional station buildings. The pitch of the roof, opening details, and chimney would reflect

the stations architecture and the other functional buildings along Station Road. The building would reflect the character of the area.

- 9.42 The proposal would see the loss of 16 trees along the northern boundary with Beaumont Terrace these vary from large to small. The removal of the trees was with consultation with the neighbours along Beaumont Terrace to allow for greater light. The tree would be replaced with an avenue of Betula Pendula trees. A landscaping scheme would be required via condition to ensure the verdancy of the road is retained. The impact to the character of Station Road would be limited, with a proposal for a feature tree, and the proposed siting and scale of the built form would retain the massing in the area.
- 9.43 The proposed semi-detached single storey dwelling to the eastern half of the site and the three-storey block would be sited at such a distance from Station Road that the perception of the buildings would be limited. The overall height and massing would sit in background of Station Road. Due to the proposed orientation of the buildings to the east of the site the visual observation of the bulk, from the perspective of Station Road, would ensure the buildings would not appear overly dominate.
- 9.44 The proposed semi-detached dwelling would continue the form and massing of the office building. The linear form and pitch of the roof would again continue the somewhat functional character associated with built form connected with railways. The opening and detailing would maintain the character of a number of buildings along Station Road.
- 9.45 Wider views of the flat block building would be seen from the public right of way along the elevated walkway. The building again would reflect the utilitarian style which is synonymous with functional built form, such as those associated with railway structures. The height would be tempered by the roof pitch and views of the building would be reflective of the wider context which includes railway infrastructure.
- 9.46 Again, the detailing and form of the flat block would continue the character proposed for the site and its reflection of the historic and existing uses and infrastructure observed along Station Road. The building would be sited such that an open area would be located around the building.
- 9.47 Further, the site currently is mainly comprised of hardstanding which has a negative visual impact on the character of the area. The development provides the opportunity for meaningful landscaping which would enhance the visual appearance of the area. The proposal seeks to maintain a strong tree line adjacent to the recreation grounds. Conditions would be imposed upon any approval to ensure appropriate protection and tree works.
- 9.48 The proposed development would be considered to be in keeping with the character of the area and would comply with both local and national policy.
- 9.49 **Heritage**
- 9.50 Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets. Policy DM 32 of the Local Plan states that development must setting of the listed building and its special/architectural interest are preserved.

- 9.51 Policy DM 33 of the Local Plan states that development affecting the setting of, or views into and out of a Conservation Area, will preserve or enhance all features that contribute positively to the area's special character or appearance.
- 9.52 The application site is located in Faversham Town Conservation Area. The Conservation Appraisal notes the importance of the railway in Faversham which was a catalyst for change in the town which even into the 19th Century was still considered a remote country community. After 1860, however, with the influence of the railway line, development in the town took place on a much wider scale.
- 9.53 The Conservation Area Appraisal acknowledges that the surviving array of railway structures is the most complete on the old Southeast and Chatham Line. As a result, these buildings collectively and individually are of special interest.
- 9.54 The Conservation Area Appraisal states that the railway, including the station entrance and booking hall occupies the whole of the southern side of the Station Road, and is therefore its defining feature.
- 9.55 The Station building typifies the railway company's architectural style of the time and is a the defining focal feature of the road. The appraisal goes on to note that the booking hall has round-headed windows and is remarkable for having survived almost entirely unaltered. It is also noted that this rounded-headed design detail is continued on the Water Tower.
- 9.56 The station buildings and their associated features are considered to contribute to the character of the road and the wider Conservation Area.
- 9.57 The site has been subject to previous consent for commercial use and there is no objection from a heritage perspective to the use of the site for residential purposes. The proposed layout would allow for some areas of soft landscaping around the buildings.
- 9.58 The proposal seeks the demolition of two, low-level buildings to the front (western half of the site). The buildings are modern in design, form, and appearance and sit adjacent to the tracks. The buildings do not hold significant heritage value and the loss would not be of harm to the Conservation Area. The loss of the existing wall, which is not listed would allow pedestrian access to the commercial space.
- 9.59 The buildings would be replaced with a single storey building which would accommodate office accommodation. The overall form, design and materiality would reflect the architectural style of the Station buildings. The continuation of this design would be in keeping with the character of Station Road and the features which contribute to the character of the Conservation Area.
- 9.60 The commercial unit would sit behind an existing pedestrian footbridge. The buildings to the southern side of Station Road tend to be single storey and have a functional use i.e. in association with the railway. The proposed building's single storey height, siting, and use would sit comfortably in the Conservation Area protecting the historic townscape.
- 9.61 Details of the storage building (which would be small with a floor area of approximately 10.30sqm to the north of the proposed commercial unit would be requested via condition upon any approval. Given the scale and siting of the building, it would not be considered to detract from the Conservation Area.

- 9.62 The proposed access would have a mix of hardstanding to indicate shared space. The access is already subject to hardstanding and as such a minimal impact would occur. While the access would be subject to wider traffic movements, Station Road does allow for vehicle access and the character of the road as a result would not be considered to be significantly altered.
- 9.63 The existing, eastern half of the site is subject to hardstanding and does not positively contribute to the character of the Conservation Area. The existing features and proximity to the railway line does however visually inform the observer of the former historic use of the site in association with the railway.
- 9.64 As explained above, two residential buildings will be constructed (to the eastern half of the site). A single storey semi-detached bungalow would sit adjacent to the three-storey apartment block. The buildings again would continue the features associated with the Station booking hall. The height (a maximum of 5.91m metres) would again reduce the prominence of the building from within and outside of the Conservation Area.
- 9.65 To the eastern half of the site a three-storey flat block would be sited at a slight angle to the access road. The building would see an area of soft landscaping to the front of the building, which would provide some relief to the degree of hardstanding.
- 9.66 The overall height at three storeys with a pitched roof (to a maximum of 13.8metres) would be considered appropriate in conserving wider views of the site from within the Recreation Ground to the north. Further, the height would not dominate the perspective of those traversing across the eastern footbridge.
- 9.67 The use of arched window details, brick work, and a simple pitched gable roof and form would reflect the architectural features of the Conservation Area. The building does to a degree provide an interpretation of the historic form and function of the area. The design and form aids in improving peoples understanding of the local heritage.
- 9.68 The site is subject to a wider degree of hardstanding to provide parking. While the hardstanding is not the ideal fabric for a Conservation Area landscaping would aid in breaking this up. Given the degree of coverage of hardstanding on the site currently the proposal is considered acceptable in this regard.
- 9.69 The site is located in the setting of 9 Listed Buildings. These include to the north:
- Faversham Recreation Ground, Gardeners Lodge,
 - Council owned boundary stone
- 9.70 As above the proposals overall height, and the proposed landscaping/retained screening would aid in reducing the prominence of the development in the setting of these buildings.
- 9.71 To the northeast the Former Goods shed is located. The separation distance between the site and this listed building is sufficient to prevent the setting of the Former Goods shed from being negatively impacted.
- 9.72 To the west of the site The Station and Water Tower sit in close proximity to the site. The single storey nature of the proposed commercial unit and its siting would ensure the setting

of these buildings are conserved. The access length provides sufficient separation from the flat block and semi-detached unit to ensure the setting of the water and station are not significantly impacted.

- 9.73 To the south of the site the former engine shed, and carriage shed are located between the tracks. The buildings have a clear connection with the application site given the connection to the railway. The proposal has incorporated features associated with functional railway buildings from the 19th century. These details retain a link between the sites former use and association with the retained railway buildings.
- 9.74 To the southeast of the site, and to the other side of the railway tracks sits the Grade II* listed Church of St Catherine and the Grade II listed Vicarage. Again, the separation and overall height of the proposed buildings would not be considered to dominate the skyline or views from and towards the church.
- 9.75 Overall, the proposal is considered to conserve and preserve the Conservation Area and the setting of the Listed Buildings in the site's surrounds.
- 9.76 Policy DM 34 of the Swale Local Plan states that there will be a preference to preserve important archaeological sites in-situ and protect their setting.
- 9.77 The application site is located in an area of archaeological potential. A previous consent on the site has meant an archaeological condition has previously been discharged in connection with archaeology. The information provided with this condition identified that substantial made ground is evident (19/503736/SUB). As a result, the KCC Archaeological Officer is satisfied that no archaeological measures are required.
- 9.78 The proposal is considered to comply with local and national policy in regard to the heritage impact and is not considered to be of harm to either the designated or non-designated heritage assets.
- 9.79 **Residential Amenity**
- 9.80 *Existing residential development*
- 9.81 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 9.82 The proposal would result in the introduction of three buildings to the site, these would vary in height and use. To the eastern half of the site two residential buildings would be erected. The eastern most building would be three storeys in height housing 30 residential units. Immediately to the west of this building a single storey building housing two residential units would be sited.
- 9.83 As a general rule, a distance of 21m is considered sufficient to prevent a significant loss of amenity including privacy, daylight/sunlight, and visual intrusion to outlook. The western most building would be located in excess of this distance from the closest residential dwellings (the minimum separation would be 21metres).

- 9.84 The closest residential units are located to the west along Preston Malt House (St Johns Road) and Beaumont Terrace. To the east of the site a commercial yard operates, to the north the lies the Faversham Recreation grounds, and to the south lies the railway tracks.
- 9.85 As a result of the separation between the three-storey building and the closest residential units (a minimum of approximately 66metres) a significant loss of daylight/sunlight would not occur. Further, the separation between the single storey residential unit in combination with the height of the building no significant losses of daylight/sunlight would occur. This is confirmed by the Daylight/Sunlight assessment provided with the application.
- 9.86 The proposal would result in an angled relationship between the proposed siting of the eastern buildings to the nearest residential dwellings along Beaumont Terrace and Preston. The relationship between the buildings and the direction of outlook from the existing dwellings is such that visual intrusion to outlook would not occur to a detrimental degree.
- 9.87 Due to the distance and the height of the single storey residential unit a loss of privacy to existing residential properties would not occur. The three-storey dwelling would have openings along the western elevation. The angled trajectory of the buildings' siting alongside the distance between the development from the existing residential properties would prevent a significant loss of privacy.
- 9.88 To the western half of the site a single storey commercial unit to provide office accommodation would be sited to the south of the access. The building would sit due south of the dwellings along Beaumont Terrace. Due to the single storey nature of the proposed office building wouldn't have an elevated view of the dwellings along Beaumont Terrace. Further the northern elevation would face towards the front elevations of Beaumont Terrace and so would not have a wider view of private residential amenity areas.
- 9.89 The separation distance between the office building and the residential dwellings to the north just exceeds 21m. The distance coupled with the single storey nature of the building, and the intervening vegetation (which would be subject to some works) would not result in significant visual intrusion to outlook.
- 9.90 The proposed office building would sit to the south of the properties along Beaumont Terrace. The private residential amenity areas of these buildings sit to the north of the buildings and due to the height of the office building would not result in shadowing from the proposed building. Due to the separation and overall height of the proposal a significant loss of daylight/sunlight would not occur.
- 9.91 A small storage building would be located to the northern half of the access road. Details of this building would be required via condition. However, given the floor space of the building its scale would not be considered to result in a detrimental loss of amenity to neighbouring residents.
- 9.92 The proposal would result in some increased traffic along the access which sits to the south of the existing residential dwellings. However, as the access terminates within the site, the movements would likely be primarily related to the 32 residential units and office space. The associated noise of the proposals would not be detrimental. Conditions would control the construction phase and piling operations to limit the temporary impact. Environmental Health have raised no objection in regard to this matter.

9.93 *Proposed dwellings*

9.94 The proposed residential dwellings would not have private residential amenity spaces. Open space would be provided around the buildings, but these areas would be limited due to the proximity to the access road, or to the northern tree line.

9.95 This level of provision is acceptable for this development, particular given the urban location. The proposal has included a pedestrian access directly into the recreation ground to the north of the site. The proximity of this area would give future occupiers access to good quality open space for recreational purposes.

9.96 In regard to the residential dwellings, in general the proposal would ensure that the units would meet minimum space standards and that habitable rooms would have windows to allow outlook out of the building. The proposal would also include lifts to allow access to the proposed units.

9.97 The proposed units would have openings to habitable rooms which would allow out look out of the building. The trees would be sited close to the units facing north, however the degree of separation coupled with the semi-transparency of trees would not result in a significant visual barrier to outlook.

9.98 The proposal would see several of the flats face north towards the tree lined boundary. The flats would lie near this boundary which may impact the light admittance to the units facing to the northern boundary.

9.99 A daylight/sunlight assessment was undertaken, the original assessment looked at the proposal prior to the revisions. A further, update was provided in regard to the changes which saw the alignment of the two blocks into one single unit.

9.100 The daylight/sunlight assessment identifies trees are represented as solid objects when making such assessments. Trees can have varying effects upon daylight within buildings depending on size, species, and time of year. This is difficult to model, as the report identifies, it is difficult to accurately model the filtration of natural light.

9.101 As a result, two models are provided in accord with BRE guidance one with trees and one without, in regard Average Daylight Factor (ADF) which allows for best- and worst-case scenarios.

9.102 Without the trees, the model indicates that all windows would have passed and with trees 10 windows would fail. Of these 10, 6 are bedrooms which do not require the same degree of light admittance. 4 of the remainder are living spaces, without the trees the four rooms exceed the required guidance and with they fail.

9.103 The revised plans would see the loss of side windows, however the updated report does not consider this would significantly and adversely alter the assessment. The light levels are considered broadly acceptable in regard to Daylight and Sunlight.

9.104 *Noise*

9.105 The application site is located adjacent to the railway tracks and train station which has the potential to result in noise. The application was submitted with an Environmental Noise

Assessment. The assessment indicated that the noise levels with windows closed would be acceptable and during the night would only exceed British Standards 5 – 8 times. The assessment identified that suitable ventilation options have been identified. It was recommended that glazing and attenuation ventilation units are adopted.

9.106 The proposal is not considered to result in a significant loss of amenity to existing residents. The proposal would be considered on balance to result in an acceptable level of amenity for future residents. Conditions would be imposed to ensure that adequate mitigation is secured.

9.107 The proposed development is considered to preserve existing neighbouring amenity and an acceptable level of amenity for future occupants. The proposal is considered compliant with local and national policy.

9.108 Highways and Parking

9.109 Policy DM 6 of the Local Plan seeks to manage transport demand and impact. Policy DM 7 of the Local Plan provides guidance on parking standards alongside the Swale Borough Council Parking Standards SPD.

9.110 Paragraph 111 of the National Planning Policy Framework states that:

‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe’.

9.111 The proposal seeks the re-development of the site for residential and commercial use. The commercial space would consist of office accommodation.

9.112 Policy DM 7 states that vehicle parking for non-residential units should take into account the accessibility of the development and availability of public transport. The Swale Parking SPD indicates that for offices up to 500sqm, one space per 20sqm should be provided. The parking adjacent to the office space would include 11 parking spaces. The spaces would include 2 disabled bays and 2 spaces with ‘active’ EV parking.

9.113 The proposal would fall 1.3 spaces short of Swale’s parking standards. However, paragraph 82 of the SPD states that:

‘It is widely acknowledged that limiting the amount of parking provided at the end destination of a trip can discourage journeys by car. This is particularly the case where there are a range of alternative modes available in sustainable locations. Therefore, the parking standards for non-residential uses are advisory standards and lower provisions should be considered to encourage travel by other modes, where appropriate’.

9.114 In taking into account the close proximity of the site to the train station and wider town the proposed provision in relation to the office development is considered compliant with policy DM 7 and the Swale Parking SPD. KCC Highways requested that the building be secured for office use to ensure compliance with the prescribed standards, and this would be secured via condition.

9.115 Policy DM 7 of the Local Plan states that car parking standards for residential development to take into account the type, size, and mix of dwellings. The parking SPD advises for 1- and

2-bedroom flats/houses 1 parking space per unit is required. 32 residential units would be provided across the site and a total of 33 parking spaces would be provided.

9.116 The application site is located just outside of the defined Town Centre boundary (as set out by policy DM 2 of the Local Plan). The site technically sits in the 'Edge of Centre'. The Parking SPD states that the advisory guidance indicates that 0.2 visitor spaces per unit would be advisable, which equates to 6.4 spaces rounded up to 7. The proposal falls short by 6 spaces.

9.117 Footnote 1 of the advisory guidance for Edge of Centre parking states that car parking is for guidance and a lower provision should be considered for areas with good accessibility by sustainable modes. The application site is located adjacent to Faversham Trian Station. As a result, the proposal is considered to be located in an area with good accessibility by sustainable transport. As such the lower provision of visitor parking spaces is considered acceptable against the policy criteria and would not act to promote transport by private car use.

9.118 The proposal would include a number of cycle storage spaces for both the residential uses and the commercial office space. The cycle storage provision would ensure provision for alternative methods of transports for residents, again reducing the need for reliance on the car.

9.119 The proposal has indicated 6 'Active' charging spaces across the site. As the proposal is comprised of flats and a semi-detached bungalow the allocation of charging units would be distributed across a number of the proposed parking spaces. The degree of EV charging points would be considered policy compliant. Further, details would be secured via condition to ensure the deliverability of the charging units.

9.120 The proposal would provide a singular vehicle access point of Station Road. The access does currently exist however the use of the site would clearly intensify with the introduction of commercial and residential use. The KCC Highway Officer considered the trip generation of the proposal and did not consider that the additional traffic movements would be of concern in regard to the impact to the wider highway network.

9.121 The proposed visibility splays were considered acceptable, and the Highway Officer considered that an 11.4m refuse vehicle would have the availability to turn on site. Details would be secured in order to ensure that the splays are provided and maintained.

9.122 **Biodiversity**

9.123 Policy DM 28 of the Local Plan states that development proposal will conserve, enhance, and extend biodiversity, and provide net gains in biodiversity where possible.

9.124 The application site is previously developed and subject to a wider degree of hardstanding. While the site has a well vegetated northern boundary the site is not well covered by habitats and is considered to have a low biodiversity value.

9.125 To ensure that any proposal would mitigate the impact to the wider habitat available on site a lighting condition would be applied to any grant of consent. A lighting scheme would be required to ensure that bats could continue to forage and commute without disruption.

- 9.126 As noted by the Ecology Officer the report, submitted by the applicant, to avoid impacts to the potentially present protected species precautionary mitigation measures during construction should be applied. A condition would be applied to ensure such measures are secured.
- 9.127 To ensure compliance with policy DM 28 a condition to secure ecological enhancement would be applied to any consent. The Ecology report submitted indicates suitable measures to enhance biodiversity including native species planting and the provision of bird/bat boxes.
- 9.128 Aspect Ecology Report indicates the proposal would be capable, based on the landscaping plans, of achieving a Biodiversity Net Gain of +18.79% in relation to the existing baseline habitat value.
- 9.129 The application site is within the 6km buffer zone from the SPA and Wetland of International Importance under the Ramsar Convention. As a result, to ensure the development would mitigate for additional recreation pressure on the designated sites an Appropriate Assessment would need to be undertaken.

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

- 9.130 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 9.131 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 9.132 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The 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.
- 9.133 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 9.134 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.
- 9.135 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.

9.136 The proposal would have an impact upon the SPAs, however the scale of the development (32 residential units) is such that it would not be considered, alongside the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff, that the impacts would be significant or long-term.

9.137 Based on the potential of up to 32 residential units being accommodated on the site A SAMMS contribution of up to £8,828.16 could be secured under the Section 106 agreement. The legal agreement could be worded such that it sets out that the SPA mitigation contribution is to be secured prior to the occupation of any dwelling. Therefore, taking into account the above it is considered that there will be no adverse effect on the integrity of the SPAs.

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

9.139 The proposal would be considered to reflect the aims of policy DM 28 and would provide on-site improvements for biodiversity as well off-site mitigation through SAMMS contributions.

9.140 **Flooding and Drainage**

9.141 Policy DM 21 of the Local Plan seeks to ensure that development proposals will demonstrate that the most suitable means of drainage will be achieved on the site and Flood Risk Assessments will be provided where a development is at risk of flooding.

9.142 A narrow strip of the access is covered by Flood Zone 2 and 3 which runs in a north south trajectory. The Flood Risk Statement was provided in association with the application. The statement identifies that the portion of the site within Flood Zone 2 and 3 is already subject to hardstanding and no residential or commercial floor space would be located within this area. The total area within Flood Risk Zones 2 and 3 is not more than 1% of the site.

9.143 The Environment Agency and the Flood and KCC Flood Risk Officer have raised no objections to the proposal. A series of conditions have been required by the Environment Agency have been requested which would be applied to any grant of consent.

9.144 The proposal includes details of a drainage system which would include a system of attenuation with a restricted outfall to the existing sewer. While SUDs are a policy preferred means of drainage, given the context of the site and the requirement by the framework to make efficient use of land this would not be considered the most appropriate method of drainage. KCC Drainage have no objection to the proposal and have provided a list of conditions which would be applied upon any grant of consent.

9.145 **Air Quality**

9.146 Policy ST 7 of the Local Plan states that development proposals in Faversham will be consistent with local air quality action plans for Ospringe and bring forward innovative proposals for mitigation of adverse impacts.

9.147 The application site is approximately 1.3km from the Ospringe Air Quality Management Area to west of the site along the A2. An Air Quality Assessment was provided with the application. The assessment reviewed the impact to both the construction and operational impacts of the development on the AQMA (on an assessment of 45 units, which has now been reduced in number).

9.148 The assessment identified that during the construction process some dust and particular matters would be generated on-site. The report considers these can be effectively mitigated. The operational impact would see emissions arising from traffic generation was considered to have a negligible impact.

9.149 The Environmental Health Officer has considered the proposal and has stated that they concur with the reports assessment. A condition has been proposed by the Environmental Health Officer to aid in the mitigation of the construction phase, which would be applied to any approval.

9.150 **Contamination**

9.151 A land contamination survey was provided with the application. The assessment identified that the ground conditions on site were comprised of Made Ground overhead deposits, which were underlain by the Seaford Chalk formation. The chalk is designated as a principal aquifer and the site is within Source Protection Zone 1. However, the report concludes that the nearest abstraction licence is 550m from the site.

9.152 The report detailed that the made ground did not contain any sensory or visual evidence of contamination was noted during the investigation works. No significantly elevated concentrations of heavy metals or hydrocarbons were found within the Made ground or natural soils underlying the site. Some exceedances of contaminants were found in Made Ground in comparison with residential although none were found. None were found in regard to ground and very low ground gas concentrations were identified.

9.153 The Environment Agency and Environmental Health have reviewed the data provided and have raised no objections. The Environment Agency has provided a recommended list of conditions which would be applied to any grant of consent. The conditions relate to contamination and remediation, the Environmental Health Officer has supported the recommended conditions.

9.154 **Public Right of Way**

9.155 Public Right of Way ZF 24 runs to the eastern boundary of the site and is positioned on the footbridge which is sited above the railway tracks. The proposal would not block or divert this Right of Way and the Officer has no objection to the proposal.

9.156 An additional pedestrian access will be opened to the recreation ground which is welcomed by the Officer. The additional access would not be maintained by Kent County Council and therefore the maintenance would be secured via Section 106.

9.157 **Developer Contributions**

9.158 Polices CP 6 and IMP 1 seek to deliver infrastructure requirements and other facilities.

9.159 Contributions toward waste, social care, library book stock, youth services, community learning, and education would be sought. These have been outlined by KCC Contributions team (and Members will note paragraph 6.166 above, and that if 32 residential units (under KCC applicable criteria) are built a contribution of approximately. (not including indexation) £50,158.18 would be payable and could be secured through a Section 106 agreement.

9.160 In addition, the legal agreement would need to include contributions for wheelie bins, an administration / monitoring fee, SPA mitigation (see paragraph 8.86 above) and formal sports / play equipment. I will update Members at the meeting.

9.161 The Kent and Medway Clinical Commissioning group would seek a contribution, in accord with the applicable criteria, of approx. £20, 016.00.

9.162 **Affordable Housing**

9.163 The proposed development seeks the provision of 32 residential units. Policy DM 8 of the Local Plan states that development of 11 or more dwellings would need to provide affordable housing. The application site is located in Faversham Town which require a 35% provision of affordable housing.

9.164 Policy DM 8 continues to identify in section 5(c):

‘where an applicant can demonstrate that providing the full affordable housing provision would result in the scheme becoming unviable, a reduced requirement may be considered and will be subject to a legal agreement to ensure that full provision of affordable housing is reconsidered should land values rise prior to the commencement of development or any subsequent phases and/or an adjustment made to the tenure split’.

9.165 Paragraph 58 of the National Planning Policy Framework states that:

‘It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker...’.

9.166 A viability assessment was submitted with the application and reviewed independently. The independent assessment identifies that in order to deliver a minimum return to the landowner, which the NPPG recognises as between 15% - 20%, a contribution of £10,853 for offsite affordable housing would be acceptable.

9.167 As such, an offsite contribution would be accepted under local and national policy in lieu of onsite provision.

9.168 **Network Rail**

9.169 Network Rail/Southeastern Railway has objected to the introduction of residential development which would sit within an access point to rail network. The concerns relate to the potential for noise complaints, parking preventing access of network rail maintenance vehicles to the railway lines, and trespass/safety.

9.170 Network Rail did state that should planning consent be granted conditions should be imposed relating to noise, enclosure, and parking control. The proposed objections are not considered so substantive as to outweigh the clear benefits of the proposal which would provide residential development (and a small commercial element) in a sustainable location.

9.171 The conditions requested by Network Rail would be imposed upon any grant of consent.

10. CONCLUSION

10.1 The proposed development would see efficient use of a brownfield site in an urban context. The proposed development would see the provision of both residential and commercial uses which would benefit the viability of the town centre of Faversham.

10.2 The proposal would see the remediation of a brownfield site which would result in tangible gains in regard to biodiversity, permeability of the area, landscaping, and commercial floor space. The proposal would also provide tangible social benefits in providing residential development in a sustainable location.

10.3 The proposed development is considered to on balance comply with local and national policy. The proposal would provide sustainable development that would be in keeping with the character and context of the area.

11. **RECOMMENDATION** – Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.

CONDITIONS

- (1) The developments 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 developments hereby approved shall be carried out and maintained in accordance with the following approved plans:

Site Location Plan 20 0931 05, Site Plan as Proposed – 20 0931/03 Rev F, Site Plan as Proposed Part 1 – East – 20 0931/01 Rev D, Site Plan as Proposed Part 2 – West – 20 0931/02 Rev E, Units 5 – 19 Proposed Ground Floor Plan Amended 20-0931-20 Rev F, Units 5 – 19 Proposed First Floor Plan – Amended – 20-0931-21 Rev F, Units 5 – 19 Proposed Second Floor Plan – Amended – 20-0931-11 Rev F, Units 5 – 19 Proposed Roof Plan – Amended – 20-0931-23 Rev E, Units 20 – 34 Proposed Ground Floor Plan – Amended – 20-0931-30 Rev C, Units 20 – 34 Proposed First Floor Plan – Amended – 20-0931-31 Rev C, Units 20 – 34 Proposed Second Floor Plan – Amended – 20-0931-32 Rev C, Units 20 – 34 Proposed Roof Plan – Amended – 20-0931-33 Rev C, Units 5 – 34 3D View & Proposed Elevation South – Amended – 20-0931-25 Rev D, Units 5 – 34 Proposed Elevation East – Amended – 20-0931-26 Rev D, Units 5 – 34 Proposed 3D views & Elevation North – Amended – 20-0931-27 Rev E, Units 5 – 34 Proposed Elevation West – Amended – 20-0931-28 Rev D, Units 03 & 04 Proposed Floor Plans – Amended – 20-0931-10 Rev D, Units 03 & 04 Proposed Roof Plan & 3D Perspective – Amended – 20-0931-11 Rev D, Units 03 & 04 Proposed Elevations North & East – Amended – 20-0931-12 Rev D, Units 03 & 04 Proposed Elevations South & West – Amended – 20-0931-13 Rev D, Commercial Unit Proposed Floor Plans –

Amended – 20-0931-40, Commercial Unit Proposed Roof Plan – Amended – 20-0931-41, Commercial Unit Proposed Elevations Front Elevations – Amended – 20-0931-42, Commercial Units Proposed Elevations Side Elevations – Amended – 20-0931-43, Commercial Units Proposed Elevations Rear – Amended – 20-0931-44, Landscape Strategy – Amended – 0422/21/B/1B.

Reason: For the avoidance of doubt and interest of proper planning.

- (3) Prior to occupation of the development hereby approved, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will demonstrate adherence to the recommendations in section 6.1.7 of the Ecological Appraisal (Aspect Ecology March 2021) and show that areas to be lit will not adversely impact biodiversity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interest of conserving habitats.

- (4) From the commencement of work (including site clearance), all precautionary mitigation measures for protected species will be implemented in accordance with the details in sections 6.1.8, 6.1.9 and 6.1.10 within the Ecological Appraisal (Aspect Ecology March 2021). These measures shall be maintained throughout the course of the development.

Reason: In the interest of protected species.

- (5) Within six months of works commencing, details of how the development will enhance biodiversity (the details will demonstrate the biodiversity net gain as illustrated by the Aspect Ecology Aspect Ref: 1006159 TN01 UBNG) will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscape plan and recommendation in section 6.2 of the Ecological Appraisal (Aspect Ecology March 2021). The approved details will be implemented and thereafter retained.

Reason: In the interest of enhancing Biodiversity.

- (6) Prior to the commencement of the development hereby approved 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 Drainage Statement dated July 2021, prepared by Alan Baxter Partnership LLP, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
 - that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

- (7) 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 neighboring 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.

- (8) Prior to the commencement of the development hereby approved a schedule of the specific facing and roofing materials (including window and door products/systems and rainwater goods) to be used for each building (including the proposed cycle stores) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development. This shall be based on the indicative materials listed on the materials schedule for each building (see informative 1 (a)).

Reason: In the interest of the preservation of the Conservation Area.

- (9) Prior to the commencement of the development hereby approved, sample panel(s) of the proposed brickwork to be used on each of the buildings proposed shall be erected on site and made available for inspection and by means of submission approved in writing by the Local Planning Authority. The sample panel(s) to show the specific facing bricks to be used (main brick and feature/contract brick(s), the pointing profile/colour/coursing depths to be used, the bonding pattern(s) to be used, the detailing of any cavity ventilation slits to be used and part construction of the redbrick window arches, to show the typical construction detailing for this visually important element of each building. The proposed development shall be carried in accord with the approved details.

Reason: In the interest of the preservation of the Conservation Area.

- (10) Prior to the commencement of the development hereby approved the following key construction details (in relation to each building) shall be submitted to, and approved in writing by the Local Planning Authority:

- (a) 1:1 or 1:2 scale vertical section drawing showing eaves detailing (including guttering profile and guttering bracket profile, where applicable);
- (b) 1:1 or 1:2 scale vertical section drawing showing verge detailing;
- (c) 1:1 or 1:2 scale vertical section drawing showing detailing at the junction of the projecting masonry plinth;
- (d) 1:1 or 1:2 scale vertical section showing typical window and door reveal, together with window head, door head and window cill/sub cill detailing;
- (e) 1:1 or 1:2 scale vertical section drawing showing junction detailing between facing brickwork and metal cladding on apartment block building housing units 5-34
- (f) 1:1 or 1:2 scale vertical section drawing showing junction detailing at change in vertical plane in facing brickwork (including for blind windows);
- (g) 1:1 or 1:2 scale vertical section drawing showing roof ridge detailing;
- (h) 1:1 or 1:2 scale vertical section showing the chimney head and shoulder detailing, plus chimney/roof junction detailing (flashing detailing) on building housing units 3 and 4; and
- (i) 1:1 or 1:2 scale vertical section drawing showing junction between solar/PV panel arrays and the adjacent natural slate roof covering (where applicable).

The development shall be carried out in accord with the approved details.

Reason: In the interest of the preservation of the Conservation Area.

- (11) Prior to reaching Damp Proof Course of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the landscape strategy drawing (ref. 0422/21/B/1B) and should provide images together with relevant sizes/dimensions of the relevant shrubs, trees, surfacing materials and boundary treatments to be used (see informative 2(b)). The development shall be carried out in accord with the approved details and in accordance with a program that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interest of preserving the Conservation Area and enhancing visual amenity.

- (12) Prior to the first occupation of any part of the development hereby approved a Landscape Management plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be adhered to thereafter.

Reason: To ensure the visual amenity of the area.

- (13) 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.

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

Reason: In the interests of visual amenity.

- (15) Upon completion of the development, no further development permitted by classes A, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out to the semi-detached pair of dwellings (as labeled at 1 and 2 on plan 20 0931/03 Rev F).

Reason: In the interest of visual amenity and the preservation of the Conservation Area.

- (16) Prior to the first occupation of any of the residential units, a scheme of heritage interpretation for the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to first occupation of the development hereby approved. The interpretation signage shall thereafter be maintained as such thereafter (see informative C).

Reason: In the interest of enhancing the Conservation Area.

- (17) The development shall be designed to achieve a water consumption rate of no more than 110 liters 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 (internal or external).

Reason: In the interests of water conservation and sustainability.

- (18) Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

Reason: In the interests of Highway Safety.

- (19) Prior to bringing the development into first use the access as shown on plan 20-065/002 Rev A (contained within Transport Statement) shall be completed and brought into operation. The access shall be maintained as such thereon.

Reason: In the interest of highway safety.

- (20) Prior to bringing the development hereby approved into first use, the visibility splays shown on the submitted plans 20/065/002 with no obstructions over 0.6metres above carriageway level within the splays shall be implemented and maintained as such thereafter.

Reason: In the interest of highway safety.

- (21) Prior to bringing the development hereby approved into first use the vehicle parking spaces as indicated on plan 20 0931/03 Rev F shall be retained as such thereafter. No

development shall occur that would preclude access to the vehicle parking spaces.

Reason: In the interests of highway safety.

- (22) Prior to bringing the development hereby approved into first use the provision and permanent retention of the cycle parking facilities shown on the approved plan 20 0931/03 Ref F shall be implemented and thereafter maintained, no development shall occur so as to preclude access to the cycle parking.

Reason: In the interest of highway safety.

- (23) Prior to the commencement of the development hereby approved details of all the vehicle loading/unloading, turning facilities and no parking zones (too ensure access to rail land) have been submitted too and approved in writing. The development shall be carried out in accord with the approved details and maintained as such thereafter.

Reason: In the interest of highway safety.

- (24) Prior to first occupation of the development hereby approved provision and permanent retention of Electric Vehicle Charging points shown on the approved plan 20 0931/03 Rev F. All Electric Vehicle chargers provided for homeowners in residential developments must 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.

Reason: In the interest of air quality.

- (25) Prior to the commencement of the development details of how the development will comply with the requirement of the principles of 'Secure by Design' shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accord with those details.

Reasons: In the interest of residential amenity.

- (26) No construction work (excluding impact pile driving dealt with by separate condition), 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.

- (27) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor 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.

- (28) Prior to the commencement of the development hereby approved details of all noise mitigation measures including glazing, attenuated ventilation, and means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in line with the recommendations of the Entran Ltd Environmental Noise

Assessment. The mitigation will ensure that future occupiers of the development enjoy a satisfactory level of internal noise. The development shall be carried out in accord with the approved details.

Reason: In the interest of residential amenity.

- (29) No development shall take place until a Construction and Environmental 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. This shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
 - (x) Phasing of the development

Reason: In the interest of Air Quality.

- (30) Prior to reaching slab level on the commercial office details shall be submitted to and approved in writing by the Local Planning Authority demonstrating the building will achieve a BREEAM minimum rating of 'Good' or alternative as agreed in writing by the local planning authority. Evidence shall be provided to the Local Authority in the following format and at the following times: i) Prior to first use of the development, a final post-construction certificate certifying that the development has achieved a BREEAM minimum rating of 'Good' or alternative as agreed, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of environmental sustainability and reducing the risk of climate change.

- (31) The unit labeled as 'commercial space' on plan 20 0931/03 Rev F shall be used for purposes relating to Class E(g)(i) of the Town and Country Planning (Use Classes) Order 1987 (as amended) Office only, unless otherwise agreed in writing by the local planning authority, and for no other purpose.

Reason: In the interests of the vitality of the town center and highway safety.

- (32) 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 by a piling risk assessment that there is no resultant unacceptable risk to groundwater. 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.

- (33) 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. The development shall be constructed 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.

- (34) 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.

- (35) 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 170 of the National Planning Policy Framework.

- (36) Prior to any part of the permitted development being occupied a verification report demonstrating the 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.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the National Planning Policy Framework.

- (37) No development approved by this planning permission shall commence until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
1. 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; and
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The results of the site investigation and the detailed risk assessment referred to in (2) 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.
 4. 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 (3) 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 written consent of the local planning authority. The scheme 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 in line with paragraph 170 of the National Planning Policy Framework.

- (38) Prior to reaching slab level of the development hereby approved details of the pedestrian access to the Faversham Recreation Ground shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to first occupation of the development.

Reason: In the interests of sustainable transport.

- (39) Prior to reaching slab level of the development hereby approved, details of all means of enclosure shall be submitted to and approved in writing by the Local Planning authority. The approved details shall be implemented prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of residential and visual amenity.

- (40) Prior to the commencement of the development the tree protection measures as illustrated by the Faversham Railway Yard Tree Survey Amended Issue 3 April 2022 and plans 2561/21/B/3 and 2561/21/B/4A shall be implemented in full. The tree protection measures, works, and construction works shall be carried out at all times through the course of the development as illustrated by the Faversham Railway Yard Tree Survey Amended Issue 3 April 2022 and plans 2561/21/B/3 and 2561/21/B/4A.

Reason: In the interest of visual amenity.

- (41) Prior to reaching damp proof course details of the all the proposed bin stores including

siting, floor plans, and elevations shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accord with the approved details.

Reason: In the interest of amenity.

- (42) 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 interest of promoting energy efficiency and sustainable development.

- (43) Prior to the commencement of the development hereby approved, details of a parking management plan shall be submitted to and approved in writing by the local planning authority. The management plan shall include details of the access route to the network rail access are kept free of vehicles.

Reason: In the interests of highway safety.

