

Agenda

Planning Committee Meeting

Date: Thursday, 23 May 2024

Time 7.00 pm

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

Membership: To be confirmed following Annual Council on Wednesday 15 May 2024.

Quorum = 6

Pages

Information about this meeting

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website by 22 May 2024.

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1. Emergency Evacuation Procedure

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nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.

- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meetings held on 11 April 2024 (Minute Nos. 817 - 830) and 15 May 2024 (Minute Nos. to-follow) as correct records.

4. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPIs) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

Part B reports for the Planning Committee to decide

5 - 8

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 22 May 2024.

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|----|---|--------------|
| 5. | 2.1 - 23/505541/REM Land between Frognal Lane & Orchard View, Lower Road, Teynham | 9 - 56 |
| 6. | 2.2 - 23/504502/FULL Woodland Farm, High Oak Hill, Iwade Road, Newington | 57 - 76 |
| 7. | 2.3 - 23/504707/HYBRID Land at Lady Dane Farm, Love Lane, Faversham | 77 - 104 |
| 8. | 2.4 - 24/500740/FULL The Cottage, Frinstead Road, Milstead | 105 -
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| 9. | 2.5 - 24/500741/LBC The Cottage, Frinstead Road, Milstead | 123 - |

10.	2.6 - 24/500508/FULL Camwa Ash, Bull Lane, Boughton	130 131 - 140
11.	2.7 - 24/500940/FULL 4 Moonfleet Close, Sittingbourne	141 - 150
12.	4.1 - 23/503228/FULL Cockleshell Walk Car Park, Sittingbourne	151 - 198
13.	Part 5 applications	199 - 222
	Decisions by County Council and Secretary of State, reported for information.	

Issued on Tuesday, 14 May 2024

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 democraticservices@swale.gov.uk. To find out more about the work of this meeting, please visit www.swale.gov.uk

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

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

23 MAY 2024

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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 – 23 MAY 2024

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

PART 2

2.1	23/505541/REM	TEYNHAM	Land Between Frogmal Lane & Orchard View Lower Road
2.2	23/504502/FULL	NEWINGTON	Woodland Farm High Oak Hill Iwade Road
2.3	23/504707/HYBRID	FAVERSHAM	Land At Lady Dane Farm Love Lane
2.4	24/500740/FULL	MILSTEAD	The Cottage Frinstead Road
2.5	24/500741/LBC	MILSTEAD	The Cottage Frinstead Road
2.6	24/500508/FULL	BOUGHTON	Camwa Ash Bull Lane
2.7	24/500940/FULL	SITTINGBOURNE	4 Moonfleet Close

PART 4

4.1	23/503228/FULL	SITTINGBOURNE	Cockleshell Walk Car Park
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PART 5

5.1	23/500529/FULL	DODDINGTON	Hill Crest Dully Hill
5.2	23/502872/FULL	THROWLEY	Moggys Cabin Throwley Road
5.3	22/504412/TNOT56	FAVERSHAM	Queens Hall Car Park Forbes Road
5.4	23/503674/FULL	UPCHURCH	4 Oast Cottages Breach Lane
5.5	23/503208/FULL	HARTLIP	Eastfields Old House Lane

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PLANNING COMMITTEE – 23 MAY 2024

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 23/505541/REM		
PROPOSAL Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale sought) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT.		
SITE LOCATION Land Between Frognal Lane and Orchard View, Lower Road, Teynham		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and a Deed of Variation to the S106 legal agreement with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary.		
APPLICATION TYPE Major – Reserved Matters		
REASON FOR REFERRAL TO COMMITTEE Ward Councillors Lloyds Bowen and Julian Speed request the application be determined by the Planning Committee. Parish Council objection. Letters of representation from more than three separate addresses received within the specified representation period based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee.		
Case Officer Matt Duigan		
WARD Teynham and Lynsted	PARISH/TOWN COUNCIL Teynham	APPLICANT C/O Agent AGENT Chartway
DATE REGISTERED 22/12/2023		TARGET DATE 28/05/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: -		

All drawings submitted:

All representations received:

Schedule of accommodation dated 9/11/2024 (uploaded 05/12/2023).

Planning Compliance Statement undated (uploaded 5/12/2023).

Biodiversity Net Gain Assessment: Feasibility Stage dated 19/7/2023 (uploaded 5/12/2023).

Onsite lighting report dated 27/6/2023 (uploaded 5/12/2023)

Built Heritage Statement dated July 2023 (uploaded 5/12/2023)

Heritage Addendum dated 27/2/2024 (uploaded 6/3/2024)

Landscape & Public Realm Strategy Part 1 and 2 dated November 2023 (uploaded 5/12/2023).

Flood Risk Assessment dated October 2016 (uploaded 14/12/2023)

Design and Access Statement (Parts 1 to 5) dated December 2023 (uploaded 14/12/2023).

Documents from 16/507689/OUT:

Landscape And Visual Impact Assessment dated 24/10/2016 (uploaded 1/11/2016)

Flood Risk Assessment dated October 2016 (uploaded 1/11/2016)

Tree Report & Impact Assessment dated 10/11/2016 (uploaded 17/11/2016)

Air Quality Assessment dated 23/09/216 (uploaded 1/11/2016)

S106 Legal Agreement dated 23/06/2021 (uploaded 25/06/2021)

Documents from 23/502591/SUB:

Arboricultural Survey Impact Assessment and Method Statement dated May 2023 (uploaded 1/6/2023)

The full suite of documents submitted pursuant to the above application are available via the link below: -

[23/505541/REM | Approval of Reserved Matters \(Appearance, Landscaping, Layout and Scale sought\) for erection of 298no. dwellings, a sports ground including pavilion, changing rooms and car park, open space including allotments and community orchard, and associated new infrastructure including access, parking and landscaping pursuant to 16/507689/OUT. | Land Between Frogna Lane And Orchard View Lower Road Teynham Kent ME9 9TU \(midkent.gov.uk\)](https://midkent.gov.uk/23/505541/REM)

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located at Teynham, to the north of the village centre (which is located on the A2 London Road) and to the south of Lower Road.
- 1.2. At its closest point the reserved matters site is approximately 900m from the Teynham railway station. The site has a total area of 20.86ha.
- 1.3. The land to the east of Frogna Lane adjoins the rear gardens of existing residential properties and is an open field and sports ground, whilst land to the west of Frogna Lane is an open, agricultural field.
- 1.4. Immediately beyond the eastern boundary of the site is a Primary School, Teynham Village Hall, a grassed area used as a junior football pitch, a children's play area and a

small car park. A Public Right of Way (PRoW ZR247) runs along the eastern boundary of the site.

- 1.5. The existing dwellings which are adjacent to the application site are mainly two storey dwellings or bungalows.
- 1.6. The western portion of the site currently comprises open land, which slopes down to the west. The site was formerly worked for Brickearth and restored to a level approximately 1m to 2m below Frogmal Lane. Footpath (PRoW ZR256) runs north – south through the western part of the site between the A2 London Road and Lower Road.
- 1.7. There are historically listed buildings nearby (including Frogmal Farmhouse and outbuilding (Grade II*), Claxfield House (Grade II), and Claxfield Farm House (Grade II*)).
- 1.8. Frogmal Lane and Lower Road are designated as Rural Lanes.
- 1.9. The site is near Teynham Air Quality Management Area (AQMA) and areas of the site are of archaeological importance.

2. PLANNING HISTORY

- 2.1. Set out below is the history considered relevant to the determination of the current application:

16/507689/OUT - Approved 23.06.2021

Outline Application (with all matters reserved other than access into the site) for mixed use development including up to 300 dwellings; employment area (Use Classes B1(a), B1(b) and B1(c) (offices, research and development, and light industrial) (up to 26,840sqm); sports ground (including pavilion/changing rooms); open space (including allotments and community orchard); access, including new link road and roundabout on A2; other vehicular/pedestrian / cycle accesses (including alterations to Frogmal Lane); reserve site for health centre; and associated parking and servicing areas, landscaping, wildlife areas, swales and other drainage / surface water storage areas, and related development

[The Applicant has submitted numerous condition discharge applications relating to conditions imposed on the outline planning permission. Concerns have been raised by the Parish Council that these haven't been subject to formal public consultation. Condition discharge applications are not planning applications (the consultation regime does not require public consultation in relation to condition discharge applications). The sub applications relate to technical matters.]

3. PROPOSED DEVELOPMENT

- 3.1. The reserved matters application seeks to take forward an initial phase of the approved outline permission. The current proposal involves approval of reserved matters for 298 dwellings, a sports ground (including pavilion with changing rooms), open space (including allotments and community orchard) and associated new infrastructure (including access, parking, and landscaping etc).
- 3.2. The reserved matters application seeks approval for appearance, landscaping, layout, and scale.

- 3.3. It is recognised that ‘Access’ was a matter determined at the outline stage, as such ‘Access’ (the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network) is already approved.
- 3.4. There is an overlap between the conditions imposed on the outline planning permission and this reserved matters application. The detailed wording of conditions imposed on the outline permission often requires certain matters to be addressed in the reserved matters application, and the Applicant has submitted the required information with this application.

- 3.5. The table below shows the proposed housing mix:

Size/type	Quantity	%
1 bed flats	13	4%
2 bed flats	9	3%
2 bed houses	57	19%
3 bed houses	164	55%
4 bed houses	55	18%
Total	298	100%

- 3.6. The western portion of the site would accommodate the main entrance to the site via a roundabout from the A2 London Road. This part of the site would be largely open space accommodating allotments, a community orchard and surface water detention basins.
- 3.7. The area proposed for allotments comprises 20 standard allotments of 250 sqm each. The allotments are proposed to be fenced and provided with a water supply and 10 car parking spaces. A vehicular access way is proposed off Frogmal Lane, leading to the proposed allotments. A community orchard is also proposed.
- 3.8. The section of Frogmal Lane within the site would be closed to vehicular traffic and become a pedestrian and cycle link.
- 3.9. Vehicular access between the A2 and Frogmal Lane would still be afforded via the new roundabout (at the A2) and the internal access road which links to Frogmal Lane, north of the site.
- 3.10. The land to the east of Frogmal Lane is proposed to accommodate residential development accessed via internal residential streets. The residential development area is arranged as a series of interconnected street blocks.
- 3.11. A primary street loops from the main vehicle access point through the central part of the site with secondary streets linking the outer edges of the development to it.
- 3.12. Landscape buffers are proposed to the west, east and south-west of the residential development area. The buffers are described below: -
- Western boundary – 15m landscape buffer from Frogmal Lane to include new and existing trees and planting;
 - Eastern boundary – 10m buffer from the site boundary, to include the enhanced PRow;
 - South-west boundary – 5m buffer from site boundary with Frogmal Close
- 3.13. Refuse storage for houses would be located in rear gardens. Apartment blocks are provided with communal stores located in accessible locations for residents.

- 3.14. North of the residential area would be playing pitches and a single storey sports pavilion. The sports ground shown would have an overall area of 3.72ha (including a car park (46 spaces) and pavilion). It is proposed that the sports area would accommodate three football pitches during the winter season and a cricket pitch during the summer season. The sports pavilion building accommodates 303 sqm of floor area.
- 3.15. A mix of parking typologies are proposed throughout the development, parking is proposed in courtyards, on plots (driveway parking and/or tandem parking). Overall, for the residential development, 681 parking spaces are proposed. (including 102 visitor parking spaces).

4. CONSULTATION

- 4.1. As part of the planning application, all immediate adjacent neighbours have been consulted.
- 4.2. Two rounds of consultation have been carried out, the first on 11/01/2024 and the second on 5/4/2024. during which 416 letters were sent to neighbouring occupiers; 6 site notices were displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.3. First Round of consultation - neighbours**
- 4.4. During the first round of consultation 79 letters of representation were received in relation to the consultation. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
The development would adversely change the character of the village. The village identity would be lost.	6.2.2, 6.5.8, 6.8.11, 6.8.12, 6.8.15
Traffic congestion would worsen.	6.11.4, 6.11.5
Existing parking pressures would be exacerbated.	6.11.14, 6.11.15
Public transport is limited, meaning there would be a reliance on cars, causing congestion.	6.11.11
The condition of the local roads would worsen with the additional traffic.	6.11.4, 6.11.5
The routes for construction traffic should be controlled.	6.11.16
The increased traffic would increase highway safety concerns.	6.11.4, 6.11.10
Part of Frogal Lane would be closed forcing more use of Lower Road which is not suited to increases in traffic.	6.11.4, 6.11.6,

There is insufficient community facilities and infrastructure to cope with the additional population. There is no GP surgery in Teynham. Local schools don't have the capacity to cope. There are not sufficient dentists in the area to cope.	6.13.4 to 6.13.10
The existing playing fields have a sensitive history and this would be lost if they are built on.	6.6.7, 6.14.6
Roman archaeology would be built over.	6.7.2 to 6.7.8
Conditions are required to control construction impacts.	6.11.16, 6.17.2, 6.17.3
The development would reduce the separation between settlements, Teynham would become part of Sittingbourne.	6.8.11
Building works would displace vermin who would then move into neighbour residential properties.	6.19.5
The proposal would worsen air quality.	6.12.5, 6.12.6
Existing sewer network doesn't have the capacity to cope with additional housing and foul water. Existing drains block and the proposals would worsen the situation.	6.19.1, 6.19.2
The supply of electricity in the area is problematic, with power cuts frequent. Additional development and power usage will exacerbate the issue. There is inadequate water supply and the proposal would exacerbate the issue.	6.19.4
The development would displace open space, fields and agricultural land and Green Belt. Brownfield sites should be built on first.	6.2.1, 6.2.2
The character of the landscape would adversely change and there would impacts to views. The impact on views would impact the setting of the village and heritage assets.	6.5.5, 6.5.8, 6.6.8, 6.6.24
Wildlife habitat would be lost. Biodiversity enhancements are required. Protected species would be harmed.	6.10.3, 6.1.9, 6.10.11, 6.10.12
Places for people to walks and take exercise would be lost, adversely impacting health including mental health.	6.11.8, 6.11.13, 6.14.3, 6.14.13

This proposal doesn't bring forward the employment space, the housing would not be accompanied by jobs. There is concern the employment part of the site might come forward for housing.	6.2.3
The site specific Policy MU4 requires both housing and employment space, as such this proposal is contrary to that policy. The proposal is also contrary to the S106 legal agreement in relation to phasing.	6.2.3
Cumulatively this development and others would result in unacceptable impacts.	6.11.5
Existing flooding issues would be exacerbated.	6.15.3, 6.15.4, 6.15.8,
The development would result in increased pollution.	6.12.6, 6.16.2, 6.16.3
Affordable housing would be for non-locals, not meeting local needs.	6.4.4
The architecture of the proposed buildings doesn't reflect the character of the area.	6.8.12, 6.8.13
Public Rights of Way (PRoW) would be adversely impacted. The development doesn't promote active travel.	6.11.11, 6.11.13
There would be an increase in noise and anti-social behaviour.	6.17.2, to 6.17.13 see also condition 6
The proposals are not sustainable or environmentally friendly and fails to propose adequate conservation of energy and water.	6.18.3, 6.18.5, 6.18.7
Density is excessive and no allowance has been made for green space or wildlife. The central green space is too small for the future population.	6.8.12
The sports pitches may not be delivered in which case there would be a loss of sports facilities. Other infrastructure such as street lights may not be delivered.	6.14.8
Lighting of the sports pitches would impact on residential amenity. Noise from the use of allotments and potentially fires in the allotments would impact on the amenity of nearby neighbours.	6.17.14, 6.17.15

Nearby houses which have just been built remain unsold. There is not demand for the new housing proposed.	6.2.2
The community facilities including football pitches, pavilion and car parking on a leasehold for 25 years at peppercorn rent. Details are not clear after 25 years. Concern is raised that the facilities would not be available for future generations. Concern is also raised over the lack of long-term ownership and maintenance of open spaces, allotments and drainage infrastructure is required.	6.14.9
The development should be integrated into the existing community with easy access to facilities.	6.8.7
The new population would need mobile phone signal and more mobile phone masts would be required with associated visual and electric and magnetic fields adversely impacting views and health.	Phone masts would require separate permission and are not a material consideration for this application.
The housing should be located near the A2 and open space where the housing is proposed.	6.2.4
The site is a rural location, not suitable for additional housing.	6.2.2
The proposals don't improve health care facilities in the village contrary to Policy MU4.	6.13.4 to 6.13.10

4.5. First Round of consultation – Parish Councils

4.6. In summary (the full response can be viewed online), Teynham Parish Council raised the following concerns:

Comment	Report reference/ clarification
The employment space and the health facility may not be delivered. A future planning application could be submitted for change of use in order to build additional houses at a later stage.	6.2.3
There are currently no GP facilities in the village. New houses should not be occupied until medical/GP facilities have been built and operational within the village.	6.13.9

Many members of the public have been unaware of the condition discharge application relating to the outline permission, including relating to the Public Rights of Way (PRoW).	6.19.7
Since the outline planning permission was granted there have been a number of significant changes in the local area, including other large developments.	6.11.5
Construction would be disruptive and robust measures are required to protect residents.	6.11.16, 6.17.2, 6.17.3, 6.17.4
The site has limited access and PRoW are impacted.	6.11.13
A wide range of individuals and groups will be impacted by this development. Consideration should be taken to reach these diverse groups of people.	4.2
The construction phase(s) will impact large numbers of people over an extended period of time.	6.11.16, 6.17.2, 6.17.3, 6.17.4
Phasing controls have not been adhered to.	6.2.3
There is a need to set, monitor and enforce rigorous planning constraints. It's essential to minimise the impact on day-to-day activities during the construction phase. Hours of work should be restricted.	6.11.16, 6.17.2, 6.17.3, 6.17.4
A comprehensive travel and parking plan is required, covering construction crew, visitors, materials (loading and unloading), equipment and the removal of waste.	6.11.11
It's essential to ensure all the community components of the project are completed at an early stage.	6.14.9
Significant effort should be placed on protecting and maintaining routes through the site during construction phase or provide near-by alternative routes.	6.11.8
The capacity of the wastewater infrastructure is a major concern. Further concerns existing over the capacity of fresh water and electrical supplies to cope with additional demand.	6.19.1, 6.19.2, 6.19.3,

The foul water pumping station should be relocated and be set 50m away from any habitable room.	6.17.10 to 6.17.13
Actions should be taken to protect against infestations by rodents.	6.19.5
New traffic modelling required to reflect significant changes since the outline permission.	6.11.5
Consideration should be given to a district heating system.	6.18.4
Emergency services may need greater capacity.	6.17.10
Concerns are raised in relation to the design, including: <ul style="list-style-type: none"> ○ Context ○ Identity ○ Public spaces ○ Movement ○ Uses ○ Roads and access ○ Homes and buildings ○ Lifespan. 	6.8.5 to 6.8.13, 6.8.15 to 6.8.23, 6.11.6, 6.14.6.

4.7. Lynsted with Kingsdown Parish Council fully endorse the comments submitted by Teynham Parish Council.

4.8. In summary, Tonge Parish Council raised the following concerns.

Comment	Report reference/ clarification
There is a lack of GP facilities in the area. There is not sufficient capacity to cope with the additional population.	6.13.9
Additional traffic from the development would worsen congestion and pose highway safety risks including for cyclists.	6.11.4
Construction activities would be disruptive and construction traffic dangerous.	6.11.16, 6.17.2, 6.17.3, 6.17.4

4.9. Second round of consultation – neighbours

4.10. During the second round of consultation a further set of 416 letters were sent to nearby occupiers on 5/04/2024. In response 7 letters were received. The following additional concerns/ comments were raised in relation to the following matters:

Comment	Report reference
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Agricultural land would be lost impacting food security and increasing carbon emissions.	6.2.2
Existing houses would be overlooked resulting in a loss of privacy. This would be exacerbated by changes to increase ground levels.	6.17.5, 6.17.7, 6.17.8, 6.17.9
Existing trees would be removed, contrary to advice provided by the developer.	6.9.5

4.11. Second Round of consultation – Parish Council's

4.12. In response to the second round of consultation, Tonge Parish Council reiterated earlier concerns and raised the following additional matters:

Comment	Report reference
The changes to Frogmal Lane and Lower Road would pose a danger to cyclists.	6.11.6
Pollution from traffic would increase.	6.12.5, 6.12.6

4.13. REPRESENTATIONS

SBC Conservation Officer - In summary the SBC Conservation Officer provided the following advice:

- Raised concern in relation to the Heritage Assessment addendum which doesn't adequately quantify cumulative change to the setting of Claxfield House and Claxfield Farmhouse. The setting of Claxfield House (Grade II) and Claxfield Farmhouse (Grade II*) would be impacted by the new junction works, highway signage and lighting (less than substantial harm).
- Claxfield Lane (a rural lane) would be impacted.
- Request landscaping around the junction of Claxfield Lane and the A2 to help screen highway works, lights and signage from the setting of listed buildings.

SBC Urban Design Officer - In summary the SBC Urban Design Officer raised no objection and made the following conclusion:

Overall, the development has the potential to become a place that integrates successfully into the context. The principles used for the design are rational and in keeping with the characteristics of well-designed places, although more variety in building form would have been welcomed. Submitted information assesses the design against the Building for a Healthy Life (2020) standards and establishes that good design principles have been applied in practice. Subject to additional detail on materials, construction details and landscaping no objections are raised on urban design grounds.

SBC Climate Change Officer – No objection.

SBC Affordable Housing Manager – Raised no objection and noted that the Affordable Housing will be allocated through the Council's housing register or to those who have a local connection to the Borough.

SBC Greenspaces Manager – In summary the Greenspaces raised no objection to the proposal and advised:

- Sports facilities
 - The changing facilities are adequate. It is unlikely that all pitches would be in use at the same time, junior teams tend not to use changing facilities.
 - Require detailed construction plans, details of mechanical plant, security alarm, fencing of the sports field (secure from vehicles and prevent balls annoying neighbours).
 - The pavilion main entrance, pedestrian access from road and car park requires a level of lighting for security and promotion of community use.
 - Require detailed specification for construction the pitches including pitch drainage.
- A play facilities contribution is already secured and is adequate for funding offsite play facilities.
- Allotments
 - Entrance gate will need to be wide enough to allow vehicular deliveries.
 - A “communal area” allocated within allotments to allow for activities (building etc) and for the site to be provided with services electric and water.

KCC Archaeology – No objection.

KCC Lead Local Flood Authority (LLFA) – No objection.

KCC Minerals and Waste - No objection.

KCC Highways – No objection.

KCC Ecological Advice Service – No objection subject to a condition to control lighting.

National Highways – No objection.

UK Power Networks – In summary UKPN advised that there are electrical cables crossing the site. The Applicant is liaising with UKPN to ensure these are protected or diverted.

SGN Plant Location Team – SGN provided a series of informatives for the developer.

Mid Kent Environmental Health Officer – Raised no objection subject to a condition to control lighting.

Environment Agency - No comments to make.

Kent Police - No objection and provided a number of informatives.

Natural England - As competent authority, the Council must carry out a HRA /AA and adhere to its conclusions. No objection subject to securing appropriate mitigation for recreational pressure impacts on protected habitat sites.

Lower Medway Internal Drainage Board – Advised no comments to make.

Southern Water - In summary, Southern Water advised that occupation should be restricted to no more than 50 homes until the capacity of the local sewerage network has been enhanced.

Kent Fire and Rescue Service – No objection.

Historic England – No objection.

Sport England – No objection subject to conditions being imposed on any consent relating to the sports facilities and a community use agreement. Advice was provided in relation to detailed design requirements for the sports facilities.

5. DEVELOPMENT PLAN POLICIES

5.1. The following policies are relevant to the determination of the application.

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST 1 Delivering sustainable development in Swale.
- ST 3 The Swale settlement strategy.
- CP 1 Building a strong, competitive economy.
- CP 2 Promoting sustainable transport.
- CP 3 Delivering a wide choice of high-quality homes.
- CP 4 Requiring good design.
- CP 5 Health and wellbeing.
- CP 6 Community facilities and services to meet local needs.
- CP 7 Conserving and enhancing the natural environment.
- CP 8 Conserving and enhancing the historic environment.
- MU 4 Land at Frognal Lane, Teynham.
- 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 24 Conserving and enhancing valued landscapes.
- DM 26 Rural lanes.
- DM 28 Biodiversity and geological conservation.
- DM 29 Woodlands, trees and hedges.
- DM 32 Development involving listed buildings.
- DM 34 Scheduled Monuments and archaeological sites.

National Planning Policy Framework, 2023

Kent Minerals and Waste Local Plan, 2020

Supplementary Planning Documents

- KCC Developer Contributions Guide.
- Parking Standards (2020).
- Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020).
- Planting on new development – a guide to developers.
- Kent design – A guide to sustainable development (2000).
- Air Quality Technical Guidance (2021).

- A Heritage Strategy for Swale (2020).

6. ASSESSMENT

6.1. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage
- Archaeology
- Character and Appearance
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

6.2. Principle

6.2.1. The application site is subject to a specific Local Plan Policy (MU4) which allocates the site for a mixed-use development including residential dwellings, employment space, areas of open space and landscaping.

6.2.2. The site allocation was taken forward through an outline application, that was granted planning permission on 21 June 2021 under reference 16/507689/OUT (see Section 2 of this report for further detail). The principle of the development has been established through the outline application.

6.2.3. Concern has been raised in consultation responses that that the current reserved matters application does not include the employment space towards the northern part of the site. However, there is no restriction included on the outline permission to require the employment land to be build out prior to (or at the same time as) the residential and open/sports space coming forward. The current reserved matters application would not prevent employment space coming forward as a separate reserved matters application at a later time.

6.2.4. Various documents were approved at the outline stage including a parameter plan setting out the location of development, sports facilities, and landscaped areas etc. This reserved matters application accords with the approved parameter plan.

6.2.5. The outline permission also approved a number of access and highways drawings. This reserved matters application accords with the approved access and highway plans. In view of the site-specific Policy (MU4) and the outline permission, there is no objection in principle to the current proposal.

6.3. Size and Type of Housing

6.3.1. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

6.3.2. The NPPF recognises that to create sustainable, inclusive, and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.

6.3.3. The Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA). The proposed mix of housing is set out below:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market		27	130	41	198
Affordable	13	39	34	14	100
Total	13	66	164	55	298

6.3.4. The supporting text to Local Plan Policy CP3 sets out requirements for market and affordable housing by size. The table below shows the requirements and how the proposal compares with this.

Tenure – Local Plan	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	36%	42%	15%	100%
Market Proposed	0%	14%	66%	20%	100%
Affordable Required	8%	20%	36%	36%	100%
Affordable Proposed	13%	39%	24%	14%	100%

6.3.5. The Council has a Housing Market Assessment (HMA) prepared in 2020 (i.e., more recently than the Local Plan) and after the introduction of the standard method for calculating the objectively assessed need. As such officers have considered the proposed housing mix against that set out in the HMA.

Tenure - HMA	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	33%	41%	19%	100%
Market Proposed	0%	14%	66%	20%	100%
Affordable Required	27%	23%	30%	20%	100%
Affordable Proposed	13%	39%	24%	14%	100%

6.3.6. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be remembered that this reflects the borough wide need.

6.3.7. In terms of the affordable tenure, advice from the Council's Affordable Housing officer is that evidence from the housing register shows that there is considerable demand for 2 bed dwellings. Given this localised knowledge of demand no objection is raised to the size of affordable dwellings.

- 6.3.8. In terms of the private housing (market tenure), the proposal would deliver a greater proportion of 3 bed dwellings and fewer 1 and 2 bed dwellings than is indicated as being required by the supporting text to Local Plan Policy CP3 or the HMA (2020).
- 6.3.9. Again, it is noted that the mix of dwellings set out in the HMA and Policy CP3 is borough wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas have been established which relate to specific postcode evidence.
- 6.3.10. For Teynham, the supporting text to Local Plan Policy CP3 states that the greatest local demand is for good quality family housing. The application proposes family housing in both the market and affordable tenures.
- 6.3.11. Given the location of the site within Teynham, along with evidence from the housing register (for demand for family housing), it is considered that the proposed mix would provide an acceptable mix of quality housing types and unit sizes in Teynham (in accordance with parts 1 and 2 of Policy CP3).
- 6.3.12. Officers have taken account of the context in which the site is set, policy requirements, the HMA, the housing register, the local housing market areas and overall analysis shows that the proposal broadly complies with Local Plan Policy CP3.
- 6.3.13. The proposed homes would all provide a functional layout to provide an adequate standard of living accommodation for future occupiers. Overall, the proposal is considered to comply with Local Plan Policy CP3.

6.4. Affordable Housing

- 6.4.1. The affordable housing proposed as part of the development equates to 18.5% of dwellings. This reflects the level of affordable housing secured at the outline stage. This was on the basis that a greater proportion of affordable housing would render the scheme unviable. The financial viability of the scheme was therefore rigorously tested at the outline stage by an external consultant, and the result of the independent testing showed that the scheme would not be viable with a greater proportion of affordable housing.
- 6.4.2. In terms of affordable housing, the scheme would deliver 55 homes as affordable dwellings. This meets the requirement (18.5%) set out in the S106 agreement.
- 6.4.3. Of the total affordable homes, the S106 legal agreement requires that 40% of the affordable dwellings be affordable rented homes and 60% of the affordable homes as intermediate housing. This equates to:
- 22 affordable rented homes (40%) and
 - 33 intermediate homes (60%).
- 6.4.4. The proposals accord with the required overall proportion and tenure mix of affordable dwellings. The affordable rented homes are proposed in 3 flatted blocks (Block B, C and D), and the intermediate tenure homes would be in the form of houses spread through the development. Affordable Housing would be allocated through the Council's housing register or to those who have a local connection to the Borough.
- 6.4.5. All of the affordable house types will be compliant with the Nationally Described Space Standards. The S106 legal agreement requires six of the affordable units to meet Part M4(2) of the Building Regulations and six of the units to meet Part M4(3) of the Building Regulations. The application accords with this requirement.

- 6.4.6. In terms of being indistinguishable from market housing, no objection is raised to the proposed affordable homes (they are indistinguishable from the houses proposed in the private tenure). The affordable homes would enjoy good outlook, light and privacy.
- 6.4.7. This application has been brought forward by the Applicant in partnership with a Register Provider of affordable housing. The Register Provider advised that they anticipate receiving grant funding which would mean that a greater proportion of affordable housing can be provided.
- 6.4.8. The Applicant has confirmed that the uplift in affordable housing is only facilitated through grant funding. The terms of the grant funding are such that it must be additional to that secured as part of the original S106 legal agreement. This means that the Applicant cannot commit to securing the additional affordable housing in a legal agreement without losing the grant funding.
- 6.4.9. In terms of additional affordable housing, a further 45 affordable dwellings are proposed. Therefore, in total the scheme would deliver 198 dwellings as private sale and 100 dwellings (33.33%) as affordable.
- 6.4.10. Of the 100 affordable homes 50 would be delivered as Affordable Rented with Swale Borough Council having nomination rights to all of these. The other 50 affordable homes being delivered as shared ownership homes.
- 6.4.11. The shared ownership dwellings would allow eligible residents to purchase an initial equity stake in their new homes helping residents into homeownership. There is also a nominations agreement between the Council and the Registered Provider in relation to Shared Ownership dwellings which mean they would be offered to Borough residents (or those with a connection to the Borough) first.
- 6.4.12. A proposed range of property sizes and the balance between rented and shared ownership housing (50%/50%) would address the identified local housing need and has been developed following consultation with the Council's Affordable Housing officer.
- 6.4.13. The rent for Affordable Rented dwellings would be capped at Local Housing Association rates to ensure affordability for local people identified by Swale as being in housing need.
- 6.4.14. The table below sets out the proposed affordable housing provision:

	S106 requirement (55 homes)		Additionality (45 homes)		Total	%
	Affordable Rent	Shared Ownership	Affordable Rent	Shared Ownership		
1 bed flats	7				7	7%
1 bed flat M4(3)	6				6	6%
2 bed flats	9				9	9%
2 bed houses		3	11	16	30	30%
3 bed houses		16	17	1	34	34%
4 bed houses		14			14	14%
Total	22	33	28	17	100	100%

- 6.4.15. The weight given to the provision of the additional affordable housing must be carefully considered due to the fact that the additional affordable housing is being voluntarily

provided (funded through grant funding) and is not binding requirement. As such no weight has been afforded to the benefit of the additional affordable housing.

- 6.4.16. The proposals for affordable housing accord with Policies MU4, DM8, CP3, CP4, CP5, DM14 of the Local Plan.

6.5. Landscape and Visual

- 6.5.1. The NPPF (paragraph 180) requires that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 6.5.2. Local Plan Policy ST1 relates to delivering sustainable development in Swale and states (Part 11) that the policy seeks to conserve and enhance the natural environment. Local Plan Policy DM24 relates to conserving and enhancing valued landscapes. The site is not a designated valued landscape for the purposes of the NPPF.
- 6.5.3. The site does not lie within a Special Landscape Area or an Area of High Landscape Value (it is a non-designated landscape). For non-designated landscapes Policy DM24 states that these will be protected and enhanced, and planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts.
- 6.5.4. For all landscapes, the scale, layout, build and landscape design of development should take account of the key characteristics, sensitivity, condition and capacity of the landscape, taking opportunities to enhance the landscape where possible.
- 6.5.5. The outline permission was accompanied by a Landscape Visual Impact Assessment (LVIA) prepared in accordance with the published guidance provided by the Institute of Environmental Management and Assessment and the Landscape Institute (IEMA/LI), the Countryside Agency, the Department of the Environment, Transport and the Regions (DETR).
- 6.5.6. A Zone of Significant Visibility (ZSV) study was established as part of the LVIA to assess the broad theoretical extents of visibility of the proposed development.
- 6.5.7. The LVIA included 20 viewpoints taken at locations where it was anticipated potential effects would be greatest. A parameter plan was included at the outline stage which limits buildings heights such that they do not exceed the ZSV. Visual impacts were considered acceptable at the outline stage.
- 6.5.8. There will be clear changes to the character of the landscape, however the current reserved matters application accords with the parameter plan approved at outline stage (including height limits, setbacks from neighbouring boundaries and landscape buffers between proposed and existing development). The proposals would not encroach into a designated countryside gap or result in the coalescence of settlements.
- 6.5.9. Condition 8 imposed on the outline permission requires a detailed strategic landscape scheme to be provided, the applicant has submitted a strategic landscape scheme to address the condition requirements, which is mirrored in the reserved matters application. The reserved matters application is also accompanied by a significant amount of landscaping detail.
- 6.5.10. The landscaping strategy would help to minimise landscape and visual impacts by screening and softening the appearance of the development. The application proposes a series of formal and informal open spaces across the site. It comprises a large area of

open space to the west side of the site, with embedded green and blue infrastructure features. Wetland areas forming part of the sustainable drainage strategy are proposed within a framework of new meadows, scrub, grassland, tree, hedgerow and wetland planting.

- 6.5.11. In addition, areas for orchard and allotments, with boundary hedgerow are proposed. North of the residential development site would be sports playing fields for recreational purposes. This would be bounded by tree planting, supplementing existing trees beyond the playing field edges.
- 6.5.12. Throughout the scheme existing landscape structure and features including woodland, trees and hedgerows would be retained and augmented by new meadows, woodland, scrub, hedgerows, and wetland planting. The proposals provide an integrated landscape strategy that would achieve a net gain in natural/semi-natural greenspace, integrate the development within the wider landscape. The application accords with Local Plan Policy MU4 in this regard.
- 6.5.13. The current proposals adhere to the maximum parameters and reflect the illustrative master plan, with lower building height towards the site edges. The application accords with Local Plan Policies ST1 and DM24.

6.6. Heritage

- 6.6.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.6.2. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale’s designated heritage assets. The policy states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity.
- 6.6.3. Policy DM32 of the Local Plan relates to development involving listed buildings and states that development proposals affecting a listed building, or its setting will be permitted 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.
- 6.6.4. The South Lakeland District Council v Secretary of State for the Environment case and the Barnwell Manor case (East Northamptonshire DC v SSCLG) establish that “preserving” in s.66 means “doing no harm”.
- 6.6.5. In assessing heritage impacts, the first step is for the decision-maker to consider each of the designated heritage assets, which would be affected by the proposed development in turn and assess whether the proposed development would result in any harm to the significance of such an asset.
- 6.6.6. The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

- 6.6.7. The site does not contain any listed buildings, any indirect impacts would be to the setting of designated heritage assets. The application site is not located in a Conservation Area. Concerns have been raised in objection that the loss of existing sports fields would result in harm to the history of the playing fields. However, the existing sport pitches are not identified by the Council's Conservation Officer as having historical significance for planning purposes.
- 6.6.8. The following heritage assets have been identified as being potentially impacted by the proposal:
- Frogna Farmhouse (Grade II* Listed).
 - Frogna Farm Barn (Grade II Listed).
 - Claxfield House (Grade II Listed).
 - Claxfield Farmhouse (Grade II* Listed).
- 6.6.9. The significance of Frogna Farmhouse and Barn resides in their respective group value as a historic house and farmstead. Given the location of proposed development (well separated from Frogna Farmhouse) and intervening built form and landscaping, no harm would be caused to Frogna Farmhouse and the associated Barn.
- 6.6.10. Claxfield House is located on the southern side of the A2. That building was constructed by the end of the eighteenth century. The close positioning of the house to the roadway is reflective of its historic setting. The setting is dominated by London Road to the immediate north of the house.
- 6.6.11. The house is currently enveloped by an expansive car park to the rear, consequently, the setting is somewhat compromised and overall, makes only a limited contribution to the building's significance.
- 6.6.12. Claxfield Farmhouse is a timber framed dwelling located on the western side of Claxfield Road. Claxfield Farmhouse displays features from medieval and Tudor times.
- 6.6.13. It is proposed to introduce changes to the geometry of the A2 and Claxfield Road to create a roundabout with associated signage and lighting. The highway works are close to Claxfield House and Claxfield Farmhouse. The Applicant was asked to reconsider the location of highway signage and lights and this work was undertaken in conjunction with KCC Highways.
- 6.6.14. While some changes were made to move signs and lights further from the listed buildings, the signage and lighting are required to meet very specific requirements in order to comply with Highways safety requirements. Evidence has been provided by the applicant, and confirmed by KCC Highways that further changes to the position of necessary highway signage and lights cannot be accommodated without compromising highway safety.
- 6.6.15. In accordance with paragraph 201 of the NPPF, the Council's Conservation officer requested landscaping be provided offsite on the southern side of London Road to soften and minimise the impact of the development in views towards the listed buildings. If approved a condition would be required to secure a scheme of offsite landscaping at the junction of Claxfield Road and the A2/London Road.
- 6.6.16. However, even with the proposed landscaping, the Council's Conservation officer advises that signage and lights would impact the setting of Claxfield House and Claxfield Farmhouse. The impact would be harmful (less than substantial) to the setting of these heritage assets.

- 6.6.17. At paragraph 208 of the NPPF it states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.6.18. A public benefit can be anything that delivers economic, social or environmental objectives, which are the three overarching objectives of the planning system as set out in the NPPF.
- 6.6.19. The development would bring forward jobs and spending during the construction phase. Paragraph 85 of the NPPF advises that significant weight should be placed on the benefit a scheme offers in supporting economic growth and productivity. The wider outline permission includes employment space, and while the current application doesn't include the employment land the proposed roundabout and access road from the A2 would facilitate the development of employment space as a later phase.
- 6.6.20. The proposed development would be of a design that would positively respond to its surroundings. Materials are well considered. The proposed soft landscaping would help to soften the appearance of the development and assist in relating it to the surrounding landscaping. Moderate weight can be given to the contribution the development would make to enhancing the appearance of the area, including through landscaping and good design.
- 6.6.21. The proposal would bring a former mineral extraction site back into use for housing (including affordable housing). The proposal would also support remediation of contaminated land. Paragraph 124 of the NPPF states that substantial weight should be given to these benefits.
- 6.6.22. The proposal includes delivering housing including affordable housing in an accessible location on an allocated site. The proposal would contribute to housing supply and significant weight can be afforded to this benefit.
- 6.6.23. The proposed development would bring forward sports pitches and open space, including allotments and a community orchard. The proposals have designed in accordance with sustainability principles, it would achieve more than the minimum Biodiversity Net Gain requirements and include measures to offset carbon. Moderate weight has been afforded to this benefit.
- 6.6.24. Whilst officers have been mindful of the statutory duty and have placed great weight and importance on the fact that less than substantial harm would be caused to the setting of Claxfield House and Claxfield Farmhouse, the benefits are considered to outweigh the harm. The proposals comply with Local Plan Policies CP8 and DM32 and paragraph 208 of the NPPF and Section 66(1) of the PLBCAA.

6.7. Archaeology

- 6.7.1. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ.
- 6.7.2. A condition (15) was imposed at the outline stage requiring archaeological investigations to be undertaken. The archaeological excavations were undertaken and were overseen by the KCC Archaeologist and important finds included artefacts from the Roman era.