Informative:

Conservation:

1. (a) The window system/product to be used shall be expected to incorporate externally invisible trickle vents and the large format windows should utilize a traditional vertical sliding sash opening mechanism, whilst the smaller format window may utilize a side hung casement opening mechanism.
2. (b) It is recommended that the detailed landscaping scheme enhanced by a combination of planting and contrasting hard surfacing materials to echo the pattern of rail lines which historically crossed across the site, thus helping to reflect the historic use of the site and to render the development more distinct and visually engaging.
3. (c) The interpretation to be provided should help residents of the scheme and visitors to the location appreciate the railway related heritage which survives around the edges of the site and which has been important in the development of Faversham. This includes the grade II listed station buildings to the west, the grade II listed (at-risk) engine and carriage shed across the rail tracks to the south, the grade II listed (converted) water tower to the west and the grade II listed (converted) goods shed to the north. The interpretation should show how the application site lies on the site of the former sidings serving the former cattle market and the branch line serving the Abbey brick works with the nearby grade II listed goods shed to the north being a clear visual reminder of that former branch line, brickmaking being hugely important to the development of the town, but now an industrial process which no longer continues within the town. The interpretation can reference how the landscaping design used within the scheme reflects the historic alignment of former rail lines and sidings within the site through the use of a development scheme plan placed alongside one or more archive map images.

Public Right of Way:

4. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority, 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, planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority, no trees or shrubs should

be planted within 1.5 metres of the public right of way.

Highways:

5. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Contamination:

6. Piling can result in risks to groundwater quality by mobilising contamination when boring through different bedrock layers and creating preferential pathways. Thus, it should be demonstrated that any proposed piling will not result in contamination of groundwater. If Piling is proposed, a Piling Risk Assessment must be submitted, written in accordance with EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention. National Groundwater & Contaminated Land Centre report NC/99/73.
7. Only clean uncontaminated water should drain to the surface water system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures). Appropriate pollution control methods (such as trapped gullies and interceptors) should be used for drainage from access roads and car parking areas to prevent hydrocarbons from entering the surface water system. There should be no discharge into land impacted by contamination or land previously identified as being contaminated. There should be no discharge to made ground. There must be no direct discharge to groundwater, a controlled water.

Network Rail:

8. The applicant is reminded they will be required to engage with Network Rail Asset Protection team to get the required resource and expertise on-board to enable approval of detailed works.

Bins:

9. No bin stores shall be located along the northern boundary to the western half of the site.

Councils approach to the application:

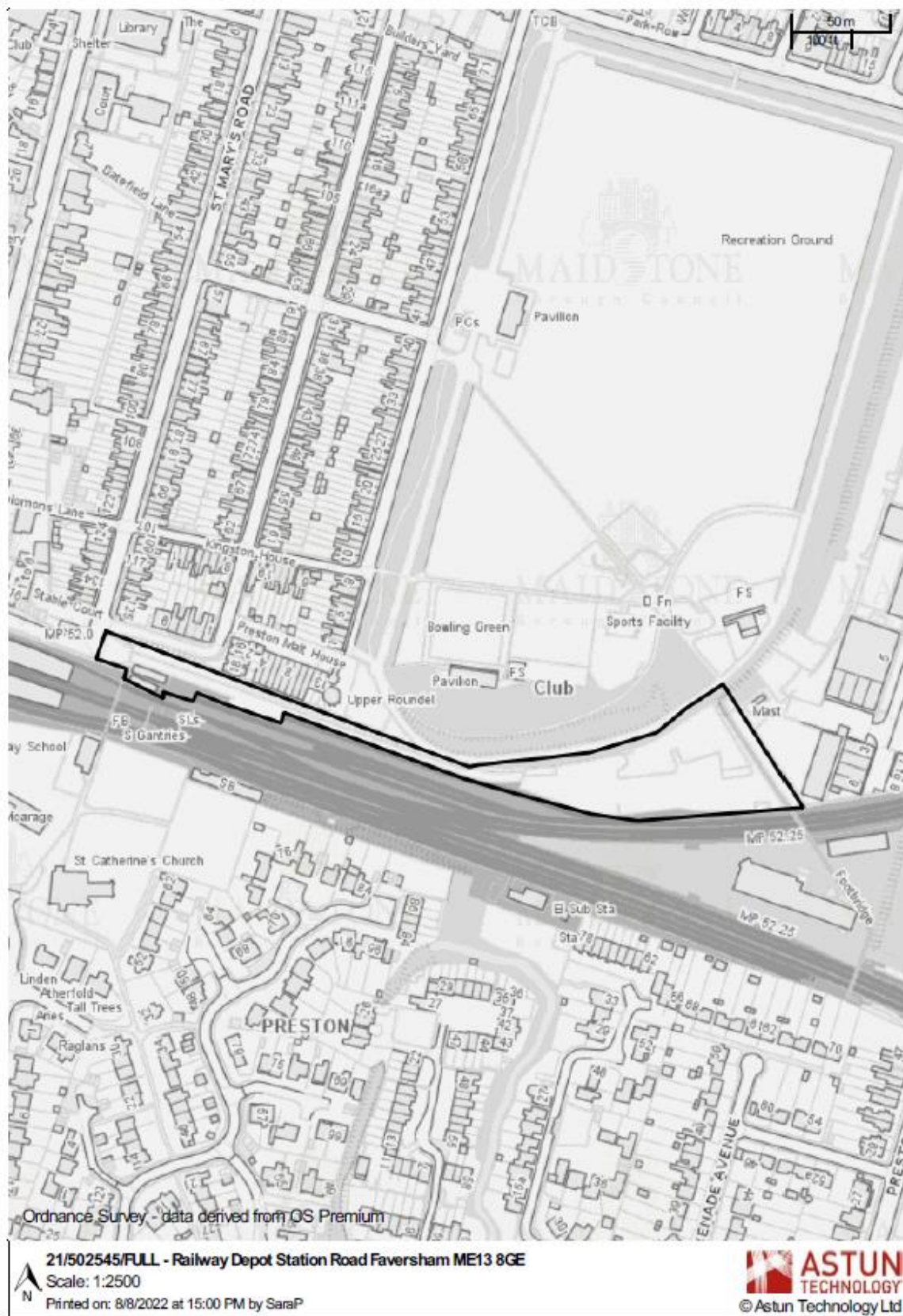
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where 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 applicant/agent was advised of minor changes required to the application and these were agreed.

The applicant/agent was provided with formal pre-application advice.

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



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2.2 REFERENCE NO - 21/505544/FULL		
APPLICATION PROPOSAL		
Revision to extant planning permission SW/96/0620 for the demolition of 1 bungalow and garage and the erection of 6 no. houses, garages and parking. Widening of Washley Hill, provision of a pedestrian footpath from Hearts Delight Road, closure of existing vehicular access and provision of new, relocated access, along with wildlife enhancements AS AMENDED BY DRAWINGS RECEIVED ON 9 TH FEB 2022 and 10 TH MARCH 2022		
ADDRESS Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The principle of the development has been established and an extant permission is in place on the site. The proposal will provide the immediate delivery of previously approved residential accommodation, at a time when the Council does not currently have five years of housing land supply. The delivery of this scheme (subject to conditions) would be consistent with the broad aims of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE		
Borden Parish Council have objected to the proposal and Cllr Baldock requested the application be considered by Members.		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Hillyfield Development Ltd AGENT Alpha Design Studio Limited
DECISION DUE DATE 15/12/21	PUBLICITY EXPIRY DATE 04/03/22	OFFICER SITE VISIT DATE

PLANNING HISTORY

SW/96/0620 Renewal of permission SW/91/802 for the demolition of x1 bungalow and garage and the erection of x6 houses, garages and parking APPROVED 24.09.1996

SW/91/802 Renewal of planning permission SW/86/502 for the demolition of existing bungalow and outbuildings and development of 6 detached houses with garages APPROVED 26.09.1991

SW/86/502 Demolition of existing bungalow and outbuildings and development of 6 detached houses with garages APPROVED 09.09.1986

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The site is located to the southwest of Sittingbourne off Washley Hill, a narrow lane which serves a number of other residential properties, to the east of Hearts Delight in the village of Borden.
- 1.02 The site itself, and the surrounding properties along Washey Hill, lie on raised ground from Hearts Delight and level out to the east.

- 1.03 Washley Hill currently provides vehicular access to 5 properties to the north and continues on to join Starvecre Lane and joins a private access road to the south which leads to Willbridge House.
- 1.04 The site is located just outside of Borden built up area boundary and is within the defined countryside however, opposite the road and to the west of the site (within the built-up area boundary) are numerous substantial detached residential properties of varying designs and styles which characterise the area.
- 1.05 Hearts Delight the road upon which the access road enters onto Washey Hill is a designated rural lane and whilst residential properties line the west of it, prior to the open countryside to the south, the east side is characterised by established vegetation.
- 1.06 The site contains the unoccupied Hillyfield bungalow and its associated garage and outbuildings. The site is largely open to the east towards the open countryside, but tall established vegetation contains the site on the other boundaries. The site is unkept with low level vegetation and slopes down towards the west of the site and Hearts Delight.
- 1.07 Public footpath ZR 140 runs from Washley Hill east and connects to Starveacre Lane towards Sittingbourne and Tunstall

2.0 PROPOSAL

- 2.01 The application proposes a revised layout and design to that approved under extant planning application reference SW/96/0620 approved on 26th September 1996 which was for the demolition of 1no. bungalow and garage and the erection of 6 no. houses, garages and parking
- 2.02 All of the planning conditions for this previous planning approval (SW/96/0620) for 6 no. houses were discharged, and work commenced on site to a sufficient degree that this permission has been implemented and remains extant (previously confirmed by the Council in 2004).
- 2.03 This application is also for the demolition of the existing bungalow and garage on the site and the erection of 6 no. houses, associated garages and parking.
- 2.04 Following the submission of the original proposal and the initial consultation period amended plans were received which in summary included:
- All houses being reduced in scale
 - Additional information relating to the volumes of the permitted scheme and proposed scheme which demonstrates that the current submitted scheme has a total development volume that is LESS than the approved scheme. The overall volume of the scheme falls from 3954.72m³ (with size of houses all being 659.12m³) to 3826.79m³(with size of houses ranging from 571.7m³ to 674.26m³) an overall reduction of 127.93m³)
 - Amended landscaping / planting details throughout the site with additional screening to the east of the site
 - Close boarded fences to the perimeter of the site have been replaced with hedging and 1.2m high post and rail fencing.
 - First floor balconies to Plots 2 & 3 removed
- 2.05 Sustainable measures are to be included within the build and these are:

- Air source heat pumps.
 - Photovoltaic panels on the roof.
 - Large areas of glazing to allow for high levels of natural light.
 - All principle living spaces are orientated to maximise solar gain, natural light and passive solar heat gain.
 - A whole-house ventilation and heat recovery system to minimise ventilation heat losses.
 - 100% energy efficient lighting.
 - Water efficient fittings.
 - Low energy appliances.
 - Sustainable construction methods including high specification insulation.
 - Rainwater harvesting for maintaining the landscaping.
 - Natural sedum flat roofs which: aid thermal efficiency in the colder weather; reduce the amount of rainwater surface runoff; enable carbon dioxide capture; and provide ecological benefits.
 - Electrical Vehicle Charging (EVC) points for all of the dwellings.
- 2.06 Additionally, Washley Hill, is to be widened to provide a new pedestrian footpath along the south side to join to Hearts Delight. The agent provided reasoning for the location of the footpath stating *“positioned there as that was where the previous approval had the footpath, but if it were to be on the other side the footpath would just go up Washley Hill and terminate at the garage of High Banks House and then people would then have to walk across the access to Highbanks House’s garage (with a slight, albeit minimal risk) and then along the actual road (with a higher risk) to get to the public footpath and for walkers wanting to enter into the application site. By locating the path on the south side, we provide a footpath all the way up the road and then round the corner at the top and into the application site, which also provides safe an easy access to the public footpath... we positioned the footpath within their land ownership.”*
- 2.07 The existing vehicular access to the property located on Washley Hill is to be closed and a new, relocated access, provided further south along the roadway.
- 2.08 Additional landscaping, ecological enhancements and biodiversity measures such as a wildflower area, brash piles, bird and bat boxes are to be provided.
- 2.09 The application was submitted with the additional information below:
- **Tree Protection Plan**
 - **Material finishes** are described as:
Sedum Roofs with gravel edging over a single ply membrane, Wienerberger Smeed Dean London Stock and The Bespoke Brick Company Cinder Coal white bricks Anthracite aluminium doors, windows and garage doors Anthracite aluminium soffits, fascias and trims White K-Rend Silicone Scraped Textured render Bradstone Natural Granite Paving Graphite Grey 600 x 600mm for patio/terraces Brett Omega Flow Burnt Oak Permeable block paving with bull nose paver edging
 - **Arboricultural report** and **Impact Assessment Report**: this considered a total of 10 Individual trees, 2 Tree groups, 3 Hedges and 1 Woodlands currently on the site and provided details of significant trees including an assessment of their condition. The report is concerned with the impact the development may have on nearby trees and also the effect retained trees may have on the development. Its purpose is to enable potential impacts and constraints presented by the trees and inform their designs for any potential development. Root protection areas, a

consideration of the impact on natural light to the dwellings from the existing and growing trees was highlighted as was the need to take into account the growth of the trees.

- **Preliminary Ecological Appraisal** recommended survey work that should be completed and given the findings an Ecological Impact Assessment report should be produced to support the planning application.
- The subsequent **Ecological Impact Assessment** included avoidance measures and identified mitigation, compensation and enhancement measures that would improve the ecological importance of the site for priority habitats and species and deliver a biodiversity net gain. The on-site hedgerows and adjacent woodland were assessed as being of local ecological importance, no notable plants were recorded on site, on-site habitats are unlikely to support significant populations of any one particular invertebrate species, but the site is assumed to be of 'local' importance for slow worms. Also, the site was considered to be of negligible importance for common and widespread bird species and hazel dormice were unlikely to be present. It concludes that the proposed development, with its incorporated mitigation and enhancements (if effectively implemented) and the contribution to the North Kent SAMMS, will not have any residual adverse long term ecological effects that could operate in combination with other developments in the wider area.
- **Reptile Report:** concluded that despite the habitat being suitable for other species none were recorded and as an estimated 'low' population of slow worm was recorded during the survey, given that only one adult slow worm was recorded, the site was considered to be of 'local' importance for reptiles.
- **Bat Report:** Original study in 2021 found evidence of bat droppings however once analysed by University of Warwick due to the age they were unable to analyse the sample. A bat emergence/re-entry survey of the bungalow was undertaken between July and August 2021 and no bats were recorded emerging from or re-entering the building. The other buildings were judged to have 'negligible' suitability for roosting bats and so no emergence/re-entry survey was recommended or undertaken. Foraging and activity during each survey visit was assessed as being very low.
- **Badger Report:** Found presence of a main breeding badger set on and around the site boundary and two other setts in the surrounding area which likely belong to the same badger clan. The survey results also indicate that the site is not currently used extensively by badgers for foraging, but this does not rule out potential use of on-site foraging by badgers. The report concluded that a licence to interfere with a badger sett will need to be obtained from Natural England prior to any works being undertaken within 30m of Sett A. If the development cannot remain outside of a 10m buffer measured from the outermost sett entrances, the licence will also need to cover partial closure of Sett A entrances.
- **Archaeological Watching Brief:** these details were submitted and approved under the extant permission SW/96/620 and set out the method of construction and the monitoring and recording of the site by the archaeological team as the construction progresses.
- **Transport Statement:** noted the extant permission and retained pre application advice from KCC Highways it concluded that the proposal will not result in significant detrimental impacts in traffic and transport terms and therefore there are no sound transport-based objections to the proposals.
- **Drainage Statement:** States that the foul drainage for this development will be connected into the existing Southern Water foul sewer to the north-west of the site to which they have already confirmed there is sufficient capacity. The majority of surface water runoff will be attenuated in permeable pavement systems in the access road and driveway areas, which will temporarily 'hold up'

surface water volumes then discharge to a number of deep bored soakaways located at the north of the site. The surface water runoff generated from the existing access road will be entirely captured in a proposed ACO channel drain and discharged to a separate deep bored soakaway provided specifically for this area. This will represent a significant improvement to the existing situation and will prevent any flooding in this area (Hearts Delight) Therefore they conclude the risk of flooding from this development is considered to be low.

- **Design and Access Statement** was submitted with the original scheme and an updated version submitted following the amendments and sets out the changes to the proposal including reduction in the scale and size of the houses, removal of balconies, increase in amount landscaping and other additional information. Additionally, it explains the proposals in terms of the design concept in relation to the site specific conditions and the local design vernacular, the use of energy efficient measures in the properties inc orientation of the properties to achieve solar gain, sedum roofs, air source heat pumps, photovoltaic panels and a heat recovery system. Details of altered vehicular and additional pedestrian access measures are explained access
- **Planning Statement** set out the site and its surroundings and explained the national and local relevant policy concluding that with a layout and scale that largely reflects the extant permission and the revised modern design, sustainable credentials, and biodiversity gains this is an acceptable development that accords with local and national policy.
- **Construction Management Plan**
- **Review of Ground conditions and Road-side bank stability:** the report identified the roadside bank being typically 3m in height with the shape of the bank obscured by existing and established vegetation it observes that the bank is steeper at the toe of the bank than at the top. Few signs of instability on the site were noted. Machine dug trial pits were dug behind the crest of the bank with Hearts Delight and 1 behind the crest of Washey Hill bank to understand the geological profile. The report provides guidance and recommended measures to ensure the stability of the bank addressing the sewers and drainage strategy, floor slabs, foundations and roads and hard standings. Based on the findings the report concludes that the Hearts Delight bank be left as it is subject to the retention of the existing vegetation and provision of an exclusion zone to prevent surcharge loading by plant, equipment, exacerbated soils or materials. The Washey Hill boundary should be reprofiled to a slope of 1 Vertical on 3 Horizontal to ensure the long-term stability of the area.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) The National Planning Policy Framework (NPPF) The National Planning Policy Framework (NPPF): Paras 8 (three dimensions of sustainable development), 9, 10 (presumption in favour of sustainable development), 11, 12 (core planning principles), 105 (sustainable transport) 78, 79, 80 (delivering a wide choice of high quality homes), 130, 134 (good design), 174 (conserving and enhancing the natural environment); 180,187 (decision taking), 38, 47, 48 (determining applications)

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 CP7 Conserving and enhancing the natural environment
Policy DM7 Vehicle parking
Policy DM14 General development criteria
Policy DM19 Sustainable design and construction
Policy DM21 Water, flooding and drainage
Policy DM26 Rural lanes
DM28 Biodiversity and geological conservation
DM29 Woodland, trees and hedges

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.

5.0 LOCAL REPRESENTATIONS

5.1 Following the initial consultation 13 objections were received from local residents (mostly who live opposite the proposed site) and their comments are summarised below.

- Considered the description of the application was not clear
- Considered the 1996 planning approval has not commenced
- Considered the principle of the development therefore actually relates back to 1986 and Council policy, in particular planning policy has changed dramatically during this period. This previous design should not have any impact on the consideration of the latest proposals.
- Plot 2 and Plot 3 are approximately 12 metres from Hearts Delight. All of the windows to the rear elevation would overlook the opposite properties - Bellami, Brierley, Glencroft, Oakleigh, Hemsbey House
- Plots 2 and 3 have moved closer to existing residents and the site layout has moved substantially
- House designs are very different from those originally approved
- Proposal would lead to egregious and offensive observation down onto those residents
- Those currently living in houses do not have the right to a view, but good practice is that any new development should not overlook others
- The houses are larger than those previously approved
- The new house designs have a higher number of windows and glazing and access to the flat roofs on the first floor
- Large, glazed areas overlooking Hearts Delight and Washley Hill expose current residents far more than the pitched roofs in the original proposal

- The site layout has been moved substantially, moving all properties closer to Washley Hill
- Due to the existing gradient of the site, the proposed houses are at an elevated position all of the windows to ground, and first floor would overlook the living spaces and bedrooms of existing family homes.
- Extensive glazing on the rear of the properties would accentuate loss of privacy
- Roof gardens would create a raised platform overlooking the surrounding properties
- Two storey, flat roofed houses with large areas of fenestration and white textured rendering are more appropriate fronting a coastal road than a narrow rural lane
- Design of these properties is not in keeping of the local area which are mainly red brick and clay tiled roofs
- Box like appearance using economical materials
- Lack of screening from Hearts Delight or Washley Hill.
- Claims environmental benefits, but any new houses built - be they the original or the new proposal – would have to meet the same high current standards - approaching passivhaus standards. There is thus no environmental benefit to the new proposal
- Two trees would remain (sycamores) along rear boundary of site with Hearts Delight and would provide no visual protection during the winter months
- Hearts Delight is a designated rural lane. The houses would be a prominent and intrusive addition to the lane, and would have a negative impact on the rural street scene
- The character and materials in Hearts Delight are dominated by a palette of clay tiled pitched roofs, and red brick elevations. The introduction of the proposed London stock brick, combined with a white render - would be completely at odds with this rural setting.
- Redesigned scheme has parking for 3 vehicles and suggests approx. 8100 vehicle movements per year from the scheme
- The widening of Washey Hil is inadequate and will create dangerous and problematic vehicle and pedestrian conflict
- Washley Hill is also used as a "pull in" for vehicles, will also lead to added to further safety issues within this area as there are regular near misses at this point and there is also a build-up of road stones, soil and gravel that collects along Hearts Delight particularly on the corner of Washley Hill making this an unsafe area
- Traffic survey should be carried out on Heart Delight due to it being a “rat run”

- Proposed alterations to the bank along Hearts Delight should be finished with edging along the roadside to protect the bank from being eroded leading to potholes and other added dangers to an already dangerous road
- The soil on the south-eastern side of Hearts Delight is held in place by the tree roots within it.
- The bank will be very vulnerable to spillage onto Hearts Delight, as the new proposal requires many trees to be removed, leaving only 2 deciduous trees (T16 and T17).
- Homes proposed would be sited away from the collapsing bank. In contrast, houses sited in accord with layout proposed in 1986 would cause less collapse of the bank into the road.
- Road modification drawings do not indicate the location of the entrance and exit to Highbanks
- House which is approx. 7.7 metres from the Washley Hill - Hearts Delight junction
- Bellmouth onto Hearts Delight is inadequate- it should be wide enough for a refuse lorry and car to pass
- The whole length of Washley Hill should be the 5.5-meter width to allow safe passing for two vehicles plus a raised footpath.
- Passing points are unworkable with refuse lorries
- Footpath should be located on the Highbanks House side of Washey Hill as they need more protection from traffic than the hedging on the Hillyfields bank side.
- As there is maintenance to be carried out on hedgerows of Highbanks House on a regular basis the footpath (on the northern side) will provide some protection for this task
- The introduction of 12 additional vehicles would create an unsafe environment.
- Water run-off from the properties and road modifications will increase the water volume hence increasing the current problems during heavy rain
- The scheme unsalable if not built to current standards which negates the implied threat that the houses would be built to 2001 building control standards
- There are no additional statutory benefits in the proposed scheme
- Most of the other non-mandatory sustainability measures listed could just as easily be applied to the original dwellings.

Following the initial consultation period amended drawings were received and re consultation resulted in 8 responses from local residents and whilst many repeated their original comments additional comments are summarised below:

- None of the drawings show the entrance to Highbanks House

- The changes to the previous proposals, however, are negligible
- Can see no changes that ameliorate the objections previously made.
- Whilst the balconies now seem to have been omitted, fundamentally the design is not in keeping with the original approved by the council
- The provision of a sustainable energy efficient development is not dependent upon such significant changes to the original plans, and these could be adapted internally to provide a 'modern open plan and flexible living aspiration'.
- The plans do not conform to Policy DM26 and plans significantly harm the character of the rural lane
- This development sits between two conservation areas
- The site will no longer be of a 'contained nature' when the trees and hedging fronting Washley Hill and Hearts Delight are removed to form the new sloping banks
- The construction management plan proposes starting work at 6.30 and finishing at 18.00 this is inconsiderate to existing residents
- Traffic management, this is actually very critical as there is nowhere to wait on Hearts Delight if vehicles are trying to make deliveries so they must be able to access the site immediately and not wait on Hearts Delight

5.2 **Swale Footpaths Group** noted the proximity of public footpath ZR140 and concluded it would appear it would not be affected.

6.0 CONSULTATIONS

6.01 **Borden Parish Council:**

- a. The property design is not in keeping with the local area (white render, flat roof) particularly the affect it will have on the neighbouring conservation area.
- b. Property design has potential intrude on neighbouring houses i.e. the flat roof encouraging occupant use overlooking neighbours
- c. Access to the main highway is of concern with potentially 42 traffic movements
- d. Structure of the site boundary adjacent to Hearts Delight is of concern through future erosion, potential to increase flooding and appearance of the fence.
- e. Increase in original approved planning application which drastically affects the existing byway and requiring greater width and improvements

6.02 Following amendments in Feb 2022 they commented in addition to the comments above that:

The proposed improvements to Washley Hill would be unsafe and not up to standard. It should have a footpath on the north side thus serving directly both local footpaths and have a 5.5m wide carriageway.

The existing badger sett and foraging area needs protecting from this development. The Badger Report expires at the end of February 2022.

6.03 **Natural England** was satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site through payment of the SAMMS.

- 6.04 **KCC Flood and Water Management** as the Lead Flood Authority considered they were satisfied that the proposal to deal with surface water generated from the development via infiltration does not increase the risk of flooding. They requested a catchment plan which clearly details the impermeable area used within the hydraulic analysis (0.117Ha) to confirm this as correct is provided and that has been done.
- 6.05 After amendments were received in Feb 2022, they were satisfied that the principles proposed for dealing with surface water, namely infiltration to ground via deep bore soakaways, do not increase the risk of flooding to or from the development site. They stated have received further information from the applicant's consultant where the position of the deep bore soakaway to the northeast of plot 2 has been amended such that it achieves the required 10m exclusion zone from property and this removes the concern they previously expressed in advisories.
- 6.06 **KCC Economic Development** did request a developer contribution however this is an extant scheme and below the threshold by which we require developer contributions, so none are payable in this instance.
- 6.07 **KCC Highways** commented that they appreciated that the principle of that scale of housing development has been established and the approved scheme can still proceed. The new application would not increase the number of dwellings that would be provided on the site, so would not give rise to additional traffic over and above what the extant approval can legitimately generate on the existing local highway network. As such, the expected traffic impact from the current application is considered acceptable as an extant scenario and noting that the proposed highway improvements to Washley Hill would provide the same junction arrangement and geometry onto Hearts Delight as has been approved through applications SW/86/0502 and SW/91/0802, and would still be constructed through the full implementation of SW/96/0620.
- 6.08 Whilst not indicated on the previously approved applications, more technical information has been submitted with the current application to demonstrate that the proposed highway works to Washley Hill would accommodate the appropriate visibility sightlines for the speed limit on Hearts Delight. In addition, swept path analysis has been provided to show that the refuse vehicle and fire appliance can access the site and manoeuvre within it in order to enter and exit in a forward gear. The widening of Washley Hill does comply with the design standards for a road serving in excess of the number of dwellings that will be accessed from it, and the creation of a footway along it will allow pedestrians to avoid sharing the carriageway space with vehicles, an improvement on the current situation for existing users. The widening will enable two vehicles to pass one another at the top and bottom of Washley Hill, with intervisibility provided over the length of it.
- 6.09 The parking provision is in accordance with the Borough Council's adopted parking standards, including the commitment to provide EV charging for each dwelling.
- 6.10 They raised no objection to the proposal subject to the conditions requiring further details of the CMP, highway condition survey, retention of parking, cycling and EV charging facilities, and completion of highway works. They provided no further comments following the submission of amendments in February 2022.
- 6.11 **KCC Biodiversity Officer** supported the scheme subject to conditions which required an Ecological Mitigation and Management Plan, a Landscape and Ecological Management Plan to ensure the ecological features are created,

successfully established, and appropriately managed in the long-term, a Biodiversity Monitoring Strategy and a lighting design scheme sensitive to bats.

- 6.12 Following the amendments in Feb 2022 they commented that the proposed amendments are unlikely to have significantly different impacts on biodiversity than the original proposal, they did however note that the Construction Management plan did not refer to the protection referenced in their initial response.
- 6.13 **KCC Public Rights of Way Officer** Had no objection to the application, noted footpath ZR140 and welcomed the proposed footway on Washey Hill included were a number of informatives which have been added.
- 6.14 **SBC Environmental Protection Team Leader** had no objections to the application. Requested a condition be attached to ensure the electric vehicle charging points will be installed and conditions were recommended to minimise any noise and dust impacts resulting from the demolition and construction phases.
- 6.15 **SBC Conservation and Design Officer** Commented that although the proposed development has the potential to affect the setting of the heritage assets mentioned above, in conservation terms, due to the distance and intervisibility between the heritage assets and the site, he considered that the proposal would not significantly affect the setting of the heritage assets.
- 6.16 Furthermore, the principle of a residential development of the proposed six houses on the site was accepted by way of a previous extant planning approval. The proposed development is for similar development but instead of traditional pitched roofs with contemporary styled development with flat roofs. It is therefore unlikely that the changes to the design would be an issue with regard to the setting of the heritage assets.
- 6.17 He considered that the overall quality of the scheme represents a high quality of a well-designed contemporary styled development which would contribute to the varied building styles within the village. The proposed dwellings have been sited well within the site and will barely be visible from most of the surrounding area. This aspect would be complemented by site being surrounded extensively by trees and shrubbery which would be retained and enhanced as part of the proposals. These provisions would in his view be sufficient to mitigate any visual impact which might be caused.
- 6.18 He concluded that the proposal would have a neutral impact and would cause no harm on the character and appearance of the conservation areas and their setting and the setting of listed buildings.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application has been supported by a significant number of drawings, assessments, and reports. These include the following:
Application Form and Notices; Existing Site and Site Location Plans; Proposed Site Plan, Tree Survey Plan, Tree Protection Plan, Arboricultural Report, Archaeology Watching Brief, Material Finishes, Planning Statement, Arboricultural Impact Assessment, Ecological Preliminary Appraisal, Badger report, Bat report, Ecological Impact Assessment, Reptile Report, Transport Statement, Design and Access Statement, Massing Images, Constraints Plan, Hard Landscaping Plan, Proposed Plans and Elevations (Houses 1-6) Planning Statement, Site Sections, Drainage

Statement, Outline Construction Plan, Planting Plan, Proposed Catchment Plan, Ground Conditions and Bank Stability Report.

8.0 APPRAISAL

Principle of Development

- 8.01 The principle of a residential development of six houses on this site has been previously established. The history of approvals for housing on this site culminates in planning permission reference SW/96/0620 which is extant and could be completed at any time. All the planning conditions were discharged, and work commenced on site (with excavation of foundations and pouring of the concrete for the foundation to the garage for plot 6 prior to the expiry of the permission) This constituted implementation of the permission and the position remains that this approval could be completed at any point.
- 8.02 However, whilst the principle of residential development on this site has been established, the proposal before Members is of a different design style and must be considered in its current form and policy context.
- 8.03 The application explains that the purpose of this application is , given the passage of time, to require a more up to date design and build approach for the dwellings already approved.

Visual Impact

- 8.04 I note the comments by local residents that they consider the scheme will be highly visible, particularly from Hearts Delight. The concern being that the raised position of the site (approx. 3-4m above Hearts Delight) will result in the proposed dwellings being unduly prominent. The existing and proposed landscaping will provide some screening however the siting, orientation and massing of the dwellings will also be important.
- 8.05 The layout of the proposal is based largely on the previously approved scheme, and it remains the case that the site can comfortably accommodate 6 dwellings. I note all properties are in somewhat revised positions, with 3 dwellings being located further into the site, (Plots 4, 5 and 6) to provide more rear garden amenity space and three, (Plots 1,2 & 3) to varying degrees further towards the boundaries, though I consider none is to such a degree as to not be acceptable now. I note Plots 1 and 2 result in being the most altered positions and further towards the boundary of the site however Plot 1 remains in excess of 21m across Washley Hill from Highbanks House to the north. Additionally Plot 2 although approx. 6m forward is still in excess of 35m from the front of properties on Heart Delight both with the rear gardens remaining to the boundary.
- 8.06 The submission provides massing views and site sections, so it is possible to compare that previously approved and the new proposal. These show that the proposed scheme does not present an increase in the height of any dwelling from that previously approved. It can also be shown that the contours within the site are utilised in relation to the siting of the properties to facilitate this. The massing volumes show that the scale of the new designs are similar and overall less than those previously approved. There are a number of other calculations that can be done to compare the size of the previously approved dwellings and those proposed here. The footprint for the houses is marginally less but once the larger garages are included the total is marginally more and the overall floor space figure, including the

first-floor amounts to a marginal approx 35sqm increase per house. As such I do not consider this to be a significant amount to warrant a view that the proposal will result in over development of the site or a significant increase in what had previously been considered acceptable.

- 8.07 The site remains contained by established vegetation and the proposed Landscape/Planting Plan shows this is to be reinforced. Native hedgerow planting is proposed along all boundaries and an additional 20 trees within the site, and an area of wildflowers and grasses will be provided along the southern boundary. This together with the sedum roofs and the brick and wooden panelling will provide a softening contrast to the contemporary design of the dwellings. However, it will not be to a degree that will “screen” the site completely or separate it from the other nearby residential properties in the area.
- 8.08 The design differs quite considerably to that previously approved originally in 1986 and in the subsequent renewals until 1996. However also designs, trends, styles, residents’ requirements and environmental considerations also have changed. I note the local objections to the contemporary design however there is an eclectic mix of properties, of differing ages, in the immediate vicinity of the site, in size, design and materials and many have been extended and changed over time. It would therefore be difficult to characterise the area into one specific style and I would consider the proposal has included elements of design and materials to make it familiar to the area. For example the use of render, large areas of glazing and wooden detailing and thus complies with Policy DM14 which requires development to “*Reflect the positive characteristics and features of the site and locality*”.
- 8.09 The previously approved dwellings were also detached 4-bedroom houses, all of the same design, with the majority of the accommodation on the ground floor, including 2 bedrooms with a further 2 bedrooms in the roof space. Natural light was provided to these rooms via roof lights. The new scheme dwellings also have the majority of the accommodation on the ground floor including 1 bedroom with en-suite and the remaining 3 bedrooms on the first floor and the houses vary in size from 571m³ to 674m³(including garages) These houses would therefore be of a size to be commensurate with those in the locality.
- 8.10 I am advised by SBC Conservation Officer that “*overall quality of the scheme represents a high quality of a well-designed contemporary styled development which would contribute to the varied building styles within the village*” and this would comply with Policy CP4 which states “*All development proposals will be of a high quality design that is appropriate to its surroundings*” and Policy DM14 which requires development to “*Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location*”
- 8.11 He concluded that the proposal would have a neutral impact and would cause no harm on the character and appearance of the conservation areas and their setting and the setting of listed buildings.
- 8.12 I am content that given the mix of styles and ages of properties in the vicinity and the use of a range of materials found locally in conjunction with the landscape screening and limited visibility of the site I consider the design accords with national and local policy.

Residential Amenity

- 8.13 I note the comments from local residents regarding the concern that the proposal will result in loss of privacy and overlooking into their properties.
- 8.14 The orientation of plot 1, ensures the first-floor rear of the property does not directly overlook Highbanks House to the north and plot 2 and plot 3 have 1 first floor bedroom window facing towards Hearts Delight. Plots 4, 5 and 6 are a greater distance away. I note the site is raised however the likely level of overlooking for those opposite given the level of vegetation and the level of separation from other properties is sufficient that the ground floor glazing whilst providing natural light to the houses would not be at the expense of their amenity. I also note from the site section drawings and the landscape plan which demonstrate and that the change to the outlook for the residents the houses on Hearts Delight would be minimal.
I am satisfied that the separation distance of the proposed dwellings away from the boundaries of the Hillyfield site, the intervening established and proposed vegetation and the width of the road and the distance from the properties in Hearts Delight, which are set back from the road would be sufficient to overcome this concern.
- 8.15 Furthermore, I note the references to access to “roof gardens” and the perceived resultant invasion of privacy is referenced by a number of local residents however whilst sedum roofs are proposed they cannot be accessed from the dwellings nor can the other areas of flat roof (note: the first-floor roofs will be covered with photovoltaic solar panels) and these are not additional recreational spaces.
I further note reference to doors and balconies and access onto the roofs however there is no such door access onto the roofs or balconies proposed (now removed from Plots 1 and 2 following initial neighbour comments). Doors including sliding doors are clearly shown on the plans and none are shown on the first floor to access external areas. However, I have included a condition to ensure they and all the areas of flat roof are protected as such and do not become additional amenity areas.
- 8.15 I note the proposed timings within the draft construction Management Plan however I consider 08.00 to 18.00 is a more reasonable time period given the proximity to residents and have included a condition to this effect.

Highways

- 8.16 KCC Highways considered the expected traffic impact from the current application is acceptable given there is no increase in the number of houses and is the same as the extant permission scenario. They noted the proposed highway improvements and have no objection to them.
- 8.17 I note the comments particularly from local residents who consider the bellmouth and proposed access road to be inadequate. However, the suggestions for a much more engineered solution is far in excess than the situation calls for, particularly given the number of vehicles involved here and the likely points of potential conflict.
It is a relatively short distance from the proposed 6 new houses to the first passing point and similarly to the access onto Hearts Delight.
The refuse lorry visits once a week and as Hearts Delight is a rural lane an over engineered access will cause harm to the character of the lane and the area, unnecessarily when in fact careful observant driving will be sufficient. I am advised by KCC engineers that this is an acceptable and safe solution here.

- 8.18 I note a number of local residents have also suggested that the footpath proposed for the south side of Washey Hill be relocated to the north side. However, I do note that this is in the original location of the previously approved footpath and within the applicant's ownership. Additionally, the proposed position provides separation from vehicles all along on Washey Hill to the new houses and with a safer crossing point for walkers who are using the public footpath to the east. Also, the vehicular access for Highbanks House lies on this northern side of Washey Hill and could provide a more dangerous conflict between pedestrians on a footpath and vehicles. I further note KCC Highways have not requested this and have not objected to its location on highway safety or convenience grounds.
- 8.19 Comments relate to the "unsafe" nature of Hearts Delight and the speed and manner in which drivers "cut through" here. However, it is not for this development to be responsible for resolving other drivers' behaviour.
- 8.20 I note local residents refer to the current excess surface water on Hearts Delight and suggest the development will make this worse. However, a surface water drainage system is being proposed for the site and excess surface water from Washey Hill will be entirely captured and discharged to a separate deep bored soakaway provided specifically for this area. This will represent a significant improvement to the existing situation, so any excess water is collected thus preventing it reaching the road and I note KCC as the lead flood Authority accept this and the solution.