- 6.7.3. What is thought to be the remains of a Roman mausoleum were found, as well as various burial sites and a statue of the Roman God, Triton. The remains of the mausoleum are located in the general vicinity of the new roundabout at the A2.
- 6.7.4. While some artefacts of importance have been removed for restoration, the remainder are to be preserved in situ, the proposals for preservation in situ have been agreed by the KCC Archaeologist. Concerns have been raised in objections that the archaeological remains would be built over. For clarity, the new junction with the A2, the roundabout and internal access road and foot ways were approved in 2021.
- 6.7.5. The detailed engineered highway proposals in the vicinity of the archaeological finds were informed by the Applicant's Archaeologist, and the proposed method of preserving the archaeological remains (preservation in situ) beneath the road and roundabout were approved by the Kent County Council archaeologist.
- 6.7.6. The Kent County Council archaeologist advised proceeding with the preservation of the archaeology as proposed is important to ensure these are not degraded by weather.
- 6.7.7. Given the importance of archaeological remains found, it would be appropriate for a scheme of interpretation to be introduced to explain what was found and the significance. A condition is recommended to secure the interpretation.
- 6.7.8. The current application was referred to the KCC Archaeological Officer who advised that in view of the extensive archaeological work undertaken to date, no objection is raised. The proposal would comply with Local Plan Policy DM34.

6.8. Character and appearance

- 6.8.1. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.8.2. Local Plan Policy CP4 requires good design and states development proposals will enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place. The Policy goes on to highlight that development proposals should be appropriate to the context in respect of materials, scale, height and massing.
- 6.8.3. Policy DM14 of the Local Plan states that development proposals will reflect the positive characteristics and features of the site and locality.
- 6.8.4. The reserved matter for layout requires details of the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other and to buildings and spaces outside the development.
- 6.8.5. The residential layout is arranged as a series of interconnected street blocks. A primary street loops from the main vehicle access point through the central part of the site with secondary streets linking the outer edges of the development to it.
- 6.8.6. The proposal includes limited number of shared surface home zones with lower vehicle speeds promoting pedestrian friendly spaces. The street blocks would allow permeability through the site, which is proposed to be supported by north-south and east-west cycle and pedestrian routes that connect with destinations.
- 6.8.7. Local Plan Policy CP4 requires development to make safe connections physically and visually both to and within developments, particularly through using landscape design and open space to retain and create green corridors for pedestrians, cyclists, and biodiversity. The proposal would provide opportunities for people to make sustainable

movement choices by linking with and integrating to the existing village and wider community.

- 6.8.8. The layout shows buildings are positioned to define and reinforce the street which is acceptable. A range of housing types are proposed and arranged to perform specific roles within the layout. By way of example, detached houses and apartment blocks provide prominence at key positions within the layout. Other buildings, such as semi-detached houses are sited on corners to provide dual aspect over adjoining streets. This is acceptable as the arrangement of building typologies would provide a variety of homes throughout the development, with the dwellings addressing the streets and open spaces proposed with active frontages.
- 6.8.9. The layout also proposes to provide a single open space centrally located to the development, rather than smaller open spaces spread around the layout. The open space is larger, and this would make it more successful in the ways in which it could be used by the new community.
- 6.8.10. The reserved matter for appearance requires that the aspects of a building or place within the development which determine the visual impression to be provided.
- 6.8.11. Concerns have been raised in objections that the character of Teynham would change and the identity of the village would be lost. However, in this case the site is allocated for development in the Local Plan and already benefits from outline permission for up to 300 dwellings.
- 6.8.12. The proposed housing arrangement responds to the site's specific constraints and opportunities and has taken into account and is reflective of the densities, design, and materiality of existing housing within Teynham. The proposed density broadly reflects that in the village and has been arranged to respond to the context, this accords with Policy CP3 of the Local Plan (which requires that densities be determined by the context and the defining characteristics of the area).
- 6.8.13. Local Plan Policy DM14 requires development to be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. In terms of scale, the buildings would range between 1 to 2.5 storeys in height which accords with the approved outline permission parameter plan. The majority of dwellings would be two storeys, with the apartment blocks rising to 2.5 storeys and the sports pavilion being single storey.
- 6.8.14. The site has been used in the past for mineral extraction (brick earth), with the result that levels across the site vary. Conditions are imposed on the outline permission requiring cross sectional drawings be provided (showing existing and proposed levels). The approved parameter plan requires that site levels not be raised by more than 2m. While the application does involve changes to levels (for example to ensure drainage across the site is functional), an examination of cross-sectional drawings shows the proposals accord with the parameter plan requirements relating to level changes.
- 6.8.15. A range of character areas are proposed to provide different identifies and building typologies to respond to differing site and edge contexts. For instance, a character area named the Rural Edge is characterised by lower densities, traditional housing designs and materials in muted colours to reflect the rural edge of the site.
- 6.8.16. The Council's Urban Design officer advised that more modern interpretations of traditional forms could have been explored in less sensitive areas such as the internal streets character area.

- 6.8.17. The proposed front elevations and the principal facades of dwellings face streets and public spaces, and corner buildings would provide dual aspect housing with windows serving habitable rooms providing natural surveillance. Street corners with blank or largely blank sided buildings have been minimised. Building elevations are enlivened by a range of features including, bay windows, soldier courses, cladded panels and porches.
- 6.8.18. The proposed materials would unify the development, being predominantly a mix of different coloured brick, weatherboarding, and a mix of roofing materials. This approach responds to the context and would help integrate the proposal with the established character and appearance of Teynham.
- 6.8.19. In terms of the sports pavilion, this has been designed to be visible from the road network, neighbouring buildings, and open spaces. It has been positioned to screen the sport ground car park from view at the entrance to the housing development. The pavilion would have materials that would be in keeping with the proposed street scene and its form and appearance expresses its proposed function. The design of the sports pavilion is acceptable.
- 6.8.20. Cars related to residential aspect of the proposal would be accommodated in a mix of on street, courtyard and on plot parking. This variety would help to avoid car parking dominating the street scene. Planting and trees are proposed near parking spaces to help screen and soften the appearance of parking.
- 6.8.21. Local Plan Policy CP4 requires development proposals to create safe, accessible, comfortable, varied and attractive places. It is noted that conditions are imposed on the outline permission to ensure development will meet secure by design standards and that overall, the proposals would see the creation a varied and attractive place.
- 6.8.22. The development proposes to achieve safer access and movement by ensuring that primary routes for pedestrians, cyclists and vehicles are direct and lead to where people want to go, with as little segregation as possible. The movement framework removes the need for underused alleyways and short-cuts that can become vulnerable to or facilitate crime.
- 6.8.23. Active frontages are proposed onto defensible space which would be provided by private or communal gardens that can only be accessed from the relevant homes. A clear distinction is proposed between public, semi-private / communal and private spaces. This would be achieved using appropriate demarcation such as fences, walls or hedges.
- 6.8.24. In conclusion, the proposals demonstrate that the proposal would be well laid out and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. The character and appearance of the proposal would accord with Policies CP4 and DM14 and satisfactorily meet the reserved matters requirements for layout, scale and appearance.

6.9. Trees

- 6.9.1. Paragraph 180 of the NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. At the local level, the requirement is recognised through Policy DM29 of the Local Plan.
- 6.9.2. At the outline application stage, the Council's Tree Officer advised that the indicative development site masterplan showed a sustainable relationship with the retained trees

and that providing tree constraints were taken into account as part of the final layout there would be no arboricultural grounds to refuse the application.

6.9.3. A condition imposed on the outline permission required the submission and approval of an Arboricultural Method Statement. An Arboricultural Survey Impact Assessment and Method Statement has been submitted in a separate condition discharge application to address the requirements of the condition. The details are acceptable, and the condition has been discharged.

6.9.4. The Arboricultural Survey Impact Assessment and Method Statement made an assessment of trees on site and recommended 10 trees be removed (one of which was Category U (dead or dying) and 9 were Category C). The trees need to be removed to facilitate the development, including the access way approved as part of the outline permission.

6.9.5. Whilst trees would be removed, it is proposed to introduce:

- 123 new trees and 941m of new hedgerow across residential development area. Additionally, extensive areas of climbers, shrubs, wildflowers and herbaceous plants grassland, flowering lawn, wildflower meadow and wetland meadow are proposed as part of the residential development.
- 240 new trees within and around open space areas (beyond the residential development area) along with 171m of new hedgerows.
- 166 fruit trees as part of a new community orchard.
- 8 fruiting trees near the site entrance.

6.9.6. A total of 537 new trees are proposed, the proposed extent and quality of new trees and planting is considered acceptable. As the proposed new planting establishes it would progressively make a positive contribution to the age and species diversity of trees in the area, the extent of local canopy cover and the amenity of the locality. The development would accord with Policy DM29 of the Local Plan.

6.10. Ecology

6.10.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by Policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

6.10.2. A Habitat Regulations Assessment (HRA) was carried out by the Council at the outline planning application stage, this noted that the site is located in close proximity to the Swale estuary Special Protection Areas (SPA) and as such it was likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances.

6.10.3. The recreational impact on the SPA would need to be mitigated through a contribution towards the Strategic Access Management and Monitoring Strategy (SAMMS). The requirement to make the SAMMS contribution was secured as a planning obligation in the S106 legal agreement associated with the outline permission.

6.10.4. In July 2022, the Secretary of State clarified that the Habitats Regulations apply to post-permission approvals including reserved matters. Natural England's consultation response confirms the need to carry out and HRA and an Appropriate Assessment as part of the determination of this application.

- 6.10.5. Officers have undertaken an Appropriate Assessment which confirmed there continues to be a need for mitigation through a SAMMS contribution. This is already secured in the S106 legal agreement associated with the outline permission (and the contribution is index linked), in view of the existing situation relating to the SAMMS contribution the proposal would comply with Policies CP7 and DM28 of the Local Plan.
- 6.10.6. Biodiversity
- 6.10.7. Local Plan Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 6.10.8. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 6.10.9. This application is accompanied by a biodiversity net gain assessment which shows that development proposals (and in particular measures proposed in the landscaping strategy) result in a 22% gain in the biodiversity value of habitats within the site.
- 6.10.10. Protected species
- 6.10.11. A condition (14) was imposed on the outline permission requiring a method statement for ecological mitigation, including reptiles, invertebrates, bats and nesting birds. Further conditions (condition 8 'landscaping', 10 'drainage', 12 'attenuation basins', 21 'green infrastructure and biodiversity plan') were imposed which require the applicant to promote biodiversity. The relevant conditions have been approved and this proposal has been designed taking account of the approved details.
- 6.10.12. A condition is recommended requiring details of external lighting ahead of installation to ensure lighting doesn't impact bats.
- 6.10.13. Subject to the Applicant adhering to the mitigation secured at the outline application stage, the proposal would comply with Policies CP7 and DM28 of the Local Plan.

6.11. Transport and Highways

- 6.11.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development at locations which are sustainable.
- 6.11.2. The NPPF at paragraph 115 also states that:
"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 6.11.3. Local Plan Policies CP2 and DM6 promote sustainable transport through utilising good design principles and locating development in sustainable locations. Policy DM6 of the Local Plan sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 6.11.4. 'Access' to the site was approved at the outline application stage. Whilst concerns have been raised in objections that the proposal would result in unacceptable traffic congestion, including cumulative impacts (associated with other development), the

condition of roads and highway safety issues, those matters have been previously tested at the outline stage and found to be acceptable.

- 6.11.5. Concerns have been raised that conditions have changed since the outline application was approved and as such traffic modelling should be revisited. The modelling associated with the outline application took into account existing conditions at that time and forecast growth and also factored in committed development. Impacts were found to be acceptable and 'Access' was approved in full.
- 6.11.6. The proposal approved at the outline stage includes vehicular, pedestrian and cycle access with alterations to Froggnal Lane and a new emergency vehicular access to the residential development area and highway improvements including a new roundabout on the A2 and closure of a section of Froggnal Lane within the site (to be used for pedestrians and cyclists only). The closure to motorised vehicles starts approximately 25m north of the junction with Froggnal Close and was an integral part of the outline permission.
- 6.11.7. Requests were received in response to the consultation seeking signs at the entry to the site and influence over street naming. Highway signage is strictly controlled for highway safety reasons and street naming and numbering is not a material planning consideration.
- 6.11.8. Other approved improvements include the provision of a lay-by in front of the Co-op in Teynham; an increase to the capacity of the junction of Swanstree Avenue with the A2 and Murston Road / Rectory Road, and provision of a pedestrian link along the alignment of public footpath ZR256, together with improvements to the Public Right of Way. Controls are embedded in the outline permission to ensure these improvements are delivered.
- 6.11.9. Whilst the internal roads within the site would be built to full KCC Highways adoptable standards, the Applicant doesn't intend for these to be adopted (they would be managed via a management company).
- 6.11.10. Full tracking plans and swept path analysis (for emergency, refuse and servicing vehicles and car parking) have been provided and are considered acceptable. The internal road layout has been examined and the footways, streets and turning facilities etc are acceptable.
- 6.11.11. Parking is provided for the residential development in parking bays, on street and in parking courts. Vehicle and cycle parking is proposed to be provided in accordance with the Council's adopted Swale Parking Standards (May 2020). Concerns have been raised in objections that the proposals would be located too far away from public transport, that this would mean future residents living on site would be reliant on cars. However, the site is within walking distance of the Teynham train station and bus services on the A2. A travel plan was secured at the outline stage, and that includes measures to promote sustainable forms of transport, and in view of the situation no objection is raised.
- 6.11.12. One cycle parking space is proposed per bedroom across the development in accordance with the Council's cycle parking standards. Cycle storage would be provided either within individual cycle stores in rear gardens, or in the case of the apartments, within dedicated cycle storage facilities.
- 6.11.13. The site accommodates PRow (ZR247 (Ash Path); Froggnal Lane and ZR256 (Froggnal Fields). Full details of the PRow upgrades and closures have been agreed with the KCC

PRoW team, and funding for improvements and upgrades is secured in the S106 legal agreement.

- 6.11.14. Overall, for the residential development, 681 parking spaces are proposed (including 102 visitor parking spaces). Visitor parking spaces are proposed to be provided throughout the development; the ratio of visitor spaces is based on the Council's parking standards. The visitor spaces are evenly distributed throughout the development.
- 6.11.15. For the sports pavilion, 46 parking spaces are proposed. Advice from the KCC Highways Officer and the Council's Green Spaces Manager is that this level of parking is sufficient given the status of the sports pitches (larger spaces for coach parking are not required).
- 6.11.16. A Construction Management Plan was secured as part of the outline permission, which controls construction routes, and is considered acceptable by KCC Highways.
- 6.11.17. In conclusion, access (including matters relating to traffic congestion and highway safety) was approved at the outline stage. Whilst the internal access roads for the residential development area are to be approved at this stage, no objection is raised in terms of the proposed layout, manoeuvring areas, or parking, and as such the proposals accord with Local Plan Policies CP2 and DM6.

6.12. Air Quality

- 6.12.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 6.12.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.
- 6.12.3. The Planning Practice Guidance on Air Quality (paragraph 005 Reference ID 32-005-20191101) states that

“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”
- 6.12.4. The Local Plan at Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 6.12.5. An Air Quality Statement was submitted with the outline application. The report concluded that modelled predictions for NO₂ and PM₁₀ concentrations at receptors along the A2 London Road indicated that there would be a Negligible to Slight Adverse impact, as a result of traffic generated by the development. Mitigation measures were suggested in line with an emissions cost calculation for the development.

6.12.6. Condition 38 imposed on the outline permission requires a scheme of mitigation measures in relation to improving air quality to be approved prior to occupation of any dwellings. The current proposals would not change the findings approved as part of the outline permission, and subject to compliance with condition 38, the application would accord with Local Plan Policy DM6.

6.13. Community Infrastructure

6.13.1. Local Plan Policies CP5, CP6 and the site-specific Policy MU4 set out that provision shall be made to accommodate local community services, education, social care and health facilities within new developments.

6.13.2. As with any planning application, the request for financial contributions and other planning obligations needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be required if it is:

- Necessary.
- Related to the development.
- Reasonably related in scale and kind.

6.13.3. Planning obligations necessary to mitigate the impact of the development were secured at the outline stage. Concerns have been raised in objections that existing social infrastructure doesn't have the capacity to cope with the additional population that would live in the proposed development. This was a matter considered at the outline stage. Planning obligations secured at the outline stage include:

- Affordable housing,
- Contributions to fund offsite highways works delivered by the Highway Authority,
- Offsite highway works delivered by the developer,
- Adult social care contribution,
- Delivery of allotments,
- Refuse and recycling contribution,
- SAMMS contribution,
- Play area contribution,
- Library service contribution,
- Education contributions,
- Youth services contribution,
- Travel plan,
- Employment and training,
- Delivery of sports pitches and pavilion,
- Financial contribution towards enhancements of Public Rights of Way delivered by KCC.
- Delivery of enhancements of Public Rights of Way delivered by the developer.
- Phasing.

6.13.4. The existing legal agreement requires the funding for health facilities to be spent towards increasing the capacity of the GP surgery at London Road, Teynham (to be able to accommodate more patients).

6.13.5. The Teynham GP surgery closed in 2023 and the building's owner, subsequently sold the site. Since the surgery closed, the local GP has relocated to Sittingbourne.

Discussions with the NHS and GP indicate the desire for the GP practice to return to Teynham (to a different premises).

- 6.13.6. The detailed wording of the S106 legal agreement now needs to be varied such that S106 contribution can be directed to a different (available) site, i.e., it should no longer be restricted to be spent on the former (now closed and sold) London Road medical facility.
- 6.13.7. There is land within the site which is identified as a location for a future medical facility, however this does not sit within the redline site of the current application, nor is it within the ownership of the Applicant. Advice from the NHS is that the land is too small to accommodate a new GP facility to meet the needs of Teynham's residents. The Applicant and officers remain engaged with the NHS to assist in finding a location in the Teynham area where the GP could locate.
- 6.13.8. A deed of variation to the legal agreement is recommended so that the health care contribution can be directed in a logical and flexible manner in the vicinity of Teynham.
- 6.13.9. Teynham Parish Council requested a condition be imposed restrict occupation of the new homes until medical/GP facilities have been built and operational within the village. The NHS have not requested such a restriction and a planning condition of this nature would not meet the planning tests for conditions. It is important to highlight that the development will contribute approximately £260,000 in S106 Healthcare contributions for spending on increasing local GP capacity.
- 6.13.10. Emergency Services were consulted as part of the outline application and did not seek funding for additional capacity at that stage.
- 6.13.11. Subject to the deed of variation (which the applicant has agreed to) the application would accord with Policies CP5, CP6, MU4, DM8, DM17 and DM28 of the Local Plan.

6.14. Open Space

- 6.14.1. Local Plan Policy CP7 requires developments to promote the expansion of Swale's natural assets and green infrastructure. Policy DM17 of the Local Plan sets out that new housing development should make provision for appropriate outdoor recreation and play space proportionate to the likely number of people who will live there. This space should be fully accessible all year round.
- 6.14.2. All dwellings have an area of private amenity space; private rear gardens for houses and balconies for the apartment blocks. Communal amenity space is also proposed.
- 6.14.3. Policy DM17 of the Local Plan sets out various open space typologies and the amounts of space that would be required for residential development.

Typology	Policy DM17 requirement (ha per 1,000 person)	Scheme requirement ha	Proposed ha	Short fall ha
Parks and gardens	1.1	0.78	0.8	No
Natural and semi natural greenspace	4.36	3.09	6	No
Formal outdoor sport	1.09	0.77	3.72	No
Amenity Greenspace	0.45	0.32	0.60	No

Provision for children and young people	0.24	0.17	0.25	No
Formal Play facilities				Yes
Allotments	0.2	0.14	0.25	No

- 6.14.4. As the table above shows, there is a shortfall in formal play facilities, however the open space area central to the residential area (the Green) would include doorstep play and passive recreation. The outline permission secured a contribution of £85,700 towards off site play space, as such no objection is raised in relation to play space.
- 6.14.5. The central open space, in combination with proposed street trees, would contribute to the green infrastructure of the site and build connection to the existing green buffers surrounding the site. Opportunities for seating and play would be provided in the form of timber benches and small amount of play equipment, supplemented with informal features such as boulders.
- 6.14.6. Concerns have been received in consultation responses that the central area of open space lacks impact. However, officers are of the view that the open space would perform an important function and that overall, the proposal includes significant over provision of sports space, natural green spaces, amenity green spaces and allotments. It is also noted that the houses would have private gardens. The Council's Open Spaces Manager advised that further details are required in relation to:
- The detailed construction plans for the sports pavilion including an alarm security system and mechanical engineering of systems.
 - Details to demonstrate the pavilion would be robust and appropriate for a public use building.
 - Fencing the sports field to be secured from vehicle access and to prevent balls from annoying neighbours (including defensible space fronting the car park to the field).
 - Lighting of the sports pavilion main entrance, pedestrian access from road and car park.
 - Detailed specification/construction detail for the sports pitches including appropriate pitch drainage.
- 6.14.7. In relation to allotments, the entrance gate would need to be of a size to allow any deliveries, and a communal area within allotments should be provided to allow for activities/building etc and for allotments to be provided with services electric and water.
- 6.14.8. It should be noted that the S106 legal agreement associated with the outline permission includes a requirement for the developer to provide the precise and detailed specification for the sports pitches and pavilion to be submitted to and be approved by the Local Planning Authority. The S106 legal agreements requires the pavilion include:
- Four changing rooms with WC and Shower facilities.
 - Official's changing room with WC and Shower facilities.
 - Small kitchen.
 - Social/communal space.
 - Storage; and
 - Small office.
- 6.14.9. Concerns have been raised that the sports pitches and allotments are to be let at a peppercorn rent for a finite period, after which costs may increase. However, the period for which the pepper corn rent is available is embedded in the existing S106 legal

agreement associated with the outline permission and nothing has changed which would justify renegotiation. There is a further clause in the legal agreement requiring that details of the proposed allotments be submitted to and be approved by the Local Planning Authority. The S106 requirement also stipulates when the pavilion, sports pitches and allotments are to be delivered.

- 6.14.10. The S106 legal agreement associated with the outline permission sets out the specification for the sports pavilion, and the proposed pavilion building accords with the specification, which requires:
- 6.14.11. The information provided as part of this application is acceptable in terms of layout, scale appearance and landscaping. In view of the further requirements that must be met (secured in the S106 legal agreement) officers are satisfied that the further information requested by the Council's Open Spaces Manager will be provided in accordance with the requirements secured in the S106 legal agreement.
- 6.14.12. Sport England advised that as a statutory consultee they require involvement agreeing the full detailed specification for the sports pitches and pavilion, when this comes forward in accordance with the terms of the S106 legal agreement.
- 6.14.13. Taking account of the nature and scale on-site open space proposals, no objection is raised to the proposal in relation to Policy DM17 of the Local Plan.

6.15. Flood Risk, Drainage and Surface Water

- 6.15.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM21 of the Local Plan.

Flood Risk

- 6.15.2. The site is allocated for development under Policy MU4 of the Local Plan, and as part of the site allocation process the site's suitability for development in terms of flood risk was sequentially tested and found to be acceptable. Paragraph 170 of the NPPF is clear that where planning applications come forward on sites allocated in the development plan applicants need not apply the sequential test again.
- 6.15.3. The outline application was accompanied by a Flood Risk Assessment (FRA), this identified that the site is in Flood Zone 1; therefore, the risk of the Proposed Development exacerbating flooding to neighbouring properties (through floodplain displacement) is negligible.
- 6.15.4. The FRA also identified that the risk of the proposal exacerbating flood risks from tidal / coastal, groundwater and artificial sources to neighbouring property is negligible to low. This reserved matters application does not change the findings established at the outline stage. No objection is raised to the proposal in relation to flooding from rivers or the sea.

Surface water drainage

- 6.15.5. Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.
- 6.15.6. To mitigate the risk of the development exacerbating flood risks from pluvial and overland flow flood sources to neighbouring property it is proposed to utilise SuDS for surface water drainage. A series of conditions were imposed on the outline permission to secure the following:

- Full details of the method of disposal of surface waters as part of a detailed drainage strategy (condition 10),
- Detailed designs for attenuation basins (condition 12).
- A Drainage Management Plan for the surface water drainage scheme (condition 13).
- Controls over drainage systems for the infiltration of surface water drainage (condition 18).

6.15.7. The Applicant has submitted details to discharge the relevant conditions which are acceptable, and the conditions have been approved. The proposals in this reserved matters application align with the details in the conditions.

6.15.8. No objection has been raised by the KCC Flood and Water Management, the Environment Agency, Lower Medway Drainage Board or Southern Water.

6.15.9. In conclusion the risk of flooding at the site, as well as how it is proposed to deal with drainage in a sustainable way has been considered. The proposals accord with Local Plan policies CP7, DM21 and DM23.

6.16. Contamination

6.16.1. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.

6.16.2. The issue of contamination was examined as part of the outline application, this identified that potential contaminative land uses on-site include agricultural activities that could have resulted in the use of pesticides and fertilisers and the operation of the electrical substation at the southeast boundary of the site. A shed located in the northwest of the sports grounds was constructed before 1990s and therefore there would be the potential presence of Asbestos Containing Materials. Historical contaminated land uses onsite include chalk/clay pits, electrical substation and wash mill, and tramway lines.

6.16.3. Conditions were imposed on the outline application to secure the following:

- Intrusive investigations to identify contamination.
- A remediation strategy.
- Verification that remediation has been carried out.
- Controls over infiltration of surface water drainage and piling.
- Measures to deal with any unexpected contamination found during construction.

6.16.4. The Applicant has submitted details to discharge the relevant conditions which are acceptable, and the conditions have been approved. The proposals in this reserved matters application align with the details approved pursuant to the conditions.

6.16.5. No objection has been raised by the Environmental Health Officer to this reserved matters application or to the details submitted to discharge the conditions in relation to contamination. Given the conditions imposed at the outline stage (and that the Applicant is adhering to these) the application would accord with paragraph 189 of the NPPF, and no objection is raised.

6.17. Living Conditions

Existing residents

6.17.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Paragraph 130(f) of the NPPF states that

decisions should ensure high standards of amenity for existing and future users. Local Plan Policy DM14 sets out general design criteria and states in part that that all development proposals will be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. The policy also requires proposals to cause no significant harm to amenity and other sensitive uses or areas.

- 6.17.2. Construction activities generate noise and disturbance with the potential to harm the living conditions of existing residents. A condition (34) was imposed at the outline stage to secure a Construction and Environmental Method Statement (CEMS) to mitigate impacts during construction. A Construction Environmental Management Statement (CEMS) has been submitted to address condition 34 of the outline permission and approved in permission ref: 23/502581/SUB. This sets out and details how the scheme will be constructed and appropriate measures to reduce the impact on neighbouring properties to safeguard residential amenity.
- 6.17.3. The CEMS confirms that general information regarding the scheme will be provided to all neighbours affected by the work. Regular communication with neighbours, including adjacent residents, traders and businesses regarding programming and site activities would be maintained from pre-start to completion via a nominated point of contact. A site information board would be located at the site entrance displaying general information relating to the development, including name, telephone number and address of the senior manager on site should a member of the public wish make contact.
- 6.17.4. The Applicant has complied with the requirements of the CEMS condition to the satisfaction of the Environmental Health officer and Highway officer. The condition requires the developer to adhere to the CEMS, and as such construction impacts would be mitigated.
- 6.17.5. Most of the proposed development is set well away from existing residential occupiers, however there are instances where there are adjacencies, specifically to the south and eastern boundaries and to existing residences on Frogmal Lane (including 47 Frogmal Lane).
- 6.17.6. Officers required the Applicant to provide additional evidence to demonstrate that the location of existing dwellings near the site were accurately shown on the plans and drawings, this included additional surveys, measuring and site visits. Officers have validated the position of existing dwellings via site visits and taking measurements. The location of existing neighbouring buildings is accurate.
- 6.17.7. To the southern boundary the site adjoins residential properties in Frogmal Close and Frogmal Gardens. The outline permission required landscape buffers to these boundaries and the application accords with those parameters. Where there would be facing habitable room windows in existing and proposed dwellings the separation distance exceeds 21m.
- 6.17.8. In some instances, the side elevation of a proposed dwelling is located within 21m of a neighbouring dwelling, however there are no windows proposed in the side elevations facing existing neighbours. No objection is raised to the proposals in terms of overlooking or loss of privacy to existing neighbours.
- 6.17.9. Existing landscaping along the boundaries is to be retained and additional landscaping is proposed. Given the limited scale of proposed dwellings and the separation distances, there would be no undue loss of privacy, light or outlook for existing occupiers.
- 6.17.10. It is proposed to locate a foul water pumping station and electrical substation towards Frogmal Lane properties (the nearest being 47 Frogmal Lane).

- 6.17.11. The design of the foul water pumping station is such that the majority of the installation is below ground (the pump and foul water are below ground in engineered chambers). Above ground would be cabinets approximately 2m in height accommodating plant and equipment. The installation would be within a fenced compound.
- 6.17.12. Concerns have been raised in objections in relation to the proximity of the foul water pumping station to residential homes. The concern being that odour from the pumping station could impact residential amenity. Southern Water require there be at least at 15m separation between the pumping station and any habitable rooms for this reason. In this case the pumping station would be at least 45m from any habitable room and 18m from the end of the nearest neighbouring garden (at 47 Frognal Lane).
- 6.17.13. While the separation distance is considered sufficient to mitigate potential impacts from the pumping station, a condition is recommended to secure noise and odour assessments (along with any necessary mitigation required).
- 6.17.14. Conditions are imposed on the outline permission to ensure lighting and light spill during the construction period does not have an adverse impact on residential amenity. The application is accompanied by a lighting report which examines light spill and demonstrates that the external street lighting would not result in light spill to neighbouring dwellings.
- 6.17.15. Whilst the information is acceptable for this stage of the planning process, the Environmental Health officer has requested a condition be imposed on any permission to secure further assessment and testing (to comply with Institute of ILP Guidance Note 01/21 The Reduction Of Obtrusive Light) to ensure lighting doesn't impact on residential amenity. Condition 5 is recommended to secure this.

Future residents

- 6.17.16. Policy DM14 of the Local Plan provides general development criteria and requires that development does not result in significant harm to amenity (including that of future occupiers of development).
- 6.17.17. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 6.17.18. In terms of noise, the outline permission requires all of the new dwellings to be fitted with thermal double-glazing that will ensure that internal noise levels meet all of the criteria of BS8233:2014.
- 6.17.19. New residential development should generally provide dual-aspect accommodation and overlooking between dwelling on the site (as well as to neighbours) should be avoided. The proposed new dwellings are dual-aspect and the distances between facing habitable room windows in the proposed homes is at least 21m.
- 6.17.20. The flats all benefit from access to communal (external) amenity space. The proposed houses would all have private rear gardens. It is proposed to provide a generous amount communal external amenity space including the sports pitches to the north, orchard and other open spaces to the western end of the site.
- 6.17.21. In relation to the ground floor affordable flats, in the case of Block C, its location at the northeast portion of the residential development area means that any outlook and privacy concerns are adequately mitigated.

- 6.17.22. In relation to Block B, there would be 2 flats at ground floor level, both have multiple aspects (outlook). The landscaping scheme includes landscaped areas to the front of habitable room windows in the ground floor flats of Block B with hedging between the footway and landscaped buffer. The landscaping would help mitigate concerns relating to outlook and overlooking.
- 6.17.23. The position of the cycle store for Block B and access to this and the communal bin store were revised to avoid overlooking of the habitable room windows to the ground floor flats in Block B. The quality of accommodation is considered to be acceptable.
- 6.17.24. In relation to Block D, there are 3 flats at ground floor level, to mitigate against overlooking from the street, landscape planting is proposed externally around the flats which would help create a buffer between the proposed flats and external foot ways and public spaces. Again, the quality of the affordable accommodation is considered to be acceptable.
- 6.17.25. In conclusion, in relation to living conditions of existing and future residents the application complies with Local Plan Policy DM14.

6.18. Sustainability / Energy

- 6.18.1. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change. Additionally in 2020 the Council adopted a Climate and Ecological Emergency Action Plan, which requires housing development to reduce carbon emissions by 50% compared to the Building Regulations Part L1 2013.
- 6.18.2. Policy DM19 of the Local Plan also requires new development to limit water usage to less than 110 litres per person per day.
- 6.18.3. Full details regarding energy efficiency and sustainability are required to be provided under condition 40 of the outline permission. The applicant has submitted requisite information to satisfy the terms of the condition, which is considered acceptable by the Council's Climate Change Officer and the condition has been discharged.
- 6.18.4. The energy strategy involves a high-performance fabric specification which improves upon the maximum allowable values of the building regulations. The specifications adhere to the principles of the Energy Hierarchy by taking a 'Fabric First' approach.
- 6.18.5. The energy strategy calculates the sitewide CO2 emissions target and includes detail on how this would be achieved. The development would achieve well above the requirement for a 50% reduction in carbon emissions compared to the Building Regulations Part L1 2013 (the development would achieve a 56% reduction in carbon compared to the Building Regulations Part L1 2021, which is more rigorous). The Climate Change officer has examined the energy statement and agrees with the conclusions.
- 6.18.6. Part (S) of Building Regulations (as from June 2022) requires all new build homes to have Electric Vehicle charging provision, the Applicant has committed to this which is acceptable.
- 6.18.7. The development is designed to reduce water usage to less than 110 litres per person per day. The proposals comply with Local Plan Policy DM21.

6.19. Other matters

- 6.19.1. Concerns have been raised in objections in relation to the capacity of the sewer network to cope with foul drainage associated with the proposed housing. Officers note that Southern Water are the authority with a duty to provide sewerage infrastructure for new and existing development, and that sewerage provision and capacity is also dealt with through legislation separate from the planning regime.
- 6.19.2. A condition was imposed on the outline permission (33) which required details of foul water drainage to be approved prior to construction. Southern Water advised that there are capacity constraints with the current sewerage system and sewer network enhancements would be required before more than 50 dwellings are occupied.
- 6.19.3. While this matter is not one that should be controlled through the planning regime the applicant has agreed to the occupation restriction. Southern Water have confirmed that they are looking to design and implement enhancements to the sewer network so the development can be fully occupied. In view of the situation, no objection is raised.
- 6.19.4. Concerns have also been raised in objections that there is not sufficient capacity in electrical and water supply to cope with the additional development. Officers note that no objections have been received from the electrical or water supply undertakers (who are the organisations with the responsibility for supply).
- 6.19.5. Concerns have been raised in relation to the potential for the construction activities to displace vermin, which may then relocate to existing residential properties. There is no evidence to suggest that the proposals would result in such an impact, and this is not a material planning consideration.
- 6.19.6. The Applicant has confirmed that they have obtained record drawings showing the location of power cables from UKPN. While there are overhead cables across parts of the site, the Applicant has entered into a contract with UKPN to divert these cables to facilitate the development. The Applicant has committed to work in accordance with UKPN standard HS(G)47 'Avoiding Danger from Underground Services'.
- 6.19.7. Concerns have been raised that members of the public were not consulted in relation to condition discharge applications; however such application are not subject to the same statutory consultation requirements as planning applications (public consultation is not required).

6.20. Conclusion

- 6.20.1. The starting point for determining the application is the Development Plan, Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 are clear that planning applications must be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.
- 6.20.2. The proposal would bring forward housing including affordable housing, sports facilities, open space and allotments. The site is allocated in the Local Plan for development and benefits from outline planning permission. Subject to the conditions and deed of variation to the legal agreement recommended, this reserved matters application would comply with the terms of the outline permission and the policies in the Local Plan and NPPF. No objection is raised.

6.21. Recommendation

6.21.1. Approval subject to conditions and a deed of variation to the S106 legal agreement.

CONDITIONS**1. Plans**

The development hereby permitted shall take place in accordance with the following plans:

Location Plan 3097-A-1000-PL-B
 Site Layout 3097-A-1005-PL-S
 Site Layout 3097-C-1005-PL-S
 Sports Pitches 3097-A-1150-PL-E
 Parking Plan 3097-A-1700-PL-G
 Refuse Strategy Plan 3097-A-1701-PL-G
 Garden Compliance Plan 3097-A-1702-PL-G
 Tenure Plan 3097-A-1703-PL-K
 Materials Plan 3097-A-1704-PL-G
 Boundary Treatments Plan 3097-A-1705-PL-H
 Part M Compliance Plan 3097-A-1706-PL-G
 Dwelling Distribution Plan 3097-A-1707-PL-G
 PV Plan 3097-A-1708-PL-G
 Street Elevations 3097-C-1010-PL- D
 Street Elevations 3097-C-1011-PL- D
 Pumping Station PT10182 - 001
 Sub Station EDS 07-3102.01 A
 Lighting Plan Onsite Lighting Plan
 Betony - Plans Elevations Semi-Detached 3097-C-3000-PL-A
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3005-PL-B
 Daisy - Plans Elevations 3097-C-3006-PL-A
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3007-PL-B
 Daisy - Plans & Elevations (Semi-Detached) 3097-C-3008-PL-A
 Daisy + Carport - Plans & Elevations (Semi-Detached) 3097-C-3010-PL-C
 Daisy Carport - Plans Elevations Semi-Detached 3097-C-3011-PL-A-
 Daisy & Betony - Plans Elevations Terrace x3: 3097-C-3015-PL-A
 Daisy Betony + Carport - Plans Elevations (Terrace x3) 3097-C-3016-PL-C
 Daisy & Betony + Carport - Plans & Elevations (Terrace x3) 3097-C-3016-PL-B
 Daisy Betony - Plans Elevations Terrace x4: 3097-C-3025-PL-A
 Daisy & Betony (Terrace x4) 3097-C-3026-PL-B
 Daisy Betony - Plans Elevations Semi-Detached 3097-C-3030-PL-E
 Goldcrest M4(2) Floor Plans and Elevations 3097-C-3035-PL-A
 Goldcrest Carport - Plans Elevations Semi-Detached 3097-C-3040-PL-A
 Elder - Plans & Elevations (Semi-Detached) 3097-C-3045-PL-C
 Elder - Plans Elevations Semi-Detached 3097-C-3046-PL-A
 Elder - Plans Elevations Semi-Detached 3097-C-3047-PL-B
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3050-PL-D
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3051-PL-D
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3052-PL-B
 Elder +Carport- Plans & Elevations (Semi-Detached) 3097-C-3053-PL-A
 Elder Betony - Plans Elevations Terrace 3: 3097-C-3055-PL-A
 Elder Betony - Plans Elevations Terrace 3: 3097-C-3056-PL-A
 Betony - Plans Elevations Terrace 4: 3097-C-3060-PL-A-Elder
 Elder Betony Carport - Plans Elevations Terrace 4: 3097-C-3065-PL-A
 Elder Betony - Plans Elevations Terrace 5: 3097-C-3070-PL-A

Elder Daisy - Plans Elevations Semi-detached 3097-C-3075-PL-A
Elder, Betony Daisy - Plans Elevations Terrace x3: 3097-C-3080-PL-A
Lupin - Plans Elevations Detached 3097-C-3085-PL-A
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3086-PL-B
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3087-PL-B
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3088-PL-A
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3090-PL-C
Lupin + Carport- Plans & Elevations (Detached) 3097-C-3091-PL-C
Lupin - Plans Elevations Semi-Detached 3097-C-3095-PL-A
Lupin Carport- Plans Elevations Semi-detached 3097-C-3100-PL-C
Lupin Carport- Plans Elevations Semi-detached 3097-C-3101-PL-B
Lupin Carport- Plans Elevations Semi-detached 3097-C-3102-PL-C
Lupin Elder Carport- Plans Elevations Semi-detached 3097-C-3105-PL-B
Osprey - Plans & Elevations (detached) 3097-C-3125-PL-C
Osprey - Plans & Elevations (detached) 3097-C-3126-PL-B
Osprey - Plans & Elevations (Semi-detached) 3097-C-3130-PL-E
Osprey - Plans & Elevations (Semi) 3097-C-3135-PL-B
Osprey & Betony- Plans & Elevations (Semi-Detached) 3097-C-3140-PL-C
Osprey Betony- Plans Elevations (Semi-Detached)3097-C-3141-PL-C
Osprey and Betony and Carport- Plans and Elevations Semi-Detached 3097-C-3145-PL-D
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3150-PL-C
Osprey & Elder - Plans & Elevations (Semi-Detached) 3097-C-3155-PL-C
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3160-PL-D
Osprey & Lupin - Plans & Elevations (Semi-Detached) 3097-C-3161-PL-C
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3165-PL-C
Redwing + Carport - Plans & Elevations (Detached) 3097-C-3166-PL-C
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-C
Redwing + Carport - Plans & Elevations (Semi-detached) 3097-C-3170-PL-A
Block B Affordable Floor Plans 3097-A-3210-PL-D
Block C and D Affordable Floor Plans 3097-A-3220-PL-B
Block B Affordable Elevations 3097-C-3211-PL- E
Block C Affordable Elevations 3097-C-3221-PL-B
Block D Affordable Elevations 3097-C-3222-PL-A
Stores 3097-A-3300-PL-C
Car Ports 3097-A 3301-PL-B
Pavilion 3097-C-3510-PL-C
Design and Access Statement Rev A
Landscape and Public Realm Strategy 3136-APA-ZZ-XX-DS-L-4001 P05
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1002 P11
Public Open Space General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1003 P11
Public Open Space General Arrangements Plans 3136-APA-ZZ-00-LA-L-1004 P11
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1005 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1006 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1007 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1008 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1009 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1010 P10
Residential Area General Arrangements Plans: 3136-APA-ZZ-00-LA-L-1011 P10
Planting Proposal Key plan, Legend and Horticultural Notes 3136-APA-ZZ-00-PS-L4202 P06
Open Space Planting Proposal Sheet 1 of 9: 3136-APA-ZZ-00-PP-L-2001 P06
Open Space Planting Proposal sheet 2 of 9: 3136-APA-ZZ-00-PP-L-2002 P06
Open Space Planting Proposal Sheet 3 of 9: 3136-APA-ZZ-00-PP-L-2003 P06
Open Space Planting Proposal Sheet 4 of 9: 3136-APA-ZZ-00-PP-L-2004 P06
Open Space Planting Proposal Sheet 5 of 9: 3136-APA-ZZ-00-PP-L-2005 P06
Open Space Planting Proposal Sheet 6 of 9: 3136-APA-ZZ-00-PP-L-2006 P06