Landscaping/Ecology

- 8.21 A detailed landscaping plan has been submitted with the proposal and an assessment and measures to protect the healthy trees on the site. The scheme provides for reinforcing the boundaries with native hedgerows and providing new hedgerows and additional trees on the site, with the additional benefit of sedum roofs, in line with the aims of Policy DM29. Given the already established vegetation, particularly around the boundaries of the site this will provide a greater gain for wildlife and in landscape value terms.
- 8.22 I note the Ecological Impact Assessment made recommendations for mitigation and enhancements including a wildflower grassland strip, an ecological area brush piles and bird and bat boxes. I am advised by KCC Ecology that these proposed are acceptable. As requested, I have included conditions requiring an Ecological Mitigation and Management Plan, a Landscape and Ecological Management Plan to ensure the ecological features are created, successfully established, and appropriately managed in the long-term, a Biodiversity Monitoring Strategy and a lighting design scheme sensitive to bats. I therefore consider the development will conserve and enhance and extend biodiversity in line with the aims of Policy DM28.
- 8.23 The applicant acknowledges the site is within 6km of the Swale SPA and as the development proposes residential development, financial contributions are required to mitigate increased recreational disturbance on coastal SPA and Ramsar sites (Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) and has agreed to pay a SAMMS payment will be at a rate of £253.83 per dwelling.

Other Matters

- 8.24 I note residents suggest that the bank adjacent to Heart Delight is unstable and likely to collapse or crumble due to the proposal. However, no evidence has been provided to support this assertion. In contrast with evidence from trenches dug in Jan 2022

and their own soil bore holes from May 2022 the applicant has instructed geologists to assess the bank and its stability. Their assessment concluded that there were few signs of instability noted on the site. They recommended that Hearts Delight bank be left as it was, in May 2022, subject to the retention of the existing vegetation and the provision of an exclusion zone to prevent surcharge loading by plant, equipment, exacerbated soils or materials. They further recommended that Washley Hill boundary should be reprofiled to a slope of 1Vertical on 3Horizontal to ensure the long-term stability of the area. As such in the absence of any evidence to the contrary I am satisfied the recommendations by Knapp Hicks & Partners Ltd are sufficient to maintain the stability of the bank. I have included a condition to ensure the recommendations of the report are implemented.

- 8.25 Sustainable construction measures are proposed here including air source heat pumps, photovoltaic panels on the roof, maximisation of solar gain, a whole house ventilation system, high levels of glazing, natural sedum roofs, high grade insulation, water and energy efficient lighting and also electric vehicle charging points responding to the aims of policy DM19.
- 8.26 I note there is reference in the objections to the impact of the proposal on the nearby Conservation areas. I concur with the view of the Conservation Officer who considers that they are both sufficient distance from the site and with intervening established landscaping screening and built form that the proposal could not be considered to have an impact.
- 8.27 Hearts Delight is designated as a rural lane and as such is afforded protection. The character of the lane from the south is of open fields and a rural landscape however upon approaching Borden the rural lane status terminates at the entrance to Washley Hill. Opposite the proposed site the density of residential development and the character of the lane changes considerably to the west side as open hard standing and parking areas replace the hedges and open countryside. Given the established vegetation is to be retained along the eastern side of the road and the proposal only requires minimal intervention, at the junction of Washley Hill and Hearts Delight I consider the character of the lane does not suffer significant harm and is retained at this point, in line with policy DM 26.

9.0 CONCLUSION

- 9.01 It remains the case that an extant planning permission exists on this site for the construction of 6 new dwellings and could be built out at any point and this is the fallback position. As such the principle of residential development of this site has been accepted.
- 9.02 This application proposes changes to the approved details in relation to the layout, scale and design of the houses. The layout and scale of the proposal is sufficiently similar to the previously approved scheme to not warrant consideration of refusal and no greater impact would result in terms of visual or residential amenity with the enhanced landscaping plan mitigating this. The contemporary design of the houses reflects the size and materials of properties within the locality and will be built to incorporate sustainable construction techniques. Ecological enhancements will improve the biodiversity of the site and area as a whole. The site is able to be built out quickly and given the Councils lack of a 5-year housing land supply, this site will contribute to this need in the short term. No objections or concerns have been raised by statutory consultees in relation to highway, drainage, ecology, design, conservation or flooding.

I therefore recommend that planning permission be granted subject to the following conditions.

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

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

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

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

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

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

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

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts

will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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

10.0 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 permitted shall be carried out in complete accordance with the following approved drawings and documents : 15601/2, 1560-4A,5A, 6A, 7A, 1560-H1-1A, H2-1A, H3-1A, H4-1A, H5-1A, H6-1A5842-LLB-XX-XX-DR-Ab-0002 P01, 5842-LLB-XX-XX-DR-L-0001-S4-P02, A777-0500-010 and material finishes,

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

- 3) Prior to the commencement of work on site full details of measures to ensure the stability of the Hearts Delight and Washey Hill roadside banks shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in Section C “Guidance and recommended Measures” in the Review of Ground Conditions and Roadside Bank Stability at Hillyfield Hearts Delight Borden by Knapp Hicks & Partners Ltd dated 16th May 2022 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 the stability of the site

- 4) Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

Reason: To prevent highway inconvenience

- 5) Prior to the commencement of the development, the off-site highway works shown on drawing PCD423_001 Rev C shall have been carried out in

accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure highway safety and convenience

- 6) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development 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: Residential amenity

- 7) No development shall commence (including site clearance) until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall be based on the recommendations in Section 6 and Table 3 (Section 9) of the Ecological Impact Assessment by Lloyd Bore dated 7th October 2021. It shall provide detailed mitigation measures to be carried out on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details. The EMMP shall include the following:
- a) Risk assessment of potentially damaging site clearance and construction activities;
 - b) Extent and location of proposed mitigation measures, shown on appropriate scale maps and plans;
 - c) Identification of 'biodiversity protection zones';
 - d) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during site clearance and construction (may be provided as a set of method statements);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) Use of protective fences, exclusion barriers and warning signs. The approved EMMP shall be adhered to and implemented throughout site clearance and the construction period in accordance with the approved details.

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated.

- 8) No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the County Planning Authority. The content of the strategy shall include the following:
- a) Aims and objectives of monitoring to match the stated purpose.

- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme.

- 9) No development beyond the construction of foundations shall take place until details of the external finishing materials, including details of the sedum roofs, 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.

- 10) No construction activities including demolition shall take place, other than between 0800 to 1800 hours Monday to Friday and 0830 to 1300 hours Saturday, with no working activities on Sunday or Bank Holiday.

Reason: In the interests of the amenities of the area

- 11) No burning of waste or refuse shall take place on site during construction works.

Reason: In the interests of the amenities of the area

- 12) Prior to the occupation of the dwelling the following works between a dwelling and the adopted highway shall be 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).
 - (c) access road

Reason: In the interests of highway safety and convenience

- 13) Prior to the occupation of any dwelling a scheme for the adequate provision of active electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority in accordance with the following:

Dwellings with On-Plot Parking - 1 Active Charging Point* per dwelling

Dwellings with unallocated communal parking - 10% Active Charging Spaces with all other spaces to be provided as Passive Charging Spaces

Visitor Parking - A minimum of two visitor spaces or 10% of the total visitor provision (whichever is greatest) should be provided with passive charging provisions suitable for future conversion.

The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

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

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

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

- 15) 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 those outlined in the recommendations of the Ecological Impact Assessment by Lloyd Bore dated 7th October 2021 and 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: In the interests of protecting

- 16) 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.

- 17) The provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage more sustainable modes of transport

- 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) The flat roof area on the dwellings shall not be used as a balcony or sitting out area and there shall be no other use of the roof area unless for maintenance.

Reason: In order to prevent overlooking and loss of amenity to neighbouring properties. No going on roofs for additional recreational space

- 20) The areas shown on approved drawing 1560/5 Rev A as car parking spaces/garaging 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 garaging of cars is likely to lead to car parking inconvenient to other road users.

- 21) Upon completion, no further development, whether permitted by Classes A, B, C, D or H of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of the area and not to dilute the design quality.

- 22) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and neither 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 (internal or external).

Reason: In the interests of water conservation and sustainability

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
- 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.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.
- Should the temporary closure of the footpath be deemed necessary to ensure public safety during development an application should be made to Kent County Council Public Rights of Way and Access Service. An application will be processed by Kent County Council on the basis that :
 - The closure is paid for by the developer,
 - The duration of the closure is kept to a minimum,
 - Alternative routes will be provided for the duration of the closure,
 - Six weeks notice of the requirement of a closure is given by the developer.

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

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.

Councils 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 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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2.3 REFERENCE NO - 22/500007/FULL		
APPLICATION PROPOSAL		
Change of use of former bus depot (Sui Generis) to vehicle servicing and repair business (Class B2) and construction of additional workshop unit.		
ADDRESS Sheerness Bus Station Bridge Road Sheerness ME12 1RH		
RECOMMENDATION That delegated powers are given to the Head of Planning to Grant planning permission, subject to confirmation that the development is acceptable in terms of flood risk and clarification whether a relocated bus shelter facility can be accommodated.		
SUMMARY OF REASONS FOR RECOMMENDATION:		
The development proposal for a change of use from use as a former bus depot (Sui Generis) to vehicle servicing and repair business (Class B2) and the construction of additional workshop unit are not considered to result in undue harm to the visual amenity of the area. In addition, the proposal will not result in harm to the significance of the nearby designated heritage assets. The noise impact assessment provided by the applicant also confirms that the noise levels associated with the development will not result in unreasonable harm to neighbouring amenity. The proposal is therefore considered to meet the requirements of the Swale Local Plan 2017.		
REASON FOR REFERRAL TO COMMITTEE		
The application is contrary to the views of Sheerness Town Council.		
WARD	PARISH/TOWN COUNCIL	APPLICANT
Sheerness	Sheerness Town Council	WP Commercials Ltd
		AGENT
		Kevin Wise Town Planning
DECISION DUE DATE		PUBLICITY EXPIRY DATE
14/03/2022		27/06/2022

RELEVANT PLANNING HISTORY

SW/89/0731 – Construction of bus maintenance building - Approved pre 1990
Decision Date: 23.06.1989

SW/00/0812 - Erection of supermarket and bus depot - Grant of Conditional PP
Decision Date:

SW/05/1244 - Variation of condition (1) of permission SW/00/0812 (for erection of supermarket and bus depot) to extend the period for commencement of the development by three years - Grant of Conditional PP
Decision Date: 21.11.2005

TN/00/0003 - Replacement of existing cabinet and 12m mast with omni-antennas with new 2.5m x 3.7m x 2.8m high cabin and new 15m mast with 3 no. back- to-back directional antennas all enclosed by 1.8m high green chainlink fence. - Prior Approval Not Required
Decision Date:

PN/13/0057 - Replacement 15m high telecommunications monopole with installation of four equipment units and ancillary works. - Prior Approval Not Required
Decision Date: 24.07.2013

1. DESCRIPTION OF SITE

- 1.1 The application site is a former bus depot measuring approximately 0.32 hectares in size. The existing site was formerly used predominantly for the storage of buses and other large vehicles, and it is made up of large areas of hardstanding. The site also includes a paved area which contains a bus shelter. A section of pavement runs along the front of the site and it is included in the applicant's ownership. A workshop building measuring approximately 7.5 metres x 16.5 metres and approximately 7.5 metres in height is located in the corner of the site.
- 1.2 The site lies in a central location adjacent to Sheerness Rail Station. The site lies in close proximity to the grade II listed war memorial and to Sheerness High Street, within the built-up area boundary of the town.

2. PROPOSAL

- 2.1 The development proposal relates to a change of use of the land from sui generis use as a bus depot to a Class B2 use to allow vehicle servicing and repairs to be carried out on the site. The application proposal also includes an extension to the existing workshop building on the site to facilitate the creation of an additional workshop. The proposed extension will be single storey and measure approximately 17.2 metres x 10.5 metres in size. The proposed extension has been designed with a flat roof in a similar manner to that of the existing workshop building.

3. PLANNING CONSTRAINTS

- 3.1 The site constraints are as follows:

Area of Archaeological Potential
Flood Zones 2 and 3
SSSI Impact Risk Zone
Regeneration Area – Regen 3
Town Centre Boundary – ST2
Kent Minerals and Waste Sites – 250m buffer

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
 - CP1 Building a strong, competitive economy
 - CP4 Requiring Good Design
 - CP8 Conserving and enhancing the historic environment
 - Regen 3 The Port of Sheerness: Regeneration Area
 - 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
- DM16 Alterations and extensions
- 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 objecting to the proposal on the grounds that there is a need for regeneration/improvement in Sheerness and the representee does not support the positioning of a large vehicle servicing station at such a pivotal point in the town.

6. CONSULTATIONS

6.1 **Sheerness Town Council** – Object to the proposal on the following grounds:

- 1) The application is detrimental to the character of the area, and regarding the council's levelling up bid.
- 2) The site is considered to have a negative impact upon the nearby heritage assets.
- 3) The Council has concerns regarding access to the site and the impact on pedestrians and other vehicles and the loss of a paved area, which includes a bus shelter which is no longer accessible.
- 4) The existing workshop was a supporting element of the primary use of the site as a bus terminus, not a primary use in its own right. The current site already negatively impacts upon the area and an extension of operations would further this.

6.2 **Historic England** – No comment

6.3 **Kent County Council Archaeology Team** – No objection, subject to condition.

6.4 **Environmental Health** – Initial concerns raised regarding noise. However, the applicant has since provided a noise survey and the Environmental Health Officer has confirmed that he accepts the findings of the report and raises no objections to the scheme, as long as conditions are imposed relating to the permitted hours of operation on the site.

6.5 **Kent County Council Minerals and Waste Planning Policy Team** – No objection

6.6 **Environment Agency** – No objection

6.7 **Kent County Council Flood and Water Management Team** – No objection. Advise that the Environment Agency's Flood Map for Surface Water shows a flow path crossing the site and whilst the proposal is situated within the low-risk area of this flow path the applicant may wish to consider appropriate mitigation measures as part of their build.

6.8 **Natural England** – No comments

6.9 **Kent County Council Highways Team** – No objection. There are no public highway rights around the bus shelter and there is no evidence that demonstrates that KCC have been maintaining any of the land behind the footway. The bus shelter is owned by Clear Channel and it may be difficult to relocate given the limited footway width available.

7. **BACKGROUND PAPERS AND PLANS**

7.1 Please refer to the existing and proposed plans.

8. **APPRAISAL**

Principle of Development/Change of Use

8.1 Policy ST3 of the Swale Local Plan 2017, which sets out the settlement strategy for the borough, states that development proposals which are to be located on land falling within the built-up area boundary of established towns and villages will generally be supported in principle, subject to the proposal meeting other relevant local plan policy requirements. Policy CP1 seeks to support employment uses and economic development in the right locations.

8.2 The application site is centrally located within Sheerness town centre and the site lies in close proximity to the railway station. The site is in a sustainable urban location.

8.3 The site is located within the town centre. Policy DM1 of the Swale Local Plan 2017 states that where a proposed development site is located outside of the primary and secondary shopping frontages or local centres as defined by Policy DM2, the Borough Council will permit a non-retail use if it maintains the area's role, functioning, vitality and viability, and it does not result in the loss of existing residential accommodation, the loss of a use important to the community, and it does not lead to a loss of residential amenity.

8.4 The site has an existing longstanding lawful use as a bus depot, but this has now ceased. The proposed use bears a number of similarities to the former use, insofar that it is for a transport related use, for a servicing and repair business. Although it can be said that the site occupies a relatively prominent location next to the train station, the proposed change of use would not negatively impact the wider function, vitality, and viability of the area as the current principal land use on the application site is already transport-related and involves the storage of larger vehicles on the land. In addition, the application site is set away from the main High Street, where the main focus is on retail and other complementary uses so the vitality of the High Street will remain unaffected by the development proposal. The proposed extension to the existing workshop building and the change of use for B2 purposes will not result in the loss of existing residential accommodation or lead to a loss of residential amenity.

8.5 Policy Regen 3 of the Swale Local Plan 2017 states that within the Port of Sheerness, proposals will be supported where they are in accordance with the objective of maintaining and enhancing the Port of Sheerness as a deep-water gateway port to Europe and the proposals are of a scale, use and external appearance that would not detract from the visual appearance or residential amenity of the locality. The site falls within this regeneration area but is not specifically highlighted for any alternative use or

development. Given that the existing site does not have a connection to the operation of the port, I do not consider that the proposal could be held to be unacceptable in this regard.

- 8.6 Whilst I consider that the redevelopment of the site for other uses could be held to be a more attractive proposition, taking into account its prominent location next to the train station, the site does lie within an area with a range of land uses, including the train station, depot, local waste centre, a day centre and living accommodation at Bridge House and the Sheppey College opposite. In light of this and taking into account the policy position as set out above, the change of use and development of the site as proposed is not considered to be in conflict with any local plan policies as a matter of principle, taking into account the existing site use.

Impact on Visual Amenity

- 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 Policy DM16 of the Swale Local Plan 2017 supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.
- 8.9 The proposed extension to the existing workshop building is considered to be proportionate to the scale and form of the existing building. The design reflects the utilitarian appearance of the existing workshop structure and the flat roof design of the proposed workshop reflects the character of the existing built form on the site. The flat roof also helps to keep any perceived bulk to a minimum. As the building is single-storey and sufficiently set back from both Bridge Road and from the nearest neighbouring boundaries, it will not appear overly bulky or excessive in scale, and is discreetly set back from the road. The workshop building will be a steel portal framed structure constructed with brown profile steel sheeting. The materials proposed are typical of buildings intended for commercial or industrial use and they are considered to be appropriate in the context of the site as the existing workshop building is also metal framed.
- 8.10 The proposal is therefore considered to be acceptable from a design perspective and in accordance with policy requirements.

Impact on Heritage

- 8.11 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.
- 8.12 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.

- 8.13 The application site is located approximately 22 metres from the boundary of the Sheerness Royal Naval Dockyard and Bluetown Conservation Area. The site is also approximately 22 metres from the Sheerness defences, a scheduled monument and approximately 23 metres from the Sheerness War Memorial, which is grade II listed. The site also lies approximately 60 metres from the boundary of the Sheerness Mile Town Conservation Area.
- 8.14 Although an extension to the existing workshop building has been proposed, it is sufficiently small in scale to avoid negatively impacting the significance of the nearby heritage assets and it is set back from the road so should not impact the views leading into either of the Conservation Areas in a negative manner. In addition, whilst the proposed change of use of the land will result in B2 use on the site in the place of sui generis use, when the proposed use is compared to the existing authorised use of the site (a bus depot), the visual appearance of the site and its associated impact upon the setting of the listed heritage assets or on the approach to the Conservation Area boundaries is likely to be similar to the existing. As a consequence the special architectural and historic interest of each asset will not be detrimentally impacted.
- 8.15 I have consulted with the Conservation Officer, who has confirmed that due to the scale, siting and form of the proposed workshop extension and due to the intervening distance between the identified heritage assets and the site, the proposal would not cause any harm to the heritage assets or to their setting.
- 8.16 Whilst the comments of Sheerness Town Council are noted, the proposal is considered to meet the requirements of Policies DM32 and DM33 of the Swale Local Plan by preserving the setting of the designated heritage assets.

Impact on Neighbouring Amenity

- 8.17 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and that 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.
- 8.18 With regards to the potential impact of the change of use and the associated workshop extension upon neighbouring amenity, the proposed extension to the existing workshop building is considered to be sufficiently small in scale and set back from the nearest neighbouring boundaries, such that it will not physically impact neighbouring access to daylight or sunlight – noting the closest residential accommodation is at Bridge House. In addition, the proposed works to the workshop building will not impact neighbouring outlook or privacy due to the distance between the site of the workshop building and the nearest neighbouring properties.
- 8.19 With regards to the potential for noise pollution from the site as a consequence of the proposed change of use, the nearest residential accommodation to the site is located

within Bridge House, which is located on the adjacent site. It is understood that the building is used to provide residential accommodation as part of a young person's housing scheme on the upper floors and is used as a day centre on the ground floor. Bridge House is located approximately 5 metres from the application site boundary and approximately 29 metres from the site of the proposed workshop extension.

- 8.20 Whilst initial concerns relating to noise pollution were raised by the Environmental Health team, the applicant has since provided an acoustic survey. The report confirms that the risk of an adverse noise impact from the change of use on the site and the additional workshop to Bridge House would be low.
- 8.21 It is also accepted that in the context of the site's previous use as a bus depot, vehicle movements would historically have occurred on the site from the early morning until late at night, whereas it is proposed that the vehicle repair works on the site will only be carried during the day until the business closes at 6pm. Accordingly any late evening vehicle movements on the site will be minimal and the level of noise in the evening should be reduced.
- 8.22 The Environmental Health team have confirmed that they are satisfied with the report findings and have raised no concerns in relation to the proposal, subject to a condition to restrict the opening hours and hours of operation. A condition will be added on this basis and is considered reasonable and necessary to protect the amenities of the surrounding area including neighbours.
- 8.23 In light of the above, subject to condition, the proposal is considered to meet the requirements of Policy DM14 of the Swale Local Plan 2017.

Flood Risk

- 8.24 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 inappropriate development in areas at risk of flooding and in areas where development would increase flood risk elsewhere should be avoided. 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.
- 8.25 The application site is located within flood zones 2 and 3a and a flood risk assessment (FRA) has been provided by the applicant. The Environment Agency has raised no objection to the proposal on flood risk grounds. However officers have noted that the FRA does not explicitly pinpoint the application site, but a location nearby. The applicant has been asked to rectify this, although it is not expected that a revised FRA would be likely to reach any different conclusions on flood risk. Members will be updated on this matter. As the Environment Agency will need to be reconsulted on a new document, members will not that I have sought delegation from committee to deal with this.
- 8.26 Kent County Council Flood and Water Management Team have also been consulted in respect of the application and they have raised no objection to the development proposal. However, they have advised that as the Environment Agency's Flood Map for

surface water shows a flow path crossing the site, the applicant should consider incorporating appropriate mitigation measures as part of the construction process. An informative will be added to advise the applicant of their recommendations in this regard.

Parking/Highways

- 8.27 Policy DM7 of the Swale Local Plan states that vehicle parking should be in accordance with the guidance set out in the Swale Borough Council Parking Standards SPG 2020.
- 8.28 The guidance states that where any new proposed developments relating to vehicle servicing and repairs are being proposed, one parking space should be provided for every two members of staff or alternatively four parking spaces should be provided for every service bay.
- 8.29 In this case, the applicant has confirmed that ample off-road parking will be provided on the large forecourt to the front and side of the workshop. Given the size and nature of the site, it is considered that there will be ample parking opportunities for future users of the site.
- 8.30 The vehicular and pedestrian accesses to and from the site are as per existing access arrangements and they will be unaffected by the proposed works. Their suitability is already established by virtue of their current use.
- 8.31 The existing site incorporates a bus shelter set some way back from the highway, and a bus stop is located on the road immediately outside the site. The shelter has been fenced off and is not currently in use, and the proposed development would result in the permanent removal of the shelter. Some concerns have also been raised in respect of the loss of the shelter. I have consulted with the Kent County Council Highways team, who have confirmed that the bus shelter was never publicly maintained and that there are no public highways rights around the shelter. Nonetheless, officers have queried whether a shelter can be re-established closer to the highway as part of the development. KCC Highways have stated a preference for a shelter to be provided if possible, and Members will be updated on this prior to the committee meeting.

Other Matters

- 8.32 Area of Archaeological Potential – The site is located within an area of archaeological potential. I have consulted with Kent County Council Archaeology team, who have confirmed that a condition should be added to any future consent to ensure that any archaeological finds during the construction phase of the development are suitably recorded. A condition will be added in accordance with their recommendations.

9. CONCLUSION

- 9.1 The development proposal is considered to meet the requirements of the local plan policies and it will bring a site within the town centre back into active use, which will benefit the local economy. Whilst the comments of the town council have been taken to consideration, the proposal is unlikely to impact the nearby designated heritage assets in a negative manner. The visual impact of the proposal will not detract from the character of the surrounding area owing to similarities with the existing permitted land use. On this basis, the proposal is considered to be acceptable, subject to the conditions set out below.

10. RECOMMENDATION

That delegated powers are given to the Head of Planning to Grant planning permission subject to the resolution of flood risk impacts, clarification over the ability to provide a bus shelter and the imposition of 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:

KWTP.03, KWTP.04, KWTP.05, KWTP.07

Reason: To ensure a satisfactory appearance to the development.
3. The site shall not be open or in use other than between 06:00 to 18:00 hours Monday to Saturday, and no uses or operations within the workshop shall take place other than between the hours of 0700 to 1800 from Monday to Saturday. The site shall not open or operate on Sundays or Public Holidays.

Reason: In the interest of the amenities of occupiers of neighbouring properties.
4. 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.
5. The development shall be implemented in accordance with the flood mitigation measures as outlined on page 1 of the Landmark Flood Risk Assessment Report Reference:276692596.

Reason: To mitigate against flood risk.

6. The site and workshop as outlined in red on the approved plans is to be used for the purpose of vehicle servicing and repair (Class B2) and the site shall be used for no other purpose, including any other purpose considered to fall within a B2 use, as set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or any order revoking or re-enacting that Order.

Reason: In the interests of neighbouring amenity.

7. The approved development shall be constructed in accordance with the materials specified on the application form unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests 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 - 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.

9. No vehicles shall be stored on the site other than for the purposes of servicing and repair at the premises.

Reason: In the interests of visual amenity

10. Prior to first use of the development hereby permitted, details of any areas of the site to be used for the external storage of parts, equipment, materials or products together with the maximum height levels for such storage and details of any enclosures of works to contain such areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the approved details. No external storage of parts, equipment, materials or products shall take place within the site other than as approved.

Reason: In the interests of visual and neighbouring amenity.

11. No works or operations involving the use of power tools or air impact tools shall take place outside of the workshop building.

Reason: In the interests of neighbouring amenity.

INFORMATIVES

1. The applicant should be aware that the Environment Agency's Flood Map for Surface Water shows a flow path crossing the site. Accordingly, whilst the proposal is situated within the low-risk area of this flow path the applicant may wish to consider appropriate mitigation measures to address the risk of surface water flooding as part of the construction process.

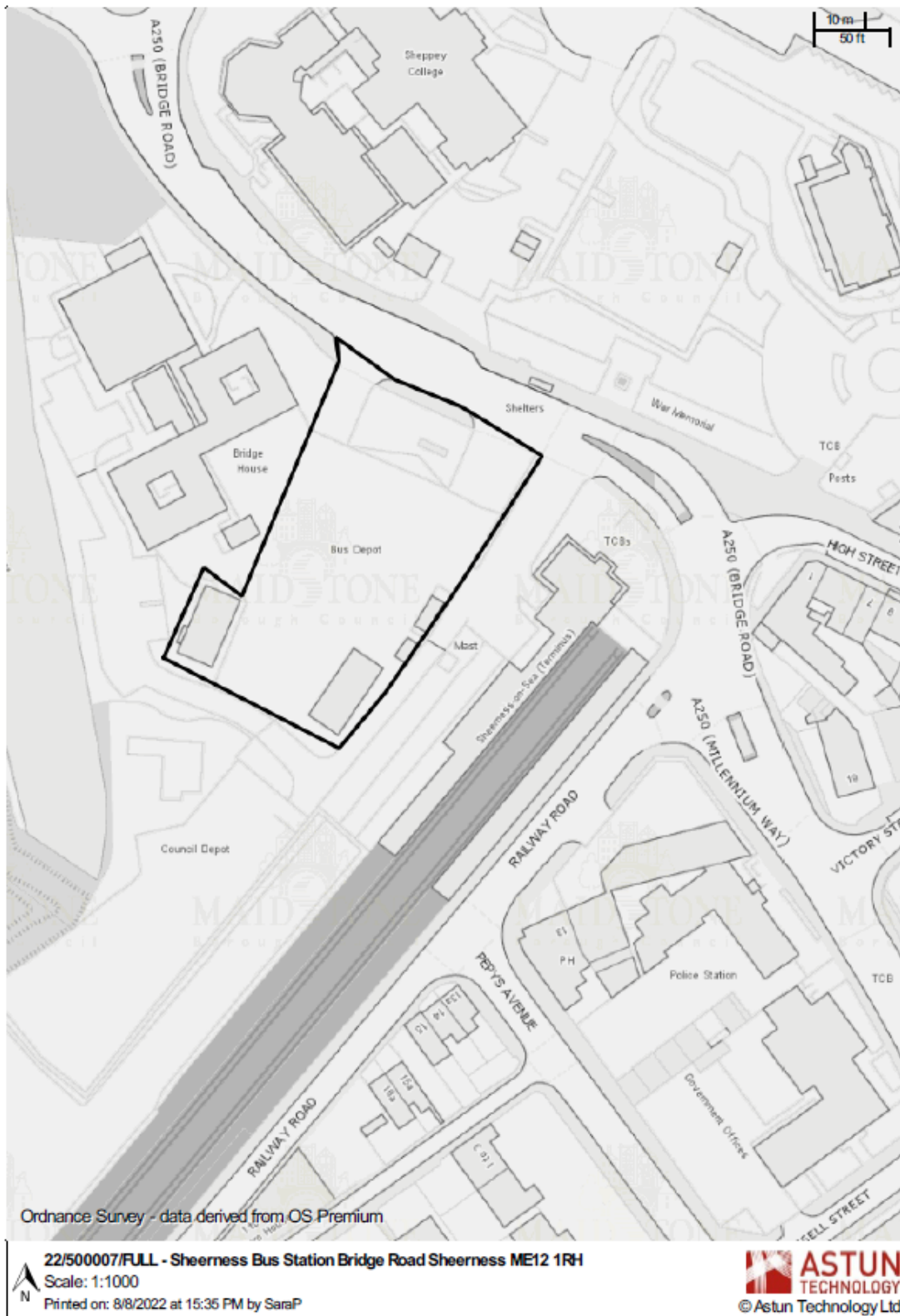
The Council's approach to the application

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.



2.4 REFERENCE NO - 22/502863/FULL & 22/502864/LBC		
APPLICATION PROPOSAL Alterations to entrance gates to enable easier and safer vehicular access to the parking area, including the addition of a pedestrian gate for day to day use. Reinstatement of wood burner and flue to main dwelling.		
ADDRESS The Stables Sweepstakes Farm Lower Hartlip Road Hartlip Sittingbourne Kent ME9 7TU		
RECOMMENDATION Grant both Planning Permission and Listed Building Consent, subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN COUNCIL Hartlip	APPLICANT Mr Gary Payne AGENT
DECISION DUE DATE 10/08/22	PUBLICITY EXPIRY DATE 28/07/22	

THIS REPORT RELATES TO TWO SEPARATE APPLICATIONS BUT THEY ARE DEALT WITH TOGETHER AS THE PROPOSAL IS SEEKING BOTH PLANNING PERMISSION AND LISTED BUILDING CONSENT FOR THE SAME PROPOSAL AT THE SAME PROPERTY. EACH APPLICATION HAS BEEN DETERMINED ON ITS OWN MERITS.

Planning History

19/503520/FULL

Erection of link extension to join both buildings to form a single dwellinghouse, creation of new carport, replacement of single glazed windows with double glazing, erection of new post and rail fence and associated landscaping.
Approved Decision Date: 12.09.2019

19/503521/LBC

Listed Building Consent for the erection of link extension to join both buildings to form a single dwellinghouse, creation of new carport, replacement of single glazed windows with double glazing, erection of new post and rail fence and associated landscaping.
Approved Decision Date: 12.09.2019

18/505746/FULL

Minor Material Amendment to Condition 2 of appeal decision for application 17/501327/FULL (Conversion of detached building into a three bedroom dwelling with provision of a single storey attached garage and change of use of associated land for residential garden) to allow the garage to be extended from 3m in width to 5m, and to change the approved lean-to roof to a gable end roof.
Approved Decision Date: 07.01.2019

17/501327/FULL

Conversion of detached building into a three bedroom dwelling with provision of a single storey attached garage and change of use of associated land for residential garden
Refused Decision Date: 30.06.2017

17/504544/LDCEX

Lawful Development Certificate (Existing) for alterations to a barn and regularisation of use class.

No Further Action Required Decision Date: 26.06.2018

SW/13/1562

Listed Building Consent for erection of single storey games/gym outbuilding, ancillary to the main house

Granted LBC Decision Date: 17.04.2014

SW/13/1561

Erection of single storey games/gym outbuilding, ancillary to the main house.

Grant of Conditional PP Decision Date: 17.04.2014

SW/02/0216

Listed Building Consent for conversion from stable to dwelling and alterations to outbuilding.

Granted LBC Decision Date:

SW/02/0215

Conversion from stable to dwelling and alterations to outbuilding. AND SW/02/0216 LISTED BUILDING CONSENT FOR THE ABOVE

Grant of Conditional PP Decision Date:

SW/99/0264

New road access point next to house, including new driveway to link with existing parking areas.

Grant of Conditional PP Decision Date:

SW/98/0833

Listed Building Consent for two storey extension.

Granted LBC Decision Date:

SW/98/0832

Two Storey Extension.

Grant of Conditional PP Decision Date:

1. DESCRIPTION OF SITE

- 1.1 The Stables is a single storey dwelling which lies within the grounds of Sweepstakes Farmhouse and is located outside the built up area boundary of Hartlip and within the countryside.
- 1.2 The site lies to the west of Lower Hartlip Road, sharing an access with Hartlip Barn to the south of the site. The application site lies within the Hartlip Conservation Area and within the grounds of the principal grade II listed building – Sweepstakes Farmhouse. The converted stable building and the wall against the highway forms a curtilage listed building.
- 1.3 Planning permission and listed building consent was granted for the change of use of the stable building to a dwellinghouse under applications SW/02/0215 and SW/02/0216. The detached single storey annexe at the site, which runs parallel to Lower Hartlip Road and at right angles to the dwelling, was erected under applications

SW/13/1561 & SW/13/1562. There are various outbuildings to the south of the site, which are used as a summer house and garages. The works approved under applications 19/503521/LBC and 19/503520/FULL, to join the annex and main building via a link extension to form one distinct and continuous dwelling and creation of a carport are still ongoing.

2. PROPOSAL

- 2.1 This application seeks listed building consent and planning permission to adjust the angle of the existing entrance gates to enable easier and safer vehicular access to the parking area and also to add a pedestrian gate for day to day use.
- 2.2 The proposal would reuse the existing electric gate and match the pedestrian gate in the same style: a box steel frame for maximum strength and minimal warpage, infilled with hardwood timber boards. The gates would be hung on six-inch box steel posts, coloured black.
- 2.3 The applicant notes that as a result of the works approved under 19/503521/LBC and 19/503520/FULL the current position of the gates causes difficulty with vehicular access.
- 2.4 Also sought is planning permission and listed building consent to reinstate a wood burner and flue. The flue would be coloured matt black.

3. PLANNING CONSTRAINTS

- 3.1 Conservation Area Hartlip

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4.2 Development Plan: Policies CP4, DM7, DM14, DM16, DM32 and DM33 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 4.3 Supplementary Planning Guidance: 'Conservation Areas' and 'Listed Buildings'.

5. LOCAL REPRESENTATIONS

- 5.1 Hartlip Parish Council object to the application stating the following:

HPC has concerns about one aspect of this application and that relates to the existing gate and proposed pedestrian gate in terms of design given the importance of the Conservation Area in which this site sits and the expectation to 'preserve and enhance', not detract from.

It is noted that the pre-application advice was to the effect that the planning officer and Conservation Officer suggested that a five bar gate design should be adopted presumably given the location in Hartlip Conservation Area.

HPC considers very strongly that a five bar gate design would, without question, be more in keeping given that the property is not only in the countryside but also in the Conservation Area which is highly valued by HPC and Parish residents.

HPC notes that the applicant raises the matter of children. HPC was not aware that having young children was a material consideration in planning matters. If the application were to be granted on the basis of this 'non-material consideration' point, SBC will have set an unfortunate precedent.

5.2 No other local representations have been received.

6. CONSULTATIONS

6.1 The Council's Conservation and Design Manager has no objection to the applications.

7. BACKGROUND PAPERS AND PLANS

7.1 Application paper and plans for 22/502863/FULL & 22/502864/LBC.

8. APPRAISAL

Principle of Development

8.1 The application site is in use as a residential dwelling which has been developed through various applications, detailed above. The works as now proposed are comparably minor works within the curtilage of the dwelling. Development was granted under applications 19/503521/LBC and 19/503520/FULL for various works to the application site including the creation of a carport and landscaping. Once landscaping and post-rail fencing of the garden is complete in line with the prior approved plans, the current position of the gates will make it difficult to turn a vehicle into and out of the parking area. This application seeks to amend the gates positioning, reusing the existing gate. Whilst the site lies within the countryside, I consider the principle of such minor works and repositioning to be acceptable, subject to the detailed considerations below.

The impact on the character of the conservation area and listed buildings

8.2 The Stables, together with the group of the former farmstead buildings, are within the Hartlip conservation area. The dwelling is located within the group of traditional farm buildings at Sweepstakes Farmhouse with the Farmhouse at the northeastern end. The significance of The Stables is its connection with the Grade II Sweepstakes Farmhouse and its incorporation within the traditional farmstead complex associated to the farmhouse.

8.3 The Hartlip conservation area appraisal recognises Sweepstakes Farm as a historic farmstead, detached from the village but with a clear physical relationship with the village framework and adjoining areas of attractive parkland.