Open Space Planting Proposal Sheet 7 of 9: 3136-APA-ZZ-00-PP-L-2007 P06
Open Space Planting Proposal Sheet 8 of 9: 3136-APA-ZZ-00-PP-L-2008 P06
Open Space Planting Proposal Sheet 9 of 9: 3136-APA-ZZ-00-PP-L-2009 P06
Residential Area Planting Plans Sheet 1 of 7: 3136-APA-ZZ-00-PP-L-2010 P08
Residential Area Planting Plans: Sheet 2 of 7: 3136-APA-ZZ-00-PP-L-2011 P08
Residential Area Planting Plans Sheet 3 of 7: 3136-APA-ZZ-00-PP-L-2012 P08
Residential Area Planting Plans Sheet 4 of 7: 3136-APA-ZZ-00-PP-L-2013 P08
Residential Area Planting Plans Sheet 5 of 7: 3136-APA-ZZ-00-PP-L-2014 P08
Residential Area Planting Plans Sheet 6 of 7: 3136-APA-ZZ-00-PP-L-2015 P08
Residential Area Planting Plans Sheet 7 of 7: 3136-APA-ZZ-00-PP-L-2016 P08
Plant Schedule - Open Space Areas 3136-APA-ZZ-00-PS-L4201 P05
Plant Schedule – Residential Areas 3136-APA-ZZ-00-PS-L4202 P04
Plant Schedule and Horticultural Notes 3136-APA-ZZ-00-PS-L4202 P06
Public Open Space Area Schedule 3136-APA-ZZ-00-LA-L-1012 P10
Allotment Redesign 3136-APA-ZZ-00-SK-L-0005 P1
Site Location Plan CON608-3890 P04
Site Wide Proposed External Levels (Sheet 1 of 2) CON608-3880 P03
Site Wide Proposed External Levels (Sheet 2 of 2) CON608- 3881 P03
Open Space Levels Sections Key Plan CON608-3900 P04
Open Space Levels Sections Sheet 1 of 6: CON608-3901 P04
Open Space Levels Sections Sheet 2 of 6: CON608-3902 P04
Open Space Levels Sections Sheet 3 of 6: CON608-3903 P04
Open Space Levels Sections Sheet 4 of 6: CON608-3904 P03
Open Space Levels Sections Sheet 5 of 6: CON608-3905 P04
Open Space Levels Sections Sheet 6 of 6: CON608-3906 P04
Residential Site Levels Sections Key Plan CON608-3907 P03
Residential Site Levels Sections 1 of 16: CON608-3908 P03
Residential Site Levels Sections 2 of 16: CON608-3909 P03
Residential Site Levels Sections 3 of 16: CON608-3910 P04
Residential Site Levels Sections 4 of 16: CON608-3911 P03
Residential Site Levels Sections 5 of 16: CON608-3912 P04
Residential Site Levels Sections 6 of 16: CON608-3913 P04
Residential Site Levels Sections 7 of 16: CON608-3914 P03
Residential Site Levels Sections 8 of 16: CON608-3915 P03
Residential Site Levels Sections 9 of 16: CON608-3916 P03
Residential Site Levels Sections 10 of 16: CON608-3917 P03
Residential Site Levels Sections 11 of 16: CON608-3918 P03
Residential Site Levels Sections 12 of 16: CON608-3919 P04
Residential Site Levels Sections 13 of 16: CON608-3920 P04
Residential Site Levels Sections 14 of 16: CON608-3921 P04
Residential Site Levels Sections 15 of 16: ON608-3922 P03
Residential Site Levels Sections 16 of 16 CON608-3923 P03
Site Wide Proposed Drainage (2 Sheets) CON608-3885 P06
Site Wide Proposed Drainage (2 Sheets) CON608-3886 P06
Site Wide Drainage Manhole Schedules CON608-3887 P03
Site Wide Drainage Catchment Plan CON608-3888 P03
Site Wide Drainage Construction Details (Sheet 1) CON608-3891 P00
Site Wide Drainage Construction Details (Sheet 2) CON608-3892 P00
Site Wide Drainage Construction Details (Sheet 3) CON608-3893 P00
Site Wide Drainage Construction Details (Sheet 4) CON608-3894 P01
Site Wide Drainage Construction Details (Sheet 5) CON608-3895 P02
Site Wide Drainage Construction Details (Sheet 6) CON608-3896 P02
Site Wide Drainage Construction Details (Sheet 7) CON608-3897 P01
Site Wide Drainage Construction Details (Sheet 8) CON608-3898 P01
Site Wide Drainage Construction Details (Sheet 9) CON608-3899 P01

Basin A Levels Sections CON608-3925 P03
Basin B Levels Sections CON608-3926 P03
Basin C Levels Sections CON608-3927 P03
Residential Site Visibility Splays CON608-3865 P03
Residential Site Swept Paths Sheet 1 of 4: CON608-3866 P03
Residential Site Swept Paths Sheet 2 of 4: CON608-3867 P03
Residential Site Swept Paths Sheet 3 of 4: CON608-3868 P03
Residential Site Swept Paths Sheet 4 of 4: CON608-3869 P03
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Site Wide Earthworks and Proposed Levels S38-278 Sheet 1 of 2: CON608-3878 P04
Site Wide Earthworks CON608-3877 P03
Site Wide Earthworks Sheet 2 of 2: CON608-3876 P06
Site Wide Earthworks Sheet 1 of 2 CON608-3875 P06
Surface Water Drainage Network 1 Basin C
Surface Water Drainage Network 2 Basin A and B
Surface Water Drainage Network 3 Trench Soakaway
Surface Water Drainage Network 4 Crate Soakaway
Residential Site Road Construction Details 1 of 3: CON608-3930 P00
Residential Site Road Construction Details 2 of 3: CON608-3932 P00
Residential Site Road Construction Details 3 of 3: CON608-3933 P00
S38/278 Site Access Roundabout General Arrangement Plan CON608-3700 C01
S38/278 site access roundabout swept path analysis (1 of 2) CON608-3701 C01
S38/278 site access roundabout swept path analysis (2 of 2) CON608-3702 C01
S38/278 Site Access Roundabout Entry Path Curvature and Deflection CON608-3703 C01
S38-278 Site Access Roundabout Sections Key Plan CON608-3704 C01
S38-278 Site Access Roundabout Long-sections (1 of 2) CON608-3705 C01
S38-278 Site Access Roundabout Long-sections (2 of 2) CON608-3706 C01
S38-278 Site Access Roundabout Cross-sections CON608-3707 C01
S38-278 Site Access Roundabout Levels Contours Plan CON608-3708 C01
S38-278 Site Access Roundabout Site Clearance CON608-3709 C01
S38-278 Site Access Roundabout Pavement Plan CON608-3710 C01
S38-278 Site Access Roundabout Drainage CON608-3711 C01
S38-278 Site Access Road General Arrangement CON608-3720 C01
S38-278 Site Access Road General Arrangement CON608-3721 C02
S38-278 Site Access Road, Swept Paths (1 of 2) CON608-3722 C02
S38-278 Site Access Road Sections Key Plan CON608-3723 C01
S38-278 Site Access Road Sections Key Plan P05 CON608-3724 C02
S38-278 Site Access Road Long-Sections (1 of 3) CON608-3725 C01
S38-278 Site Access Road Long-Sections (2 of 3) CON608-3726 C01
S38-278 Site Access Road Long-Sections (3 of 3) CON608-3727 C01
S38-278 Site Access Cross-sections CON608-3728 C02
S38-278 Site Access Road & Roundabout Construction Details (1 of 8) CON608-3712 C01
S38-278 Site Access Road & Roundabout Construction Details (2 of 8) CON608-3713 C01
S38-278 Site Access Road & Roundabout Construction Details (3 of 8) CON608-3714 C01
S38-278 Site Access Road & Roundabout Construction Details (4 of 8) CON608-3715 C01
S38-278 Site Access Road & Roundabout Construction Details (5 of 8) CON608-3716 C01
S38-278 Site Access Road & Roundabout Construction Details (6 of 8) CON608-3717 C01
S38-278 Site Access Road & Roundabout Construction Details (7 of 8) CON608-3718 C01
S38-278 Site Access Road & Roundabout Construction Details (8 of 8) CON608-3719 C01
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3730 C01
S38-278 Site Access Road Levels Contours Plan (2 Sheets) CON608-3731 C02
S38-278 Site Access Road Swept Paths (2 of 2) CON608-3732 C02
S38-278 Site Access Road Site Clearance CON608-3733 C02
S38-278 Site Access Road Pavement Plan CON608-3734 C01
S38-278 Site Access Road Pavement Plan CON608-3735 C01

S278 Site Access off Frognal Lane Pavement Plan CON608-3774 C01
 S278 Site Access off Frognal Lane Site Clearance CON608-3775 C02
 S278 Site Access off Frognal Lane Construction Details (1 of 2) CON608-3776 C01
 S278 Site Access off Frognal Lane Construction Details (2 of 2) CON608-3777 C01
 S278 Site Access off Frognal Lane Construction Details (sheet 3) CON608-3778 C01
 S38-278 Roundabout and Site Access Setting Out - Sheet 1: CON608-3795 C01
 S38-278 Roundabout and Site Access Setting Out - Sheet 2: CON608-3796 C01
 S38-278 Roundabout and Site Access Setting Out - Sheet 3: CON608-3797 C02
 S278 London Road Loading Bay and Site Clearance CON608-3810 C01
 S278 London Road Loading Bay Swept Paths CON608-3811 C01
 S278 London Road Loading Bay Levels and Pavement CON608-3812 C01
 S278 London Road Loading Bay Construction Details CON608-3813 C01
 S278 London Road Loading Bay Construction Details Sheet CON608-3814 C01
 S278 London Road PROW General Arrangement CON608-3850 P04
 S38-278 Overall Highway Drainage Contribution Areas CON608-3862 P02
 S38-278 Overall Highway Drainage Contribution Areas P01: CON608-3863 P03
 S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3871 P02
 S38-278 Site Access Roundabout Gully Catchment Plan P01: CON608-3872 P02
 S38-278 Site Access Roundabout Drainage Long Sections CON608-3873 P01
 S38-278 Site Access and Roundabout Legal Plan CON608-3874
 S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3739 P02
 S38-278 Site Access Road Gully Catchment Plan (2 Sheets) CON608-3740 P03
 S38-278 Site Access Road Drainage CON608-3737 C01
 S38-278 Site Access Road Drainage CON608-3738 C02
 Road General Arrangement CON608-3950 P00
 Site Access Roundabout Construction Details CON608-4000 C01
 S278 Site Access off Frognal Lane GA CON608-3770 C02
 S278 Site Access off Frognal Lane Swept Paths CON608-3771 C02
 S278 Site Access off Frognal Lane Sections CON608-3772 C02
 S278 Site Access off Frognal Lane Levels, Contours and Gully Catchment CON608-3773 C01
 Preliminary Exploratory Hole Logs
 BRE 365 & Falling Head Testing
 Drainage Maintenance Schedule CON608_001_002
 Boundary Sections 3097 A 1015 PL B
 Maintenance access to southern boundary 3136-APA-ZZ-00-SK-L-0006 P01

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

2. Materials

No development beyond the construction of foundations shall take place until further details of boundary treatment, construction details of buildings and the external finishing materials, to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Details and samples of materials shall be provided for windows, areas of glazing, balconies, soffits building entrances, and any other materials, presented on a materials palette board, accompanied by elevation drawings indicating exactly where the materials are to be used.

Material samples and sample panels shall be placed/ erected on the site before the application to discharge the condition is submitted and made available for inspection.

Thereafter the development shall be built in accordance with the approved details.

Reason: In the interest of visual amenity.

3. Substation and pumping station

Prior to work to install the electrical substation and foul water pumping station, full plans, elevations and details of both installations, including any fencing and associated compound shall be submitted to and approved by the Local Planning Authority.

Prior to the first use of the electricity substation or the foul water pumping station an acoustic report for both installations and an odour assessment for the foul water pumping station shall be submitted to and approved in writing by the Local Planning Authority. The reports and assessment shall address the issue of noise (including low frequency noise) and vibration from both installations and odour from the foul water pumping station to ensure that there is no loss of amenity to residential or commercial properties.

The noise and vibration assessment scheme shall ensure that the low frequency noise emitted from the electrical substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45).

The electrical substation and foul water pumping station shall be maintained in a condition so that they comply with the levels and mitigation measures specified in the approved acoustic report and odour assessment for the life of the development.

Reason: To protect the amenity of future and existing occupiers.

4. Historical interpretation

No occupation of any building shall take place until a scheme of historical (including built heritage assets being Claxfield House and Claxfield Farmhouse) and archaeological interpretation has been submitted to and approved in writing by the Local Planning Authority. Examples of how to relay and interpret the archaeology and history of the site can include, but are not limited to, the use of materials, landscaping, public art and the provision of historical interpretation boards. The details submitted pursuant to this condition shall include location, design, dimensions and materials of any fixed interpretation.

The interpretation scheme shall be carried out in full accordance with the approved details prior to the first occupation of any new dwelling and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To ensure a satisfactory visual appearance and to ensure the development makes a positive contribution to local character and distinctiveness.

5. External lighting

No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning. This scheme shall include the Upward Light Ratio, Assessment of the sports pavilion and any illuminated pitches and Vertical spill at nearest receptors. The scheme of lighting shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme.

Reason: To ensure lighting is sufficient and does not adversely impact on residential amenity.

6. Management and maintenance

Prior to occupation, a Management and Maintenance Plan relating to non-private external spaces shall be submitted to and approved by the Local Planning Authority. The Management and Maintenance Plan shall set out:

- The scope of maintenance and management, to include roads, parking, footways, play, open space areas, boundary treatment and landscape buffers (excluding sports facilities and allotments).
- Roles and responsibilities of those carrying out maintenance and management of the site.
- The process for appointing those who will undertake management and maintenance.
- Operational procedures for inspections, repairs and non-planned maintenance such as dealing with graffiti.
- Timing and frequency of maintenance.

Thereafter the site shall be managed and maintained in accordance with the approved Management and Maintenance Plan for the life of the development.

Reason: To ensure the development continues to be accessible, to protect residential amenity and to ensure necessary infrastructure and facilities are available for the use of future residents.

7. Sports Facilities

a) Within 6 months of commencement of development, the following documents shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England:

- (i) A programme of implementation of sports pitches and pavilion.
- (ii) Clear details over how the playing field will be inaccessible to vehicles other than those purposed for maintenance activity via gated access.
- (iii) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (iv) Where the results of the assessment to be carried out pursuant to (ii) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose.

8. Community Use

The use of the playing field and pavilion building shall not commence until a community use agreement for the sports pitches and sports pavilion has been submitted to and approved in writing by the Local Planning Authority in consultation with Sport England, and a copy of the completed approved agreement shall be provided to the Local Planning Authority. The agreement shall apply to the sports pitches, pavilion, parking and other ancillary facilities and include details of pricing policy, hours of use, access by non-members, management responsibilities and a mechanism for review.

The playing field and pavilion building shall not operate otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facilities, to ensure sufficient benefit to the development of sport.

9. Screening

Within 6 months of commencement of development a Section 278 application shall be made for a scheme for landscaping to the southern side of the A2/London Road at the junction of Claxfield Lane. Thereafter the development shall be implemented in accordance with the outcome of that Section 278 application.

Reason: To reduce impacts arising from highway infrastructure to the setting of heritage assets.

INFORMATIVES

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.
2. The applicant is advised to review and comply with the Mid Kent Environmental Code of Development Practice which can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
3. Pavilion design: The English Cricket Board (ECB) has a mandatory requirements which should be met when submitting details pursuant to the requirements of the S106 legal agreement. The applicant is advised to take account of requirements set out in the consultation response from Sport England when finalising the details related to the pavilion.
4. Cricket pitch: The minimum length should be 117m for minimum boundary compliance. A Labosport ball trajectory assessment should be carried out to assess whether any ball-strike risk is presented. This will establish scale and location of protective netting mitigation required as part of the development. *Labosport is the only provider of ECB recognised ball strike assessments. They can be contacted at info@labosport.co.uk w. labosport.co.uk 0115 968 1998.
5. When submitting details pursuant to the requirements of the S106 legal agreement the size of the proposed storage building next to the pavilion will need to ensure it will be sufficient to house maintenance machinery.
6. Sport England and the Kent FA would like to be consulted around the operator of the site as there are clubs who would be interested and potentially capable of taking the site on.
7. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
8. 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

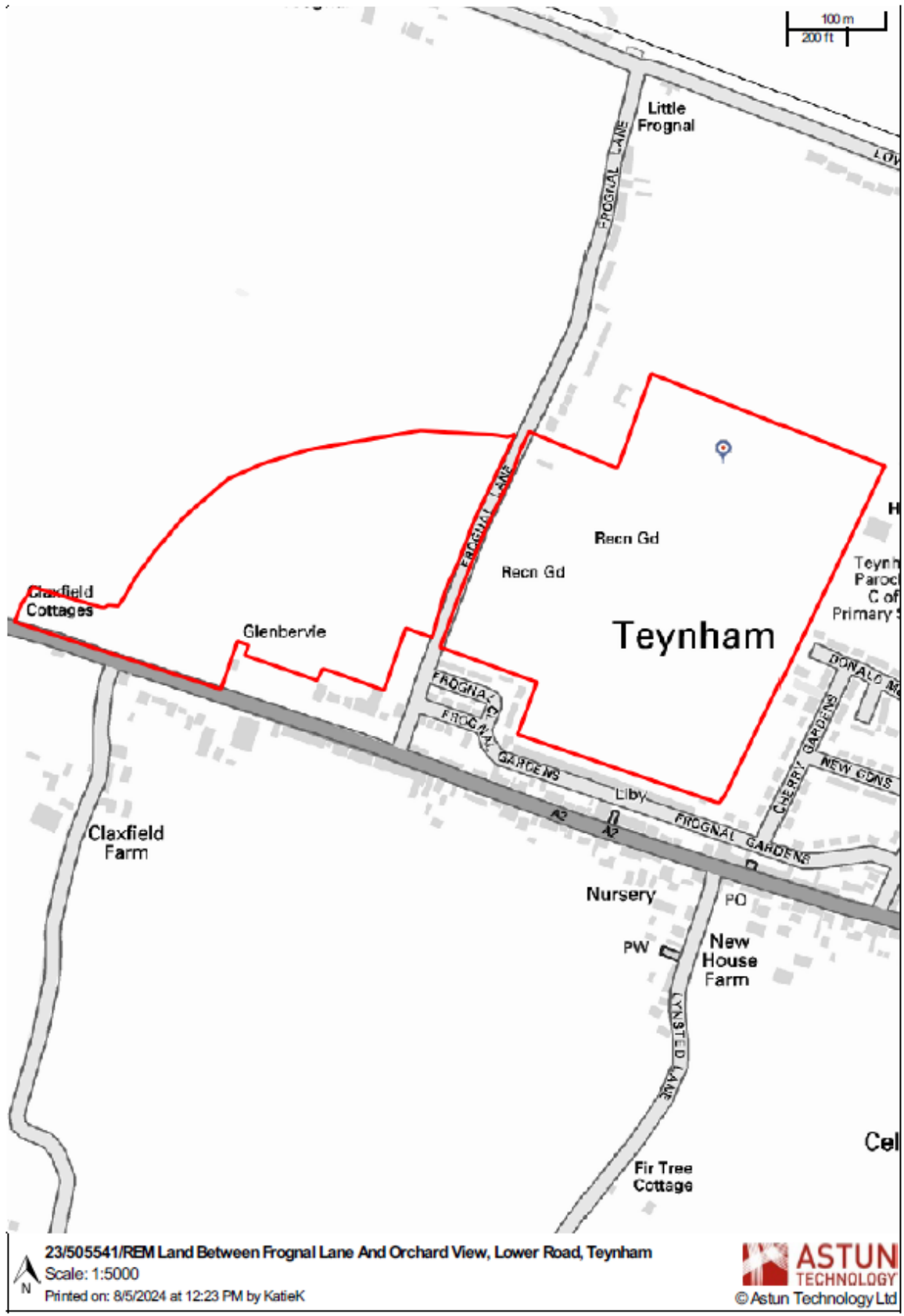
works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

9. 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.
10. 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.
11. 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.
12. Should the development be approved by the Local 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.
13. 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework 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.



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2.2 REFERENCE NO - 23/504502/FULL		
PROPOSAL Erection of a permanent agricultural dwelling with associated parking (Resubmission 21/504388/FULL).		
SITE LOCATION Woodland Farm, High Oak Hill, Iwade Road, Newington, Kent, ME9 7HY		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, completion of a S106 Agreement to tie the new agricultural dwelling to the surrounding farmland and securement of the additional SAMMS fee, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE Newington Parish Council object and Cllr Richard Palmer has called in the application.		
Case Officer Megan Harris		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT Mr JY Stedman AGENT Mr Peter Court
DATE REGISTERED 18/10/23	TARGET DATE 13/12/23	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted Design and Access Statement dated July 21 (uploaded on 03/10/23) Planning Statement dated October 23 (uploaded on 03/10/23) Ecological Appraisal dated 20/09/23 (uploaded on 03/10/23) All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S1Y9IKTYHO400		

1. SITE LOCATION AND DESCRIPTION

- 1.1 Woodland Farm is an established egg farm, and the land owned by the applicant extends to roughly 24 hectares. The south eastern section of the site is grassland that slopes steeply down towards High Oak Hill. The north western section of the site is woodland. The site is elevated and has wide ranging views over the Newington valley. The land included within this application is 0.2 hectares in size and is roughly rectangular. It includes the existing access onto the site from High Oak Hill and the area is located to the north east of the wider farm.

- 1.2 The existing farm buildings are comprised of two large poultry sheds housing 28,000 hens, a barn, storage building and mobile home. The mobile home is occupied by the applicant and his family and was originally granted temporary planning permission under application SW/10/0631. Temporary permission for the mobile home has been extended by a number of applications, most recently under application 14/506862/FULL, where a condition on this application required it to be removed from site on or before 10th December 2018. No further applications have been submitted to extend this time period and as such the mobile home is currently in breach of this condition.
- 1.3 The site lies within the countryside, 220m to the northeast of the Newington Church Conservation Area. The site also lies within an Area of High Landscape Value (Swale level). High Oak Hill, the highway off which the access to the site is taken, is designated as a Rural Lane. Wardwell Woods, the adjacent woodland to the north, is designated as a Local Wildlife Site whilst Hawes Wood also to the north is designated as ancient woodland. The surrounding area is mainly characterised by agricultural fields, with the closest dwelling, The Bungalow, lying to the east of the site.

2. PLANNING HISTORY

- 2.1 **23/500946/PNQCLA** – Prior approval refused on 17.05.2023 for ‘Prior notification for the change of use of agricultural barn to 5no. dwellings and associated operation development.’
- 2.2 **21/504388/FULL** – Planning permission refused on 05.06.2023 for ‘Erection of a permanent agricultural dwelling with associated parking.’
- 2.3 **14/506862/FULL** – Planning permission granted on 07.12.2015 for ‘Variation of condition No.1 of planning permission SW/12/1221 to extend permission for mobile home for a further 3 years.’
- 2.4 **SW/14/0502** – Planning permission granted on 24.10.2014 for ‘Erection of poultry shed and grain store, with associated access tracks, hardstandings, turning areas, land profiling and feed silos.’
- 2.5 **SW/12/1221** – Planning permission granted on 13.11.2012 for ‘Relaxation of condition (2) appended to planning permission SW/10/0631 to enable mobile home to be retained on site until the 25th January 2015’.
- 2.6 **SW/10/0631** – Planning permission granted on 03.09.2010 for ‘Erection of poultry house and temporary stationing of mobile home with associated improvement of existing access and provision of parking and turning areas.’

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the erection of a permanent agricultural dwelling at the site, which will replace the existing mobile home. The new dwelling will be located to the south east of the mobile home, on an area of maintained grassland. A gravel track will be created from the existing access road through the site, to provide vehicular access to the dwelling. Two parking spaces are shown to the front of the new dwelling, although additional parking could be achieved along the gravel driveway.

- 3.2 The property consists of a 4 bed detached dwelling, with projecting gables on the front and rear elevations and a single storey side projection on the north western side of the property. The ridge height of the dwelling will be 8.3m, whilst the eaves height will be 5m. An open plan kitchen/dining room, lounge, office, boot room and cloakroom will be provided on the ground floor. On the first floor, four bedrooms and a bathroom will be provided. Proposed materials include facing brickwork, timber weatherboarding and clay roof tiles.
- 3.3 This application follows on from the refusal of a similar application at the site in June 2023 under application reference 21/504388/FULL. The previous application was originally reported to the Planning Committee in June 2022, and it was resolved to grant planning permission subject to the applicant entering into a s106 agreement to tie the dwelling to the surrounding holding. However, a S106 Agreement was never completed by the applicant, and furthermore they then subsequently applied under the prior approval process to convert one of the farm buildings to 5 dwellings. This led officers to report the application back to the Planning Committee in May 2023 with a recommendation that the application should be refused, based on the failure to complete the S106 Agreement and the possibility that the need could be met through conversion of an existing building on site, rather than to erect a new dwelling.
- 3.4 The applicant has confirmed that he is now willing to enter into a Section 106, and has provided justification as to why there are no buildings suitable for conversion on the site.

4. CONSULTATION

- 4.1 One round of consultation with neighbours has been undertaken. A site notice was also displayed at the site. No comments from neighbours have been received.
- 4.2 Newington Parish Council object to the application on the following planning grounds:

Comment	Report reference
Proposal amounts to an impressive and imposing house which will be visible from the village and will harm the visual amenity of views of the woods on the hillside north of the village.	See paragraphs 7.6 – 7.9
Kent Wildlife Trust confirm the site as ancient woodland 'irreplaceable habitat'. In addition to the endangering of woodland habitat the proposal would mar the visual amenity of this woodland from the village.	See paragraphs 7.24 – 7.29
NPC question the need for on-site accommodation given the availability of devices to monitor and control equipment remotely. They note the pattern, across the country, of farmers selling desirable farmhouses and managing the farm equipment and security through use of 'apps' and do not understand why this could not be employed here.	See paragraphs 7.7 – 7.9

<p>The submission of the prior approval application demonstrates surplus capacity of existing agricultural buildings and conversion into living accommodation would be straightforward and uncontroversial.</p> <p>If there were to be a clear business case proving irrefutable necessity for on-site permanent accommodation, NPC suggest this should be through a modest unobtrusive bungalow positioned where the caravan is currently sited or through conversion of the barn as previously proposed by the applicant in 23/500946/PNQCLA.</p>	<p>See paragraphs 7.10 – 7.13</p> <p>See paragraphs 7.10 – 7.13</p>
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4.3 Cllr Richard Palmer has referred the application to the Planning Committee, due to his concerns regarding the overbearing size of the proposed building.

5. REPRESENTATIONS

5.1 **Mid Kent Environmental Health** – No objection Recommend an informative is imposed relating to the Mid Kent Environmental Code of Practice to control any noise and dust arising from the construction phase and also suggest a condition restricting hours of construction.

5.2 **Health and Safety Executive** – Does not advise against the granting of planning permission on safety grounds.

5.3 **SBC Conservation** – No objections due to significant distance between site and heritage assets.

5.4 **Agricultural Consultant (employed by SBC to review the application)** – Having reviewed the application and details provided regarding the applicants’ business, the consultant considers that there is a sufficient functional need to justify a permanent dwelling and that the business is financially viable with a reasonable prospect of remaining so. The consultant is not aware of any other suitable and available alternative dwellings and consider there are no free buildings suitable for conversion, therefore support is given to the application for a new permanent rural worker’s dwelling. The size of the dwelling is slightly larger than would be normally be expected for a rural worker's dwelling and its proposed location is slightly further from the existing farm buildings than would normally be the case and as such appropriate planning conditions should be applied to restrict occupation of the new dwelling to those employed in agriculture and, given the small size of the holding and large size of the proposed dwelling, the additional protection of a Section 106 agreement does seem appropriate.

5.5 **Forestry Commission** – refer to standing advice.

- 5.6 **Natural England** – Development will result in the construction of a new dwelling within 6km of the SPA and as such mitigation is required. Refer to standing advice on ancient woodland.
- 5.7 **Kent Wildlife Trust** – Advise that a large part of the proposed buffer zone should consist of suitable planting / natural habitat regeneration and also advise that the orchard is managed as a traditional orchard. Conditions should be included requiring the submission and implementation of an external lighting strategy and an ecological enhancement and management plan which covers the application site and provides details on how the buffer zone, including the traditional orchard, will be managed. Permitted development rights for the property should also be restricted so that no structures (primarily those permitted under Classes E and F of the GPDO) can be erected within the buffer zone. A Construction Environmental Management Plan (CEMP) to ensure appropriate mitigation measures are put in place to reduce the risk of adverse impacts on the ancient woodland and LWS from construction should be secured via condition. The submitted CEMP should specify mitigation measures for noise, surface water run-off, dust, and light impacts during the construction phase.
- 5.8 **SBC Tree Officer** – Based on the proposed site layout plan and current aerial views of the site via Google imagery the position of the new dwelling is not likely to affect any significant trees. Therefore, there are few arboricultural constraints when it comes to the position of the new dwelling. Provided the buffer currently shown on the plans is maintained and enhanced through a suitable mitigation/ecological strategy via suitable conditions, there are no in-principle objections on ancient woodland grounds. Also, to ensure protection of the woodland buffer and any surrounding trees, a tree protection plan in accordance with BS5837:2012 should be submitted by way of a condition.
- 5.9 **KCC Ecology** – Note the site is regularly grazed/mown grassland and as such it is unlikely that protected species will be impacted by the proposal and as such do not require specific species surveys to be carried out. The proposal is within 50m of the Hawes Wood and Wardwell Wood, Newington Local Wildlife Site (LWS) and Ancient Woodland (AW) and therefore there is potential for the operational and construction phase to negatively impact the LWS and AW. To address the impacts from construction, measures must be included within the construction management plan to minimise impacts due to increase in dust or water run off. This must be a requirement of the Construction Management Plan Condition wording. To address the impacts from the operational phase the lighting must be designed to minimise impacts associated with external lighting – request a lighting condition is imposed. In addition to the inclusion of ecological enhancement features within the building /site, a strip of vegetation directly adjacent to the LWS/AW should be largely left unmanaged to enable plants and grasses to grow and set seed and the orchard managed as a traditional orchard with a wildflower meadow. This will create a buffer between the site and the LWS/AW and provide additional habitat for insects which, in turn, will support the pollination within the orchard. An ecological enhancement plan should be secured via condition. A SAMMS payment is also required.
- 5.10 **KCC Highways** – Advise that the proposal doesn't meet the criteria to warrant involvement from the Highways Authority.
- 5.11 **KCC Archaeology** – No objection. Recommend condition relating to a programme of archaeological works.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

ST 1 Delivering sustainable development

ST 3 The Swale settlement strategy

CP 3 Delivering a wide choice of high quality homes

CP 4 Good design

DM 3 The rural economy

DM 7 Vehicle parking

DM 12 Dwellings for rural workers

DM 14 General development criteria

DM 19 Sustainable design and construction

DM 24 Conserving and enhancing valued landscapes

DM 26 Rural Lanes

DM 28 Biodiversity and geological conservation

DM 29 Woodlands, trees and hedges

DM 33 Development affecting a conservation area

6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document - Swale Parking Standards
Nationally Described Space Standards

7. ASSESSMENT

7.1 This application is reported to the planning committee at the request of Cllr Richard Palmer and because Newington Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance
- Ecology
- Transport and Highways

Principle

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 The site is located outside any built-up area boundary, and therefore falls within the lowest, least acceptable tier of the settlement hierarchy, as set out by policy ST 3. Both the Local Plan and the NPPF make clear that to promote sustainable development in rural areas, new isolated homes should be avoided, except in special circumstances, such as to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside.

7.5 Policy DM 12 of the Local Plan (which relates to dwellings for rural workers) states that:

“Planning permission will be granted for new, permanent, rural worker dwellings in the countryside, subject to:

- 1. There being a clearly established, existing, essential need for the proper functioning of the enterprise for a full-time worker to be readily available at most times;*
- 2. There being no suitable existing dwelling available nearby or in a nearby settlement;*
- 3. The location, scale and design of the dwelling maintaining or enhancing landscape and countryside character; and*
- 4. The siting of the dwelling should, firstly, explore whether there are suitable buildings available for conversion at the enterprise, or secondly, in the case of a demonstrated need for a new building, that it is located as close as possible to existing buildings on previously developed land at the enterprise, or if this is not possible, within the immediate locality on an acceptable site.”*

7.6 The relevant sections of the supporting text to this policy are as follows:

“Whether a new dwelling is essential in a particular case will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals involved... Any dwelling permitted must be appropriate for the need and to its rural location... In cases where a dwelling is considered by the Council to be essential to support an enterprise, it will normally be appropriate for permission to be initially granted for a caravan or temporary structure for a limited time period, usually for a minimum period of three years... a financial test will be necessary to demonstrate that the enterprise is economically viable and to provide evidence of the size of the dwelling that the unit can sustain.

7.7 A functional need for accommodation on this holding, in principle, has been accepted previously in the form of the temporary permissions for the mobile home. In addition, although the last application was ultimately refused, both officers and the Planning Committee accepted a functional need existed. Given the length of time since the last application was submitted, additional financial details regarding the business were provided by the applicant and an agricultural consultant has been utilised to review these details.

7.8 The business has grown since the mobile home was first placed at the site. The applicant established the free-range hen venture in 2011/2012, based on a 12,000 bird flock. Planning permission was later granted under SW/14/0502 for a further free range poultry house for another 16,000 hens, plus two feed silos, the erection of a grain/feed store, and associated works. In the last few years the two large poultry sheds at the site have been internally modified to increase the flock to 38,000. The planning statement sets out that the expansion of the business has resulted in care of the poultry becoming an on-going necessity, and the applicant’s family has also grown, and as such the existing mobile home is not large enough to balance family life and

business matters. Financial accounts for the last seven years have also been provided with the application, demonstrating that the business has provided a good level of profit and the construction of the dwelling can be funded by accruing previous years profits and also taking a mortgage.

- 7.9 The Agricultural Consultant has reviewed the application and in his opinion, the unit continues to require the on-site presence of a responsible owner/manager and provides a good level of profit and as such in principle, he considers there is sufficient functional and financial justification for the provision of a suitable permanent dwelling here. Therefore it has been demonstrated that there is an essential need for a rural worker to live permanently at the farm.
- 7.10 Consideration of whether there are any existing buildings on the site suitable for conversion to residential use is required. Members will note from paragraph 3.3 above that the applicant previously submitted a prior approval application at the site, seeking to convert part of a poultry shed to five dwellings – and that this partly led to the refusal of the previous application for a permanent dwelling on the site. The application for prior approval was refused last year, in part due to the location of the building within an existing working poultry farm and close to a cluster of farm buildings within the site, where it would be likely to give rise to unacceptable impacts on the living conditions of future occupiers of the development, by virtue of noise and disturbance and odour impacts. On this basis, the location of the building was considered undesirable for the change use to five dwellings.
- 7.11 The submitted planning statement sets out that the applicant was ill-advised by a Planning Consultant to make the application for prior approval, and that the loss of floorspace within the poultry shed that would occur from such conversion would have a detrimental impact on the farm enterprise, by reducing the size of the flock considerably. The agent for the current application also agrees with the Council's position that the conversion in such close proximity to the remaining poultry shed would be harmful to the amenity of occupiers, and as such concludes that this building is not suitable for conversion.
- 7.12 The Agricultural Consultant employed by the Council has analysed the available farm buildings and when taking into account the requirements of the enterprise, they agree with the applicant's position that there is no surplus barn space available for conversion to residential accommodation. Given the numbers of birds, associated feed requirements, and the amount of farm machinery required on site, the poultry barns, and machinery storage/workshop buildings are likely all be being used at or in excess of their capacity. The Consultant therefore agrees with the applicant that any conversion of an existing building would be detrimental to the functioning of the farm enterprise.
- 7.13 In view of the above it is evident that there is no alternative accommodation available for conversion to residential use.
- 7.14 The layout, design and scale of the dwelling is identical to the previous application, and has a total floorspace of 212sqm. As per the assessment of the previous application, it is recognised that the proposal is larger than would normally be expected for a rural worker's dwelling. As such careful consideration is required to identify whether any planning harm will arise from a dwelling of this scale at the site.

- 7.15 Cancelled Planning Policy Statement 7 sets out in Annex A that *“Agricultural dwellings should be of a size commensurate with the established functional requirement. Dwellings which are unusually large in relation to the agricultural needs of the unit, or unusually expensive to construct in relation to the income it can sustain in the long term, should not be permitted. It is the requirements of the enterprise, rather than the owner or occupier, which are relevant to determining the size of the dwelling that is appropriate to a particular holding.”* The supporting text to policy DM 12 in the Local Plan does set out that in the absence of further national guidance on the issue of housing for rural works, the Council will continue to have regard to Annex A.
- 7.16 However it is important to note that this assessment of scale has not been carried forward into the current NPPF, and therefore, little weight can be given to the advice set out in PPS7, as it is now defunct and there is no such reference to scale of rural workers dwellings within current national policy and guidance. This position has been supported by planning appeal decisions elsewhere in the country, where Inspectors have allowed larger agricultural dwellings that can be sustained by the income from the business, whilst being larger than “typical” agricultural dwellings - such as an appeal for an agricultural dwelling in Doncaster (PINS ref 3243097). Similar to policy DM 12 in the Swale BC Local Plan, the relevant policy in this appeal case also referred to the defunct PPS7 guidance, and the Council used this supporting text to support the refusal of the agricultural dwelling, which was considered to be excessive in scale. The Inspector considered there was some policy basis for this view, but gave it limited weight given PPS7 is cancelled and the NPPF does not refer to the scale of agricultural dwellings. The Inspector went on to conclude that whilst the dwelling was large, there was an essential need for a dwelling on the holding, which was long established and viable. They set out there was no dispute that the appellant can support the construction of the dwelling in relation to the income sustained in the long-term, and allowed the appeal. In the appeal decision, the Inspector noted that an average 4 bed dwelling was 192 sqm and that a typical agricultural workers dwelling was in the region of 180sqm. This proposal at Woodland Farm is for a dwelling of 212sqm, although it is noted that elements of the building would be used as a farm office and boot room.
- 7.17 The proposed dwelling is undoubtedly larger and greater in size than a typical agricultural workers dwelling. However, it is clear that an agricultural dwelling is required at the site, which has been operating for over ten years and has grown considerably, as have the profits. The enterprise can sustain the construction costs of the dwelling, and ultimately the scale of the dwelling, whilst large, is commensurate with the established functional requirement of the holding, in line with policy DM 12. A planning condition is imposed below to restrict occupation of the new dwelling to those employed in agriculture and, given the large size of the proposed dwelling, the additional protection of a Section 106 agreement which ties to the dwelling to the farm is required here to ensure that the dwelling is tied to the farm holding and cannot be separated from it. The applicant has confirmed that he is now prepared to enter into such an agreement.

Character and Appearance

- 7.18 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

- 7.19 The site is identified as being within an Area of High Landscape Value Swale Level. The Swale Landscape Character and Biodiversity Appraisal (SPD) (November 2011) shows the site as being located in the 'Iwade Arable Farmlands' character area where the landscape condition of the area is described as 'Poor' and the sensitivity is 'Moderate'.
- 7.20 The development will be located on an open area of grassland, which is on an elevated position at the site. As such, there is potential for views of the development from the valley to the south west. The development is set back from the ridge of the hill however, and due to this and the presence of existing trees within the site, limited views of the development will be possible from the valley. The dwelling will be situated to the south east of the existing mobile home, in a more exposed location when compared to the mobile home. The position of the dwelling would provide a direct view of the entrance of the site, which will offer additional security which is currently not experienced. It is considered that the positioning of the dwelling, whilst potentially visible in some views from the bottom of the valley to the south west, will not be significantly prominent in the landscape and as such its location is acceptable.
- 7.21 Views of the development from Iwade Road, a designated rural lane will be possible, however given the distance of approximately 80m between the property and the road, and the established planting that is located along Iwade Road, the proposal will not be prominent from the lane. At 8.3 metres in height, the proposal falls within the typical height range for a two-storey dwelling.
- 7.22 The proposed elevations show a mixture of horizontal timber weatherboarding and brickwork will be utilised on the dwelling. A condition is imposed below to ensure specific material details are provided to the Council. Overall, the design of the property is acceptable and will not appear out of place. A condition is also imposed below ensuring the mobile home is removed from site once the new dwelling is occupied, to avoid the concentration of multiple dwellings at the site.
- 7.23 Taking the above into account, in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP 4, DM12 and DM 14 of the Local Plan and the NPPF.