8.4 The reinstatement of the wood burner and flue would largely be internal works with the only external feature being the flue which would protrude from the northeast elevation which runs alongside the Lower Hartlip Road. The flue represents a very modest intervention to the listed building and the Conservation and Design Manager raises no

objection to this, provided the flue has a matt black finish. This has been included in the conditions below.

- 8.5 The gate and walls subject to this proposal are located within the existing former farmstead, and surrounded by buildings. They are not easily visible from the road or other public locations. The proposal seeks to reuse the existing electric gate which has been on the site for several years and to reposition the wall in a straight line between two existing buildings. The gate would be re-sited and hung on six inch box steel posts, coloured black. The support posts would be hidden behind a yellow stock brick wall which would match the existing brickwork on the main dwelling. An additional pedestrian gate would be added which would be in the same style as the existing gate with a box steel frame, infilled with hardwood timber boards. The new positioning of the gates mean that they remain screened from the Lower Hartlip Road due to the angle and the set back and the brick pillars would help the gates to assimilate with the existing buildings on the site. The height of the wall and gates remains fundamentally the same as the existing wall and gates.
- 8.6 During informal discussions prior to the application being submitted the applicant was advised that a 5 bar gate would be preferred as a more traditional form of rural entrance. I note that this appears to be the principal concern raised by the parish council. However given that the structure would be essentially of the same scale and form of enclosure as existing, with minor modifications to the siting and appearance, I do not consider that the development could be held to be harmful or detrimental to the conservation area or setting of the listed building. I also note there are other similar gates in the immediate area. The Conservation and Design Manager raises no objection to the development and I consider it would preserve the special character of the listed building and conservation area.

Residential Amenity

- 8.7 The new position of the gates would be sufficiently removed from neighbouring dwellings and would have no significant impact to amenity.

Highways

- 8.8 The parking layout approved under applications 19/503521/LBC and 19/503520/FULL will not be altered as a result of the application. The gates are set back 1m from the boundary line and do not open towards the highway it is therefore considered there are no highways implications as a result of the proposal.

9. CONCLUSION

- 9.1 The development would not harm the special character of the listed building or conservation area, nor the rural character of the area. On the basis of the above, I recommend that Listed Building Consent and Planning Permission is granted..

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS to include

22/502863/FULL:

- (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 external element of the wood burner flue shall be finished in a matt-black finish and retained as such thereafter.

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

- (3) The replacement brickwork shall be carried out using brickwork detailing to exactly match the detailing of the retained section of brickwork supporting the entrance gates (including coping detail, bonding pattern and mortar profile, gauge and colour finish)

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

- (4) The new pedestrian access gate to be provided shall exactly match the vehicular access gate in terms of its vertical dimensions, relative mounting position between brick piers, construction detailing and timber and metal finishes, and shall be retained as such thereafter.

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

The Council's approach to the application

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

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

22/502864/LBC:

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

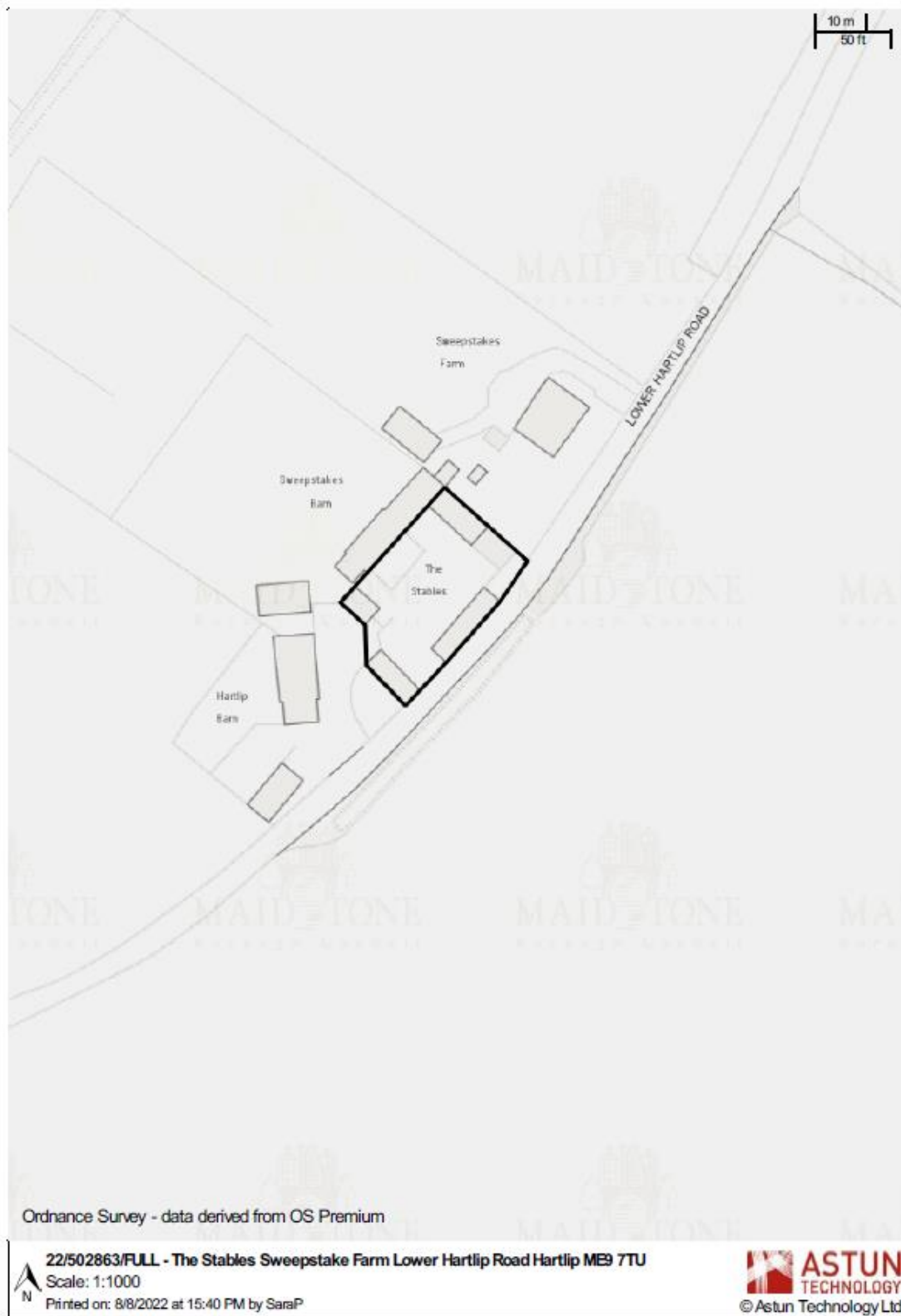
Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The works to which this consent relates must be carried out strictly in accordance with the approved drawings and details as set out in the Design & Access and Heritage Statement.

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

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 - 22/502679/ADV		
APPLICATION PROPOSAL Advertisement Consent for 1 no. non-illuminated hoarding signage board.		
ADDRESS Manor Farm Key Street Sittingbourne Kent ME10 1YU		
RECOMMENDATION Grant subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Borden And Grove Park	PARISH/TOWN Borden	COUNCIL APPLICANT Miss Teresa Rolfe
DECISION DUE DATE 05/08/22	PUBLICITY EXPIRY DATE 20/07/22	OFFICER SITE VISIT DATE 29/06/2022

Planning History

21/504812/REM - Approval of Reserved Matters of appearance, landscaping, layout and scale for erection of 50 dwellinghouses pursuant to application 17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved).
Pending Consideration

22/503060/SUB - Submission of details pursuant to condition 23 (Archaeology) of application 17/500727/OUT.
Pending Consideration

17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved), as amended by drawings received 31/05/2017
Approved Decision Date: 20.12.2019

SW/04/0095 - Outline application for the construction of 27 dwellings, garages and a community woodland and habitat area
Refused

SW/03/0224 - Construction of 39 no. dwellings garages, community orchard and play area.
Refused

SW/89/1815 - Garage store single storey
Approved pre 1990 Decision Date: 12.03.1990

SW/87/0917 - Illuminated poster panels within bus shelter
Approved pre 1990 Decision Date: 26.08.1987

SW/87/0916 - Illuminated poster panels within bus shelter
Approved pre 1990 Decision Date: 26.08.1987

SW/85/0299 - Construction of entrance
Approved pre 1990 Decision Date: 24.05.1985

SW/83/0504 - Reconstruction of garages workshops

Refused Decision Date: 16.09.1983

SW/82/0981 - Outline application for one dwelling

Refused Decision Date: 26.01.1983

SW/81/1146 - Outline application for erection of one dwelling

Refused Decision Date: 18.11.1981

SW/80/1272 - Application for established use certificate for use of garage premises for car repairs

Refused Decision Date: 21.09.1981

SW/80/0162 - Outline application for erection of one detached house

Refused Decision Date: 15.07.1980

1.0 DESCRIPTION OF SITE

1.1 This application relates to an advertisement hoarding signage board which has been positioned on land at Manor Farm in relation to the Outline application 17/500727/OUT for up to 50 dwellings. The advertisement signage is positioned off of Chestnut Street in the vicinity of Key Street Roundabout. It is positioned adjacent to an access gate to Manor Farm and is set back from the road by approximately 13.69m. The advertisement sign sits amongst hedgerow and trees and is visible when exiting Key Street roundabout onto Chestnut Street. The site lies within the built up area boundary of Sittingbourne.

1.2 The street-scene here is mainly the roundabout at Key Street, Chestnut Street and the A249. The closest properties to the north-east are those along Key Street adjacent to the roundabout which are not visible from the site and the nearest dwellinghouse to the south west along Chestnut Street is 1 Florence Cottages which is in excess of 400m away from the signage.

2.0 PROPOSAL

2.1 This application seeks retrospective permission for the retention of 1no. non-illuminated hoarding signage board advertising acquired land and housing development and consent is being sought until 16/12/2022.

2.2 The signage itself has square proportions measuring 2.44m by 2.44m. It has two aluminium posts which measure a height from the ground to the base of the advertisement of 1.5m. The total height of the advertisement signage measures 3.94m. The signage is made of Aluminium composite with a burgundy red background and white lettering with a maximum height of the individual letters being 37 centimetres.

3.0 PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 The National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

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

- CP4 (Requiring good design)
- DM14 (General Development Criteria)
- DM15 (New shopfronts, signs and advertisement)

4.3 Supplementary Planning Guidance (SPG): 'The Design of Shopfronts, Signs and Advertisements'.

4.0 *Government places a duty on the Borough Council to consider all applications for new signage in relation to their impact upon amenity and Highway safety.*

4.1 *The Borough Council will not normally permit advertisements outside town centres, particularly in sensitive areas such as residential area and open countryside.*

4.2 *Signs are not permitted adjacent to major highways or at junctions where they may be a distraction to motorists.*

5.0 LOCAL REPRESENTATIONS

5.1 Two letters of objection have been received for the following summarised reasons:

- Certain of the objections raised have been received relating to the proposed housing at Manor Farm for which there is currently a reserved matters application under consideration, rather than to the merits of the sign-board as erected and displayed. I am therefore unable to take those points into account in considering the application.
- One of the objections comments "*The building company have no thought for those being affected by this building site, they haven't even tried to blend the sign in to make it less of an eyesore for the residents of Key Street.*"

6.0 CONSULTATIONS

6.1 Borden Parish Council have provided the following comments:

"It was resolved to comment that the size and location would be distracting to drivers".

6.2 Kent County Council Highways and Transportation have been consulted on the application and considered the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6.3 Following the comments received from Borden Parish Council concerning the impact of the advertisement on drivers, further comments have been sought from Kent County Council Highways. They have provided the following summarised comments:

- *Do not consider the advertisement would be any more of a distraction than other signs typically found alongside the highway.*
- *Unless it was obscuring the view of, or conflicting with, regulatory highway signage, this is unlikely to be considered distracting to drivers. Maybe if it were an illuminated sign that was flashing with bright colours that might confuse the perception of a*

nearby traffic signal or warning sign, it might need consideration. However, billboards and other private signage are commonplace adjacent to the highway, and even in more sensitive locations such as complex junctions where drivers have to be particularly alert. I am not aware of any hard evidence to suggest that they are problematic.

- *Consider the message on this sign is quite clear to read quickly, as it's not trying to provide lots of information for people to process, so do not think drivers are going to be staring at that for any length of time instead of concentrating on the road.*

7.0 BACKGROUND PAPERS AND PLANS

Application papers for application 22/502679/ADV

8.0 APPRAISAL

8.1 I consider the main consideration is the impact of the signs upon amenity and highway safety/convenience.

8.2 The need to promote this major new development to potential purchasers of the new residential homes is understood and the type of signage proposed is not untypical of what the Council has permitted elsewhere on housing developments.

8.3 Highway safety/convenience

8.4 Kent Highways have been consulted on the application and do not consider the proposal warrants their involvement. They were re-consulted further following the comments received from Borden Parish Council and consider the advertisement would not be any more of a distraction than other signs typically found alongside the highway.

8.5 The signage board is situated approximately 13.69m from Chestnut Street and adjacent to hedgerow as well as trees of significant height. It is not prominently visible when travelling along Chestnut Street towards the roundabout due to its set back position and the adjacent hedgerow. The signage is primarily visible when exiting the roundabout onto Chestnut Street. I agree with the comments from KCC Highways that due to the sign being non illuminated and clear to read with the contrasting background and white lettering that it is not significantly distracting to drivers exiting the roundabout, I note further the sign has been present in this location for at least 3 months. It must also be taken into consideration whether this sign is significantly more distracting than the other signs which are positioned around the roundabout, including the one advertising the lost village of Key Street and if any accidents have occurred that could be attributed to them. In this instance the signage is set back from the roundabout off of Chestnut Street by approximately 40m and is not unduly prominent.

8.6 Given the above points and the comments received from the Highway Authority and the fact that the sign is relatively low in relation to the surrounding hedgerow and trees I am of the view that there can be no significant concern in terms of highway safety and convenience.

Residential Amenity

8.7 The advertisement sign is positioned on land where the nearest residential houses are a considerable distance away and I am, therefore, of the view that the sign would not

have an impact on residential amenity in the area. Due to the layout of Key Street roundabout and the set-back position of the sign I note it is not visible to the residential properties positioned along Key Street to the north-east.

Visual Amenity

- 8.8 Taking into consideration the objection received from a resident on Key Street, although I acknowledge the colour of the signage does not blend into the hedgerow I consider the design and colouring of the signage is fairly restrained and not unusually strident and as such I consider it is not significantly harmful to the visual amenity of the surrounding area, at least over such a short-term period.
- 8.9 I also consider that the sign is of an acceptable scale and design. It is not positioned in a sensitive area, albeit that it is in the countryside, but it has been set back amongst high hedgerow and trees and is not unduly prominent. I therefore believe the sign has not resulted in significant harm to visual amenity.
- 8.10 I note this is an area of potential archaeological importance, however the works are of a minor nature where the sign is mounted on two posts which have been inserted into the ground and as such, I do not consider it would require the need for archaeological measures in this instance.

9.0 CONCLUSION

- 9.1 The application proposes temporary signage until 16/12/2022. I do not consider the non-illuminated sign board has an unacceptably detrimental impact upon either amenity or any harm to highway safety, which are the statutory tests here. I am therefore satisfied that the signage complies with policies DM14 and DM15 of the Local Plan and also the NPPF.

10.0 RECOMMENDATION – GRANT Consent Subject to the following conditions

CONDITIONS

1. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
2. No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock-harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
3. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
4. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

5. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

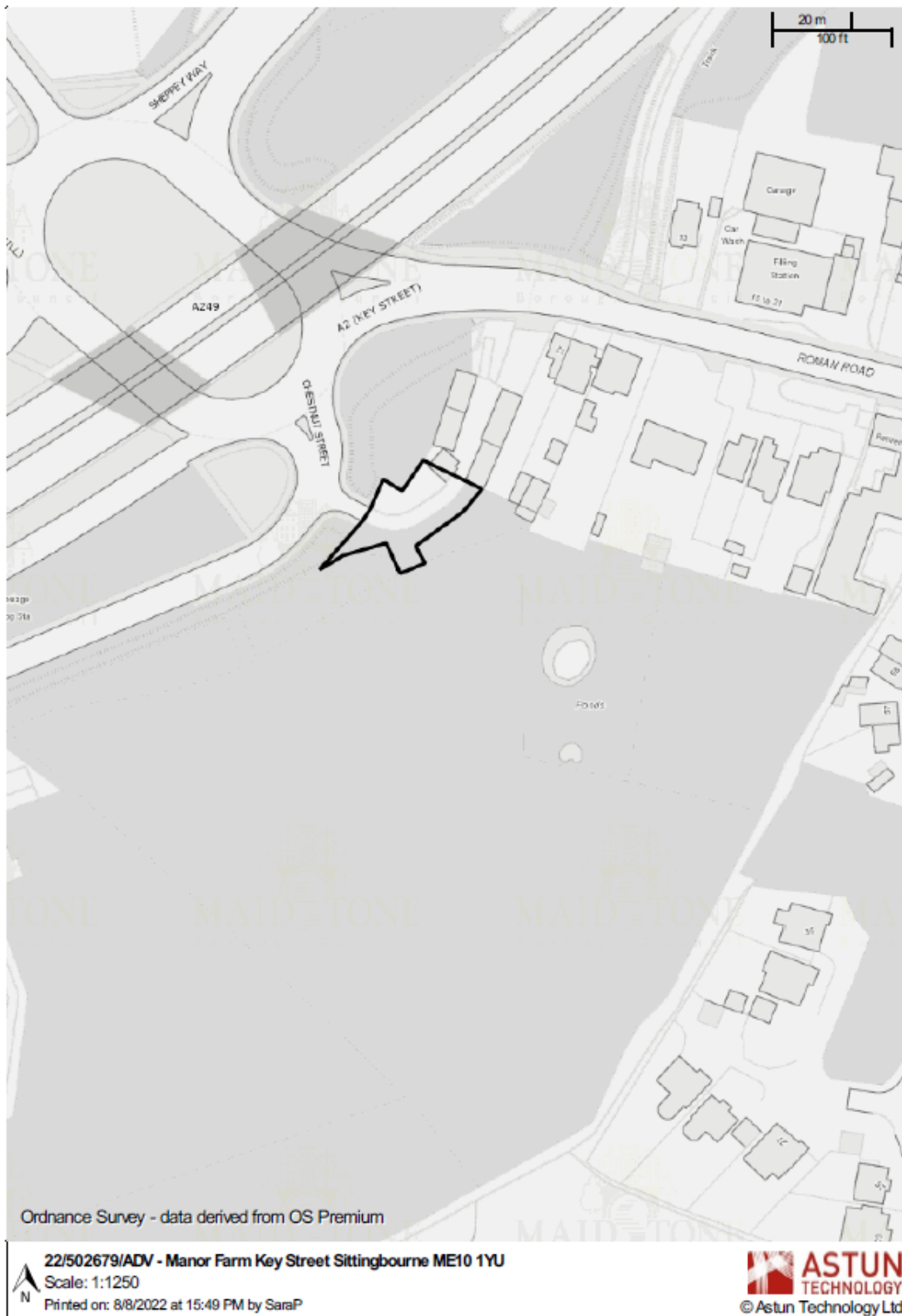
Reason: In accordance with the provisions of Regulation 2(1) of the Town and Country Planning (Control of Advertisement) (England) Regulations 2007.

6. The 1no. non-illuminated hoarding signage board hereby permitted shall be removed no later than 6 months beginning with the date on which the permission is granted.

Reason: In the interests of visual amenity.

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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2.6 REFERENCE NO - 21/506787/PSINF		
APPLICATION PROPOSAL		
Construction of a 4 storey (Category B) 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.		
ADDRESS HMP Elmley, Church Road, Eastchurch, ME12 4DZ		
RECOMMENDATION (<u>Subject to Secretary of State Approval</u>), to Grant planning permission ,subject to the following conditions and comments from KCC Highways (including requested conditions), and with authority to amend conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development would expand the degree of prisoner accommodation with appropriate parking and associated facilities. The proposal would be considered to conserve the landscape and would meet local and national policy requirements.		
As set out within the report below, there are outstanding highway matters that will need to be addressed before the determination of the application.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council Objection relating to Highways.		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Ministry of Justice AGENT Cushman & Wakefield
DECISION DUE DATE		PUBLICITY EXPIRY DATE 06/06/2022

Planning History

SW/76/1197

DEVELOPMENT UNDER CIRCULAR 80/71 FOR CATEGORY C PRISON

Approved pre 1990 Decision Date: 22.02.1977

SW/81/0625

OUTLINE APPLICATION UNDER CIRCULAR 7/77 FOR NEW PRISON

Approved pre 1990 Decision Date: 28.10.1981

SW/86/1348

APPLICATION UNDER CIRCULAR 18/84 FOR STAFF SOCIAL CENTRE

Approved pre 1990 Decision Date: 13.01.1987

SW/87/1694

OUTLINE APPLICATION UNDER CIRCULAR 18/84 FOR CONSTRUCTION OF SECURE PRISON AND VILLAGE BY PASS

Approved pre 1990 Decision Date: 07.11.1988

SW/88/1825

APPLICATION UNDER CIRCULAR 18/84 FOR NEW SECURE PRISON AND VILLAGE BY PASS

Approved pre 1990 Decision Date: 28.02.1989

SW/90/1070
ADDITIONAL FIELD ACCESS
No Objection Decision Date:

SW/90/0692
DEPARTMENT OF THE ENVIRONMENT CIRCULAR 18/84 SECURE PRISON/VILLAGE BY-PASS/VISITORS CENTRE AND CYCLE/BUS SHELTER
No Objection Decision Date:

SW/94/0196
APPLICATION UNDER CIRCULAR 18/84 FOR ADDITIONAL THREE-STOREY HOUSEBLOCK
No Objection Decision Date:

SW/05/1365
Portakabin, carpark and passenger lift
No Objection Decision Date: 13.12.2005

SW/07/0630
Installation of 1.8m satellite dish at HMP Swaleside, mounted on pole at ground level at administration block within establishment site.
Not Proceeded With Application Returned Decision Date: 26.06.2007

SW/07/0773
Installation of 1.8m satellite dish at HMP Elmley, mounted on pole at ground level at administration block within establishment site.
Grant of Conditional PP Decision Date: 13.09.2007

SW/08/0321/DCA
Discharge of conditions 3 and 6 of planning permission SW/08/0321 relating to car parking and site compound and disposal of foul and surface waters.
Condition Discharged Decision Date: 02.03.2009

SW/08/0321
New build custodial houseblock, gym extension, car park extension and temporary construction enabling works.
Grant of Conditional PP Decision Date: 02.12.2008

SW/08/1282
The proposed work consists of a modular building, this will provide additional office and toilet facilities for education staff within HMP Elmley. All DDA access will be catered for.
Grant of Conditional PP Decision Date: 18.03.2009

SW/09/0237
Erection of a single storey storage building at HMP Elmley.
Grant of Conditional PP Decision Date: 14.05.2009

SW/09/0230
Erection of a two storey extension to the existing prison kitchen.
Grant of Conditional PP Decision Date: 14.05.2009

SW/09/0238
Erection of single storey extension to the existing visits building
Grant of Conditional PP Decision Date: 18.05.2009

SW/09/0409

Extension of the existing car park to create 39 parking spaces with associated hardstanding at HMP Elmley.

Grand of Unconditional (stat 3yrs) Decision Date: 07.07.2009

SW/09/0425/CCA

Compliance with conditions 2,3,5 + 7 of SW/09/0425.

Condition Discharged Decision Date: 29.09.2009

18/504594/LAWPRO

Lawful Development Certificate (proposed) for the Visits Building within a prison. To add a new DDA access door and ramp to the east elevation of the visits building. (Remove window and replace with door). Construct concrete ramp with handrails to new door and gate. Externally, add new external condensers within a small compound for HVAC system within building. Internally reconfigure First floor toilets to include DDA toilet. Provide new HVAC system.

Approved Decision Date: 23.10.2018

1. DESCRIPTION OF SITE

- 1.1 The application site is comprised of HMP Elmley which is located to the south of Rowetts Way/Leysdown Road (B2231). The prison is access via Brabazon Road via Church Road, which provides access to the A2/M2 via the A249.
- 1.2 The site forms part of a wider Prison complex on the Island comprising HMP Swaleside and HMP Stanford Hill, which are situated due north of HMP Elmley. The cluster is located to the south of Eastchurch which is the nearest settlement approximately 1.65km from the Prison. To the south and east of the site the open countryside extends which includes an area of high landscape value at the Kent level.
- 1.3 HMP Elmley is the largest of the three prisons in Sheppey cluster. The site extends to around 10.3 hectares. The prison is enclosed by a 5.2m high perimeter wall which is heptagonal in shape, excluding the car park located to the south of the complex. The prison holds roughly 1000 prisoners. The accommodation is spread across five house blocks which include, single, double and treble cells.
- 1.4 The prison includes a number of ancillary uses, although the primary use remains C2A (Secure Residential Institution). The site includes outdoor amenity areas including a pitch, all within the walled confines. The prison buildings range in scale up to three storeys in height.
- 1.5 The application site is located within flood zone 1 (low flood risk), with the exception of the car park which is located in flood zone 2 and 3. The site has no heritage buildings within the complex, to the west of the site sits a Grade II listed building Four Hangars. The buildings are listed for their historical interest (relating to the early days of manned flight) rather than architectural interest.

2. Proposal

- 2.1 The proposal seeks to construct a new four-storey block to house 247 prisoners (category B), a workshop, an administration building, an extension to the property store, provision of sports

store, a sports pitch, 3G MUNGA pitch, 80 parking spaces, and realignment of the containment fencing.

Houseblocks

- 2.2 The proposed houseblock would provide an additional 246 bed spaces for HMP Elmley. The house block would be four storeys high and sited to the north-eastern corner of the site, within the confinement walls. The houseblock would be located on the existing sports pitch and would have a cross shaped layout.
- 2.3 The proposed house block cross shape would sit at a tilt. The north-south axis of the cross would have an approximate length of 72.77mx13m. The east-west axis would have an approximate length 67.5x13m. The building would have simple gable pitched roofs with a small flat section to accommodate plant. The overall ridge height of the building would be approximately 17.5m.
- 2.4 The building would be finished in a similar finish to the existing fabric on site. The main composition would be yellow blockwork.

Staff Administration Building

- 2.5 The proposed Staff Administration building would be located to the south-eastern corner of the site, within the walled confines of the site. The building would provide a mixture of open plan offices, closed offices, welfare, and boardroom facilities.
- 2.6 The proposed administration building would be 2 storeys. The building would measure approximately 30mx11.9m. The building would have a simple rectangular form and pitched roof. The overall ridge height would be approximately 8m with an eave's height of 5.6m. The building would be clad in yellow brick with red banding.

Workshop

- 2.7 The proposed workshop would be located to the south-eastern corner of the site, within the wall confines. The building would be located north of the proposed administration building. The workshop would be used for educational purposes within the prison. The workshop building would be storeys with a high-pitched roof and square form.
- 2.8 The proposed workshop would measure approximately 39.15x34.2m. The overall ridge height would be approximately 12m with and eaves height of 7.16m. The building would be clad with yellow brick work with red banding and metal sheet roof. The building would also include solar panels.

Extension to Property Stores

- 2.9 The extension to provide additional property stores would be located to the eastern elevation of the Reception and Discharge building. The building is located to the south-western corner of the walled confined prison. The extension would be single storey with a flat roof and would be brick clad. The extension would be approximately 10.6mx6.69m with a ridge height of approximately 4m.

Sports Storage

- 2.10 The proposed sports storage building would be located to the eastern boundary of the site within the walled confines. The building would be single storey and sit adjacent to the proposed sports pitches. The building would be clad with grey cladding and steel roof cladding in brown. The building would be approximately 13.5mx4.6m and would have an approximate ridge height of 3m and an eaves height of 2.1m.

Sports Pitches

- 2.11 The proposal would see the loss of the existing playing field to partly accommodate the proposed houseblock. To compensate a new 7 a side pitch would be located to the south of the proposed house block and a new all weather 3G pitch beyond the new 7 a side pitch. The enclosure fencing to the existing greenhouse would be realigned to increase the planting area. These facilities would all be contained within the walled confines of the prison.

Parking

- 2.12 The proposal would include an additional 80 vehicular parking spaces. The spaces would be located outside of the walled confines of the prison to the north west corner of the existing parking area.

3. PLANNING CONSTRAINTS

- 3.1 Area of Archaeological Potential – AAP,
- 3.2 Outside of settlement boundary (within the open countryside),
- 3.3 6km Buffer Zone for the Special Protection Area (SPA),
- 3.4 Adjacent to Flood Zone 2 and 3 (car park within flood zone 2 and 3),
- 3.5 Grade II Listed Air Hanger (Four Hangars) to the Northwest of the application site,
- 3.6 (Costal Change Management Area and High Landscape Value to the south of the site).

4. SUMMARY INFORMATION

Building	No. of Buildings Proposed	Storeys
Accommodation Block	1	4
Staff administration building	1	2
Educational/workshop building	1	2
Sports Storage building	1	1
Extension to property store		1
Car Parking	80 parking spaces	
Various sports fields and exercise areas	N/A	N/A

5. POLICY AND CONSIDERATIONS

5.1 Development Plan: Beating Fruits 2031: The Swale Borough Local Plan 2017:

- 5.2 ST 1 – delivering sustainable development in Swale,
- 5.3 ST 2- Development targets for jobs and homes 2014 – 2031,
- 5.4 ST 3 – The Swale settle strategy,
- 5.5 ST 4 – Meeting the Local Plan development targets,
- 5.6 ST 6 – The Isle of Sheppey area strategy,
- 5.7 CP 2 – Promoting sustainable transport,
- 5.8 CP 4 – Requiring good design,
- 5.9 CP 7 – Conserving and enhancing the natural environment,
- 5.10 CP 8 – Conserving and enhancing the historic environment,
- 5.11 DM 3 – The rural economy,
- 5.12 DM 6 – Managing transport demand and impact,
- 5.13 DM 7 – Vehicle parking,
- 5.14 DM 14 – General development criteria,
- 5.15 DM 19 – Sustainable design and construction,
- 5.16 DM 21 – Water, flooding, and drainage,
- 5.17 DM 24 Conserving and enhancing valued landscapes,
- 5.18 DM 28 – Biodiversity and geological conservation,
- 5.19 DM 29 – Woodlands, trees, and hedges,
- 5.20 DM 32 – Development involving listed buildings.
- 5.21 National Planning Policy Framework
- 5.22 Supplementary Planning Documents (SPD):
- 5.23 Parking Standards (2020).
- 5.24 Swale Landscape Character and Biodiversity Appraisal 2011.

6. LOCAL REPRESENTATION

- 6.1 Eastchurch Parish Council have objected to the proposal, their comments are included below:
- 6.2 03/02/2022:

- 6.3 *“The Planning Committee of Eastchurch Parish Council objects to this application.*
- 6.4 *The principal concerns with the prison expansion is highway issues and road infrastructure, not the internal arrangements and increase of the occupancy of the prison site.*
- 6.5 *Church Road is unsuitable in its existing state for the existing levels of traffic and the increase from both this application (247) and the Stanford Hill application (120) will make the situation much worse in terms of road infrastructure and safety for both residents and users of the site.*
- 6.6 *The MoJ must take responsibility for problems on the ONLY access route to the cluster, as it produces the majority of the traffic on the road. Pre-existing conditions are due to the quantity of prison traffic, not just officer staff, but the administrative, medical, teaching and ancillary staff, the goods and services vehicles not to mention all of the traffic involved with provisioning the two sites with the goods and services in order to build the two expansions. The Parish Council suggests that the MoJ look at permanent and pertinent resolutions to resolve the Highways issues which are blighting the lives of local residents and are caused by the prison complex”.*
- 6.7 16/06/2022:
- 6.8 *“Having read the further reports and information supplied, the Planning Committee of Eastchurch Parish Council sees no reason to change the original strenuous objection.*
- 6.9 *The highways problems raised have not been dealt with. There have been no further meetings with the agents who had agreed to come back with proposals to mitigate the existing speed and safety issues.*
- 6.10 *There are additional concerns with the cumulative effect of the two prison extensions.*
- 6.11 *The Highway network mentioned in the reports is not the issue. The speed of existing traffic and the safety of the residents/visitors/prison staff who both walk and drive on Church Road has still not been addressed.*
- 6.12 *Reports and statistics cannot replace valid experiences of residents on a daily basis.*
- 6.13 *A section 106 agreement is an agreement between a developer and a local planning authority about measures that the developer must take to reduce their impact on the community.*
- 6.14 *Eastchurch Parish Council ask for S106 or CIL, in order to fund active physical road calming in order to protect both residents and the prison community. There is already a high direct impact on the local population.*
- 6.15 *The cumulative effect of the two current expansions will see this at breaking point. Swale Borough Council and MoJ have a Duty of Care to ensure that an acceptable resolution is found”.*

7. CONSULTATIONS

External

	COMMENTS RECEIVED	OFFICER RESPONSE
National Highways	<p>Referring to the consultation on a planning application dated 19 January 2022 referenced above, in the vicinity of the A249 and M2 at Swale Borough that form part of the Strategic Road Network, notice is hereby given that National Highways' formal recommendation is that we:</p> <p>b) recommend that conditions should be attached to any planning permission that may be granted (see Annex A – National Highways recommended Planning Conditions & reasons);</p> <p>Highways Act 1980 Section 175B is/is not relevant to this application.¹</p> <p>This represents National Highways formal recommendation (<i>prepared by the Area 4 Spatial Planning Team</i>) and is made available to the Department for Transport as per the terms of our Licence.</p> <p>Should the Local Planning Authority not propose to determine the application in accordance with this recommendation they are required to consult the Secretary of State for Transport, as set out in the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018, via transportplanning@dft.gov.uk and may not determine the application until the consultation process is complete.</p> <p>The Local Planning authority must also copy any consultation under the 2018 Direction to planningse@highwaysengland.co.uk.</p>	
KCC Flood and Water Management	<p>Thank you for your consultation on the above referenced planning application.</p> <p>Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and Drainage Statement documents and have the following comments to provide:</p> <p>It is understood from the Drainage Statement that the proposed development's drainage would connect into the existing wider scheme serving the prison complex. Surface water discharge from the new impermeable areas would be restricted to a maximum rate of 2l/s for all storm events (up to 100 year plus 40% climate change allowance). This approach is welcomed and in line with our requirements set out within KCC's Drainage and Planning Policy Statement (December 2019).</p> <p>Should the Local Planning Authority grant planning permission to the proposed development, we would request the following condition to be attached:</p>	

	<p>Condition: 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. 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.</p>	
<p>KCC Highways</p>	<p>1st comments: An application is made to expand the existing prison to cater for an additional 240 prisoners and includes expansion of the existing car parking facilities by 80 spaces.</p> <p>The existing staff to prisoner ratio would indicate that the staff level is around 42% staff to prisoners. This would equate to an additional 101 staff operating on four shifts which are as follows; Early Shift - 07:30-12:30 Late Shift - 12:30-21:00 Main Shift - 07:45-17:30 A Shift - 07:45-21:00</p> <p>Parking.</p> <p>An additional 80 spaces are to be provided, 76 visitor and staff and 4 disabled spaces. The number of disabled spaces is compliant with Swale standards.</p> <p>There are currently 274 spaces for 480 staff, a provision of 1.75 spaces per staff member. The new proposal is for 80 spaces for 101 staff, a provision of 1.26 spaces per staff member. This is agreed as appropriate and any under provision is unlikely to impact upon the public highway.</p> <ol style="list-style-type: none"> 1. No details of space size and dimensions are provided, and these should be presented in accordance with the Swale standards. 2. No provision appears to be made for EV charging facilities and as such would not comply with Swale standards. 3. Cycle parking information is limited and a condition would be recommended requiring the new buildings to contain cycle storage facilities. 	