Heritage Impact

- 7.24 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.25 The site lies outside of the Newington Church Conservation Area, but due to the open nature of the site and surrounding countryside, will be visible from part of the Conservation Area. Due to the distance (approx. 270m) and change in land levels between the site and Conservation Area, it is not considered there will be harmful impacts to the setting of the Conservation Area.

- 7.26 With regards to the impact on designated and non-designated heritage assets in the surrounding area, due to distance and intervening tree and hedge cover, Oak Hill Farmhouse (a non-designated heritage asset) would not be impacted by the proposed dwelling. Snakesbury Cottage (at the north eastern edge of the Newington Church Conservation Area) on the other hand does appear to have greater intervisibility with the proposed development. However, the significant distance between this building and the proposed development area does mean that any impact on the setting of this non-designated heritage asset would be very limited. The Council's Conservation Officer has also reviewed the application and raises no objection. On the basis of the above, the proposal will not cause harm to heritage assets and as such accords with policies DM32 and DM33 of the Local Plan.
- 7.27 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Living Conditions

Existing residents

- 7.28 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, 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.
- 7.29 Due to the location of the proposed dwelling and limited neighbouring properties in the surrounding area, it is not envisaged the proposed dwelling will have any unacceptable impacts on residential amenity. The closest residential dwelling, The Bungalow will be located approximately 57m from the new dwelling, and due to this distance, any impacts on this neighbouring property will be very limited.

Future residents

- 7.30 New development is expected to offer future occupiers a sufficient standard of accommodation. The dwelling accords with the Government's national space standards. All habitable rooms are served by windows which will provide adequate outlook, light and ventilation. An acceptable amount of outdoor amenity space will be provided for occupiers of the unit.
- 7.31 Taking the above into account, the scheme is considered to be acceptable, and would accord with Policy DM 14 of the Local Plan.

Transport and Highways

- 7.32 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

7.33 The NPPF also states that:

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

7.34 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.35 The development will result in the creation of a permanent dwelling at the site but given the applicants already live on site, it is not envisaged there will be any additional vehicle movements created by the development, and as such the proposal will not have any harmful impacts on the wider road network.

7.36 The development will utilise the existing access onto the site, and a separate gravel driveway will be created leading from the main access to the new dwelling. Three parking spaces need to be provided for a property of this scale in the countryside, and the hardstanding to the front of the dwelling can comfortably accommodate these spaces.

7.37 Conditions are imposed below to secure the parking spaces and to require the installation of an electric vehicle charging point at the new dwelling. On the basis of the above the proposal is in accordance with policies DM7 and DM14 and the NPPF in regard to the impact upon highway safety and convenience.

Landscaping and Ecology impact

7.38 The site is located to the south west of Hawes Wood and Wardwell Wood, which are designated as ancient woodland (AW) and a Local Wildlife Site (LWS). Natural England and the Forestry Commission have both referred to their standing advice, whilst Kent Wildlife Trust and KCC Ecology have provided more specific comments on the application.

7.39 Kent Wildlife Trust set out that a 50m buffer zone should be created between the proposed dwelling and the AW/LWS (as recommended by The Woodland Trust), however they note the positioning of the dwelling results in a 31m buffer strip, which is annotated on the proposed plans. Taking into account that Natural England and the Forestry Commission advises that proposals should have a buffer zone of at least 15m from the boundary of ancient woodland, they consider the proposed buffer zone is acceptable subject to conditions securing the strip and long term management of this feature. As suggested by Kent Wildlife Trust, a condition removing permitted development rights for the property is included below, to reduce the risk of new structures impacting on the AW and LWS without a full assessment having been carried out.

- 7.40 KCC Ecology set out in their response that development is set an acceptable distance from these protected sites, and subject to the land between the new dwelling and the woodland being maintained as a buffer zone, they do not consider the development will cause harm to these features. In particular, KCC Ecology set out that they recommend that a strip of vegetation directly adjacent to the AW/LWS is, largely, left unmanaged to enable plants and grasses to grow and set seed. This will create a buffer between the site and the adjacent woods and provide additional habitat for insects which, in turn, will support the pollination within the orchard.
- 7.41 Taking into account the consultee comments, a condition is imposed below ensuring that an ecological enhancement plan is submitted to the Council, which will include details of the rough grassland buffer requested by KCC Ecology, and will secure the long term management of this area. This condition will ensure the development does not harm the Ancient Woodland or Local Wildlife Site, in accordance with the advice from these expert consultees.
- 7.42 It is anticipated that impacts from the construction of the development will include the disturbance of wildlife through increased noise and lighting, potential for contaminated surface water runoff, as well as the generation of dust which may have direct impacts on plant health and survival. Both Kent Wildlife Trust and KCC Ecology have raised these matters, and request a construction management plan is submitted to mitigate these potential issues. This condition is imposed below and it will ensure the protection of the AW and LWS during the construction of the development.
- 7.43 The Council's Tree Consultant has also commented on the scheme and notes the application is not accompanied by any arboricultural information, but that the position of the new dwelling is not likely to affect any significant trees. Therefore, it is considered that there are few arboricultural constraints when it comes to the position of the new dwelling. A condition is recommended for the submission of a tree protection plan to ensure the protection of the woodland buffer and any surrounding trees. This condition is imposed below.
- 7.44 Additional landscaping is shown on the proposed block plan to the north east and north west of the dwelling. The relevant conditions are included below to ensure full details of hard and soft landscaping are submitted to the Council.

SPA Payment

- 7.45 An Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £328.27 per new dwelling. As the development will result in an uplift of one dwelling at the site, only one fee is required. As part of the previous application the applicant paid the required fee, which at that time was set at £253.83. An additional payment of £74.44 is therefore required to ensure the payment matches the current fee. This additional fee will be secured prior to the determination of the application.

Archaeology

- 7.46 The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.47 Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.48 The site lies in an area of potential archaeological importance, and KCC Archaeology have requested a programme of archaeological work is submitted. This condition is imposed below.

Other Matters

- 7.49 At the recommendation of the Environmental Health team, an informative is imposed below relating to the Mid Kent Environmental Code of Practice, which will mitigate any noise and dust issues from the construction phase. A condition related to hours of construction is also imposed below at their request.

8. CONCLUSION

- 8.1 Following the refusal of the previous similar scheme under 21/504388/FULL, the applicant now accepts the Council's position that a S106 is required to tie the land and dwelling together. In addition, the applicant submits that the previous application for prior approval to convert part of an existing building on the site to dwellings was ill-advised and would impact upon the viability and operation of the farm. Following advice from an agricultural consultant, it is considered that the current application (subject to completion of a S106 Agreement) would overcome the previous reasons for refusal, and that a need and justification for a permanent agricultural dwelling at the site has been demonstrated. This represents an appropriate exception to the general restriction on isolated new dwellings in the countryside and complies with Policy DM12 of the Local Plan. As such, it is recommended that planning permission be granted, subject to the conditions set out below, securing a top-up SAMMS payment and the completion of a S106 Agreement.

9. CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved drawings: 3277 – 002 Rev H, 3277 – 003 Rev E and 3277 – 004 Rev E.

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

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

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

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

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

4. To assess and mitigate the impacts of development on significant archaeological remains:

A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;

b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Local Plan policies and the National Planning Policy Framework.

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan should address the following matters, and the approved details shall be adhered to throughout the construction period.

- Suppression of dust
- Contaminated surface water run
- Noise and lighting

Reason: In the interests of wildlife and biodiversity.

6. No development shall take place until a tree protection plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall accord with BS5837:2012 – Trees in relation to Design, Demolition and Construction. The approved tree protection measures shall be installed on site prior to any works or clearance commencing and shall remain for the entirety of the construction. No works or storage shall take place within any protected area unless specifically agreed in writing by the Local Planning Authority.

Reason: To ensure protection of the woodland buffer and any surrounding trees.

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

Reason: In the interests of visual amenity.

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

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

9. No development beyond the construction of foundations shall take place until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that it has been designed to ensure there will be minimal light spill on to the site boundaries and the surrounding area. The lighting scheme should follow the recommendations within the Bats and Artificial Lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals. <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

Reason: In the interests of biodiversity.

10. No development beyond the construction of foundations shall take place until an ecological enhancement scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall set out the ecological enhancement features to be incorporated into the wider site and shall include measures for a rough grassland buffer zone between the dwelling and Hawes Wood, as shown on drawing no. 3277 – 002 Rev H, and a management plan for its long-term maintenance and retention. The scheme must be implemented as approved prior to first occupation of the dwelling hereby permitted and maintained in accordance with the management plan thereafter.

Reason: In the interests of biodiversity.

11. The area shown on approved plan numbered 3277 – 002 Rev H as vehicle parking shall be retained for the use of the occupiers of, and visitors to, the dwelling, and no

permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

12. Prior to the occupation of the dwelling hereby permitted, one electric vehicle charging point shall be provided. All Electric Vehicle chargers must be provided to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

13. 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.

14. 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.

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

Monday to Friday 0800 – 1800 hours, Saturdays 0830 – 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.

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

Reason: In the interests of water conservation and sustainability.

17. The existing mobile home shall be removed from the site within a period of three months following first occupation of the dwelling hereby permitted.

Reason: In the interests of visual amenity and to protect the character, appearance and functioning of the countryside.

18. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly employed, or last employed locally in agriculture as defined in Section 336(i) of the Town and Country Planning Act 1990 or in forestry and any dependent of such a person residing with him / her (but including a widow or widower of such a person).

Reason: The site lies outside any area in which planning permission would normally be granted for a new dwelling and this permission is only granted because the dwelling is considered essential in the interests of forestry or agriculture.

19. Upon completion, no further development, whether permitted by Classes A, B, C, D, E or F of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (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.

INFORMATIVE

1. The Mid Kent Environmental Code of Development Practice should be compiled with during the construction of the development.

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), it is concluded 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 will be secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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

The Council’s approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), December 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to

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

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



2.3 REFERENCE NO 23/504707/HYBRID		
PROPOSAL Section 73 - Application for minor material amendment to approved plans condition 6 (To improve quality of amenity space, security and safety. To increase in the amount of independently accessible parking spaces. To revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B) pursuant to 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.		
SITE LOCATION Land At Lady Dane Farm, Love Lane, Faversham, Kent, ME13 8YN		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Section 73 Application related to a Major		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to a written representation received from Faversham Town Council that is based upon relevant planning considerations.		
Case Officer Ben Oates		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town	APPLICANT Fernham Homes Operations Limited AGENT None
DATE REGISTERED 19/10/2023	TARGET DATE 18/01/2024	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - <ul style="list-style-type: none"> - All drawings submitted - All representations received - Cover letter dated 16/10/2023 (uploaded on 16/10/2023) <p>The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S2MC70TYJHV00</p>		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site is located to the eastern side of Faversham Town. It forms part of a wider development site, measuring approximately 14.5 hectares, whereby hybrid planning permission was granted in May 2023 (23/500867/HYBRID) for a mixed-use redevelopment of the site.

- 1.2. This s73 application specifically relates to the land that was subject to the Full Planning permission (for 84 residential dwellings, 3 commercial units and site access off Love Lane) under the parent hybrid application. The site boundary adjoins Love Lane to the west, farmland to the east, whilst to the north and south is land within the parent hybrid permission and was previously in use as farmland along with the application site.
- 1.3. The site is within the built-up area boundary of Faversham and forms part of the site allocation MU6 (Land at Lady Dane Farm). It is therefore not located within the countryside and is not within an area of designated landscape. The application site is not within or adjoining a conservation area, does not contain or adjoin a listed building, however, the Faversham Cemetery is located approximately 100m to the north, which is located within the Faversham Town Conservation Area.
- 1.4. The site is designated as a safeguarded area for Brickearth and within an area of identified archaeological interest. The site is also within a Site of Special Scientific Interest Impact Risk Zone, and within 2km of the Swale Ramsar and Special Protection Area.
- 1.5. The application site is surrounded by land previously used as farmland to the north, east and south, which also forms part of the wider site subject to the hybrid planning permission. The western boundary is formed by Love Lane with post-war housing at Buttermere/Windemere.

2. PLANNING HISTORY

Set out below is the history considered relevant to the determination of the current application:

23/504909/REM – Currently under consideration

Approval of Reserved Matters of access, appearance, landscaping, layout and scale for the erection of a 67-bed care home, pursuant to hybrid application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

23/504754/REM – Currently under consideration

Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) for Phase Landscape 1 pursuant to application 23/500857/HYBRID for - Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

23/500857/HYBRID - Approved - 26/05/2023

Hybrid Planning Application consisting of a: Full planning application for 84no. residential dwellings, 3no. commercial units for Class E uses, access off Love Lane, and site infrastructure. Outline Planning Application (with all matters reserved) for 70no. residential dwellings, enterprise land development (including Class E uses), a Day Nursery and a Care Home, together with open space, sports provision, and associated works.

21/502927/FULL – Approved – 30/06/2023

Erection of 88no. dwellings with associated access, parking, and landscaping.

The Applicant has submitted numerous condition discharge applications.

3. PROPOSED DEVELOPMENT

- 3.1. This application is submitted under Section 73 of the Act for amendments to the approved plans listed under condition 6 of planning permission ref: 23/500857/HYBRID (as listed above).
- 3.2. The proposal seeks to improve the quality of amenity space, security and safety across the scheme, increase the amount of independently accessible parking spaces, revise the arrangement and distribution of house sizes and types, and to amend the design of Blocks A and B.
- 3.3. Specifically, the proposal seeks to make the following changes (note that the plot numbers stated below are all taken from the approved drawing no.1005_PL_F):
1. Re-arrangement of the layouts, siting and building design of plots 64 – 84, including the removal of the rear parking court that served previously approved plots 74-78 and 81. The amendments seek to improve the quality of the private amenity spaces for all dwellings that adjoin this area whilst also omitting an area that lacked passive surveillance over it.
 2. Re-arrangements to the layouts, siting and building design of plots 25 – 29, and 47 - 49.
 3. Revisions to the parking layout adjoining plots 48, 53 and 56.
 4. Increase to the amount of independently accessible parking spaces.
 5. Revision to the arrangement and distribution of house sizes and types (the overall mix of house sizes remain as consented).
 6. The design of Blocks A and B have been revised, including a reduction in the roof mass of Block A and a revision of the material composition on both Block A and B. The revisions seek to respond more sympathetically to the architectural vernacular of the historical built environment within Faversham.
 7. Provision of temporary parking arrangements for visitors for the duration of the sales period within the site. These are located to the northwest of plot 43 (as per the revised site layout plan).
- 3.4. As a consequence of the proposed amendments, the plot numbering has also been amended and a new series of drawings have been provided to ensure the proposal for each plot accords with the revised plot numbering on the new site layout plan.
- 3.5. The proposal was also amended during the course of the application, which included a minor revision to the layout of the parking areas adjoining plots 55 and 56 to revert back to the layout granted in the parent Hybrid permission. Juliet balconies were also provided to the southern elevation of Block A, which will improve the internal living environment of the respective units. Additionally, glazing has been incorporated to the northern façade of commercial Unit 2 in Block B in place of the 'shadow' doorway to improve the surveillance of the parking area.

4. CONSULTATION

- 4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.

4.2. No letters of representation were received from the public in relation to the consultation.

4.3. **Faversham Town Council** has objected to the application and make the following comments:

Objections	Report reference/ clarification
Concerns that Plots 56 and 57 are crammed in the car park.	This is discussed at paragraph 7.5.7
Concern at lack of secure covered personal vehicle storage at the care home.	This is discussed at paragraph 7.6.7
It is unclear if the image on plan reference 'Parking Plan Revision A' is proposed secure cycle storage. If this is the case, concern is raised at this generating a cluttered appearance with a series of boxes. These should be better integrated into the development.	This is discussed at paragraph 7.4.7
Suggest that the number of cycle spaces per flat is also increased.	This is discussed at paragraph 7.6.5
<p>Arrangement and distribution of house sizes and types:</p> <ul style="list-style-type: none"> • Concern that the development is still not tenure neutral and socially inclusive as shown in the submitted 'Tenure Plan, Revision A'. • The Town Council emphasises again that overall development makes a limited contribution to delivering carbon zero development. • The proposed revised design, layout and materials of the development do not take opportunity to create community or micro energy production or include innovative design features such as rainwater gardens and harvesting or solar shading. 	This is discussed in Section 7.9.
Neutral / Support Comments	
The revised design and layout of the rear parking court at plots 74-78 and 81 is supported.	
The redesign of blocks A and B is supported.	
No objection is raised to the proposed temporary parking provision.	

4.4. Revisions were received during the application. They were of a minor nature and would have no bearing on neighbouring properties or undermine the design quality of the proposal. As such, the revisions did not constitute a requirement for further rounds of public consultation.

5. REPRESENTATIONS

National Highways - No objection, given that this application would not alter the impact of the development on the SRN.

Network Rail - No objection

Southern Water - No objection

KCC Minerals & Waste - No objection

Urban Design – Initially raised concerns with regard to the lack of passive surveillance over the parking court adjoining Blocks A and B, and lack of soft landscaping to break up the parking bays adjoining plot 55. However, the provision of revised drawings has appropriately addressed these concerns. Otherwise, the proposed changes are considered acceptable.

SBC Heritage - No objection

Environmental Health - No objection subject to the same conditions being applied as previously.

KCC Transport & Highways – No objection

- The details that have been provided regarding changes to the parking which has been increased to allow for an increase of independently accessible parking spaces is accepted. It is appreciated that where possible parking courts located to the rear of properties is deemed unfavourable and causes a potential security and safety risks and therefore these changes are a betterment.
- The applicant has provided an adoption plan which shows two areas highlighted in blue (access points from Love Lane). The applicant provided a cover note at the request of officers, which sets out the areas offered for adoption for clarity and are accepted.

Climate Change / energy - No objection- The revised parking provision meets the EV charging needs of our Parking SPD.

KCC Ecology - No objection - KCC Ecology have compared the masterplan submitted with this application with the illustrative master plan submitted with application 23/500857/HYBRID and it is our understanding that the above ecological mitigation, ecological enhancements and proposed BNG can still be achieved. The conditions recommended for application 23/500857/HYBRID are still valid for this application.

KCC Flood and Water Management - No objection - The minor proposed changes to site layout would have minimal impact on impermeable areas or drainage of the site. Any minor changes that may be required to the drainage scheme can be addressed within the forthcoming detailed design submission.

Kent Police - No objection subject to referring to comments on the previous application, which set out the need for a condition relating to Secured by Design compliance.

Kent Fire & Rescue - No objection - The emergency access requirements for the Fire and Rescue Service appear to have been met.

6. DEVELOPMENT PLAN POLICIES

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

ST 1 Delivering sustainable development in Swale

ST 2 Development targets for jobs and homes 2014- 2031

ST 3 The Swale settlement strategy

ST 7 The Faversham Area and Kent Downs strategy

CP 1 Building a strong, competitive economy

CP 2 Promoting sustainable transport

CP 3 Delivering a wide choice of high-quality homes

CP 4 Requiring good design

CP 5 Health and wellbeing

CP 6 Community facilities and services to meet local needs

CP 7 Conserving and enhancing the natural environment – providing for green infrastructure

CP 8 Conserving and enhancing the historic environment

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 20 Renewable and low carbon energy

DM 21 Water, flooding, and drainage

DM 24 Landscape

DM 26 Rural lanes

DM 28 Biodiversity and geological conservation

DM 29 Woodlands and Trees

DM 31 Agricultural Land

DM 32 Development involving listed buildings

DM 34 Scheduled monuments and archaeological sites

MU 6 Land at Lady Dane Farm, east of Love Lane

Supplementary Planning Guidance/Documents -

Developer Contributions (2009)

Parking Standards (2020)

Swale's Landscape Character and Biodiversity Appraisal (2011)

Swale Landscape Assessment (2019)

Draft Faversham Neighbourhood Plan

- 6.1. The draft Faversham Neighbourhood Plan has been submitted for examination following consultation under Regulation 16. The consultation responses included a number of objections in relation to proposed site allocations (for example questioning if sites were available and deliverable), and also raising concern over the justification for the application site not being considered as a site allocation. There are unresolved objections (considered significant) in relation to emerging Faversham Neighbourhood Plan policies.
- 6.2. Paragraph 48 of the NPPF states that local planning authorities may give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).
- 6.3. Taking account of the stage of preparation that the emerging Faversham Neighbourhood Plan has reached and because of unresolved objections to relevant policies, and the lack of testing in examination over the consistency with policies in the NPPF, the emerging plan is afforded limited weight for the purposes of determining this application. Notwithstanding this, the following policies would be relevant to this application:

FAV2 Housing Development

FAV3 Residential Mix and Standards

FAV4 Mobility and Sustainable Transport

FAV5 Critical Road Junctions

FAV6 Footpaths, Bridleways and Cycleways

FAV7 Natural Environment and Landscape

FAV8 Flooding and Surface Water

FAV9 Air Quality

FAV10 Sustainable Design and Character

FAV11 Heritage

FAV12 Community Facilities

FAV13 Local Green Space

FAV14 Local Renewable Energy Schemes

7. ASSESSMENT

- 7.1. As a result of the changes proposed the main considerations involved in the assessment of this application are as follows:

- Design of the proposed development
- Living Conditions
- Parking arrangements

7.2. Principle of Development

7.2.1. The principle of the proposed development on this site has been established as being acceptable through the parent Hybrid planning permission (ref: 23/500857/HYBRID). The current application submitted under s73 does not propose any amendments to the development that would result in a different conclusion on the principle of development to that already established. Furthermore, the site is part of a wider site allocation for development supported by Local Plan policies ST7 and MU6.