	<p>Highway Impact</p> <p>The Transport Assessment includes an anticipated trip generation expectation of 162 additional two-way movements for staff and 16 two-way trips for visitors.</p> <p>The numbers include an assumption that 20% staff will be on leave but does not account for any potential mode share such as car sharing. The analysis of trip generation is considered to be a reasonable and the only movements likely to impact the wider network peak would be in the 17:00-18:00 PM. No analysis has been provided on the junction performance of the Church Road arm of the Rowetts Way roundabout however there have been no recorded incidents in the 5 years data which we have independently checked. Given the additional estimated number (61) of movements this is unlikely to cause safety concern in accordance with the NPPF severity test.</p> <p>Construction.</p> <p>No information has yet been presented in respect of the management and operation of construction traffic. Construction traffic should be timed to avoid conflict with the peak staff shift arrivals and departures and a Construction Environment Management Plan will be required by condition.</p> <p>Sustainability and Access</p> <p>The Transport Assessment includes plans to show the facilities and amenities within walking and cycling access, concluding the sites locality provides suitable access for walking to facilities and opportunity for staff living in the area identified to access by use of cycle. There is however limited residential catchment for cycling access and the walking route is beyond a 2KM and approximately a 30 minute walk to the limited facilities at Eastchurch.</p> <p>The Transport Assessment further goes on to state that there is one morning peak bus service and two afternoon peak services. Our review indicates that the bus number 367 arrives at 11:46 and departs at 16:20 which is in neither considered peak or aligns to the presented staff shift pattern. Our conclusion is that the service is very limiting and could only be used by local residents but not staff or visitors to the application.</p> <p>A Travel Plan has been submitted but given the lack of availability of public transport, inaccessibility by walking and cycling and lack of any meaningful actions is unlikely to have any impact. 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.</p> <p>4. 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 minibus service to collect staff from areas of demand on the island, for instance Sheerness Rail Station.</p>	
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	<p>Summary The Highway Authority requires further information to be submitted prior to our final opinion being provided.</p> <p>The application is in an unsustainable location in regards to transportation and provides insufficient evidence that it complies with Local Plan policies DM6 and CP2. No EV charging facilities appear to be included which would be contrary to Swale Parking Standards.</p> <p>The Highway Authority are unable to support approval of the application at this time due to the non-compliance of Local Plan policy and parking standards. The applicant is encouraged to identify a meaningful strategy within a Travel Plan that could make realistic improvements to sustainable accessibility.</p> <p>Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.</p> <p>2nd comment: Thank you for your consultation in relation to the above planning application. I have the following comments to make with respect to highway matters :- The applicant has submitted a Travel Plan and updated the Transport Statement to include details of the parking dimensions as requested.</p> <p>The parking dimensions provided in paragraph 3.6.1 accord with Swale Borough Council Parking standards and as such are agreed. It is requested that the parking layout as demonstrated on plan 705674-2201-MDG-XXX-ZZ-DR-A-0022-D2-A1800 is available prior to occupation of the extended areas of the prison by condition.</p> <p>The volume of additional traffic has been reviewed and includes an additional 38 staff movements in the morning and afternoon shifts at 07:30 and 15:30. At 07:30 there would be expected to be an additional 14 outbound movements leaving from the night shift. The mode share analysis has been adjusted to take account of the lack of public transport conditions at night, however it still accounts for 8% (4) staff arriving by foot and this is considered to be highly unlikely. The resultant impact would therefore be expected to be 42 arrivals by car at 07:30. Visitor analysis has also been provided on the basis of 3% of prisoners receiving a visit in line with analysis from August, presumably in 2021 and during Covid restrictions. The analysis presented should be considered as underestimating the likely impact once restrictions are lifted.</p> <p>Notwithstanding the apparent underestimation, due to the timings of the visitor hours, it is unlikely that the numbers expected would account for a severe impact on the highway network.</p> <p>A cumulative assessment for the increases of prisoners at both HMP Elmley and HMP Standford Hill has now been provided. This demonstrates that the peak hour for the main access junction of Brabazon Road and at the Rowetts Way roundabout would be</p>	
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	<p>between 07:00 and 08:00 AM, having an additional 58 two way movements.</p> <p>Taking account of the additional movements that may occur from those staff not walking to work, this would be uplifted to 62 two way movements. As presented this would be just over 1 additional movements per minute. Our presumption however is that staff would be more likely to arrive through a 30 minute window. Should this be the case then an additional vehicle would arrive at the junction approximately every 30 seconds. The flows of the conflicting traffic from Rowetts Way have not been presented however at 07:00-07:30AM it unlikely that high west bound flows at that time of day would cause any safety concern for the roundabout junction. The data for safety incidents did not identify any at this location and as such would support the above assumption.</p> <p>Notwithstanding the above the evidence presented appears to have a number of inconsistencies that brings in to doubt its overall validity. These are as follows;</p> <p>Trip generation and mode share. Paragraph 4.1 in both Transport Statements state that “<i>a summary of anticipated trip generation and modal split information (is) based on staff movement provided by the client in September 2021</i>”. Paragraph 4.3 however states that here is currently no modal data available and as such Census data has been used.</p> <p>1.) Which of the two paragraphs is correct and can we be provided with the evidence provided by the client in September 2021? Using the same “September 2021 evidence provided by the client”, the initially submitted TS states that there are currently <i>around</i> 480 staff and that the 42% ratio of current staff to prisoners would result in an increase of 101 staff. The recent TS states that there are currently <i>around</i> 630 staff and yet despite a higher existing staff to prisoner ratio (55%) the expansion requires an increase of a lesser number (78) of staff.</p> <p>2.) Evidence should be presented on exactly how many staff and prisoners there are in the prison along with a justification for the proposed staff levels.</p> <p>Shift times. 3.) Paragraph 4.2 provides a breakdown of the shift times with the main shift stated as 07:45 to 17:30. Table 4.1 below it states that the day shift is 07:30 to 17:30, which is the correct time? There is also no allowance for the morning shift.</p> <p>Travel Plan The travel plan has been updated and includes additional measures to encourage car sharing and looking into the feasibility of providing a mini-bus for trips on the island. There remains no hard commitment or penalty of failure to meet the proposed mode shift across the term of the Travel Plan.</p> <p>It is recommended that evidence of existing mode share be presented to the Planning Authority by condition throughout the life</p>	
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	<p>of the TP, along with a staff survey demonstrating who would be willing to make use of a free mini-bus on the island for the purposes of getting to work. If the proposed mode share targets are not being met and the Planning Authority determines that there is sufficient justification, based on the staff survey, then a mini-bus to serve access by staff or visitors should be provided by the applicant for so long a time as the prison remains open.</p> <p>Summary There are inconsistencies in the evidence being presented that brings in to question it's validity. The above raised points should be clarified and evidence re-presented to take account of any changes to data.</p> <p>Informative: It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.</p>	
Environment Agency	<p>Thank you for your consultation.</p> <p>We have no objections.</p> <p>Should you wish to discuss these matters further, please contact me via the email below.</p>	
KCC Ecology	<p>We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided. Whilst we are satisfied that protected species (other than breeding birds – example informative wording is provided at the end of this advice note) are unlikely to be affected, and that the development is likely achieving biodiversity net-gain, we have some comments which we advise are incorporated.</p> <p>It is preferable to seed with wildflower seed from a reputable source (with seed from local provenance) rather than using 'wildflower turf'. Both methods have been proposed within the submitted plans. Additionally, the wildflower grassland will only establish and thrive if managed in a very specific but minimal way, i.e., mown at the end of the flowering season with the cuttings removed. The cuttings should be placed in shaded, grassed area for the benefit of breeding reptiles.</p> <p>We are disappointed that ornamental shrubs are due to be planted. Although 'wildlife friendly', native species are much more beneficial for biodiversity. This is especially important given the ecologically sensitive surroundings of the site. As such, whilst not a requirement, we would strongly recommend that the landscaping scheme is revised to feature native species only.</p> <p>Breeding Bird Informative <i>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</i></p>	

	<i>by a competent ecologist and has shown that nesting birds are not present.</i>	
Natural England	<p>NO OBJECTION Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites. Natural England’s generic advice on other natural environment issues is set out at Annex A.</p> <p>European sites Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out.</p> <p>Sites of Special Scientific Interest Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development.</p> <p>Sites of Special Scientific Interest Impact Risk Zones The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on “Development in or likely to affect a Site of Special Scientific Interest” (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the data.gov.uk website</p> <p>Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A. We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.</p> <p>For any queries regarding this letter, for new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk</p>	
Southern Water	<p>Thank you for your letter dated 19/01/2022.</p> <p>Please see the attached extract from Southern Water records showing the approximate position of our existing sewer and water main assets crossing/in the 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. Please note:</p>	

	<ul style="list-style-type: none"> - The 675 mm public foul sewer requires a clearance of 3.5 metres on either side of the gravity sewers to protect it from construction works and to allow for future access for maintenance. - No development or tree planting should be carried out within 3.5 metres of the external edge of the public gravity sewer without consent from Southern Water. - No soakaway, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public sewer. - All existing infrastructure should be protected during the course of construction works. <p>Please refer to: southernwater.co.uk/media/3011/stand-off-distances.pdf.</p> <p>Furthermore, 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.</p> <p>Please find attached an extract of Southern Water records showing the approximate position of a public decommissioned foul sewer crossing the site. The exact position and condition of the sewer/water main must be determined by the applicant before the layout of the proposed development is finalised.</p> <p>Our investigations indicate that Southern Water can facilitate foul sewerage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.</p> <p>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</p> <p>The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS).</p> <p>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:</p> <p>water.org.uk/sewerage-sector-guidance-approved-documents/ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx</p> <p>Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that</p>	
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	<p>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.</p> <p>Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:</p> <ul style="list-style-type: none"> - 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. <p>This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council’s technical staff and the relevant authority for land drainage consent should comment on the adequacy of the proposals to discharge surface water to the local watercourse.</p> <p>We request that should this planning application receive planning approval, the following informative is attached to the consent: 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.</p> <p>This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. 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.</p> <p>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.</p> <p>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</p>	
<p>Kent Police</p>	<p>1st Response. 3rd of February:</p> <p>We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF).</p> <p>Applicants/agents should consult us as Designing out Crime Officers (DOCO’s) to address CPTED and incorporate Secured By Design (SBD) as appropriate. We use details of the site, relevant crime levels/type and intelligence information to help design out the</p>	

	<p>opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.</p> <p>There is a carbon cost for crime and new developments give an opportunity to address it. Using CPTED along with attaining an SBD award using SBD guidance, policies and academic research would be evidence of the applicants' efforts to design out the opportunity for crime.</p> <p>We note from the documents provided that the applicant is to use BREEAM for this site. Please note we no longer provide BREEAM advice but we welcome a meeting with the applicant to discuss this proposal to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.</p> <p>This information is provided by Kent Police DOCO's and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.</p> <p>2nd Response. 14th of March 2022.</p> <p>Thank you for the opportunity to comment further on this application. Since our comments submitted on 3rd February 2022, we have had a consultation with the applicant.</p> <p>We can confirm that our pre-existing concerns have been successfully addressed through this meeting held on the 2nd March 2022.</p> <p>Please contact us on the email/ phone number provided above if you wish to discuss this proposal further. However, please note whilst we can provide crime prevention advice we are currently unable to assist with BREEAM applications.</p>	
<p>Lower Medway Internal Drainage Board</p>	<p>The site is within the Internal Drainage District (IDD) of the Lower Medway Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. A copy of the Board's Byelaws can be accessed on the Board's website (http://www.medwayidb.co.uk/consents/byelaws/).</p> <p>This letter contains reference to a Board Adopted Watercourses. Please note that the adoption of a watercourse is an acknowledgement by the Board that the watercourse is of arterial importance to the IDD and as such will normally receive maintenance from the IDB.</p> <p>In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:</p> <ul style="list-style-type: none"> • I note that the applicant intends to connect and discharge the new surface water drainage network to the existing prison surface water drainage system. This eventually discharges into an existing watercourse (situated approximately 625m southwest of the site) 	

	<p>with no other means of draining the site readily available or discussed. Any surface water discharge to a watercourse within the Board's district 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/).</p> <ul style="list-style-type: none"> • I note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4). <p>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. As such I strongly recommend that the required consent is sought prior to determination of the planning application.</p>	
KCC Archaeology	<p>Thank you for consulting on the above application for development in HMP Elmley. The submission includes a heritage assessment by Headland Archaeology. While I think that the background archaeological potential in this area is higher than stated due to current knowledge being based on very limited investigation in the area, I agree that previous prison development may have had an impact. The degree of impact has not been fully established and I note that the new development features are to be constructed in relatively open areas that may have been relatively less affected.</p> <p>I agree with the conclusion that there is no evidence of heritage assets within the areas proposed for development that constrain the proposals. It remains possible that unidentified archaeological remains may be affected by the development works and I therefore recommend in any forthcoming consent provision is made for a programme of archaeological work. This can be secured through the following condition and should in the first instance comprise targeted trial trenching.</p> <p><i>AR1 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.</i></p> <p><i>Reason: To ensure that features of archaeological interest are properly examined and recorded.</i></p>	

<p>Kent Minerals and Waste</p>	<p>Thank you for consulting the County Council’s Minerals and Waste Planning Policy Team on the above planning application.</p> <p>The County Council has no minerals or waste safeguarding objections or comments to make regarding this proposal.</p>													
<p>Sports England</p>	<p>1st Response.</p> <p>Sport England – Statutory Role and Policy</p> <p>It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.</p> <p>Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 99) and Sport England’s Playing Fields Policy, which is presented within its ‘Playing Fields Policy and Guidance Document’: https://www.sportengland.org/how-we-canhelp/facilities-and-planning/planning-for-sport#playing_fields_policy</p> <p>Sport England’s policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.</p> <table border="1" data-bbox="339 1039 1206 1561"> <thead> <tr> <th colspan="2">Sport England Policy Exceptions</th> </tr> </thead> <tbody> <tr> <td>E1</td> <td>A robust and up to date assessment has demonstrated, to the satisfaction of Sport England, that there is an excess of playing field provision in the catchment, which will remain the case should the development be permitted, and the site has no special significance to the interests of sport.</td> </tr> <tr> <td>E2</td> <td>The proposed development is for ancillary facilities supporting the principal use of the site as a playing field, and does not affect the quantity or quality of playing pitches or otherwise adversely affect their use.</td> </tr> <tr> <td>E3</td> <td>The proposed development affects only land incapable of forming part of a playing pitch and does not: <ul style="list-style-type: none"> ▪ reduce the size of any playing pitch; ▪ result in the inability to use any playing pitch (including the maintenance of adequate safety margins and run-off areas); ▪ reduce the sporting capacity of the playing field to accommodate playing pitches or the capability to rotate or reposition playing pitches to maintain their quality; ▪ result in the loss of other sporting provision or ancillary facilities on the site; or </td> </tr> <tr> <td>E4</td> <td> <ul style="list-style-type: none"> ▪ prejudice the use of any remaining areas of playing field on the site. 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	<p>The Proposal and Impact on Playing Field</p> <p>The proposal is for the construction of additional buildings and ancillary works including the development of a new houseblock for up to 247 prisoners on that part of the site currently occupied by a full size adult sand based Artificial Grass Pitch (AGP). It is proposed to replace the lost pitch with one mini soccer 7v7 'All Weather' pitch (proposed surface currently unknown) and a small 3G MUGA pitch of approximately 25m x 16m playing area.</p> <p>Sport England has discussed the proposal with the agent since the planning application was submitted.</p> <p>Assessment against Sport England Policy/NPPF</p> <p>The proposal is for the loss of an existing sports pitch and playing field and its replacement by alternative facilities. It therefore needs to be assessed against exception 4 of our policy that requires that playing fields to be lost are replaced with facilities of at least equivalent quality and quantity. The current AGP has dimensions of approximately 100m x 66m and area of 6,634sq m (0.66ha). Its quality is unknown but as a full sized pitch it is suitable for play by the adult population of the prison. The proposed replacement facilities would more usually be suited to junior play. The 7v7 AWP is to FA recommended dimensions for an under 9/10 age group 7v7 pitch. The proposed 3G MUGA does not meet the minimum size for any type of FA pitch. The total area covered by 'pitches' would be approximately 3,415 sq. m (0.34ha) representing a substantial reduction in pitch/ playing field area and split over two small facilities.</p> <p>It would therefore not meet exception 4. The proposal would also not accord with any other of the policy exceptions.</p> <p>Sport England has considered the planning statement submitted with the application however, in respect to the impact on the playing field the assessment is incomplete.</p> <p>It is recognised that some attempt has been made to mitigate the loss of the existing pitch however Sport England would expect to see a solution that moves towards full compensation for the proposed loss. We would therefore be happy to consider any further proposals to that end and / or justification for the loss and the currently proposed mix of replacement facilities. In particular, Sport England has asked the agent to address the following matters:</p> <ul style="list-style-type: none"> • Why has the houseblock been sited on the existing AGP, have any alternative locations been considered? • Could the block be located further to the north and the existing greenhouse and farm buildings and increased planted area be relocated elsewhere? • The 'X form' footprint of the proposed building is very wasteful of land and does not reflect the form or orientation of the existing blocks, could it be redesigned to fit the available area(s) of land outside of the AGP? • Have the pitch requirements of the inmates, including the additional population, been objectively assessed? Sport England has identified that at both neighbouring prisons full 	
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	<p>sized adult pitches are provided. Is there a reason why a full size pitch isn't required at Elmley?</p> <ul style="list-style-type: none"> • What is the rationale behind the mix of facilities proposed, how is the very small MUGA expected to be used? • What is the proposed surface of the 7v7 AWP? <p>Conclusion</p> <p>In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.</p> <p>If this application is to be presented to a Planning Committee, we would like to be notified in advance of the publication of any committee agendas, report(s) and committee date(s). We would be grateful if you would advise us of the outcome of the application by sending us a copy of the decision notice.</p> <p>If you would like any further information or advice please contact me.</p> <p>2nd Response.</p> <p>Thank you for reconsulting Sport England on this application following the receipt of additional information on behalf of the applicant.</p> <p>Sport England previously objected to the proposal on the basis that it does not meet any of the exceptions to our playing field policy or paragraph 99 of the NPPF. Specifically, we objected to the significant loss without sporting justification of playing pitch area suitable for adult recreation. We said that we would expect the applicant to propose a solution that moves towards fully propose any further compensatory provision and therefore, we maintain our objection to the application.</p> <p>In our previous response we did, by way of assisting the applicant to consider how it might accommodate better mitigation, raise a number of questions. Although these have been answered in part, they do not provide a sports justification required for us to withdraw our objection.</p> <p>With regard to the response received, I would make the following comments.</p> <p>1. The loss of sports facilities and specifically playing pitches is not justified by the need to provide additional accommodation for an increasing prison population. Sports facilities are central to creating a healthy and productive living environment for the prison community. Sport England's new Strategy 'Uniting The Movement' is a 10-year vision to transform lives and communities through sport and physical activity. We believe and will advocate that sport and physical activity has a big role to play in improving the physical and mental health of the nation, supporting the economy, reconnecting communities and rebuilding a stronger society for all. More than anything, the Strategy seeks to tackle the inequalities we've long seen in sport and physical activity. Providing opportunities to people and communities that have</p>	
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	<p>traditionally been left behind, and helping to remove the barriers to activity, has never been more important. The new strategy can be downloaded from our website here;</p> <p>An internet search reveals a number of articles around the benefits of physical activity within the prison system, 'Well established as a core element of most prison regimes, sport and physical activity are widely recognised as a valuable way in which to engage with incarcerated populations in promoting health, education, pro-social behaviour and ultimately desistance from crime (Meek <i>et al.</i>, 2012; Meek, 2014). In addition an independent review 'A sporting Chance' 2018 with a government response, both published on the Ministry of Justice website supports the benefit of sport and physical activity. The loss of existing playing field area appears counter to the government response. The additional 247 inmates being planned for will place additional demands on existing sports facilities available on the site and therefore an almost 50% reduction in outdoor sports area appears unwarranted.</p> <p>2. Sport England does not argue that the greenhouse and associated buildings are not important for recreation and mental health but no answer has been provided as to why they could not be redistributed elsewhere within the site. Why is the adult playing pitch not afforded the same importance to physical and mental health?</p> <p>3. Noted but response does alter Sport England's consideration that in light of the building being proposed on the existing adult playing pitch it is overly wasteful of that space.</p> <p>4. Sport England asked why HMS Elmley did not require a full size adult pitch where that provision is considered necessary and is provided at other prisons in the locality and elsewhere. The statement provided is not an objective assessment. The replacement pitches provide little over 50% of the existing pitch area. The availability of the pitch for wider community use is irrelevant to this proposal. The presence of existing / proposed indoor sports facilities does not justify the loss of the adult playing pitch. On what objective basis is it considered that the provision of a small sided football pitch and small MUGA is sufficient to meet the physical requirements of the enlarged prison population?</p> <p>5. But what is the rationale for the mix of outdoor facilities proposed?</p> <p>6. Noted. Notwithstanding our objection it is recommended that different surfaces on the pitch and MUGA would provide most flexibility in the range of sports and activities able to be accommodated. For example, a 3G surface for the pitch and '2 Gen' surface for the MUGA Sport England would be very happy to comment on any amendments to the proposal that take consideration of our objection.</p> <p>3rd comments:</p> <p>Thank you for reconsulting Sport England on this application following the receipt of additional information on behalf of the applicant.</p> <p>Having considered the additional information provided, Sport England does not wish to withdraw its objection as the proposal does not meet any of the exceptions of our playing pitch policy and no</p>	
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	<p>move towards minimising the loss in of the existing playing pitch has been made. Furthermore, although some explanation of the use of the existing pitch has been given, no explanation is provided as to why the inmates of HMS Elmley specifically do not require comparable quality and quantity of outdoor playing pitches as inmates of other prisons. Sport England is aware that the adjoining prison, HMP Swaleside has a full sized pitch as well as other outdoor courts and other prisons that are part of the government's expansion programme also have such facilities. That the existing pitch at Elmley is in poor condition is not a justification for its loss.</p> <p>To clarify one point made in my correspondence of 19th May 2022 and subsequently in our meeting with the agent, I suggested that if planning permission is granted against our objection, that the surface of the MUGA is different to the small side 3G pitch as that would maximise the flexibility of use of the two facilities. If both the MUGA and the 3G pitch have the same 3G surface then the flexibility of their use and the range of sports that can be played on them will be very limited.</p>	
Scottish Gas Network	<p>Our gas pipe locations are now available online at www.linesearchbeforeudig.co.uk. Not only can you access information about the location of our gas pipes in your proposed work area, but you can also search for information on other utility companies' assets at the same time.</p> <p>All requests for maps and plant location information must now be submitted through this online service.</p> <p>Please note your enquiry has not been processed on this occasion.</p> <p>Please visit www.sgn.co.uk/Safety/Dig-safely/ for safety information and links to www.linesearchbeforeudig.co.uk, where you can register for our online service and view our gas pipe locations.</p> <p>Our online service is not currently available in Northern Ireland. If you have contacted us about plant location or maps for Northern Ireland, we will respond to your enquiry within 15 working days.</p> <p>If you have any questions about our new plant location online service, please contact us on 0800 912 1722 or if you have any system queries contact LineSearch on 0845437 7365</p>	
UK Power Networks	No response.	

Internal

	COMMENTS RECEIVED	OFFICER RESPONSE
Environmental Health	<p>COMMENTS: The Geoenvironmental Desk Study recommends an intrusive investigation to establish the nature of the made ground at the site, as the land has been raised by approximately 1 metre. I concur with this recommendation. The site benefits from its own water supply by means of a deep</p>	

	<p>borehole, although overlain by clay reference should be made to this in the report.</p> <p>The scale of the development will require submission of the Construction Environmental Management Plan prior to commencement of the development.</p> <p>The RSK Acoustics Report submitted is acceptable in principle. I would ask however that their BS4142 calculation for noise sensitive receptors be provided as an addendum to clearly illustrate conclusions reached.</p> <p>The Air Quality Statement and simple assessment submitted is acceptable. Operational air quality impacts are deemed low, where the main scope for this application would be dust management through the construction phase. The submitted statement provides recommends a Dust Management Plan and targeted mitigation measures relative to the level of impact for the construction phase. These can be incorporated in the Construction Method Statement which is requested below. (Suggested conditions found on online response).</p>	
Parks and Open Spaces	No response.	

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
- Open Space

Principle of Development

8.2 Policy ST 1 of the Local Plan seeks to deliver sustainable development that accords with the settlement strategy. Policy ST 3 of the Local Plan sets out a spatial strategy which identifies a hierarchy of 5 settlements. The application site is not allocated under policy ST 4 and is located

outside of the Built-up area boundary of Eastchurch, the site is therefore considered to be located in the open countryside under policy ST 3(5).

- 8.3 Policy ST 3(5) seeks to restrict development in the open countryside unless supported by national planning policy. Further, any development in such locations must demonstrate it would contribute towards protecting, and where appropriate enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and vitality of rural communities.
- 8.4 Paragraph 174 of the National Planning Policy Framework seeks to ensure that planning decisions to contribute to enhance the natural environment in several ways, including recognising the intrinsic character and beauty of the countryside.
- 8.5 Paragraph 96 of the National Planning Policy Framework:

“To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted”.

- 8.6 The Planning Statement, submitted in support of the application, highlights the demand for Prison places, noting that the prison population is currently forecast to increase over the next decade to unprecedented levels. The government has set out an investment of £3.8 billion which would aim to provide 20, 000 additional places by the mid-2020's.
- 8.7 The statement identifies that HMP Elmley has been identified as a Prison requiring addition accommodation. The proposal would allow for an additional 247 bed spaces. The spaces would be accommodated in a new 4 storey category B houseblock. The proposal would also include a number of
- 8.8 HMP Elmley is located outside of the Built-up area settlement boundaries. The closest settlement to the site is Eastchurch located to the north which is a Tier 4 settlement. The Local Plan identifies Eastchurch being located in the more rural and remote eastern end of the Isle of Sheppey. The plan seeks to focus growth to the western end of the island with the eastern half retaining its remote and tranquil nature.
- 8.9 However, HMP Elmley is located in cluster of prison complexes including HMP Standford Hill and HMP Swaleside. The cluster means the area around HMP Elmley is characterised by built form and associated infrastructure. The proposal would see the additional built form constructed within the existing Prison curtilage which would prevent the sprawl of development into the open countryside.

- 8.10 Paragraph 81 of the National Planning Policy Framework states that:

“...Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development...”.

- 8.11 Policy CP 1 of the Local Plan also seeks to support building a strong and competitive economy in the Borough. The prisons on Sheppey act as a notable employer for the Island and its residents. The development would result in additional jobs in support of the increased prison population. The proposal would also see the provision of short-term employment opportunities

in the form of construction, maintenance, and spending power in the local area. The proposal would address the economic objectives of the NPPF alongside the support for public infrastructure.

- 8.12 The proposed new prison block and associated infrastructure and expansion would take place within the confines of the existing prisons curtilage. The siting would prevent a wider sprawl into the open countryside associated with the eastern half of the island. The siting coupled with the increased demands on criminal justice accommodation, and the national policy support for enhanced public service infrastructure it is considered the development is acceptable in principle.

Visual Impact

- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 The application site is located in Swale's Landscape Character Area 13 (Central Sheppey Farmlands). The key characteristics of the area are listed as a ridge of London Clay, large scale predominately arable landscape, with infrequent isolated orchards. In amongst this landscape the Prison complex at Standford Hill, which includes HMP Elmley, which are dominate features in the open rural landscapes. The prisons have a wide impact on the adjoining marshland. One of the guidelines for improving the degree of light spillage onto the landscape.
- 8.17 The site is not located within a designated landscape. It does lie due north of an Area of High Landscape Value (Kent Level). The designated landscape is approximately 113m from the HMP Elmley. The prison is enclosed by a continuous wall and the buildings contained within are widely viable and dominate features in the landscape.
- 8.18 The application is supported by a Landscape Visual Impact Assessment, which sets out the impact of the development on the surrounding landscape. The assessment identifies that the majority of the development would be contained within the perimeter wall of the existing prison. The resultant impact is that from wider distances and due to the height of the buildings the main visible parts of the development would be the workshop and houseblock.

- 8.19 These elements will still be seen within the context of the existing complex of buildings. The proposed houseblock would be a storey higher than the existing built form within the prison. The height would not be so significantly different to those within the existing prison complex to highlighting a building as overtly dominate. The height difference would be mitigated through limited light sources above the windows of the fourth storey. The top half of the building would also be clad with dark material to prevent the building standing out during the dark hours in the countryside.
- 8.20 The application site is located remotely which limits public views of the development. The Landscape and Visual Impact Assessment found that by in large the development would result in negligible impact to the landscape. One exception to this was found on the Public Right of Way which is located to the east of the site. The impact from this receptor was found to be moderate/minor adverse. The impact related to the houseblock.
- 8.21 The proposed landscape strategy was found to reduce the impact to minor adverse by year 15. The effects would be localised and from the perspective of the user of the Public Right of Way seen clearly in the context of the existing prison development. A condition would be secured to ensure a landscaping scheme, with sets out that a submission shall reflect the recommended landscape strategy put forward by the applicant. The condition would allow comments made by ecology to introduce further native species planting.
- 8.22 From the arboriculture assessment undertaken the development would mostly only affect low quality trees, which have been graded in accord with the BS5837:2012. The Tree Officer has again requested additional native species planting which could be secured via the landscape condition.
- 8.23 The proposed car park would be located off the existing parking area. The scale would be proportionate to the existing parking space and would not be widely proportionate in the landscape.
- 8.24 The landscape impacts are considered acceptable given the existing impact of the prison complex on the Sheppey landscape. Screening would be conditioned through a landscape condition.

Design

- 8.25 Policy CP 4 of the Local Plan seeks to ensure good design and to ensure that all development proposals are of high quality that is appropriate to the surrounding context. Policy DM 14 of the Local Plan sets out a number of general development criteria. The criteria seek to ensure that the proposal will be of a scale, design, and appearance which is appropriate to the location. The policy also looks to ensure proposals provide an integrated landscape strategy.
- 8.26 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.

- 8.27 The proposal would see the construction of a number of buildings within the site. These would include the four-storey house block, two storey staff administration building, two storey workshop/education building, single storey extension to the property store and single storey sports storage building. The entire complex of HMP Elmley is contained within a perimeter wall, with the exception of the car park. The walled enclosure creates a clear definitional boundary for built form. The buildings would sit within the complex which already contains two to three storey-built form. The siting of the buildings is therefore considered acceptable as they would sit in a defined area of built form.
- 8.28 Other than the four-storey house block, the general massing of the built form is in keeping with the existing buildings within the walled confines. The use of pitched roofs, linear/square form and similar tonal and material fabric of the proposed buildings would reflect the wider materiality and character of the site. The buildings are unquestionably, in reference to the administration building and workshop large in scale. The scale is reflective of the functional quality of these buildings and associated use.
- 8.29 The proposed sports storage building would be low rise and modest in comparison to the other proposed buildings. It would have an ancillary form and appearance. The proposed extension to the property store is again modest and proportionate to the host building. The flat roof would reduce the bulk and massing and would be considered an appropriate addition.
- 8.30 The proposed houseblock would sit a storey above the existing development. However, the materiality and roof would be reflective of the existing built form tying it quite clearly to the architectural storey of the existing built form. The layout would deviate slightly in that it would be set out in the form of a 'cross'. The layout provides benefits in creating exercise areas. Further, the 'cross' design does visually break up the overall bulk and massing of the built form.
- 8.31 The proposed design and form is considered acceptable against national and local policy.

Heritage and Archaeology

- 8.32 Policy DM 32 of the Local Plan seeks to ensure that development which affects a Listed Building and their settings. Development will be permitted where development can preserve the buildings architectural or historic interest, its setting and any features of special architectural or historic interest which it possesses.
- 8.33 Section 16 of the National Planning Policy Framework 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.
- 8.34 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.

8.35 The application site does not contain any designated heritage assets, nor is the site located within a Conservation Area. To the northwest of the application site a group of four Grade II listed buildings are located approximately 428.93m from HMP Elmley. The Grade II listed buildings are former Aircraft Hangars referred to as '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).

8.36 In addition to the listed building the Heritage Statement submitted by the applicant identifies a number of surviving structures associated with the military use of the former airbase. The structures are considered to form non-designated heritage assets.

8.37 The proposed development would not result in any direct impact to the heritage assets. The impacts are confined to the setting only. The aircraft hanger's significance principally lies in the historic, architectural, and physical fabric as the first purpose-built aircraft hangers.

8.38 The Heritage Statement acknowledges that the setting of the hangers does contribute to the significance. However, the proximity of mid-late 20th century structures associated with the post war development have weakened the setting. The settings contribution is identified by the Heritage Statement as:

- *The interrelationship between the four hangars;*
- *The relationship between the hangars and surviving elements of the former military complex, in particular the former flying field; and*
- *The experience and appreciation of the hangars from within the former military complex, in particular the immediate surrounds from where the architectural detailing and form of the building can be best understood.*

8.39 The statement identifies views of the existing HMP Elmley complex can be perceived from the trackway immediately to the south of the Aircraft hangars. The views are interrupted by intervening built form and are an existing feature.

8.40 The proposed development would be contained within the walled confines of the existing prison complex. The massing and bulk would sit comfortably within these confines and the setting to the air hangar by virtue and existing context would not be harmed.

8.41 Policy DM 34 of the Local Plan states that there will be a preference to preserving archaeological sites in-situ and to protecting their setting. Development which does not achieve acceptable mitigation of adverse archaeological effects will not be permitted.

8.42 The application site is located in an Area of Archaeological Potential. The Archaeological Desk Based Assessment considers the potential for unknown archaeological finds to be low due as

the site is likely to have been heathland until the 20th century. The proposal may have potential for finds in connection with the former RAF base.

- 8.43 Any finds may also have been previously disturbed by the construction of the prison complex. KCC Archaeology were consulted on the application and considered that the potential for archaeological finds is higher than stated the officer agrees previous development may have had an impact.
- 8.44 The Officer considered that there is no evidence of heritage assets, nonetheless it remains possible that archaeological remains may be affected by the development. Indeed, some of the works would be located on land that has yet to be subject to significant disturbance. As a result, the officer has recommended a condition be imposed, which could be applied should members be minded to grant consent.
- 8.45 The proposed development is not considered to result in harm in regard to setting to the designated and non-designated heritage assets. Given the proposal would not be considered to result in harm, and assessment of public benefit is not required in accord with the NPPF. The proposal is considered compliant with local and national policy.

Residential Amenity

- 8.46 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.
- 8.47 Paragraph 130(f) of the National Planning Policy Framework (NPPF) requires that planning decisions seek to create places that are safe, inclusive and accessible, promote health and wellbeing, with high standards of amenity for existing and future residents. The policy continues to state that development should ensure that where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.48 As a generalised rule a distance of 21m is considered an acceptable distance to preserve residential amenity. HMP Elmley is sited in excess of 500m from the nearest residential dwelling. The proposed built form including the additional housing block, workshop, admin buildings, and existing property store would be located within the confines of the prison and would not result in a significant loss of daylight/sunlight, visual intrusion, or loss of privacy to residential properties.
- 8.49 Due to the distance any additional lighting would not be considered to result in a significant disturbance to amenity. Given the sites existing use the additional built form and occupation would not give rise to adverse impacts in regard to light. A condition could be secured to ensure details prevent unnecessary glare.
- 8.50 The proposal would see an uplift in inmates which would have subsequent impacts in regard to the vehicular movements to the site. The car park would see an expansion for an additional 80 parking spaces. The access to the car park is taken from Church Road and Brabazon Road, which passes a number of existing residential properties. The increase in vehicle movements would not be considered to result in significant harm to neighbours in regard to noise and disturbance given the existing context of the site.

- 8.51 Due to the existing use of the site and the separation distance between the prison and the existing residential dwellings is sufficient to conserve the existing amenity levels. The impact is considered acceptable in this regard.

Highways

- 8.52 Policy DM 6 of the Local Plan sets out the requirements for managing transport demands and impact. The policy requires development proposals involving intensification of any existing access onto a strategic, primary or other route to demonstrate that it is of a suitable capacity and safety standard or can be improved to achieve such a standard.
- 8.53 Policy DM 7 requires compliance with the Swale Vehicle Parking SPD. The policy further requires cycle parking facilities on new development to be of an appropriate design and in convenient, safe, secure and sheltered location. Policy Dm 26 of the Local plan seeks to refuse application that either physically, or as a result of traffic levels, significantly harm the character of rural lanes. Church Road which forms part of the access to the site is classified as a rural lane.
- 8.54 Paragraph 111 of the National Planning Policy Framework states:
- 'Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 8.55 Currently the site contains 274 parking spaces for 480 staff which equates to a provision of 1.75spaces per staff member. The proposal for 80 spaces for 101 of staff would equate to a provision of 1.26parking spaces per staff member. The spaces would include 4 disabled spaces. The degree of parking is considered acceptable by KCC Highways, and the number of spaces is considered sufficient to prevent a severe impact to the highway.
- 8.56 As part of updated information, the size of the parking spaces was accepted by KCC Highways. The spaces would need to be secure prior to occupation of the additional accommodation and this would be secured via condition. The proposal would be considered compliant with policy DM 7 of the Local Plan.
- 8.57 An updated Transport Statement and Travel Plan were provided following initial comments from Kent County Council Highways. The Parish Council has raised concerns in regard to the additional traffic volume generated by the additional prisoner spaces. The concerns also related to the cumulative impact of the developments proposed across the prison expansion plans.
- 8.58 The additional traffic generated by the proposal would be considered to result in an additional 38 staff movements in the morning and afternoon shifts (7:30) and (15:30). During the morning period (7:30) an additional 14 outbound movements were identified due to staff leaving night shifts. The analysis was adjusted to take account of the lack of public transport at night.
- 8.59 The results indicated that 8% of staff equating to 4 members of staff would arrive by foot, for which KCC Highways considered to be highly unlikely. As such, KCC Highways would expect the resultant impact to be 42 arrivals by car at 7:30.

- 8.60 In addition to staff movements visitor movements were also analysed on the basis that 3% of prisoners receiving a visit in line with analysis from August (presumably 2021). KCC Highways noted that the analysis is potentially underestimating the visitor numbers given the Covid restrictions have now been lifted. However, Highways acknowledged that given the timings of visitor hours the increase would be unlikely to result in a severe impact on the highway network.
- 8.61 A cumulative assessment with the works at HMP Standford Hill has been undertaken. The assessment indicates an additional 58 two-way movements from 7 – 8am at the main junction of Brabazon Road and the Rowetts Way roundabout. KCC Highways considered this figure to be more likely around 62 two-way movements on the basis of a reduction in assumptions about the number of staff walking to work.
- 8.62 The assessment indicates this to be 1 additional movement per minute. KCC Highways consider based on their own assessment that staff would be more likely to arrive in a 30minute window. The result of this would be to see vehicles arriving at the junction every 30seconds.
- 8.63 Notwithstanding the conflict between the data sets provided by the applicant and KCC Highways considerations, the impact from KCC Highways consideration is that it is unlikely any additional safety concerns for the roundabout junction. The assumption was based on the data available which indicates no safety incidents at this point.
- 8.64 In assessing the updated Travel Plan it was noted that additional measures to encourage car sharing and feasibility of providing a mini-bus trips to the Island. KCC Highways did not consider that hard commitments had been made to meet the proposed mode shift across the term of the Travel Plan.
- 8.65 To secure such shift KCC Highway recommended that a condition be ascribed to any grant of consent. The condition would see evidence submitted to the Local Planning Authority:
- Evidence of existing mode share throughout the life of the Travel Plan,
 - Staff surveys demonstrating who would make use of a free mini-bus to the island,
 - Should the mode share targets not be met, and sufficient justification exists, then the mini-bus service would be provided for as long as the prison remains open.
- 8.66 Such a condition could be imposed on any grant of consent. Due to the inconsistencies between the data and KCC Highways assessment further details will be provided to members in a tabled up-date, including proposed conditions. Further, the project centres the Council's independent highway consultants findings will also be presented to members via means of a tabled update.

Biodiversity

- 8.67 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.

- 8.68 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.
- 8.69 The application site is within the 6km buffer zone of the SAMMS strategy, which is in place to aid in reducing the recreational pressures on the nearby Special Protection Areas (SPA). The SPAs 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.
- 8.70 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.
- 8.71 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.
- 8.72 Natural England were consulted and raised no objection to the proposal and did not consider it would give rise to either European sites, or Sites of Special Scientific Interest. Further, Natural England did not request contributions toward the SAMMS strategy.
- 8.73 The application has been supported by an Ecological Appraisal and Bat Survey. The application site due to its containment and use has a low biodiversity value. The Ecological Appraisal identified that no significant ecological constraint was found as a result of the surveys.
- 8.74 The KCC Biodiversity Officer reviewed the application and found sufficient information had been provided as part of the application. The Officer remains satisfied that the proposal would not result in harm to protected species, an informative in regard to breeding birds would be attached to any grant of consent.
- 8.75 The proposal also seeks to achieve Biodiversity Net Gain on site and the metric provided indicate potential gains over 10%. The Biodiversity Officer would have preferred to see more

native species incorporated into the landscape design. A condition could be applied to see further landscaping details to address the native/ornamental planting.

- 8.76 An informative would be attached in reference to the management of the proposed wildflower areas proposed. The proposal is not considered to result in harm to protected species on site and would result in ecological gains. The proposal is considered compliant with local and national policy.

Flood Risk and Drainage

- 8.77 Policy DM 21 of the Local Plan sets out the requirement 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.
- 8.78 The main walled confines of the Prison are, in accord with the Environment Agency flood risk map, within Flood Zone 1 which is an area with a low probability of flooding. The built form of the house block, administration building, workshop, extension, sports equipment store, and playing fields would be located in low flood risk area.
- 8.79 A Flood Risk Assessment by Hydrock was provided by the applicant. The assessment concludes in regard to the built form that the proposal would not result in an un-due flood risk.
- 8.80 The Environment agency risk map does indicate that the proposed extension to the car park would sit partly within Flood Zones 2 and 3 which have a higher flood risk. However, it should be noted the existing car park is wholly within these designations.
- 8.81 Development within Flood Zone 2 and 3 are subject to sequential testing. In accord with the NPPF prison developments are classified as 'more vulnerable' development and car park 'less vulnerable'. The National Planning Policy Guidance states:

When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere.

- 8.82 The only element of the expansion to the prison site located in Flood Zone 2 and 3 would be parts of the expanded car park, which is an existing piece of infrastructure. The expansion of the prison could not reasonably be provided elsewhere, and the car park is an ancillary element of the prison structure.
- 8.83 Paragraph 162 of the National Planning Policy Framework states that:
- The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source.*
- 8.84 The proposal would be considered to pass the Sequential Test in this regard. Firstly as there are reasonably no better locations for the expansion of the car park which is required in connection with the prison expansion. Secondly, the car park is a 'less vulnerable' development which is not subject to permeant occupation.

- 8.85 In accord with the Swale Borough Council Level 1 Strategic Flood Risk Assessment the smaller elements of the car park that would be located within Flood Zone 3 are within Zone 3a. In accord with table 3 of the Exemptions Test development in the 'less vulnerable' category, such as car parks, are appropriate in such locations and the test is not required.
- 8.86 The Environment Agency was consulted on the application and has no objection to the proposal. KCC Flood and Water Management have been consulted on the proposal and confirm that they have no objection to the proposal.
- 8.87 KCC Flood and Water Management have acknowledged from the provided Drainage Statement that the proposed developments drainage would connect to the existing prison complex. The surface water discharge would also be restricted to a maximum rate of 2l/s for all storm events up to 100years plus 40% climate change allowance. KCC Drainage welcome this in line with the KCC Drainage and Planning Policy Statement (December 2019).
- 8.88 KCC Drainage requested a condition to be applied in regard to verification reports, the condition could be applied to any grant of consent should members be minded to grant the application. The recommended conditions are set out later in this report.

Sustainability

- 8.89 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.
- 8.90 Policy DM 19 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.
- 8.91 Policy DM 21 also requires that new residential development, all homes to be designed to achieve a minimum water efficiency of 110 litres per person per day.
- 8.92 The application would secure a wider degree of measures to be employed in addressing sustainable energy measures. These include, but are not limited to, solar panels located on the proposed workshop/education building, and administration building which would be located on the south facing roof plane to ensure maximum generation. The buildings would also include high fabric energy efficiency, heat pumps, and energy efficient lighting. These would all be required in connection with achieving a higher BREEAM rating.

- 8.93 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.
- 8.94 Policy DM 19 of the Local Plan sets out that all new non-residential developments will aim to achieve BREEAM 'Good' standard or equivalent as a minimum. The policy continues to set out that all new non-residential developments over 1, 000sqm gross floor area should achieve the BREEAM 'Very Good' standard or equivalent as a minimum.
- 8.95 The proposal would result in an increase in gross floor space of over 1, 000sqm. The application was accompanied by a BREEAM pre-assessment which sets out that the project is seeking to achieve for an 'Outstanding' standard at (>85%). The assessment outlines at a minimum a level of 'Excellent' would be achieved (70%). The ratings are higher than the required standard under policy DM 19 of the Local Plan. Details to ensure the development does achieve the stated standards could be secured via condition.

Environmental Matters

Noise

- 8.96 Paragraph 174 of the National Planning Policy Framework requires planning decisions to contribute to and enhance the natural and local environment. The paragraph requires a number of measures to achieve this including in the prevention of 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.
- 8.97 The application was accompanied by an Acoustic Report. The report indicates that from the baseline survey undertaken that the existing noise levels were sufficiently low that BS 8223:2014 internal ambient noise levels can be achieved with windows open in the new buildings.
- 8.98 In order to ensure existing amenity levels, the main point of potential noise impact would be found from plant associated with development. The assessment indicates through limits implemented through design would prevent adverse impacts would be considered unlikely.
- 8.99 The assessment was found to be principally acceptable by the Environmental Health Officers. The Officer requested that the BS4112 calculation for noise sensitive receptors be provided as an addendum. These and any required mitigation measures could be secured via a pre-commencement condition, as provided below.

Contamination

- 8.100 Paragraph 183 of the NPPF requires sites to ensure they are suitable for the proposed use, including consideration of contamination. Paragraph 184 places the responsibility onto the developer and/or landowner for ensuring the site is safe.
- 8.101 The proposal would see the creation of residential development for occupation as such the proposal would need to ensure any contaminated land is identified and remediated. The proposal was accompanied by a Geotechnical and Geo-environmental Desk Study. The report

recommended intrusive investigations. The intrusive investigation is recommended on the basis that the current development is located 1m above made ground and therefore it is important to classify the ground conditions. The Environmental Health Officer is in agreement with this recommendation and conditions would be applied to secure sufficient remediation of the site.

8.102 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.

8.103 Members will note that Environmental Health have not raised objections on this front. Any grant of planning permission would be subject to the imposition of conditions to secure an acceptable remediation for residential occupation.

Air Quality

8.104 Paragraph 186 of the National Planning Policy Framework states that planning decisions should ensure opportunities to improve or mitigate impacts should be identified.

8.105 An Air Quality Assessment and Simple Assessment were provided as part of the application submission. The assessment was reviewed by the Environmental Health Officer and considered acceptable. The operational air quality impacts were considered low. The main area of impact would relate to dust management during the construction phase. To ensure sufficient mitigation of any dust emission a Dust Management Plan could be secured as a condition. The Environmental Health Officer has noted this could be secured within the Construction Management Plan should members be minded to grant the application.

Open Space

8.106 Policy DM 17 of the Local Plan states that proposals for residential and other developments as appropriate will safeguard existing and open spaces, sports pitches, and facilities in accordance with national policy.

8.107 Paragraph 98 of the National Planning Policy Framework states that access to high quality open spaces and opportunities for sport and physical activity is important for communities. Paragraph 99 of the NPPF states that existing open space, sports and recreational buildings and land, including playfields should not be built upon unless one of three criteria are met:

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

8.108 The proposed development would see the provision of the new house block, to house 247 additional inmates, on top of part of the existing playing field. As a result of the siting of the proposed house block the football pitch/playing field would be lost. Part of the land would however be retained, and this would see provision of alternative sport provision

8.109 Sport England were consulted on the application as a statutory consultee under the Town and Country Planning (Development Management Procedure) (England) Order 2015. An objection from Sports England would trigger the need for a referral to the Secretary of State should committee determine to approve the application.

8.110 Sports England have objected on the basis that the proposal results in the loss of the sports field and is not considered to meet exception E4 of their policy. Exemption E4 states:

The area of playing field to be lost as a result of the proposed development will be replaced, prior to the commencement of development, by a new area of playing field:

- *of equivalent or better quality, and*
- *of equivalent or greater quantity, and*
- *in a suitable location, and*
- *subject to equivalent or better accessibility and management arrangements.*

8.111 Sport England have noted the proposal would result in the loss of approximately 0.34 hectares of pitch/playing field area. The proposed mitigating pitches including the 7 aside football pitch and the MUGA pitch are not considered sufficient replacement value to meet exception E4. The basis of this from Sports England's objection is due to the small scale of the MUGA pitch which does not meet FA standards, and the associated use of 7 aside pitches with youth rather than adult facilities.

8.112 Sports England did not consider that the proposal would offer either equivalent or better-quality facilities.

8.113 The proposal would certainly result in a reduction in regard to the area (sqm) of playing field/sports field. This loss is exclusively concentrated on the playing field, which appears to be set out as a football pitch. An equivalent spatial replacement does appear difficult given that the prison compound is secured by a continuous wall which would prevent a natural or easy expansion. Such an expansion into the open countryside may also not be considered acceptable against other national and local policy.

8.114 The use of sports facilities within prison is limited to certain activities. Further, there appears to be a national need for additional prison spaces. The playing field is not available for public use. The sports field is specifically available for prisoner use. The loss would not therefore represent the loss or degradation of a community facility.

8.115 In accord with statements submitted by the agent on behalf of the Ministry of Justice the sports and recreation spaces are not available on an ad hoc basis for inmates serving time. The Prison is a category B/C and therefore inmates are subject to structured days. The inmates will not all have access to recreational/exercise at the same time and the sports facilities are controlled and bookable. The prisoners are allowed to book 2 – 3 exercise sessions a week (each lasting over an hour).

8.116 On the basis of how prisoners would interact with playing fields, which would see select groups at certain hours accessing these facilities, alongside the spatial restrictions of the site, and the overall need for prison spaces and equivalent replacement is not considered achievable. In regard to if the proposal would offer improved facilities, please see the below comparison of facilities existing and total provision after development:

8.117 Currently the facilities available at HMP Elmley include:

- Football pitch,
- Sports Hall,
- Weight training room,
- Cardiovascular training room,
- Resistance training room,
- 6 x Exercise yards (5 with outdoor gm equipment),
- Horticultural building,
- Greenhouse and gardening area.

8.118 The total facilities that would be found on site as a result of the development would include:

- 1 x 7 side football pitch,
- 1x3G MUGA (Multi-Use Games Area) pitch,
- Sports Hall,
- Weight training room,
- 5x cardiovascular training rooms,
- Resistance training room,
- 7x exercise yards (5 with outdoor gym equipment).
- Horticulture building, greenhouse and enlarged gardening area.

8.119 While the proposed MUGA pitch would not meet FA standards the nature of the prison would not see FA matches occurring. Further, the two pitches, and additional exercise areas will cater for a variety of activities which can be used for exercise and recreation. The facilities would provide a variety of options for inmates to take part in. The workshop building and expanded planting area would also have benefits for wellbeing and physical wellbeing.

8.120 Overall, the proposal would be considered to provide improved and more diverse open spaces and areas for mental health and wellbeing. The proposal is also not considered to result in the loss of open spaces widely used by the community. The proposal is considered to meet national policy. A condition would be appended to ensure that the development resulted in different playing surfaces to maximise the potential use of the site.

9. CONCLUSION

9.1 The proposed development for the construction of the four-storey houseblock to provide criminal justice accommodation for 247 prisoners, the construction of a new workshop/education facility, administration building, extension to an existing property store, provision of sports store, 80 additional car parking spaces, and new sports fields/accommodation would be considered principally acceptable.

- 9.2 The proposal would be contained within the existing context and confines of the prison and wider prison complex on the Island. The proposal would provide additional criminal justice accommodation which would address an identified need for a national uplift in prison accommodation and provide enhanced public service infrastructure.
- 9.3 In other matters the proposal is considered acceptable subject to condition. Details of materials, landscaping, and other particulars will need to be satisfied by means of submission. The proposal is considered to provide adequate space for sport and recreation, although the objection from Sport England would generate a need for the Secretary of State to review a recommendation to approve.
- 9.4 As set out by the report, clarifications in regard to the Highways Information is required alongside an assessment from an external independent highway consultant. The additional information will be re-consulted on, and members will be updated at the committee meeting via tabled update.
- 10. RECOMMENDATION** – (Subject to Secretary of State Approval) – 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:
 - Proposed Education and Workshop Roof Plan – 705674-2201-MDG-036-R1-DR-A-0018-D2-A1600,
 - Underground Utility Services Layout – 115238-001,
 - Underground Utility Services Layout – 115238-002,
 - Underground Utility Services Layout – 115238-003,
 - Underground Utility Services Layout – 115238-004,
 - Underground Utility Services Layout – 115238-005,
 - Underground Utility Services Layout – 115238-006,
 - Underground Utility Services Layout – 115238-007,
 - Proposed Staff Administration Building First Floor Plan – 705674-2201-MDG-035-01-DR-A-0010-S2-A2100,
 - Proposed Staff Administration Building Ground Floor Plan – 705674-2201-MDG-035-GF-DR-A-0009-S2-A2100,
 - Proposed Staff Administration Building Roof Plan – 705674-2201-MDG-035-ZZ-DR-A-0011-S2-A2100,
 - Proposed Staff Admin Building Elevations – 705674-2201-MDG-035-ZZ-DR-A-0012-S2-A1700,
 - Proposed Staff Admin Building Sections – 705674-2201-MDG-035-ZZ-DR-A-0013-S2-A2000,
 - Proposed Education and Workshop First Floor Plan – 705674-2201-MDG-036-01-DR-A-0016-S2-A1600
 - Proposed Education and Workshop Ground Floor Plan – 705674-2201-MDG-036-GF-DR-A-0015-S2-A1600,

- Proposed Education and Workshop Roof Void Plan – 705674-2201-MDG-036-ZZ-DR-A-0017-S2-A2100,
- Proposed Education and Workshop Elevations Sheet 1 – 705674-2201-MDG-036-ZZ-DR-A-0019-D2-A1700,
- Proposed Education and Workshop Sections – 705674-2201-MDG-036-ZZ-DR-A-0021-S2-A2000,
- Proposed Education and Workshop Elevations – Sheet 2 – 705674-2201-MDG-036-ZZ-DR_A-0025-S2-A1700,
- Proposed Property Store Extension – 705674-2201-MDG-023-GF-DR-A-0005-S2-A1600,
- Proposed Property Store Roof Plan – 705674-2201-MDG-023-R1-DR-A-0006-S2-A16000,
- Existing and Proposed Property Store Elevations – 705674-2201-MDG-023-ZZ-DR-A-0007-S2-A1700,
- Proposed External Sports Store – 705674-2201-MDG-ZZZ-XX-DR-A-0014-S2-A1600,
- Plan-GA-L00(Ground) – 888888-5310-PEV-NPP7110-00-DR-A-1200 Rev P01,
- Plan-GA-L01(First) General Arrangement Plan – 888888-5310-PEV-NPP71 10-01-DR-A-1201 Rev P01,
- Plan-GA-L02(Second) General Arrangement Plan – 888888-5310-PEV-NPP7110-02-DR-A-1202 Rev P01,
- PlanGA-L03(Third) General Arrangement Plan – 888888-5310-PEV-NPP7110-03-DR-A-1203 Rev P01,
- Plan-GA-LR3(Roof Layout) General Arrangement Plan – 888888-5310-PEV-NPP7110-R3-DR-A-1204 Rev P01,
- Plan-GA-LR3(Roof Plan) General Arrangement Plan – 888888-5310-PEV-NPP7110-R3-DR-A-1205 Rev P01,
- Elevations-Ext-Sheet 01 External Elevations – 888888-5310-PEV-NPP7110-ZZ-DR-A-3100 Rev P01,
- Elevations-Ext-Sheet 02 External Elevations – 888888-5310-PEV-NPP7110-ZZ-DR-A-3101 Rev P01,
- Proposed and Existing Property store Sections – 705674-2201-MDG-023-ZZ-DR-A-0008-S2-A1700,
- Proposed Car Park Plan – 705674-2201-MDG-XXX-ZZ-DR-A-0022-D2-A1800,
- Location Plan – 705674-2201-MDG-ZZZ-XX-DR-A-0001-S2-A1800,
- Proposed Site Plan – 705674-2201-MDG-ZZZ-XX-DR-0003-S2-A1800,
- Landscape Strategy – ELM-BPD -XX-XX-PL-L-900001 Rev P02.

Reason: In the interests of proper planning.

3. 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.

4. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:
 - A site investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Reason: In the interest of remediating land for human habitation.

5. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in the verification plan. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interest of remediating land for human habitation.

6. Prior to the commencement of the development hereby approved details of a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interests of air quality and amenity levels.

7. Prior to the commencement of the development hereby approved an addendum report to the RSK Acoustic HMP Elmley CAT c Expansion Acoustic Report, 2060569-RSK-RP-001-(00), the BS4112 calculation for noise sensitive receptors shall be submitted to and approved in writing by the Local Planning Authority. Any mitigation required in regard to noise shall be provided, the approved mitigation measures shall be implemented as approved and maintained as such thereafter.

Reason: In the interest of amenity levels.

8. 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,

- 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.

9. 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.

10. 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.

11. Prior to above ground works taking places an updated Landscape Strategy (from the Landscape Strategy ELM-BDP-XX-XX-PL-L-900001 P02). The updated strategy shall increase the degree of native species planting. The proposed landscaping scheme shall then be

12. 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

13. The area shown on the submitted plan for the additional parking spaces, as illustrated on plan 705674-2201-MDG-XXX-ZZ-DR-A-0022-D2-A1800 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 area. 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 Elmley 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.

14. The proposed buildings hereby approved shall be used for the purposes of criminal justice accommodation, the houseblock, workshop/educational building, extension to the property store, administration building, and sports storage building shall be used in

connection with the wider HMP Elmley prison complex and for no other purposes as may be allowed by the Town and Country Planning (Uses Classes) Order 1987 (as amended).

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

15. 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.

16. 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 J5 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.

17. 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.

18. 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.

Reason: In the interest of proper drainage.

19. 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.

Reason: 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.

20. 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.

21. No occupation of the development hereby approved shall occur until details of the Biodiversity Net Gain have been submitted to and approved in writing by the local planning authority showing that the scheme achieves a minimum biodiversity net gain of 10% 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.

22. The scheme of 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.

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

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

24. 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.

25. Prior to bringing the site hereby approved into first use the sports pitches as illustrated on plan 705674-2201-MDG-ZZZ-XX-DR-0003-S2-A1800 (proposed site plan) shall be fully implemented and brought into first use. The pitches shall thereafter be maintained as and no development shall occur that would preclude access to the additional sports provisions.

Reasons: In the interests of open sport and recreation.

26. Prior to the commencement of development hereby approved, details of the surface treatment to both the MUGA pitch and 3G pitch shall be submitted to and approved in writing by the Local Planning Authority. The surfaces shall be different to allow maximum flexibility. The proposed pitches will be implemented in accord with the approved plans and maintained as such thereafter.

Reason: In the interest of open sports and recreation.

INFORMATIVES

National Highways:

1. The Construction Management Plan 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).
2. To demonstrate compliance with the site delivery condition, 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.

Lower Medway Drainage Board

3. I note that the applicant intends to connect and discharge the new surface water drainage network to the existing prison surface water drainage system. This eventually discharges into an existing watercourse (situated approximately 625m southwest of the site) with no other means of draining the site readily available or discussed. Any surface water discharge to a watercourse within the Board's district 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/>).
4. I note the presence of a watercourse which has not been adopted by the Board (a riparian watercourse) within the site boundary. Whilst not currently proposed, should the applicant's proposals change to include works to alter the riparian watercourse, consent will be required under the Land Drainage Act 1991 (and byelaw 4).

Ecology

5. 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.
6. It is preferable to seed with wildflower seed from a reputable source (with seed from local provenance) rather than using 'wildflower turf'. Both methods have been proposed within the submitted plans. Additionally, the wildflower grassland will only establish and thrive if managed in a very specific but minimal way, i.e., mown at the end of the flowering season with the cuttings removed. The cuttings should be placed in shaded, grassed area for the benefit of breeding reptiles.

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.



PLANNING COMMITTEE – 18 AUGUST 2022**PART 3**

Report of the Head of Planning

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

3.1 REFERENCE NO - 22/502498/FULL		
APPLICATION PROPOSAL Demolition of existing utility and annexe and erection of a two storey pitched roof rear extension including annexe, a single storey flat roof rear orangery, a single storey side entrance extension with covered refuse and seating area, and a single storey bay window to front. Refurbishment including installation of thermally efficient roof coverings, replacement of external wall cladding and structure with thermally efficient detailed face brick facade, and replacement of windows, doors and ground floor fabric.		
ADDRESS 5 The Wineycock Newnham Kent ME9 0NB		
RECOMMENDATION Refuse		
REASON FOR REFERRAL TO COMMITTEE Parish Council supports the application.		
WARD East Downs	PARISH/TOWN COUNCIL Newnham	APPLICANT Mr Colin Hulott AGENT Abstrkt-Dsign
DECISION DUE DATE 15/07/22	PUBLICITY EXPIRY DATE 20/06/22	

Planning History

SW/89/1807

Erection of single storey rear extension alterations to convert roof space into two bedrooms and new brick outer skin

Refused Decision Date: 08.02.1990

1. DESCRIPTION OF SITE

- 1.1 5 The Wineycock is a two-storey three-bedroom semi-detached dwelling located within the built-up area boundary of Newnham and within the Kent Downs Area of Outstanding Natural Beauty (AONB) but outside the village conservation area. The property occupies a prominent corner plot and is one of a number of generously spaced former Aiery Houses that are set well back from the road. The external walls of the house are clad in concrete panels, but the adjoining semi, as well as most of the other houses within The Wineycock now has a red brick façade. There is a landscaped garden to the front of the property and private amenity space to the rear as well as a driveway to the side.
- 1.2 The adjoining property at No.6 The Wineycock has a single storey rear extension that is of a same depth as the current annexe extension at No.5 The Wineycock.

- 1.3 Planning permission (SW/89/1807) was refused in 1990 for a flat roofed dormer on the rear facing roofslope. That application was refused on the grounds that the large box dormer would have resulted in an unsightly feature out of scale and character with the house and detrimental to the amenities of the AONB.

2. PROPOSAL

- 2.1 This application is seeking planning permission to demolish the existing single storey flat roofed rear wing and to construct a two-storey pitched roof extension, and an orangery at the rear of the house, to construct a porch to the side, and a bay window at the front. The existing concrete panels to the external walls of the house will be replaced with a red brick façade and the roof re-tiled.
- 2.2 The two-storey rear extension will project 6.7m beyond the rear wall and have a pitched roof (with three rooflights). It will be slightly wider than the existing ground floor extension and will provide an annexe/bedroom area with shower room/ensuite at ground floor, and a master bedroom with ensuite at first floor. The master bedroom will have a Juliette balcony overlooking the rear garden.
- 2.3 The orangery will project 3.5m beyond the rear wall and infill at ground floor the gap created by the two-storey extension. It will have a flat roof (with two rooflights) set behind a parapet wall.
- 2.4 The single storey extension to the side will be used as a porch with a covered seating/storage area. It will project 1.9m beyond the side wall and extend across the full depth of the house with a pitched roof.
- 2.5 The bay window to the front of the house will have a depth of 1.1m and have a pitched roof. It will provide additional space in the lounge.
- 2.6 The applicant sought pre-application advice prior to submitting the application and was advised that the proposals would likely to be considered acceptable in principle providing that appropriate materials are used, and that careful consideration is given to the depth of the rear extension at first floor (suggesting a projection of no more than 3.0-3.5m).
- 2.7 The application is supported by a Design and Access Statement which explains the proposal is to remove the 'Aiery' element and thereby revert this to a property of conventional construction. It refers to the advice given at pre-application stage, stating on page 7 the following in respect of the two-storey rear addition:
- *The Pre-App guidance mis-states that the adjoining property at No.6 Wineycock has a single storey rear extension that is of a **smaller depth** than the current annexe extension at No.5 Wineycock. The single storey rear extensions to both properties are the same effective depth (save for the rear bay added to No.5 Wineycock which is to be entirely removed. This has been accurately indicated on the submission drawings;*
 - *The Pre-App guidance suggests no issue with the proposed ground floor rear extension;*

- *In close proximity to the boundary between properties, a greater first floor extension than the 1.8m (outward from the rear main building elevation) permitted under the SPG could be accommodated and the Pre-App Guidance suggests 3.0m – 3.5m would not be considered unreasonable. The understanding at site inspection was that where the first floor extension is inset from the boundary then the first floor extension could benefit from a proportionately wider outward projection. In this instance within the adjacent property the effective distance from the actual boundary (by virtue of their existing single storey rear addition) is in excess of 2.8m from the actual boundary. Therefore applying the foregoing Pre-App Guidance together with the effective inset principally results in the proposed first floor extension as table in this submission. The proposals as tabled on this basis are therefore not suggested to be overbearing on the adjoining properties rear garden and should be considered acceptable;*
- *The pitched roof to the two storey rear addition is proposed to be in compliance with the SPG and appears uncontentious;*
- *The inclusion of 3No rooflights within the proposed south facing pitched roof elevation were suggested to offer the potential for overlooking, particularly to the rear patio area close to the adjacent main building. The rooflights do not offer the potential for overlooking or loss of privacy, being located significantly above floor level & a 1.7m eyeline within the proposed dwelling as is clearly indicated in the proposed section detail. The only purpose of same (which will likely be electronically operated given their actual height) is to benefit the first floor accommodation with direct sunlight ingress from the south;*

3. PLANNING CONSTRAINTS

3.1 Area of Outstanding Natural Beauty KENT DOWNS

Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) refers to the importance of supplementary planning documents in achieving good design using visual tools. The NPPF sets out the following advice:

Paragraph 128 states that:

“To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.”

Paragraph 176 requires that:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Area of Outstanding Natural Beauty which have the highest status of protection in relation to these issues.”

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

Policy CP4 (Requiring good design); Policy DM7 (Vehicle Parking); Policy DM14 (General development criteria); Policy DM16 (Alterations and extensions) and Policy DM24 (Conserving and enhancing valued landscapes).

Policy CP4 requires development to be of a high quality of design that is appropriate to its surroundings.

Policy DM16 states that planning permission will be granted for alterations and extensions provided they:

- 1. Are of an appropriate design and quality which responds positively to the style and character of the building being extended;*
- 2. Are appropriately scaled in relation to the building and its surroundings;*
- 3. Maintain or enhance (where applicable) the character of the street scene;*
- 4. Reinforce or enforce as appropriate local distinctiveness;*
- 5. Preserve architectural, historic, landscape, or nature conservation features of interest; and*
- 6. Protect residential amenity.*

Policy DM24 seeks to protect the AONB from harmful development, stating that:

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

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.”

- 4.3 Supplementary Planning Guidance (SPG) entitled “Designing an Extension – A Guide for Householders” provides guidance on the design and scale of extensions. With regards to design, the guidance states that:

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.

- 4.4 With regards to front extensions and porches the SPG states:

5.3 To make sure the extension to the front of your dwelling is of a good design, the Borough Council normally requires that it should have a pitched roof and that its projection should be kept to an absolute minimum. The Borough Council normally requires that front additions are kept to a maximum of 1.2m.

- 4.5 With regards to the scale of rear extensions the SPG states:

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. LOCAL REPRESENTATIONS

- 5.1 A site notice was displayed and has since expired but no local representations have been received.

6. CONSULTATIONS

- 6.1 Newnham Parish Council supports the application, but initially did not provide any explanation. I sought further clarification and they provided the following reasons:

Councillors believe the additions will enhance the appearance of the current house, which is in a fairly prominent position. It will provide a useable family home, as the property has been left as a bequest and had not been maintained for some time. There are limited properties of that size and value within the village.

- 6.2 The County Archaeology Officer confirmed that no archaeological measures are required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 22/502498/FULL.

8. APPRAISAL

- 8.1 I consider the key issues in this case are the impact of the proposals on the design of the property itself, the street scene, and the surrounding rural area, and whether there would be a significant impact on residential amenity.

- 8.2 The proposed rear extension would project 6.7 metres at both ground and first floor and be situated close to the boundary with the adjoining property at No. 6 Wineycock. The Council's SPG – "Designing and Extension" sets out local guidance that for single storey rear extensions close to a neighbour's common boundary a maximum projection of 3 metres will normally be allowed, although more might be permitted if the neighbouring property already projects rearwards of the subject property. It goes on to say that a first-floor extension should project no more than 1.8m. The two-storey rear extension proposed is significantly longer than the Council advises as an acceptable relationship between attached houses in the current circumstances.
- 8.3 Bearing in mind this local guidance, I see no issue in relation to the ground floor element of the proposal as this will project the same distance as the existing single storey rear addition at No. 6 Wineycock and is effectively a replacement for the existing annexe extension at No. 5. However, I consider a first-floor extension that projects 6.7 metres to the rear is excessive in depth, scale and bulk, and I believe that at the length proposed the extension will have a significant adverse impact on the residential amenity of the occupiers of No. 6 The Wineycock; contrary to the Council's SPG advice, which is intended to strike a fair balance between the rights of neighbours to extend and to have their amenities safeguarded respectively. It will therefore also be contrary to the provisions of policies DM14 and DM16 of the 2017 adopted Local Plan Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 8.4 The NPPF gives considerable weight to illustrated planning guidance and in the context of para 134 it states that
- "Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes."*
- The Council's advice is illustrated and up to date, by being cross-referenced in the 2017 adopted Local Plan, and I afford it substantial weight.
- 8.5 I note the support from Newnham Parish Council but extensions on the common boundary should not have a significant adverse effect on the amenities of neighbours. I acknowledge that a condition could be imposed requiring the rooflights to be at eye level to prevent any overlooking to the neighbour's garden, but I still believe that this proposal will be significantly harmful. I consider the two-storey rear extension will be overbearing on this neighbour's garden, particularly to its patio area. The advice given at pre-application stage was to reduce the depth of the extension and I do not consider the reasons given in the Design and Access Statement justify allowing an extension of such length.
- 8.6 With regards to the proposed orangery at the rear, I am satisfied there will be no impact upon the amenities of No.6. Neither do I consider it will harm visual amenity. I also believe the side porch will have a limited impact on the character of the dwelling and its rural surroundings. Although the porch will project more than the 1.2m policy guidance of the SPG, it will be situated to the side of the house, and the driveway will still be sufficiently long enough to park a car meaning there will be no impact to the availability of off-road parking spaces. Neither do I consider the front bay window to be harmful to the visual amenity of the

surrounding rural area. Furthermore, I consider the replacement windows and doors; red brick façade and tiled roof will be an improvement to the external appearance of the house.

9. CONCLUSION

- 9.1 I consider the overall depth of the rear extension would over-dominate the back of the property and thus adversely affect the amenity of the neighbouring property at No.6. The proposed two storey rear extension is not considered acceptable and would be contrary to Local Plan policies and I therefore recommend that permission be refused.

10. RECOMMENDATION

REFUSE for the following reasons:

REASONS

- (1) The proposed two storey rear extension would have a depth of 6.7 metres from the existing rear wall and would be very close to the common boundary with the neighbouring property at No.6 Wineycock. The Council's Supplementary Planning Guidance entitled 'Designing an Extension – A Guide for Householders' (which is referred to in paragraph 7.4.4 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and is therefore a current and material planning consideration) states that such an extension close to the common boundary should have a depth of no more than 1.8 metres at first floor. The proposed extension would be excessive in depth and scale, resulting in a bulky addition that would be overbearing and would significantly adversely affect the residential amenity of the neighbouring property at No. 6 Wineycock by virtue of its length in a manner contrary to policies DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

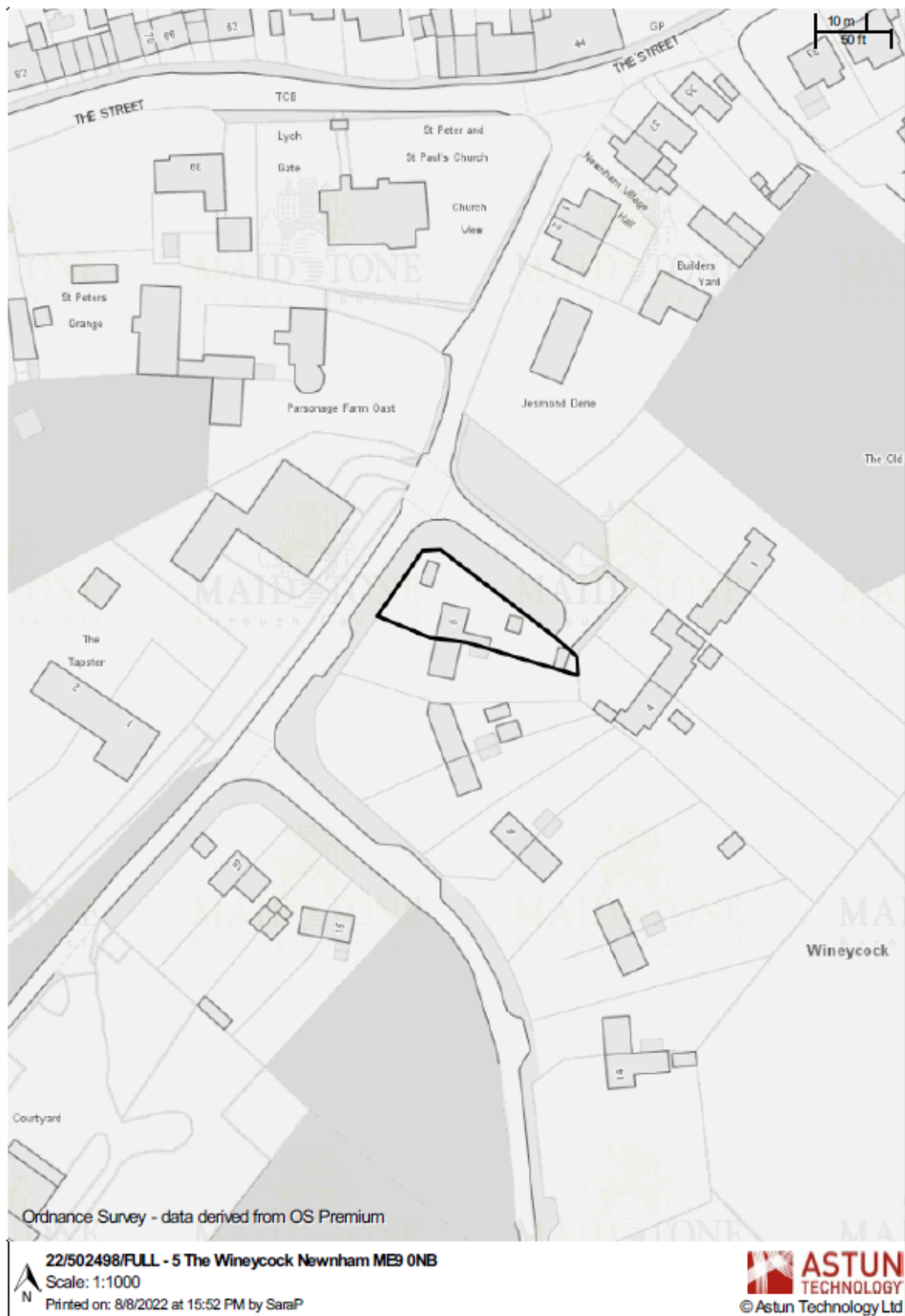
The Council's approach to the application

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



3.2 REFERENCE NO - 22/502340/OUT			
APPLICATION PROPOSAL			
Outline application (all matters reserved except access) for the erection of a single detached self-build dwellinghouse and carport/garage.			
ADDRESS Land Adjacent Westfield Cottages Breach Lane Lower Halstow Kent ME9 7AA			
RECOMMENDATION That planning permission is Refused			
SUMMARY OF REASONS FOR REFUSAL			
The proposed development would represent unjustified and unnecessary residential development within the countryside, and outside of the defined built up area boundary, in a manner harmful to the character, appearance, and intrinsic amenity value of the countryside. In addition, site lies within 6km of the Swale SPA and no mitigation in the form of a SAMMS payment has been received.			
REASON FOR REFERRAL TO COMMITTEE			
Support by Lower Halstow Parish Council and Called in by Ward Councillor			
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Lower Halstow	APPLICANT Mr & Mrs Keith Tress AGENT TaD Planning Ltd	
DECISION DUE DATE 15/07/22		PUBLICITY EXPIRY DATE 08/08/22	
Relevant Planning History			
Ref No.	Description	Decision	Decision Date
19/500764/OUT	Outline application (all matters reserved except access) for the demolition of former farm building/garage and erection of 10no. two, three and four bedroom dwellings with garages, associated landscaping and parking, together with new access and part widening of Breach Lane.	Refusal The refusal was appealed and subsequently Dismissed (W/4000612)	19.08.2019 Appeal Decision 29.06.2020
17/502046/OUT	Outline application (Some Matters Reserved) for erection of nine dwellings and garages, new access, with associated landscaping and parking – Access to be sought at this stage	Refused	11.07.2017
SW/84/0270	Outline application for erection of one detached house	Refused	30.04.1984
SW/79/1491	Demolition of existing tin garage and erection of brick built garage	Approved	21.01.1980

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a parcel of land on the west side of Breach Lane, to the north of an existing dwelling, Westfield House.
- 1.2 The site is roughly rectangular in shape. It measures 65m north to south with an average width of 42 meters east to west, with a site area of approximately 0.25ha. The land is accessed from a drop kerb at the bend towards the northern section of the site, directly opposite The Club House/Club Cottages at the north end of the terrace of dwellings on Breach Lane. The site is essentially flat and open although there is natural landscaping and scrub, including scrub with small-medium trees (hawthorn, elder, English elm, sallow) on the western boundary. A small brick building is positioned towards the west side of the site, and some former areas of hardstanding and evident which are overgrown and disused.
- 1.3 The site is bordered by open countryside to the north and west. Westfield House is located to the south, beyond which is more open land. There are residential dwellings to the east situated on the opposite side of Breach Lane, including a row of 17.no. two storey terraced dwellings known as Westfield Cottages situated opposite the site.
- 1.4 The site is located approx. 170m to the south of Lower Halstow, and falls outside of the built confines of the village. The village of Lower Halstow includes a small range of facilities, including a primary school, pre-school, recreation ground including play equipment, church, community hall, retail convenience store, public house, sports club (including cricket and yacht), bed and breakfast accommodations, building trade services. It is a Tier 5 settlement under the local plan settlement strategy (ST3) where development is generally restricted to small scale proposals within the village boundaries.
- 1.5 There is a public right of way (footpath, ZR43) situated immediately to the north of the site.