7.3. Character and appearance

7.3.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.3.2. There is no objection to the revised arrangement and distribution of houses across the site. The streetscape will remain varied with a range of unit types.

7.3.3. The removal of the rear parking court that served plots 74-78 and 81 (as shown on approved drawing no.1005_PL_F) is considered an enhancement to the layout of the development. It would both remove an area of the proposal that had an area of hardstanding with limited natural surveillance to be replaced with improved private amenity spaces for dwellings. Parking will primarily be provided off street and in a smaller parking court to the front of plots 74-77. This mixed approach ensures the quality of the street will not be dominated by parking and the new parking court will be subject to natural surveillance and softened with planting.

7.3.4. Concern was raised that the proposed new layout introduced long rows of parking spaces unbroken by any soft landscaping, for instance adjoining plot 55. However, the applicant revised the layout of these parking areas to revert back to the layout granted in the parent Hybrid permission. The revisions address the issues raised and are consistent with the guidance provided in the Parking SPD.

7.3.5. Temporary parking is proposed for visitors for the duration of the sales period within the site. These are located to the northwest of plot 43 (as per the revised site layout plan). A new condition is recommended (Condition 48) requiring the parking spaces to be removed and the area reinstated with landscaping within 6 months of final occupation of the development.

7.3.6. The changes proposed to the height and massing of Blocks A & B have been sensitively considered and ensure the scheme complements and enhances the surrounding townscape. There is greater vertical emphasis within the facades which respond to the architectural vernacular of the historical built environment within Faversham. Similarly, the material composition on both blocks is acceptable and reflective of the wider context.

7.3.7. The new arrangement of servicing and bin storage on the ground floor of Block A resulted in blank facades to its southern and eastern elevations which would have limited natural surveillance to the vehicle parking areas. Following concerns raised in this regard, revised drawings were submitted showing Juliet balconies to the southern elevation of Block A, which also improves the internal living environment of the respective units. Additionally, glazing has

been incorporated to the northern façade of commercial Unit 2 in Block B in place of the 'shadow' doorway. This provides more animation to the façade and improves the interaction between the building and public realm.

- 7.3.8. Faversham Town Council raised concern that the proposed cycle storage boxes would create visual clutter throughout the development. However, these are located within rear gardens and therefore would not impact on the appearance of the public realm.
- 7.3.9. In conclusion, the proposed amendments would have a positive effect on the character and appearance of the approved development and would continue to have an acceptable impact on the character of the wider area and landscape. The proposal is therefore accords with Policies ST7, CP4, CP7, DM14, DM24 and DM29 of the Local Plan.

7.4. Living Conditions

Existing residents

- 7.4.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.4.2. The officer report supporting the parent Hybrid permission concluded that the development would not result in any harm to existing neighbouring amenity pertaining to daylight/sunlight, outlook, privacy or noise disturbance. Details of dust management, construction hours, and construction management plan are secured via condition to ensure that development mitigates impacts during the construction period.
- 7.4.3. The proposed changes result in only minor changes to the layout and scale of the development, which would not result in any additional impacts on existing nearby properties. As such, it is considered that the proposal would not be harmful to existing residents in accordance with the Policy DM14 Local Plan.

Future residents

- 7.4.4. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 7.4.5. The officer report supporting the parent Hybrid permission concluded that the development would provide an acceptable level of amenity for future occupants, noting that dwellings were dual aspect, provided with good levels of privacy and amenity space, and sufficient waste storage.
- 7.4.6. The proposed changes to the approved development protect the high standard of residential environment secured in the Hybrid permission and are considered to make further improvements with improved passive surveillance over common areas. Furthermore, the provision of Juliet balconies to units 16 and 22 within Block A further enhance the residential environment to these units, which are secured as affordable housing units.
- 7.4.7. Officers acknowledged that Faversham Town Council raised concerns in regard to the location of dwellings 56 and 57, however this remains unchanged from the approved layout.
- 7.4.8. All dwellings are provided with functional layouts, generous gardens, sufficient levels of privacy and a pleasant outlook. The proposal therefore provides an acceptable level of amenity for future residents in accordance with Policy DM14 Local Plan and the NPPF.

7.5. Transport and Highways

- 7.5.1. The Local Plan and NPPF promote sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.
- 7.5.2. The NPPF also states that:
“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”
- 7.5.3. The officer report supporting the parent Hybrid permission concluded that the development would not lead to unacceptable highway impacts, noting that vehicle and cycle parking, and electric vehicle charging points were provided in accordance with Swale Borough Council standards. The development is well connected with pedestrian and cycling paths, and upgrades to the public right of way were also secured. The recommended highways works and junction improvements proposed by the Transport Assessment were also secured by conditions and s106 planning obligations.
- 7.5.4. The proposed amendments to the approved development only make minor changes to the layout and do not affect the spine route, road layout, or pedestrian routes within and adjoining the site. Furthermore, the proposed amendments do not affect the dwelling nos. or their size and the revisions are not considered to impact vehicle movements to and from the site. As such the revisions will not further impact the wider highway network or affect external transport impacts.
- 7.5.5. The proposed parking layout changes are considered by KCC Highways to improve on the approved layout. KCC Highways have also not raised any concerns with the proposed cycle parking provision for the units, which remain unchanged from the Hybrid permission.
- 7.5.6. KCC Highways have confirmed that the clarification provided regarding the road adoption addresses the concern they raised. KCC Highways further advise that they raise no objections to the proposal having considered the development and its effect on the highway network.
- 7.5.7. Faversham Town Council raised concern with regard to the lack of covered parking at the care home, however this application does not propose any changes to this part of the site, which was included within the outline part of the Hybrid permission.
- 7.5.8. Overall, it is considered that the scheme continues to comply with Policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.

7.6. Community Infrastructure

- 7.6.1. The hybrid planning permission (ref: 23/500857/HYBRID) was granted subject to the conditions listed in the decision notice and the planning obligations secured within the s106 agreement. The covenants and provisions of the s106 legal agreement pursuant to the parent planning permission continue to apply to any section 73 planning permission, which includes this application. Therefore, a deed of variation to link this application to the s106 agreement will not be required.

7.7. Archaeology

- 7.7.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.7.2. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.7.3. The site is located within an area of potential archaeological interest. The Cultural Heritage Desk Based Assessment submitted with the Hybrid application concluded that it is unlikely that development of the site would have a significant archaeological impact, however further investigation works could follow the granting of planning permission and be secured by an appropriately worded archaeological planning condition.
- 7.7.4. Officers note an archaeological planning condition was not included in the Hybrid permission. A written scheme of investigation should have been required by condition for any development at this site. To avoid any potential harm to archaeological heritage assets, it is recommended that this condition is included should permission be granted for this s73 application (see condition 49).
- 7.7.5. Subject to the recommended condition, the proposal accords with the provisions of Policy DM34 of the Local Plan and the NPPF.

7.8. Conclusion

- 7.8.1. The proposed amendments do not affect the number of dwellings or the mix of housing type and tenure nor the location of affordable housing within the development. The proposed amendments also do not change the amount of floorspace within the commercial units. There are no changes proposed to the development's provision of open space, energy and sustainability strategy, drainage strategy, and provision of environmental and ecological mitigation measures. As there has also been no significant change in planning policy related to these matters the development remains acceptable as established in the Hybrid planning permission.
- 7.8.2. The proposed changes are a considered to result in an improvement to the original Hybrid permission and are acceptable considered acceptable in accordance with the relevant Local Plan policies and National Planning Policy Framework as set out above. Should this s73 application be approved it is necessary to reimpose the conditions secured by the Hybrid permission as originally worded or revise where details have been approved through discharge of conditions applications. This will ensure the proposal accords with the Local Plan 2017 an the NPPF.

CONDITIONS

1) The detailed element of the development to which this permission relates shall be begun before 26 May 2026.

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 shall be carried out in accordance with the Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other such subsequent phasing to be agreed pursuant to this condition).

Reason: In the interests of ensuring that the development is carried out in a co-ordinated manner.

3) Details relating to the layout, scale, and appearance of the proposed building(s) (if any) within a relevant phase (other than the detailed element), and the landscaping of the site within that phase, shall be submitted to and approved by the Local Planning Authority before any development within that phase is commenced.

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

4) Applications for approval of reserved matters referred to in Condition (3) above must be made no later than 26 May 2028.

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

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

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

General

6) The detailed element of the development shall be carried out in accordance with the following approved plans:

1000 PL B	20 February 2023	Site Location Plan
1002 PL A	20 February 2023	Existing Site Plan
1001 PL A	20 February 2023	Planning Areas Plan
A-2005-PL-B	Site Layout (B&W)	
C-2005-PL-B	Site Layout (Coloured)	
2010-PL-B	Street Scenes A-A and B-B	
2011-PL-B	Street Scenes C-C and D-D	
A-2105-PL-B	Masterplan Site Layout (B&W)	
C-2105-PL-B	Masterplan Site Layout (Coloured)	

2700-PL-B	Refuse Plan
2701-PL-B	Parking Plan
2702-PL-B	Tenure Plan
2703-PL-B	Materials Plan
2704-PL-B	Fire Strategy Plan
2710-PL-B	Extent of Adoption Plan

Note: for the above drawings only the information within the orange dashed line is to be approved in detail. All other information is for illustrative purposes only.

5000-PL-B	Apartment Block B Floor Plans and Elevations
5005-PL-B	Apartment Block A Floor Plans
5006-PL-B	Apartment Block A Elevations
5010-PL-A	Plots 30-31,79-80,83-84 Plans & Elevations
5011-PL-A	Plot 32 Plans & Elevations
5015-PL-A	Plots 56-57 Plans & Elevations
5025-PL-A	Plots 50, 70 Plans & Elevations
5030-PL-A	Plot 69 Plans & Elevations
5035-PL-A	Plot 45 Plans & Elevations
5036-PL-A	Plot 47 Plans & Elevations
5040-PL-A	Plots 33-40 Plans & Elevations
5045-PL-A	Plot 71 Plans & Elevations
5056-PL-A	Plots 29, 48, 72 Plans & Elevations
5060-PL-A	Plots 51, 78 Plans & Elevations
5061-PL-A	Plots 41-43 Plans
5062-PL-A	Plots 41-43 Elevations
5065-PL-A	Plots 63, 73 Plans & Elevations
5070-PL-B	Plots 54-55,59-60,64-65,66-67 Plans & Elevations
5080-PL-A	Plots 52-53,61-62,74-75,76-77 Plans & Elevations
5081-PL-A	Plots 23-26 Plans
5082-PL-A	Plots 23-26 Elevations
5090-PL-A	Plot 49 Plans & Elevations
5091-PL-A	Plots 46, 68 Plans & Elevations
5095-PL-A	Plot 44 Plans & Elevations
5100-PL-A	Plots 27-28, 81-82 Plans & Elevations

5105-PL-B		Plot 58 Plans & Elevations
5400-PL-A		Garages & Stores Plans & Elevations
LDF-EDL-XX—XX-DR-L-0100-R2	20 February 2023	Illustrated Masterplan
1823 P02	November 2021	Drainage Strategy Full Site Plan
1810 P02	November 2021	Drainage Strategy Sheet 1 of 14
1811 P02	November 2021	Drainage Strategy Sheet 2 of 14
1812 P02	November 2021	Drainage Strategy Sheet 3 of 14
1813 P02	November 2021	Drainage Strategy Sheet 4 of 14
1814 P02	November 2021	Drainage Strategy Sheet 5 of 14
1815 P02	November 2021	Drainage Strategy Sheet 6 of 14
1816 P02	November 2021	Drainage Strategy Sheet 7 of 14
1817 P02	November 2021	Drainage Strategy Sheet 8 of 14
1818 P02	November 2021	Drainage Strategy Sheet 9 of 14
1819 P02	November 2021	Drainage Strategy Sheet 10 of 14
1820 P02	November 2021	Drainage Strategy Sheet 11 of 14
1821 P02	November 2021	Drainage Strategy Sheet 12 of 14
1822 P02	November 2021	Drainage Strategy Sheet 13 of 14
1823 P02	November 2021	Drainage Strategy Sheet 14 of 14
2101 PTPP	Nov 2021	Preliminary Tree Protection Plan
15536-H-01 Rev P3	01/06/22	Northern Site Access
15536-H-02 Rev P3	01/06/22	Southern Site Access
15536-H-03 Rev P3	04/04/22	Love Lane Design
15536-H-04 Rev P1	09/05/22	Pedestrian Crossing
15536-T-01 Rev P3	09/05/22	Northern Site Access Tracking
15536-T-02 Rev P3	09/05/22	Southern Site Access Tracking
15536-T-03 Rev P1	09/05/22	Refuse
15536-T-04 Rev P1	09/05/22	Pantehnicon
15536-T-05 Rev P1	09/05/22	Fire Tender
15536-T-06 Rev P1	09/05/22	Estate Care
15536-T-07 Rev P1	09/05/22	Pumping Vehicle
15536-T-08 Rev P2	31/05/22	Articulated Lorry
15536-T-09 Rev P1	09/05/22	Crest Nicholson Access Tracking

15536-T-10 Rev P1 09/05/22 Private Access Tracking

Reason: To accord with the terms of the application and in the interests of proper planning.

7) The reserved matters details submitted pursuant to condition (3) shall accord with the Land Use Parameter Plan, which for the avoidance of doubt are as listed below-

2201-PL-A Land Use Parameter Plan

Reason: To accord with the terms of the application and in the interests of proper planning.

Housing and wastewater infrastructure plan: detailed and outline elements

8) The development shall be carried out in accordance with the Wastewater Infrastructure Phasing Plan approved under application reference 23/503742/SUB.

Reason: To ensure that phasing is aligned to improvements to off-site wastewater infrastructure.

Sustainable Construction Techniques

9) No development shall take place above slab level in relation to phases: Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until details have been submitted to and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development in that phase incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the potential inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development of the phase of development in question as approved and retained as such in perpetuity.

For the Residential Full and Residential Outline phases as shown on Phasing Plan, Dwg. No 031 002_P1 (or other subsequent phasing to be agreed pursuant to condition 2), the details approved under application reference 23/503743/SUB shall be incorporated into the development and retained as such in perpetuity.

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

Water consumption

10) The development shall be carried out in accordance with the details (Water Consumption) approved under application reference 23/505359/SUB.

Reason: In the interests of water conservation and sustainability

BREEAM or equivalent

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

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

Site Levels

12) No development shall take place in a particular phase until details of the existing site levels, proposed site levels (including any levels changes to areas to be used as open space, landscaped buffer areas and highways), and proposed finished floor levels for buildings (if there are buildings in that phase) in that phase have been submitted to and approved in writing by the Local Planning Authority and the development of that phase shall be completed strictly in accordance with the approved levels.

Reason: To secure a satisfactory form of development having regard to the topography of the site.

High Speed Fibre

13) The development shall be carried out in accordance with the details (Fixed Telecommunication Infrastructure) approved under application reference 23/503742/SUB.

Reason: In the interests of residential amenity.

Minimisation of risk of crime

14) The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place above slab level in phases Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until details of such measures, according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED) to follow the guidance set out in the SBD Homes 2019 and SBD Commercial 2015 (as amended), for that relevant phase have been submitted to and approved in writing by the Local Planning Authority. The approved measures for the relevant dwelling or building shall be implemented before the relevant dwelling or building is occupied and thereafter retained.

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 23/505662/SUB shall be incorporated into the development as approved and implemented before the relevant dwelling or building is occupied and thereafter retained.

Reasons: In the interest of Security, Crime Prevention and Community Safety

15) No development beyond the construction of foundations shall take place in a particular phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the Local Planning Authority for that phase.

Reason: To ensure a satisfactory appearance to the development.

Removal of permitted development rights

16) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no gates, fences, walls, or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway, unless specifically shown on the approved plans.

Reason: In the interests of visual amenity.

Older and accessible/adaptable housing

17) The reserved matters details submitted pursuant to condition (3) shall include measures to demonstrate how the proposals will meet the needs of specific housing groups, including older and disabled persons.

Reason: To ensure that the development of this large strategic sites makes provision for different housing needs.

Construction

18) No development within the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home, and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) shall take place, including any works of demolition, until a Construction Management Plan (CMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The approved CMP shall be implemented and adhered to throughout the entire construction period of that phase. The CMP shall provide details of:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access

For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the construction phase shall be implemented in accordance with details approved under application reference 23/504925/SUB.

Reason: To ensure that the impact of construction works on the strategic and local road network are managed, and in the interests of the amenities of the area and highways safety and convenience.

19) No construction work (for the avoidance of doubt to include piling) in connection with the development shall take place on any Sunday or Public Holiday, nor on any other day except between the following times:

Monday to Friday 0700 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

Highways

20) No occupation of any phase shall take place until the highways works to provide pedestrian crossings on Love Lane, as indicatively shown on drawing 15536 H-02 Rev P3, have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of Highways safety

21) No greater than 50 occupations of dwellings shall take place until the highway works providing the northern access and Love Lane highway improvement scheme as indicatively

shown on drawings 15536 H-01 Rev P3 and 15536 H 03 Rev P3 have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of highways safety and to ensure early delivery of part of the spine road.

22) Any application submitted for the approval of Reserved Matters shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with the Council's adopted parking standards. The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling or building to which they relate and retained thereafter.

Reason: To ensure a satisfactory parking arrangement and in the interests of highways safety.

23) Prior to the occupation of any dwelling or other building, secure, covered cycle parking facilities shall be provided for the dwelling or building in accordance with the Council's adopted parking standards and submitted plan 3021 A 1701 PL Rev F, and the facilities retained thereafter.

Reason: To ensure a satisfactory cycle parking arrangement and in the interests of highways safety.

24) Prior to the occupation of any dwelling or other building, the following works between the dwelling or building and the adopted highway shall be provided:

(a) Footways and/or footpaths, except for the wearing course.

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

Reason: In the interests of highways safety.

25) Prior to first occupation of any phase a plan demonstrating the proposed improvement to the width, surfacing and public rights for Public Footpath ZF28 shall be submitted to and approved in writing by the Local Planning Authority and thereafter implemented and open and available to the public prior to the occupation of the 50th dwelling.

Reason: In the interests of enhancing the usage of the public footpath network.

26) No greater than 50 occupations of dwellings shall take place until Highways works to include the provision of a puffin crossing at the East St/The Crescent Road junction have been completed in accordance with a Section 278 agreement with the Highway Authority, unless otherwise agreed in writing by the Highway Authority.

Reason: In the interests of pedestrian and highways safety.

27) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the occupation of each dwelling or building to which they relate and retained thereafter.

Reason: For the avoidance of doubt, and to ensure proper parking provision.

28) Prior to occupation of any dwelling, a temporary vehicle turning head shall be provided for the spine road in accordance with details approved under application referencec23/503742/SUB and shall be kept available for use until such time as a permanent

turning facilities are provided by development approved in subsequent Reserved Matters applications.

Reason: In the interests of highways safety

29) Prior to the occupation of plots 73 to 78, the emergency vehicle route serving these dwellings shown on drawing 3021-A-1704-PL Revision E shall be surfaced and access controlled in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highways safety

30) For the purposes of the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1, the area shown on the approved plans as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

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

Landscaping

31) No development shall take place above slab level for any phase until a detailed scheme and timetable of soft landscaping for that phase has been submitted to and approved in writing by the Local Planning Authority, and such planting shall be completed on the site in accordance with the approved details and timetable. The soft landscaping scheme shall include proposed trees, shrubs, and other features, planting schedules of plants (which shall include indigenous species and of a type that will encourage wildlife and biodiversity), noting species, plant sizes and numbers where appropriate, measures to prevent tree vandalism, and measures to protect the advance planting from construction on the remainder of the site