2.0 PROPOSAL

- 2.1 This is an outline planning application for the erection of a single detached self-build dwellinghouse and carport/garage. All matters other than access are reserved for future consideration.
- 2.2 Indicative plans have been submitted which show a form of development that could be built, incorporating a two storey detached dwelling and a carport/garage located towards the northern side of the site.
- 2.3 The existing site access would be utilised for the development.

3.0 RELEVANT PLANNING HISTORY

- 3.1 The site has the following planning history, being the northern (Plot B) part of the two plots included in the following applications:

- **17/502046/OUT** – outline application (some matters reserved) for the erection of 9 dwellings and garages, new access with associated landscaping and parking – access to be sought at this stage – Refused 11.7.2017

Refused on the following grounds:

The application site is located outside of the built confines of Lower Halstow and within the open countryside where the Council's adopted and emerging Local Plan policies aim to restrict residential development other than in specific circumstances. The proposed development would fail to protect the intrinsic value, tranquillity and beauty of the countryside by virtue of its location and likely layout and form, and would be contrary to policies ST3, CP3, CP4 and DM14 of the emerging Swale Borough Local Plan "Bearing Fruits 2031", and policies E1 and E19 of the adopted Swale Borough Local Plan.

The Reptile Survey submitted with the application does not accord with Natural England standing advice regarding the number of visits required to establish a population estimate, and does not provide sufficient information on the location or suitability of an off site receptor site. On this basis, the survey fails to suitably demonstrate the presence of protected species on the site, or adequate mitigation measures. This would be harmful to biodiversity and contrary to policies E11 of the adopted Swale Borough Local Plan 2008 and DM28 of the emerging Swale Borough Local Plan "Bearing Fruits 2031".

- **19/500764/OUT** – outline application (all matters reserved except access) for the demolition of former farm building/garage and erection of 10 no. 2, 3- and 4-bedroom dwellings with garages, associated landscaping and parking, together with new access and part widening of Breach Lane – Refused 19.8.2019

Refused on the following grounds:

The proposed development represents unsustainable development and therefore fails to comply with the requirements of paragraph 8 and 79 of the National Planning Policy Framework 2018. By virtue of its location outside any well-defined urban boundary and remote from the nearest settlements where a good range of services are available, the lack of prospect of residents being able to integrate with the existing communities and the limited public transport to service the site which will result in a car dependent population. Furthermore the proposed development would fail to protect the intrinsic value, tranquillity and beauty of the countryside and rural context by virtue of its location and likely layout and form. This harm, both significantly and demonstrably, outweighs any benefits from the proposal (including its contribution to the overall supply of housing in the Borough). Development is therefore contrary to policies ST1, ST3, CP3, CP4, DM9, DM14, DM24 of the Bearing Fruits 2031: The Swale Borough Local Plan (2017) and would be contrary to paragraphs 8, 11, 79, 127, 130 and 170 of the National Planning Policy Framework.

The application was subject to an appeal which was dismissed, dated 31.7.2020

- 3.2 The Planning history is a material planning consideration of some weight in the determination of the outline planning application, having regard to the key differences

between the 2017 and 2019 applications and the current scheme which proposes a single self-build detached dwelling, with a reduced site area (parcel B only) and reduction in the number of dwellings and site coverage by built form.

4.0 PLANNING CONSTRAINTS

- 4.1 In the countryside outside the built-up area confines
- 4.2 Public footpath, ZR43 is situated to the north of the site

5.0 POLICY AND CONSIDERATIONS

- 5.1 The National Planning Policy Framework (NPPF): Paragraphs 8 (sustainable development); 11 (The presumption in favour of sustainable development); 55 (re-use of redundant buildings); 59 – 76 (delivering a sufficient supply of homes); 77 – 79 (Rural housing); 127 and 130 (good design); 148 (transition to low carbon future); 165 (sustainable drainage systems); 170 (enhance the natural and local environment) are relevant to this proposal.
- 5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 – Policies ST1 (delivering sustainable development in Swale); ST3 (the Swale settlement strategy); ST4 (Meeting the Local Plan development targets); ST5 (The Sittingbourne area strategy); CP2 (Promoting sustainable transport); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); DM6 (managing transport demand and impact); DM7 (Vehicle parking); DM14 (general development criteria); DM19 (Sustainable design and construction); DM21 (sustainable drainage / flood mitigation); DM24 (conserving and enhancing valued landscapes); DM28 (biodiversity conservation); DM29 (Woodlands, trees and hedges); DM31 (agricultural land).
- 5.3 Landscape SPD – Swale Landscape Character and Biodiversity Appraisal 2011. The site falls within character area 32: Upchurch and Lower Halstow which falls within the Fruit Belt Landscape Types. The landscape condition is described as ‘moderate’ with a ‘moderate’ sensitivity. The guidelines for this area are to conserve and create.

6.0 LOCAL REPRESENTATIONS

- 6.1 Twenty one letters of representation have been received. Of these, seventeen are letters of support and four are letters of objection.
- 6.2 Of the seventeen letters of support, the content can be summarised as follows:
 - Good use of a brownfield site
 - Sustainable location
 - Enhance the appearance of the local area
 - All LPAs are required to meet demand for Self-Build and Custom-Build homes. This demand is a very long way from being met within Swale. This proposal will help to meet that demand
 - Affordable housing need within the area
 - Tree and hedge landscaping to encourage biodiversity
 - Traffic is reduced to 20 mph on this corner
- 6.3 Four letters of objection, the content can be summarised as follows:

- Urban expansion outside the
- Increased highway safety risk along Breach Lane; new access points; lack of visibility and sight lines; increased dwellings; blind bend/corners; pinch point and bottleneck next to Westfield House
- Lack of existing parking and increased pressure on parking
- Lack of parking within site; residents and visitor; construction vehicles
- Harm to the open countryside
- Does not address previous reasons for refusal

7.0 CONSULTATIONS

- 7.1 Lower Halstow Parish Council - Agree to support this application in line with the village planning strategy
- 7.2 Environmental Health - No objection, subject to relevant planning conditions – contaminated land.
- 7.3 Health and Safety Executive - No comment to make
- 7.4 Natural England - No objection, subject to SAMMS and Appropriate Assessment
- 7.5 KCC Highways - No objection, subject to relevant planning conditions
- 7.6 KCC Ecology – Comments awaited. Members will be updated

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 Existing plans
- 8.2 Proposed plans

9.0 APPRAISAL

Principle of Development

- 9.1 The site is located within the countryside and outside of the built area boundary of Lower Halstow. The main relevant planning policy is ST3 of the Local Plan, which states that at locations in the open countryside outside the defined built up area boundaries, development will not be permitted unless supported by national policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.
- 9.2 The Council's spatial strategy is set out in Policy ST3 of the Swale Borough Local Plans 2017 which identifies a hierarchy of 5 types of settlement. Lower Halstow is one of many villages in Tier 5 that provides basic services to meet some of the residential day to days needs and policy restricts development in these villages to minor infill and redevelopment within the built-up area boundaries only. In this regard, Policy ST 3 of the Local Plan (2017) paragraph states:

All other settlements and sporadic buildings are considered to sit within the open countryside where the primary objective will be to protect it from isolated and/or large scales of development. Some minor development may though be essential for the

social, economic or environmental health of a community, but are not necessary to meet the Local Plan housing target. In doing so, they will be required to protect and, where required, enhance, the intrinsic value, character, beauty, wildlife value, tranquillity and undeveloped nature of the countryside and its communities and buildings.

- 9.3 The location of the site, beyond the boundary of a Tier 5 village, makes it one of the least desirable locations for new residential development. The principle of residential development in this location is not supported under the local plan.
- 9.4 However, the Council cannot currently demonstrate a five-year supply of housing land. The position for 2020/2021 that Swale now has an identifiable 4.8 years supply of housing land.
- 9.5 In addition, the current adopted local plan is now 5 years old and, in relation to policies for the supply of housing, is “out-of-date”. This means that performance against housing delivery is no longer assessed against the annual local plan figure of 776 but that of the “standard method”. For Swale, this means that the target will increase to 1,048 (or whatever the standard method figure is for that monitoring year).
- 9.6 For these reasons, paragraph 11 of the NPPF applies (the tilted balance). Paragraph 11 d) states that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Location of development

- 9.7 Lower Halstow is a Tier 5 settlement with limited services. The location of the site is remote from village being some 170m to the south. Access to the village is possible via a footpath on the east side, although this is largely unlit. Given the limited services available in the village, the remote location of the site away from the village, and the unlit nature of the road, I consider that occupants of the development would be likely to rely on car-borne journeys.
- 9.8 It is also material to highlight an appeal decision for 10 dwellings which included the land subject to this application (following the Council’s decision to refuse permission under 19/500764/OUT) The appeal Inspector stated in paragraph 11

“I conclude that the appeal site would not be a suitable location for the proposed development having regard to the settlement strategy and its poor access to local services and facilities and would conflict with policies ST1, ST3 and DM9 of the LP and paragraphs 8, 11, 79, and 170 of the National Planning Policy Framework (2019) (the Framework), which when read together seek to deliver sustainable development consistent with the settlement strategy by restricting development in the open countryside.”

- 9.9 Whilst the current application is now for a single dwelling only, I remain of the view that the site is not in a suitable location for such development, and that the scheme performs poorly under policy ST3 of the Local Plan.
- 9.10 I acknowledge that the Council has recently resolved to grant permission for 2 new dwellings at Burntwick, The Street. Whilst this site was outside the village confines, it was immediately adjacent to the village whereas the location of this scheme under consideration is divorced from the village.

Impact on character and appearance of area

- 9.11 The site incorporates a small brick building and remnants of a hardstanding. The NPPF definition of brownfield / previously developed land in Annex 2 excludes 'land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.' The existing outbuilding would be considered previously developed, however the remainder of the site is currently overgrown and essentially open in character and appearance. In my opinion, whilst parts of the site could be held to be previously developed land, the extent to which this impacts upon the character and appearance of the area is very limited.
- 9.12 The site is largely of an open and undeveloped character and appearance. It forms part of the generally open landscape to the south of Lower Halstow. Whilst the line of terraced cottages lies to the east of the site, the essential characteristics of the west side of Breach Lane are of an open and rural landscape – albeit with some minor exceptions such as Westfield House. My assessment is similar to that of the appeal inspector for 19/500764 who stated in paragraph 12 that the site has “an undeveloped appearance and makes a significant contribution to the open rural landscape of the area which extends beyond the appeal site towards Upchurch”.
- 9.13 Although the proposed dwelling would not be isolated in the true sense of the word given the proximity to the cottages to the east and the dwelling further south, I consider that the proposal would have a significant urbanising impact on the west side of Breach Lane, which would be harmful to the character and appearance of the countryside and wider landscape. Although the development is for one dwelling and the precise detail is not known at this stage, I consider this would still introduce an urban and domestic character and appearance to the site through the built form, layout and domestic paraphernalia that would arise from any residential development, and which would be harmful to the rural surroundings.
- 9.14 Policies ST3, CP3, CP4, DM14 and DM24 of the Local Plan seek to ensure that development is steered to the right locations, is of high quality design appropriate to its context, and strengthens / reinforces local distinctiveness. The development of a dwelling and associated structures and paraphernalia in this location would not be appropriate to its rural context and would harm the character and appearance and intrinsic value, beauty and functioning of the countryside and landscape. In addition, the likely form of the dwelling would fail to reinforce local distinctiveness and, as such, would be contrary to the above policies. This is considered to be a significant negative impact and would be contrary to the aims of paragraphs 127, 130 and 170 of the NPPF as it would not significantly enhance its immediate setting, and it would not be sensitive to the

defining characteristics of the local area due to the harmful impact on the countryside and contrary to the aims of the Swale Landscape Character and Biodiversity Appraisal 2011 SPD which seeks to restore the rural environment whilst creating a landscape structure that will improve the areas strength of character.

- 9.15 This concern is supported by the Planning Inspector for the previous appeal on this site. In concerns arising from harm to the character and appearance of the area, the Planning Inspector commented (para 14)

“The development proposed would have a significant harmful effect on the open landscape appearance of the appeal site and would not enhance its immediate setting. It would be contrary to the aims of the Swale Landscape Character and Biodiversity Appraisal 2011 Supplementary Planning Document which seeks to restore the rural environment, whilst creating a landscape structure that would improve the areas strength of character. Overall, the development proposed, would have a significant adverse impact on the contribution the appeal sites undeveloped appearance makes to the open landscape character of the surrounding area. (para 14)

I conclude that the development proposed would have a significant detrimental impact on the setting of the open countryside and would be contrary to policies CP3, CP4, DM9, DM14 and DM24 of the LP and would be contrary to paragraphs 8,11,127, 130 and 170 of the Framework. When read together these policies seek to deliver sustainable development which directs new development to be within the defined settlement hierarchy, contributes to the move towards a low carbon future and protects and enhances the intrinsic character of the rural landscape in the area. (para 15) “

- 9.16 Whilst the proposal would be for one dwelling rather than the ten dwellings previously refused, this would still be harmful to the rural character and appearance of the area as set out above.

Residential Amenity

- 9.17 Policy DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or area. The detailed scheme for the new dwellings would be secured at the reserved matters stage and this will include the design and form of the dwelling including details such as window/door placement and details of boundary treatments.
- 9.18 The closest residential property is Westfield House which is to the south of this application. Whilst layout and design are matters for future consideration, the application shows an illustrative layout which avoids any direct overlooking of this property, and a good degree of space can be maintained between it and the development.
- 9.19 The properties on the opposite side of Breach Lane would be in direct view of the new dwelling. Again, the illustrative layout as shown indicates that good separation distances and appropriate layouts could be created to avoid any unacceptable impacts on these existing properties.

- 9.20 Taking the above into account, it is considered that the development could be designed to avoid unacceptable impacts on neighbours and comply with the above policy.

Highways

- 9.21 It is proposed to utilise the existing vehicular/pedestrian access onto Breach Lane. Neither the 2017 nor 2019 applications were refused on the inadequacy of using the access to serve new residential development, particularly having regard to its historic use as a car park for the club opposite with associated traffic generation. The Highway Authority has been consulted who raise no objection to the proposal and I have no reason to raise any highways issues.
- 9.22 The illustrative layout indicates the possibility of providing vehicle parking in accordance with Policy DM7 and KCC Vehicle Parking Standards.

Landscaping and biodiversity

- 9.23 Landscaping is a reserved matter. Policy DM14 requires the provision of an integrated landscape scheme that would achieve a high standard of landscaping within the development and given this is a countryside setting further details would be required at the reserved matters stage if the application was found acceptable in principle.
- 9.24 The NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments. Policy DM28 also requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The application has been supported by a Preliminary Ecological Appraisal. KCC Ecology have been consulted and members will be updated in due course.
- 9.25 In wider ecology terms, site lies within 6km of the Swale SPA and a contribution is therefore required to mitigate the potential impacts of the development upon that protected area, in accordance with the Council's standing agreement with Natural England. Although the applicant has stated that they are willing to provide a contribution to mitigate the impacts of the development, this has not been secured and I do not consider it appropriate to request one given my recommendation to refuse permission. This would form a separate reason for refusal.

Self-Build development

- 9.26 A further material consideration is the submission of the application as a self build/custom build housing project. Self-build and custom build housing is a specialist form of residential development, and the Council is required to keep a register of individuals seeking to acquire serviced plots of land within the Borough for their own self build and custom housebuilding.
- 9.27 Paragraph 62 of the NPPF sets out the Government's objective to significantly boost the supply of housing. Paragraph 61 of the NPPF stipulates:

‘Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).’

Footnote 28 further states:

‘Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing’. (Footnote 28)

9.28 The Council Self-Build Register as at August 2022 contains approximately 110 individuals and 5 associations of individuals. A self/custom build development has been permitted nearby at Callum Park which allowed for 9no. custom build homes (Ref: 20/501002/OUT). Although this site was also isolated from Lower Halstow, weight was given to the removal of existing significant built form on the site and to the financial benefits to the existing equestrian centre as a rural facility.

9.29 Whilst I give weight to the need for sites for self build /custom housing, I consider that the site performs poorly in terms of its location and impact on the character and appearance of the area as set out above. The benefit of providing a self build unit on the site against this harm is considered further below.

10.0 CONCLUSION

10.1 The site is located outside of the built confines of the village and within the countryside. In the absence of a five year housing supply, the tilted balance under paragraph 11d) of the NPPF applies. The proposal would offer benefits in terms of adding to the housing supply in the Borough, and delivering a self-build plot. However I would only give these benefits a small degree of weight given that the proposal relates to 1 dwelling.

10.2 The proposal would conflict with policies in the local plan relating to the location of development and the need to protect the local and natural environment, which are generally consistent with the aims of the NPPF. The development would result in significant harm to the character and appearance of the countryside through development of a site that forms part of an existing open and rural landscape and future occupants would be likely to be reliant on the private car. Whilst the level of harm would be lower than the 10 dwelling scheme refused by the previous Inspector, at the same time the benefits of the development are also diminished through the provision of only one dwelling into the housing supply. Whilst the scheme would enable a self-build dwelling, I consider that the poor location of the site and harm to rural character and appearance that would arise to significantly and demonstrably outweigh this benefit arising from 1 dwelling. Likewise, I consider the benefits of re developing a partially brownfield site are diminished by the generally open and undeveloped existing character of the land and by the harm identified above.

10.3 For the reasons set out above, I conclude that the benefits of the development are limited and significantly outweighed by the harm to the character, appearance, and intrinsic amenity value of the countryside and the unsustainable location of the site and for these reasons the development is unacceptable.

RECOMMENDATION

REFUSE for the following reasons:

REASON FOR REFUSAL

1. The proposed development would represent unjustified and unnecessary residential development within the countryside, and outside of the defined built-up area boundary, in a manner harmful to the character, appearance, and intrinsic amenity value of the countryside. The proposal is therefore contrary to policies ST1, ST3, ST5 and DM6 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and to the advice of paragraphs 11, 79, and 170 of the National Planning Policy Framework.
2. The proposed development will create potential for recreational disturbance to the Swale Special Protection Area. The application submission does not include an appropriate financial contribution to the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS), or the means of securing such a contribution, and therefore fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site, and would be contrary to the aims of policies ST1, DM14, and DM28 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017; and the National Planning Policy Framework.

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.

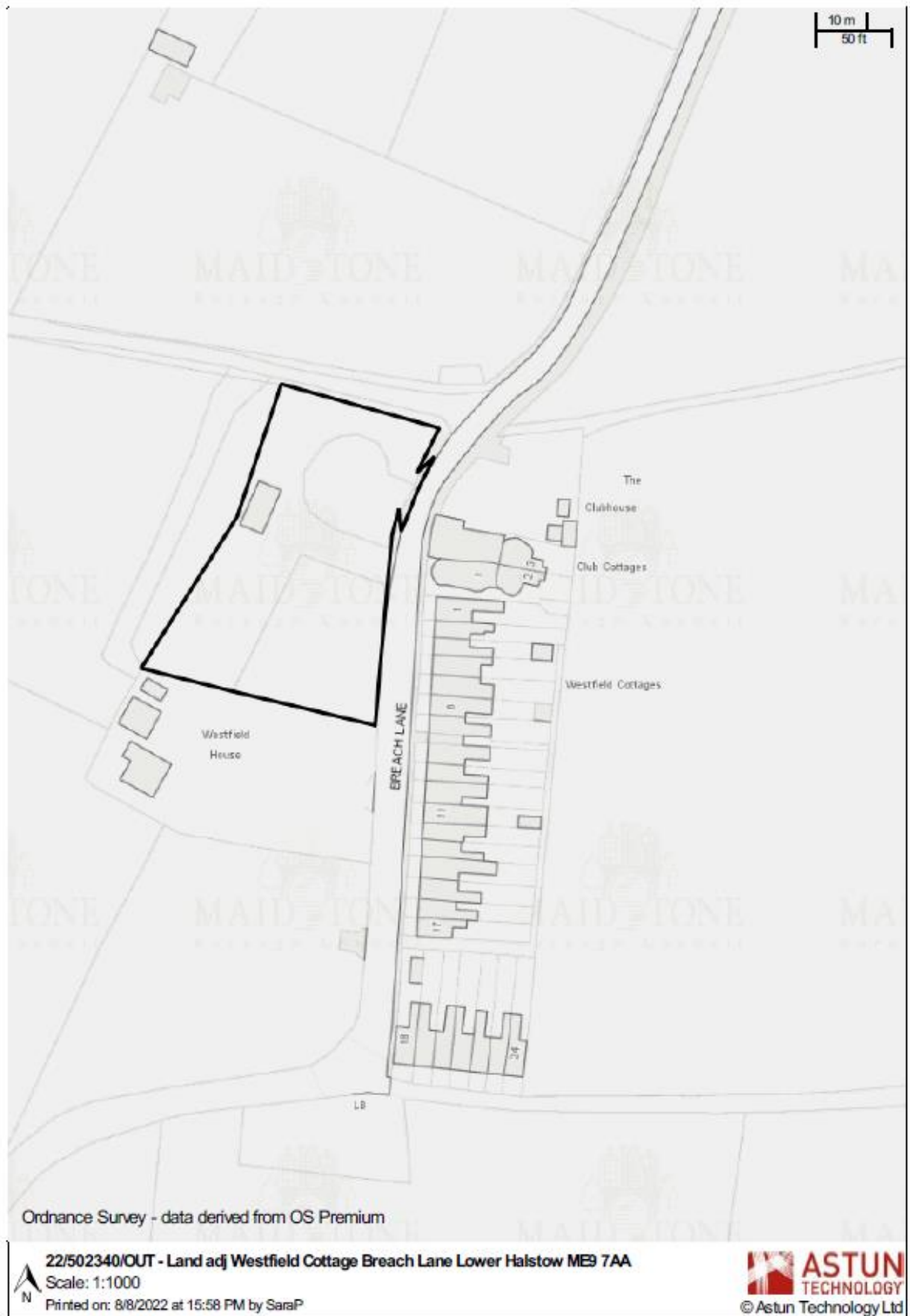
The Council’s approach to the application

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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.





The Planning Inspectorate

Appeal Decision

Site visit made on 29 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 31st July 2020

Appeal Ref: W/4000612

Land adjoining Westfield House, Breach Lane, Lower Halstow, Sittingbourne, Kent, ME9 7AA

- 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 & Mrs Keith Tress against the decision of Swale Borough Council.
 - The application Ref 19/500764/OUT, dated 13 February 2019, was refused by notice dated 19 August 2019.
 - The development proposed is described as 'Outline application (all matters reserved except access) for the demolition of former farm building/garage and erection of 10no. two, three and four bedroom dwellings with garages, associated landscaping and parking, together with new access and part widening of Breach Lane'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the banner above is taken from the Council's decision notice which more accurately reflects the development proposed.
3. The application was in outline for the erection of ten dwellings. An illustrative layout plan Drawing No TR/16/140.02D was submitted.

Main Issues

4. The main issues are:
 - Whether the development is in an appropriate location, having regard to the settlement strategy and its accessibility to local services and facilities; and,
 - The effect of the development on the character and appearance of the surrounding area.

Reasons

Location

5. The appeal site comprises two parcels of land (Parcel A would accommodate 6 dwellings and Parcel B would accommodate 4 dwellings), either side of a detached dwelling Westfield House. Parcel A is relatively flat and extends to an area of approximately 0.28 hectares. Parcel B which extends to an area of

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- approximately 0.25 hectares, was partly used as allotments and the remaining area (approximately 75%) was associated with the former use of brickearth excavation. Opposite the appeal site are two blocks of two storey dwellings known as Westfield Cottages and a further terrace known as Club Cottages. There is a car parking area located close to the dog leg in Breach lane, in close proximity to Parcel A.
6. Policy ST1 of Bearing Fruits 2031: The Swale Local Plan (2017) (LP) seeks to deliver sustainable development that accords with the settlement strategy for the Borough. Policy ST3 of the LP sets out the settlement hierarchy and directs development towards defined settlements and allocated sites. Development in the countryside is restricted unless it is supported by national planning policy and is able to demonstrate that it would contribute to protecting the intrinsic value, landscape setting, tranquillity and beauty of the countryside and the vitality of rural communities.
 7. Based on my site visit, the appeal site is located approximately 150 metres outside of the defined settlement boundary of Lower Halstow and the appellant acknowledges that it is located within the open countryside. I acknowledge that part of Parcel B is previously developed land and due to the rows of dwellings opposite, the appeal site cannot be considered isolated in the true sense of its meaning. However, Policy ST3 does not make provision for an exception to the restrictive approach to development in the countryside for such sites.
 8. With regards access to local services and facilities, the appellant has submitted as evidence details of those available in Lower Halstow and the surrounding area. Based on my site visit, the routes from the appeal site to facilities in Lower Halstow which includes a primary school, would be either along Breach Lane or the footpath ZR43 which is accessed at a point close to Club Cottages and then cuts across open fields.
 9. However, for some distance along Breach Lane the footpath alongside the highway is unlit, as demonstrated in the evidence¹ submitted by the appellant and footpath ZR43 is also unlit and has an uneven surface for most of its length. Whilst I acknowledge that the facilities in Lower Halstow would be within a reasonable distance based on the evidence submitted², the lack of lighting on the footpath routes would discourage regular use by pedestrians and cycling may not be the preferred option in inclement weather.
 10. I also note from the evidence before me that there are services and facilities in the neighbouring villages of Upchurch and in Newington, which would also provide some employment opportunities. Both villages were visited during my site visit. Whilst the development proposed would provide some support to the local services and facilities in the neighbouring villages, the network of unlit footpaths and narrow rural roads that would be used to access them would not provide a realistic option for pedestrians and cyclists on an everyday basis and would not be the preferred option in wet weather. Whilst the appellant states that Lower Halstow is served by bus services, the Council states that only two operate Monday to Saturday and have provided details of the varying range of infrequent services to other settlements, with no services provided on Bank Holidays. Further, there was no indication of a bus stop at the corner of Parcel

¹ Appendix D Aerial Photograph showing the location of street lighting on Breach Lane: January 2020

² Peshurst Planning Appeal Statement January 2020: reference to Institute of Highways and Transport 'Guidelines for providing Journeys on Foot 2000' and 'WYG 'How Far Do People Walk 2015' page 20.

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B which the appellant refers to in evidence submitted, though other bus stops, some distance away along Breach Lane and The Street were visible. I therefore conclude that the future occupiers of the proposed dwellings would be reliant on the use of a private motor car to access local services and facilities in Lower Halstow, the neighbouring settlements of Upchurch and Newington and the larger settlements of Rainham and Sittingbourne.

11. I conclude that the appeal site would not be a suitable location for the proposed development having regard to the settlement strategy and its poor access to local services and facilities and would conflict with policies ST1, ST3 and DM9 of the LP and paragraphs 8,11,79, and 170 of the National Planning Policy Framework (2019) (the Framework), which when read together seek to deliver sustainable development consistent with the settlement strategy by restricting development in the open countryside.

Character and Appearance

12. Parcel A is clearly visible from the dog leg in the highway on Breach Lane and had been cleared prior to my visit, whilst Parcel B had been only partially cleared, with most of the site appearing to be overgrown with vegetation. Both Parcel A and Parcel B currently have an undeveloped appearance and make a significant contribution to the open, rural landscape of the area which extends beyond the appeal site in the direction of Upchurch
13. Whilst the layout of the development proposed is illustrative, the number of dwellings proposed on Parcel A and B, would significantly alter the current undeveloped appearance of the appeal site and would introduce an urbanising and domestication effect which would have a significant detrimental impact on the character of the surrounding area. Whilst the appellant states that the layout may be subject to change and could be adapted to be similar to the development opposite the appeal site, this would not overcome the harm that would result from the loss of the currently undeveloped appearance of the appeal site and the contribution it makes to the surrounding countryside.
14. As a result, the development proposed would have a significant harmful effect on the open landscape appearance of the appeal site and would not enhance its immediate setting. It would be contrary to the aims of the Swale Landscape Character and Biodiversity Appraisal 2011 Supplementary Planning Document which seeks to restore the rural environment, whilst creating a landscape structure that would improve the areas strength of character. Overall, the development proposed, would have a significant adverse impact on the contribution the appeal sites undeveloped appearance makes to the open landscape character of the surrounding area.
15. I conclude that the development proposed would have a significant detrimental impact on the setting of the open countryside and would be contrary to policies CP3, CP4, DM9, DM14 and DM24 of the LP and would be contrary to paragraphs 8,11,127, 130 and 170 of the Framework. When read together these policies seek to deliver sustainable development which directs new development to be within the defined settlement hierarchy, contributes to the move towards a low carbon future and protects and enhances the intrinsic character of the rural landscape in the area.

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Other Matters

16. I have had regard to the proximity of the appeal site to the Swale Special Protection Area which is afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended. The Council has undertaken an Appropriate Assessment and has identified that the development proposed could cause disturbance to the SPA from recreational use by the future occupiers of the proposed dwellings, given its proximity. The appellant has submitted as evidence a Unilateral Undertaking (UU) which would provide a financial contribution to mitigation measures within the SPA. Whilst I note that the Council has confirmed that the UU is acceptable with regards the range of developer contributions towards the NHS Contribution and its standard bin contribution, as the appeal is dismissed on the main issues, it is not necessary to consider this matter further as part of this decision.
17. I note that the Highways Authority has raised no objections to the proposed access arrangements to the development proposed and state that whilst the proposed highway widening works on Breach Lane would not be required to be undertaken if the scheme was permitted they would provide some local highway benefits. Whilst the highway improvements would provide a benefit to the users of the highway, in this case the benefits would not overcome the harm identified in consideration of the main issues and would not on its own justify allowing the appeal.
18. I have had regard to the wide range of views expressed by interested parties including, amongst other things, the support for the provision of a wider range of housing in the village, the benefits that would be provided by the proposed highway improvements and the increase demand for local school places. I have also had regard to those interested parties that oppose the proposals due to increased traffic movements, loss of undeveloped land and impact on the countryside and the precedent that would be set for allowing development outside of settlement boundaries. I have taken these into account in reaching my decision, with most points covered in my reasoning on each of the main issues. Reference has been made by both parties to other appeals in the Borough, but as each case must be judged on its own merits and whilst I have regard to the other appeal decisions, they have not altered my decision.

Planning Balance

19. The Council accepts that it is unable to demonstrate that it has a five year supply of housing land and states that its supply position published in February 2019 was 4.6 years and has provided evidence which indicates that it has commenced a Housing Action Plan to address the identified shortfall. Whilst the Council states that the shortfall is due to the method of measurement used in the Housing Delivery Test, the amount of shortfall is disputed by the appellant who states that the shortfall is between 4.1- and 4.6-years supply of housing land.
20. On the basis of the identified shortfall in the Council's housing land supply, the appellant states that there should be a presumption in favour of development and in accordance with Paragraph 11 of the Framework the most relevant policies for determining the application should be considered to be out of date. Paragraph 11d) states that planning permission should be granted unless any adverse impacts of doing so would demonstrably and significantly outweigh the

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benefits when assessed against the policies in this Framework taken as a whole.

21. In the context of the development plan the development proposed would conflict with the previously identified policies in the LP on both of the main issues and which are generally consistent with the aims of the Framework and paragraph 170 which broadly states the need for development to contribute and enhance the natural and local environment and recognise the intrinsic character and beauty of the countryside. Further, the development proposed would result in significant harm to the character and appearance of the surrounding area and the future occupiers of the proposed dwellings would be reliant on the use of a private motor vehicle to access everyday needs and employment opportunities. It would therefore conflict with the Frameworks aims to recognise the intrinsic character and beauty of the countryside, the need to reduce travel and the move towards a low carbon future.
22. The proposal would result in short term benefits with regards the construction phase and the future occupiers would contribute some spend in the local economy which would support local services and facilities in Lower Halstow and the neighbouring villages. I therefore attach only limited weight to these benefits. With regards social benefits, the addition of ten dwellings would make a modest contribution towards the Council's housing shortfall and to the range of housing available in the area, improvements to the highways and increase demand for the local school. I attach moderate weight to these benefits. The proposal would produce some environmental benefits including the remediation of previously developed land on part of Parcel B; would reduce the pressure on agricultural land for development and would make a financial contribution towards mitigation of any impacts arising from the development on the SPA. I attach moderate weight to these benefits.
23. However, even if I were to conclude that the Council was not able to demonstrate a five year supply of housing land and therefore its policies were out of date, the adverse effects identified would not be significantly and demonstrably outweighed by the benefits when assessed against the Framework as a whole. Consequently, the appeal proposals would not amount to sustainable development for which there is a presumption in favour of and the so-called tilted balance would not be engaged in this case.

Conclusions

24. For the reasons set out above, the appeal is dismissed.

Paul Wookey

INSPECTOR

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PLANNING COMMITTEE – 18 AUGUST 2022

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – 310 Minster Road Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the large flat roofed side extension would be of significant scale and utilitarian appearance, and would harm the character and appearance of the dwelling and surrounding area in general.

- **Item 5.2 – Land west of Greyhound Road Minster**

APPEAL ALLOWED

COMMITTEE REFUSAL

Observations

The Inspector took the view that this was an acceptable site for a Gypsy and Traveller pitch, taking into account that it remained well screened from Lower Road and the wider area in general and that the site, together with other Gypsy and Traveller sites on Greyhound Road, did not dominate the area or nearest settlement. The Inspector concluded that the development was in accordance with Policy DM10 of the Local Plan.

- **Item 5.3 – 15 Horsham Lane Upchurch**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the scale and varied design of the extensions proposed to this dwelling were significant in scale, resulting in a bulky addition to the dwelling and a cluttered and disjointed appearance. The appeal was dismissed on this basis, although the Inspector did not agree with the Council that the scheme would harm neighbouring amenity as well.

- **Item 5.4 – 1 Woodland Cottages Highsted Road Sittingbourne**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

Small storage/studio building sited forward of the front of the house, determined by the Council as being harmful to the character and appearance of the locality.

The Inspector took the view that the building has only minimal impact on the character and appearance of the location by reason of its low height, its green colour and its siting against the backcloth of tall mature dense vegetation.

Neither did he consider the setting of the neighbouring listed building known as Old Cottage would be harmed.

- **Item 5.5 – 118 High Street Eastchurch**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector applied the Council's guidance on side extensions and found that this scheme, which would result in a two storey side extension close to the site boundary, would substantially reduce the gap between dwellings and would disrupt uniformity and the sense of space between buildings in this part of the High Street.

- **Item 5.6 – 33 The Willows Newington**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

This was a retrospective application for a garage conversion. Although a parking area was retained to the front of the property, the Council was concerned that this area did not meet the guidance for the size of parking spaces within the Council's SPD, and that cars would either overhang the pavement or alternatively park on the road if the garage was converted. In determining that the appeal should be allowed, the Inspector considered that the former garage did not comply with the Council's SPD for internal garage dimensions and that on this basis would not represent a loss of off-street parking (They did not accept the Council's argument that whilst the former garage did not meet the current SPD standards, it was still of a size that could be used for parking). The Inspector considered that the space to the front of the site could accommodate parked vehicles, and although some overhang of the footpath may occur that this would be marginal and not unacceptable. The Inspector also considered that any street parking on The Willows that may occur would not be harmful.

- **Item 5.7 – 2 The Myrtles Summerville Avenue Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the proposed two storey side extension, which extended close to the side boundary with the neighbouring property, would result in the loss of a gap and a decrease in visual permeability between buildings, to the detriment of the character and appearance of the area. The Inspector did not consider the limited parking (1 space) to be of concern, given the lack of parking stress in the road and availability of on-street parking in the area.

- **Item 5.8 – 1 Donemowe Drive Sittingbourne**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

The Inspector allowed a 1.7m high brick and timber wall to the front boundary of this corner property in an open plan estate, citing the character of Newman Drive, which contains some high walls and fences to enclose rear gardens, as reason to allow this.

- **Item 5.9 – Aldi Foodstore Tetternhall Way Faversham**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

Advertisement consent refused for illuminated sign on grounds of visual impact. Affixed to rear wall of supermarket where it faces not onto a commercial area, does not provide access to the supermarket, and is not characterised by commercial signage or activity.

Inspector upheld the appeal on the grounds that the sign is not overly prominent on an elevation facing towards fields and the M2 and relative to residential and commercial uses in the local area.

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Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **15 July 2022.**

Appeal Ref: APP/V2255/D/22/3298136

310 Minster Road, Minster-on-Sea ME12 3NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Marc Rawsthorne against the decision of Swale Borough Council.
 - The application Ref 21/506751/FULL, dated 17 December 2021, was refused by notice dated 3 March 2022.
 - The proposed development is to demolish the existing garage and replace with rear extension and garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character of the dwelling and the surrounding area.

Reasons

3. The appeal site comprises a semi-detached property on Minster Road with a driveway and off-street parking to the front. The surrounds are residential in nature with no prevailing architectural style; the neighbourhood is characterised by dwellings of various size, design and detailing. There are also differences in the widths of gaps between built form.
4. The proposal is to remove the existing detached garage and construct a single storey addition to the house that would incorporate a flat roof across much of its extent. Amongst other things, the scheme would project approximately 7 metres to the side of the residence and run some 14 metres along the flank boundary with 312 Minster Road. It is this section that would be visible from the public domain across the driveway and over the fence on the front boundary.
5. The extension would nearly double the width of the property; this scale would compete with the proportions of the main dwelling, resulting in an imbalance in built form to the detriment of the character and appearance of the residence. The adverse effect would be exacerbated by the sheer scale of the proposed flat roof, which would be visible from the highway. It would result in a boxy and utilitarian design that would fail to integrate with the features of the host property and detract from the visual quality of the surrounds.

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6. I am aware that the existing garage is of no architectural merit, still it is detached from the main house by a central walkway, which gives its own sense of place and provides some relief between built form within the site. As such I accrue its removal only limited weight in the planning balance. I also recognise that the scheme would allow for improvements to the internal accommodation for the use of the appellant and his family, the proposed materials would match those of the house, the size of the plot is relatively large when compared to others in the vicinity, and there have been no objections from local residents. However, these matters do not outweigh the harm I have identified above.
7. I conclude that the scheme would result in harm to the character and appearance of the dwelling and surrounding area. It would contravene Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 and the provisions of the Swale Borough Council Supplementary Planning Guidance 'Designing an Extension – A Guide for Householders', which cumulatively seek to secure new development of acceptable scale and appearance.

Conclusion

8. Based on the preceding and all matters advanced, the appeal is dismissed.

C Hall

INSPECTOR



Appeal Decision

Hearing held on 14 June 2022

Site visit made on 14 June 2022

by **David Cliff BA Hons MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th July 2022

Appeal Ref: APP/V2255/W/20/3254657

Land west of Greyhound Road, Minster on Sea, Kent, ME12 3SP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Levi Cooper against the decision of Swale Borough Council.
 - The application Ref 19/502204/FULL, dated 18 April 2019, was refused by notice dated 24 January 2020.
 - The development proposed is Change of use of land to use as a residential caravan site for one gypsy family with 2 No. caravans, including laying of hardstanding and erection of ancillary amenity building.
-

Decision

1. The appeal is allowed and planning permission is granted for change of use of land to use as a residential caravan site for one gypsy family with 2 No. caravans, including laying of hardstanding and erection of ancillary amenity building at land west of Greyhound Road, Minster on Sea, ME12 3SP in accordance with the terms of the application, Ref 19/502204/FULL, dated 18 April 2019, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appellant already occupies the site, residing in a static caravan. The ancillary amenity building shown on the application drawings has not been constructed, although a smaller amenity building has been erected. There was also discussion at the hearing as to whether the overall extent of the site matches that on the plans. However and for the avoidance of doubt I have determined the appeal based on the application plans before me.
3. As set out within the Statement of Common Ground, the appellant and the Council agree that the appeal site, though in the countryside, is not remote from settlements in locational terms in the context of Policy H (paragraph 23) of the Government's Planning policy for traveller sites of August 2015 (PPTS).
4. Although not included in the Council's reasons for refusal, it remains necessary for me, as the competent authority, to consider the effects upon the integrity of the Medway Estuary and Marshes Special Protection Area in accordance with the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). I have therefore included this within the main issues below.

Main Issues

5. The main issues are:

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i) Whether the appeal scheme would be acceptable taking account of (a) the effect upon the character and appearance of the area and (b) the effect in combination with other gypsy and traveller sites, upon the nearest settled community?

ii) The effect upon the integrity of the Medway Estuary and Marshes Special Protection Areas (SPA) and Ramsar sites.

Reasons

The effect on the character and appearance of the area and upon the nearest settled community

6. Policy DM10 of the Swale Borough Local Plan July 2017 contains a number of criteria setting out the Council's policy approach for considering gypsy and traveller sites. It includes the need to ensure that proposals do not introduce a scale of development that causes significant harm to the character of an area and its landscape.
7. The site is located at the northern end of Greyhound Road, close to its junction with Lower Road (the A2500). Greyhound Road is characterised by several other gypsy/traveller sites, including three sites granted permanent permission at appeal in 2017, along with others permitted by the Council on a permanent basis.
8. The area to the north of Lower Road is of an open rural character up to the boundary with Scocles Road to the northwest, beyond which lies the recently expanded suburban development of Minster on Sea. To the south of Lower Road, further to the east and west of development on Greyhound Road, the area's character is predominantly rural, though not devoid of other intermittent development including an area of commercial development to the east and a disused public house to the west, with further mixed development along Elmley Road.
9. Caravans are by their nature of a limited height and the proposed amenity building would also be of a modest height and scale. The location of the amenity building would ensure that its visual impact is able to be restricted by existing and proposed landscaping and vegetation.
10. Taking account of the flat topography south of Lower Road and existing screening, including the retained wooded and scrubland area to the north and west of the appeal site, the development would not be conspicuous or prominent in surrounding views including from Lower Road. Whilst the scheme extends the existing area of development further to the north, and has led to the loss of a further area of woodland, given that it is located between existing permitted sites and the road, it does not lead to any significant encroachment of development into the open countryside in this location.
11. The retained woodland is sufficient in its extent to effectively mitigate the visual impacts of both the appeal site and existing adjacent sites. In views from Lower Road to the east, the presence of existing roadside hedging, although intermittent in places, along with the existing screening directly adjacent to the site, is sufficient to ensure that the scheme would not be unacceptably prominent or visually intrusive from such vantage points. The fact that the site is parallel to Greyhound Road does not alter this to any significant degree.

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12. Furthermore, given the apparently limited viewpoints where the site would be clearly visible, the development would not be unduly prominent or result in unacceptable visual impacts from views to the north including from the higher vantage points along Elm Lane. The recent development of Thistle Hill on the opposite side of Scocles Road also has the effect of altering the overall character of the area around the appeal site, reducing any perception that it is within an area of undisturbed open countryside. Like the Inspector concluded within the 2017 appeal decision, having regard to the findings of the Swale Landscape Character and Biodiversity Appraisal that the site lies within an area of moderate sensitivity that is in poor condition, I find that the effect on the wider area is limited.
13. Furthermore, the existing landscaping provided on the boundary of the site also demonstrates how the development is capable of being amalgamated within its immediate surroundings without any unacceptable visual effect, whilst not isolating or excluding it from the surrounding community.
14. Criteria 4 of Part B of Policy DM10 includes the requirement that new gypsy and traveller sites do not singly or cumulatively dominate the nearest settlement. This is also reflected in the PPTS.
15. The development would add to the existing group of gypsy and traveller sites on Greyhound Road. These sites are the predominant form of development on the road, although taking account of their overall consolidated form, they have limited overall impact beyond the immediate area. Greyhound Road also contains one permanent dwellinghouse, although this, being a single place of residence, does not amount to what could be considered a settled community in the context of the policy.
16. There is loose knit development on Lower Road, including the area known as Brambledown, including approximately 35 dwellings, stretching east of the appeal site. Although the approval of this scheme would lead to Greyhound Road having ten of the total of approximately 60 gypsy and traveller sites in the Borough of Swale, this, by itself, is a crude measurement to determine whether there would be cumulative adverse impacts on the nearest settled community.
17. The appeal site and existing adjacent development maintains good separation distances to the built development of Brambledown and is not of such a substantial scale and size, both in terms of the cumulative number of pitches and the overall extent, to dominate or harmfully impact upon that community being the nearest settled community.
18. For the above reasons, the development would not result in significant harm to the character and appearance of the area including the intrinsic beauty of the countryside. Nor, in combination with other existing gypsy and traveller sites, would it have an adverse effect on the amenity of or dominate the nearest settled community. It would therefore satisfactorily accord with the relevant design, landscaping protection and amenity aims of Policies ST1, ST3, CP4, DM10 and DM14 of the Local Plan and the PPTS. Furthermore, as the proposal would accord with national planning policy concerning gypsy and traveller sites, it conforms with the Council's settlement strategy contained within Policy ST3 of the Local Plan.

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Medway Estuary and Marshes SPA

19. The site is located within the 6km buffer zone of the SPA and Ramsar sites. Regulation 63 of the Habitat Regulations requires the decision maker to consider whether the development is likely to have significant effects on any European protected sites.
20. The protected areas provide protection for the significant numbers of wildfowl, waders and terns that overwinter or breed within them. The Medway Estuary includes mudflats, reedbeds, saltmarsh and grazing marsh that are rich and diverse ecosystems providing food and high tide roosts for the waders and wildfowl.
21. The development, along with other residential developments expected to come forward in the area, has the potential to increase recreational pressure, including dog walking, on the SPA and Ramsar habitats. This would contribute to the disturbance of the protected habitats including the key bird species, contrary to the relevant conservation objectives of the European sites. The development therefore has the potential to result, in the absence of mitigation, in likely significant effects on the SPA and Ramsar. An appropriate assessment is consequently required.
22. Due to the significant pressure from development in north Kent to accommodate new homes, a strategic approach has been established to protect the SPA and Ramsar sites from the effects of development and to mitigate the resulting impacts of additional recreational visitors upon these protected coastal sites. The approach is set out in the Bird Wise Strategy to manage and mitigate impacts. This has been produced by the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, comprising the local Kent authorities, Natural England, the Kent Wildlife Trust and the Royal Society for the Protection of Birds. It includes a series of specific mitigation measures and costings to manage the impacts of increased recreational use of the coast and particularly bird disturbance. A tariff is applicable to contribute towards the necessary mitigation. The Bird Wise Steering Group has agreed additional guidelines including the requirement that the full tariff (£253.83) is paid per new gypsy and traveller pitch.
23. The Council has produced a SAMMS Mitigation Contribution Agreement in accordance with Section 111 of the Local Government Act 1972 for smaller developments such as the appeal scheme. An agreement has been completed, signed and submitted for this scheme and the Council has confirmed that the necessary payment has already been made by the appellant.
24. Although the payment towards mitigation has been paid by the appellant and confirmed through the SAMMS Agreement, this does include a legally secure obligation for the local planning authority to spend the contribution on the required mitigation. Nevertheless, the following is relevant to my consideration of whether the required mitigation would be effectively carried out in a timely manner.
25. Bird Wise is overseen by a Project Board which governs the development, implementation and commissioning of the strategy. This includes membership by the Council. The Bird Wise Steering Group, that supports the Board, also comprises representation from the Council. An Accountable Body has also been appointed, the duties of which includes the administration of collected funds,

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the commissioning of projects and survey work, the collation of monitoring information and a financial protocol including procedures for approving expenditure and financial accounting. The governance arrangements are captured in a Memorandum of Understanding and an annual report is produced detailing measures implemented and progress made. Therefore, on the basis of the information provided as part of this appeal, with the measures in place as described above, I am satisfied that the contribution already made by the appellant would be spent in a timely fashion on the necessary mitigation.

26. Natural England has also been consulted and has confirmed that, subject to the appropriate financial contribution, the scheme is able to mitigate against the potential recreational impacts on the SPA and Ramsar.
27. I am satisfied that the proposed development, either alone or in combination with other plans or projects, would not adversely affect the integrity of the SPA and Ramsar site. It would accord with the habitat protection aims of Policies CP7 and DM28 of the Local Plan.

Other Matters

28. The Council referred to a recent appeal decision¹ granting permission for an eight pitch gypsy and traveller site at Hartlip elsewhere within the borough. Whilst this increases the supply of pitches, it was only granted for a temporary period of three years due to the harm in that case that would result upon character and appearance and the loss of agricultural land. In the current appeal, no significant harm results and the scheme provides for an additional pitch which accords with the approach for new gypsy and traveller sites set out in both Policy DM10 and the PPPTS. The Hartlip appeal decision therefore has little bearing on the outcome of this appeal. Given the lack of any significant harm and overall compliance with development plan, the issues discussed at the hearing regarding the need for and supply of sites, and the associated appeal decisions provided, are not central to the acceptability of this appeal.
29. For similar reasons, the other recent appeal decision² referred to by the Council at The Old Bindery, Faversham has little bearing on the current appeal, noting that in that case the Inspector found harm both to a conservation area and the Kent Downs Area of Outstanding Natural Beauty.
30. The Council has confirmed that the development does not fall within the catchment area that would be likely to impact upon the Stodmarsh Special Area of Conservation and Ramsar Site with regard to wastewater nitrogen and phosphorus impacts. Therefore there is no need to consider this matter any further as part of this appeal.

Conditions

31. I have considered the conditions suggested by the Council and discussed at the hearing, taking account of the advice and tests set out in paragraph 56 of the National Planning Policy Framework. Other than as described below, I have made some amendments to the wording of the suggested conditions for precision and clarity, but without changing the essence of any condition.

¹ APP/V2255/W/20//3244340

² APP/V2255/C/20/3263577

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32. Condition 1 is required to provide certainty on what has been approved. Conditions 2, 4, 5 and 6 are necessary in the interests of visual amenity and to safeguard the character and appearance of the area. In the case of conditions 5 and 6, these would also safeguard the living conditions of the occupants of neighbouring sites. In view of the particular circumstances of the appeal, Condition 3 is necessary to restrict future occupiers of the site to gypsies and travellers.
33. Condition 7 requires the submission and approval of a Site Development Scheme, including hard/soft landscaping, external lighting and surface water drainage details. This is necessary to safeguard the character and appearance of the area and to provide for appropriate surface water drainage of the site. The wording of this condition reflects the current position that the use has already commenced on the site. Both main parties have agreed to my proposed wording of this condition. The inclusion of lighting and drainage details within this condition means that separate conditions on such matters are not required. Condition 8, requiring replacement planting where necessary, is necessary in the interests of the character and appearance of the area.
34. The Council's suggested condition seeking to prevent the erection of any building or structure within 8 metres of the drainage ditch to the west of the site is unnecessary given that the said drainage ditch is located well over 8 metres from the site boundary.

Conclusion

35. The proposed development would accord with the development plan considered as a whole. Taking all matters into account, I conclude that the appeal should be allowed.

David Cliff

INSPECTOR

Appeal Decision APP/V2255/W/20/3254657

APPEARANCES

FOR THE APPELLANT:

Phillip Brown	Managing Director of Philip Brown Associates Ltd
Levi Cooper	Appellant
Karl Barton	Friend of appellant

FOR THE LOCAL PLANNING AUTHORITY

Andrew Byrne	Area Planning Officer
Jill Peet	Planning Policy Manager

DOCUMENTS SUBMITTED AT THE HEARING

1. Appeal Decision APP/V2255/W/20/3254539 (New Acres, Spade Lane, Hartlip, Kent)
2. Aerial photograph of site and surrounding area
3. Signed Statement of Common Ground
4. SAMMs Mitigation Contribution Agreement for ten units or less

DOCUMENTS SUBMITTED FOLLOWING THE HEARING

1. Signed SAMMS Mitigation Contribution Agreement for ten units or less (dated 12 May 2022)
2. Email from Council (dated 30 June 2022) agreeing amendments to suggested conditions

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Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan 'Travellers Site', Site Layout Plan, PBA2 and 'Amenity Block' plan.
- 2) No development beyond the foundations of the amenity building shall take place until details of the external materials of that building have been submitted to and approved in writing by the local planning authority. The amenity building shall be carried out in accordance with the approval details.
- 3) The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1: Glossary of Planning Policy for Traveller Sites (or its equivalent in replacement national policy).
- 4) No more than two caravans, of which no more than one shall be a static caravan, shall be stationed on the land at any time.
- 5) No commercial activities shall take place on the land, including the storage of materials.
- 6) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the site.
- 7) The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 30 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for the means of surface water drainage of the site, the hard and soft landscaping of the site, including details of existing trees, shrubs and other features, planting schedule, species, plant sizes and numbers, means of enclosure, hard surfacing materials, proposed and existing external lighting and a timetable for implementation (thereafter referred to as the Site Development Scheme) shall have been submitted for the approval of the local planning authority.
 - ii) If within 11 months of the date of this decision, the local planning authority refuse to approve the Site Development Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made, by the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.
 - iv) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Appeal Decision APP/V2255/W/20/3254657

- 8) Upon completion of the approved soft landscaping details under condition 7 (i) above, any trees or shrubs that are uprooted or destroyed or die within five years of planting shall be replaced with trees or shrubs of the same species and size as that originally planted.

End of conditions

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Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/D/22/3296407

15 Horsham Lane, Upchurch ME9 7AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Adrian Long against the decision of Swale Borough Council.
 - The application Ref 21/505502/FULL, dated 11 October 2021, was refused by notice dated 20 January 2022.
 - The proposed development is for a first floor and rear addition including garage enlargement.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on a) the character of the dwelling and the surrounding area; and b) the living conditions of the occupants of 2a Crosier Court in respect of outlook.

Reasons

Character and appearance

3. The appeal site relates to a detached bungalow sited on the southern side of Horsham Lane with a driveway and off-street parking to the front. The surrounding area is predominantly residential in nature with no prevailing architectural style; the neighbourhood is characterised by dwellings of various size, design and detailing.
 4. The scheme comprises a number of elements. I note that the Council does not object in principle to the increase in the height of the roof and the hip-to-gable alterations, and I have no reason to disagree. At the front, the Authority considers the front extension to the garage, the changes to its roof and the new porch to be acceptable, and once more I concur with this view. However, concern is raised in respect of the scale and siting of the front dormer windows.
 5. Although the dormers would be set within the main roofslope and have pitched roofs, they are large and do not relate well to the windows in the ground floor below in terms of their positioning and extent of glazing. Consequently, the resultant front elevation would appear disjointed and represent a missed opportunity to create a more balanced and attractive facade to the property.
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Appeal Decision APP/V2255/D/22/3296407

6. At the rear, the large, unbroken dormer window would dominate the roof of the property. It would be clearly visible from the habitable rooms and private amenity spaces of surrounding dwellings, having a jarring effect by virtue of its scale and extent across the roof of the building and projection to the rear. Its sheer presence would be exacerbated by the disorderly mixture of vertical and horizontal emphases provided by the rear-facing windows and rendered panels.
7. With regard to the ground floor rear addition, I note the guidance concerning side extensions in the Swale Borough Council Supplementary Planning Document 'Designing an Extension – A Guide for Householders' (SPD). This states that, as a general rule, rear extensions should not project from the rear wall of the main house by more than 3 metres.
8. The proposed single storey element would project more than 13 metres beyond the rear elevation of the existing bungalow. Although there appears to be some flexibility within the terms of the SPD, the proposed projection from the rear elevation would be significantly greater than that advocated in the SPD. The excessive size of the element would be in contrast to the existing dwelling, and compete with its overall scale. It would represent a bulky addition to the detriment of the character of the building.
9. Taken in the round, the extent of the proposals at the back of the property would lack architectural subtlety. There would be flat roofs to the ground floor and dormer, an asymmetrical roof to the projecting rear addition, a steep pitched roof over the garage, and an overuse of different materials and finishing including bricks, cedar cladding, rendered white panels, grey cladding, slate tiles and solar panels. Collectively the scheme would appear cluttered and represent an inelegant design.
10. I am cognisant that the host dwelling and wider area are not subject to heritage constraints and the scheme would provide enlarged accommodation for the appellant and his family. However, these issues do not overcome the harm I have identified above. My attention is also drawn to pre-application advice from the Council, however this appears to relate to a significantly different design and is therefore of limited weight in my reasoning.
11. I conclude that the scheme would result in harm to the character and appearance of the dwelling and the surrounding area. It would be contrary Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 (LP) and the provisions of the SPD, which seek to secure new development of acceptable scale and appearance.

Living conditions

12. There is a mature evergreen hedge of substantial height on the boundary with 2a Crosier Court. Despite the scale of the rear extension in close proximity to the boundary, I am satisfied that the screening provided by the hedge would ensure that the outlook from 2a would not be adversely affected.
13. The Council is concerned that the hedge may not remain, however this matter could be addressed through the imposition of conditions requiring details during construction to ensure the protection of the hedge, and a post-development condition for replacement plants should any die or become diseased.
14. I conclude on this matter that the development would not cause detriment to the living conditions of the occupants of 2a Crosier Court in respect of outlook.

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It would accord with Policy DM14 of the LP, which states that proposals should cause no significant harm to amenity.

Conclusion

15. Accounting for my reasoning and all issues raised, the appeal is dismissed.

C Hall

INSPECTOR

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Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/D/22/3298502

1 Woodland Cottages, Highsted Road, Sittingbourne, Kent ME9 0AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Louis & Helen Newell against the decision of Swale Borough Council.
 - The application Ref 21/506434/FULL, dated 19 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is for the erection of a timber framed storage/ studio on a concrete base with insertion of replacement pitched roof, doors and windows.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber framed storage/ studio on a concrete base with insertion of replacement pitched roof, doors and windows at 1 Woodland Cottages, Highsted Road, Sittingbourne, Kent ME9 0AD in accordance with the terms of the application, Ref 21/506434/FULL, dated 19 December 2021, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following plans: 1266/1B, 1266/2B, 1266/3, 1266/4, 1266/5, 1266/6.

3) The external finishes of the development hereby permitted shall match in material and colour those of the existing outbuilding.

Preliminary Matter

2. At my site visit I saw that development has been completed on a flat roof storage/studio, albeit that this does not benefit from planning permission.

Main Issues

3. The main issues are the effect of the development on the character of the dwelling and the surrounding area, including the setting of the Listed Building known as Old Cottage.

Reasons

4. The appeal site relates to an end-terrace property sited on Highsted Road with a driveway and off-street parking to the front. Residences in the immediate area are generally arranged in a linear pattern along the east side of the single
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Appeal Decision APP/V2255/D/22/3298502

public highway. This runs approximately north-south along the base of the valley from the outskirts of Sittingbourne to the north towards Highsted to the south.

5. The house to the north, Old Cottage, is a Grade II Listed Building. It originates from the 16th century and its significance derives from its decorative architectural features and its setting within a rural context. I have applied the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paid special attention to the desirability of preserving or enhancing the character or appearance of the nearby Listed Building by attaching considerable importance and weight to that desirability.
6. The proposal is for a detached storage/studio building to the front of the host property. As I have noted above, I was able to observe the flat roof structure currently present on the appeal site. To my mind this has a minimal impact on the character and appearance of the locality; it is low level in nature, has been painted green to blend with the surrounds, is set against a backcloth of tall, mature and dense vegetation, and new hedgerows have been planted to the front to further soften its presence.
7. Whilst the proposed building would be to the fore of the main house, this in itself need not be harmful. The terrace of which the appeal dwelling forms a part is set well back from those residences to the north and south, with no established building line apparent in the immediate vicinity. A substantial distance would be retained to the public highway, with space on the drive for several cars to the front of the appeal building. I also note that there is a detached garage in the front garden of no.4 Woodland Cottages, which is equally visible within the streetscene. Taken in the round, I am of the view that in this context the proposal would not be harmful to the character and appearance of the area.
8. Turning to the impact on the setting of Old Cottage, I have read that the Council's Conservation Officer would prefer the flat-roof design to remain. This notwithstanding, the appeal is for a pitched roof amongst other things and I have determined the scheme on this basis.
9. I acknowledge that the new roof would be visible above the current hedgerow, however I note the existing outbuildings in the curtilage of Old Cottage itself, that are visible from the public highway above the hedge and have their own pitched roofs. The distance across the side garden and drive of Old Cottage to the appeal building is also not insubstantial. Although it is evident that parts of the hedge are dying, these can be replaced if necessary. With this in mind, and taking into account my other reasoning above, I consider that the setting of Old Cottage would not be adversely affected as a result of the proposal.
10. I conclude that the scheme would not result in harm to the character and appearance of the dwelling and the surrounding area, including the setting of the Listed Building known as Old Cottage. It would meet Policies CP4, DM14, DM26 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which seek, among other things, for development to conserve and enhance heritage assets and complement the character of the area. I am not convinced that the Council's Supplementary Planning Guidance 'Designing an Extension – A Guide for Householders' is relevant to the appeal as it relates to extensions to dwellings, and not outbuildings as is the case in this instance.

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Conditions

11. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning. A condition requiring external materials to match those on the existing building would provide for a satisfactory appearance.

Conclusion

12. Based on the preceding and all matters advanced, the appeal is allowed.

C Hall
INSPECTOR

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Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/D/22/3290352

118 High Street, Eastchurch ME12 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dennis Kavanagh against the decision of Swale Borough Council.
 - The application Ref 21/505397/FULL, dated 4 October 2021, was refused by notice dated 7 December 2021.
 - The proposed development is the erection of single storey rear extension and a first floor extension over existing garage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character of the area.

Reasons

3. The appeal site relates to a semi-detached, two-storey dwelling positioned on the High Street with a driveway and off-street parking to the front. It forms one of a group of semi-detached properties along this side of the highway, which for the most part retain their original proportions and spacing between built form, particularly at first floor level, thus creating a pleasing sense of uniformity and spaciousness.
 4. I note the guidance concerning side extensions in the Swale Borough Council Supplementary Planning Document 'Designing an Extension – A Guide for Householders' (SPD). This states that, as a general rule, houses should not be physically or visually linked, especially at first floor level as the space between buildings is important in preserving character and sense of openness. A gap of 2m between a first floor extension and the side boundary is normally required.
 5. The proposed two-storey side element would be positioned approximately 0.6m from the side boundary with 120 High Street. Although there appears to be some flexibility within the terms of the SPD, the proposed distance from the border would be significantly less than that advocated in the SPD.
 6. As a result the scheme would substantially reduce the gap between the appeal dwelling and no.120 at first floor level. This would decrease the visual permeability between built form and disrupt the uniformity that currently exists between dwellings along this part of the High Street, and be detrimental to the sense of spaciousness.
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7. At my site visit I saw a first floor extension at 108 High Street; I have not been provided with the circumstances surrounding this scheme. In any event, the development is at the end of the row of semi-detached units where it lies adjacent to a more contemporary dwelling of a different scale and appearance. I consider that this element does not therefore justify a first floor addition elsewhere that would be a significant breach of the advice contained in the SPD. Moreover, additions to other houses would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
8. I recognise that the houses elsewhere on the High Street area tightly grouped, however these have a different character to the semi-detached units in the row of which the appeal site forms a part. The appellant also argues that the development should be treated on a first-come, first-served basis, and thus would maintain the space between the appeal dwelling and no.120. However, the SPD advises that a gap of 2 metres between a first floor extension and the *side boundary* (my emphasis) is normally required; the appeal scheme would fall far short of this requirement. Moreover, I am aware of the need for fairness in the planning system and to adopt a first-come, first-served approach could lead to abuse of the process or prejudice future applications.
9. Consequently, I conclude that the scheme would result in harm to the character and appearance of the surrounding area. It would contravene Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 and the provisions of the SPD, which seek to secure new development of acceptable scale and appearance.

Conclusion

10. Based on the foregoing and all matters raised, the appeal is dismissed.

C Hall

INSPECTOR



Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/W/22/3290924

33 The Willows, Newington ME9 7LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Ogechukwu & Ifeoma Ukaejiofo against the decision of Swale Borough Council.
 - The application Ref 21/504980/FULL, dated 9 September 2021, was refused by notice dated 23 December 2021.
 - The proposed development is for internal alteration and minor external alteration, involving changing of garage door to window, matching the existing material.
-

Decision

1. The appeal is allowed and planning permission is granted for internal alteration and minor external alteration, involving changing of garage door to window, matching the existing material at 33 The Willows, Newington, Sittingbourne ME9 7LS in accordance with the terms of the application, Ref 21/504980/FULL, dated 9 September 2021, and the plans submitted with it (site plan, AME/PP/79/02B, AME/PP/79/04, AME/PP/79/05, AME/PP/79/06, AME/PP/79/07A, AME/PP/79/08A, AME/PP/79/09, AME/PP/79/10).

Preliminary Matters

2. At my site visit, I saw that the development has been completed and I note that the application has been submitted retrospectively.

Main Issue

3. The main issue is the effect of the proposal on highway safety with particular regard to the availability of parking space.

Reasons

4. The appeal site is a 2-storey, end-terrace property located on The Willows in a residential estate. The prevailing pattern of built form is of tight-knit rows of properties that face the public highway. The proposal is to convert the garage into habitable accommodation.
 5. The Swale Borough Council Parking Standards Supplementary Planning Document May 2020 (SPD) sets advisory and recommended standards for parking provision within developments. The Council classes the property as suburban, which is not disputed by the appellant, where the SPD recommends that a 3-bedroom dwelling should have 2 parking spaces with minimum parking space dimensions of 5m x 2.5m. The SPD further advises that garages should comply with minimum standards of 3.6m width x 7m depth.
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6. The Council concedes that the garage previously serving the appeal property did not meet the minimum standards set out in the SPD. Given that both the length and width of the garage were deficient, to my mind when judged against the standards a loss of off-street parking would not actually occur.
7. At my site visit I saw a family-sized car on the driveway immediately to the front of the new window. It was parked in such a way that no part of the vehicle projected beyond the confines of the site.
8. The appellant has submitted a photo showing a car also parked on the driveway to the other side of the porch, adjacent to 31 The Willows. Whilst technically below the size expected a smaller vehicle could, in reality, be kept on the space although this might project marginally out onto the public footpath.
9. The appeal dwelling is part of an estate of houses served by a quiet road with no parking restrictions in place. Even if a vehicle was to slightly overhang the front boundary (as demonstrated by the image in the Council's delegated report) there would still be adequate space on the footpath for a pedestrian to pass freely. Consequently, any conflict between highway users would be unlikely.
10. I observed that it would be possible for additional vehicles associated with the appeal site to park in relatively close proximity should the need arise without causing an obstruction. During my site visit I saw no evidence that on street parking in The Willows is particularly difficult.
11. I conclude that the scheme would not result in harm to highway safety with particular regard to the availability of parking space. It would meet Policies DM7 and DM14 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 (LP) and the provisions of the SPD, which require parking facilities in accordance with the County Council's standards.

Conditions

12. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. The development is complete and therefore the standard time limit and plans condition are no longer necessary. I am satisfied that no conditions are required.

Conclusion

13. Given my reasoning, I allow the appeal.

C Hall

INSPECTOR



Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/D/22/3291960

2 The Myrtles, Summerville Avenue, Minster-on-Sea, Sheppey ME12 3JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Mosdell against the decision of Swale Borough Council.
 - The application Ref 21/502476/FULL, dated 27 April 2021, was refused by notice dated 12 November 2021.
 - The proposed development is for demolition of garage to the side/ rear of property. Construction of 2 storey extension to side elevation with ground floor continuing to the rear back wall of existing main house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the determination of this appeal are the effect of the development having regard to a) the character of the surrounding area; and b) parking provision.

Reasons

Character and appearance

3. The appeal site relates to a two-storey, semi-detached property on Summerville Avenue with a driveway and off-street parking to the front. The surrounding area is predominantly residential in nature with no prevailing architectural style; the neighbourhood is characterised by dwellings of various size, design and detailing.
 4. I note the guidance concerning side extensions in the Swale Borough Council Supplementary Planning Document 'Designing an Extension – A Guide for Householders' (SPD). This states that, as a general rule, houses should not be physically or visually linked, especially at first floor level as the space between buildings is important in preserving character and sense of openness. A gap of 2m between a first floor extension and the side boundary is normally required.
 5. The proposed two-storey side element would be positioned approximately 0.9m from the side boundary with 54 Summerville Avenue. Although there appears to be some flexibility within the terms of the SPG, the proposed distance from the border would be significantly less than that normally stipulated.
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Appeal Decision APP/V2255/D/22/3291960

6. As a result the scheme would substantially reduce the gap between the appeal dwelling and no.54, particularly at first floor level. This would decrease the visual permeability between built form and introduce a terracing effect that would be deleterious to the sense of spaciousness that currently exists between the properties.
7. I acknowledge that the site and wider area are not designated heritage assets, that external materials and joinery details would match the existing dwelling, and the overall design would be subordinate to the main house. However, these matters do not overcome the harm I have identified above. I am also cognisant of the side element to 1 The Myrtles; nevertheless this is set much further forward than the appeal proposal and to my mind would not therefore create a sense of symmetry to the semi-detached pairing. In any event, additions to other houses would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
8. I therefore conclude that the scheme would result in harm to the character and appearance of the surrounding area. It would contravene Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 (LP) and the provisions of the SPD, which seek to secure new development of acceptable scale and appearance.

Parking provision

9. The appeal proposal would result in the loss of a garage and off-street parking space. I observed that the area is a residential environment with on-street parking evident. Nevertheless, during my visit at Tuesday lunchtime, many on-street spaces were available close to the appeal site on Summerville Avenue. Whilst I accept this is only a snap shot in time, it is an indication that on-street parking is not difficult to achieve at certain times of day. I also note that there are no restrictions by way of permits, time limits or a pay and display regime.
10. Based upon the evidence before me and my observations, I do not consider that the area suffers from undue parking stress and the scheme would be acceptable in this respect. There is sufficient on-street parking capacity to accommodate the demand arising from the development, without significantly worsening the existing parking situation close to the site and in surrounding streets. I also note that the site is in an accessible area in close proximity to public services and transport modes.
11. I therefore conclude that there would be no undue detriment with regard to parking provision. The scheme would meet policies DM7 and DM14 of the LP and the Swale Borough Parking Standards SPD May 2020 in respect of traffic generation and environmental protection.

Conclusion

12. Having regard to all matters raised, I conclude that the appeal should be dismissed.

C Hall

INSPECTOR

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Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/W/22/3293434

1 Donemowe Drive, Sittingbourne ME10 2RH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Prime Construction Limited against the decision of Swale Borough Council.
 - The application Ref 21/505209/FULL, dated 24 September 2021, was refused by notice dated 6 December 2021.
 - The proposed development is for the removal of existing bushes and erection of a dwarf brickwork wall with piers and timber hit and miss infill panels.
-

Decision

1. The appeal is allowed and planning permission is granted for the removal of existing bushes and erection of a dwarf brickwork wall with piers and timber hit and miss infill panels at 1 Donemowe Drive, Sittingbourne ME10 2RH in accordance with the terms of the application, Ref 21/505209/FULL, dated 24 September 2021, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: D110-OS A, D110-001B, D110-002B, D110-003.

Main Issues

2. The main issues are the effect of the development on the character of the surrounding area.

Reasons

3. The appeal site relates to a detached two-storey house located on a corner plot at the junction between Donemowe Drive and Newman Drive. The surrounding area is predominantly residential in nature with myriad boundary treatments evident to demarcate curtilages with the public highway. Such treatments include a substantial brick wall on Newman Drive directly opposite the appeal site, closeboard fencing opposite the junction with Adisham Green, and combined low brick walls and closeboard timber panels similar to that proposed by this appeal near the roundabout with the B2005 and Attlee Way.
 4. The proposal to introduce a dwarf wall with piers and timber panels to surround the front garden of the appeal building would therefore be similar to the way other curtilages close to the appeal site have either been fully or partially enclosed. Consequently, the appeal scheme would not look out of place in this
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Appeal Decision APP/V2255/W/22/3293434

location. The considerable variety in the appearance of boundary treatments in the area ensures that the proposal would assimilate without causing undue harm to the visual amenity of the locale. As such the enclosure of the front garden would not be detrimental to the character or appearance of the area.

5. I note the Council's argument that existing treatments primarily enclose private garden areas are not positioned to the front of a dwelling. However, to my mind the sheer preponderance of the other examples in the immediate surrounds cannot be ignored. Moreover, I am of the view that the appeal site has a closer association with the Newman Drive streetscene than the open-plan setting further along Donemowe Drive, and therefore my decision need not set a precedent for similar development to the front of dwellings elsewhere in the neighbourhood.
6. I conclude that the scheme would not result in harm to the character and appearance of the surrounding area. It would accord with Policies CP4, DM14 and DM16 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017, which seek to secure new development of acceptable scale and appearance.

Conditions

7. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.

Conclusion

8. Based on the above and all matters raised, the appeal is allowed.

C Hall

INSPECTOR



Appeal Decision

Site visit made on 21 June 2022

by **C Hall BSc MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/V2255/Z/22/3298145

Aldi Foodstore, Tettenhall Way, Faversham ME13 8ZB

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
 - The appeal is made by Aldi Sheppey (on behalf of Aldi Stores Ltd) against the decision of Swale Borough Council.
 - The application Ref 21/506833/ADV, dated 22 December 2021, was refused by notice dated 10 March 2022.
 - The advertisement proposed is for one internally illuminated wall mounted logo sign.
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Decision

1. The appeal is allowed and express consent is granted for one internally illuminated wall mounted logo sign at Aldi Foodstore, Tettenhall Way, Faversham ME13 8ZB in accordance with the terms of the application Ref 21/506833/ADV, dated 22 December 2021. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the following additional conditions:

1. The maximum level of illumination of the sign permitted by this consent shall be no more than 108 c/m².

2. The sign permitted by this consent shall only be illuminated during the opening hours of the premises to which it relates.

Main Issue

2. The main issue in the determination of this appeal is the effect of the proposal on the visual amenity of the area.

Reasons

3. Amenity is not defined within the Regulations, nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood.
4. The appeal site comprises a supermarket and lies alongside the A251 Ashford Road. Immediately to the south of the site are open fields, and further in this direction is the M2 and associated slip road to the A251. The site currently displays a number of advertisements and there are other signs in the area, largely associated with a hotel just beyond this land towards the north. A recently developed housing estate is situated to the west.

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5. The proposed advertisement would be positioned on the elevation facing the fields and the M2. It would not therefore be overly prominent when viewed from the other commercial and residential uses in the local area. The design of the advert is fairly simple, and would not contain any moving images or other animation.
6. The Council argues that the the area to the rear of the supermarket which is where the sign is proposed is not a commercial area, it does not provide access to the supermarket and is not characterised by commercial signage or activity.
7. Whilst I acknowledge the Authority's approach, to my mind the proposal would be seen against the mass of the existing supermarket building. Given the presence of the commercial uses in the vicinity the advertisement would not appear obtrusive. I have no evidence to suggest that the adjoining fields are of any important scenic, historic, architectural or cultural value. The design would be functional, and in the context of its surroundings it would not appear as an incongruous feature or harm the visual amenity of the area.
8. In accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policies DM14 and DM15 of Bearing Fruits 2031: The Swale Borough Local Plan July 2017 and the provisions of the SPD seek to ensure advertisements respond positively to the character of a locality and minimise harm to amenity. As such, these are considered material considerations insofar as they relate to this appeal.
9. I conclude, therefore, that the advertisement would not have a harmful effect on the visual amenity of the area. The scheme would meet with the objectives of the above policies.

Conditions

10. In addition to the 5 standard conditions, I have also imposed conditions as put forward by the Council, to control the level of luminance and hours of operation. They are necessary in the interests of visual amenity. Where necessary I have adjusted the wording of these conditions for preciseness.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR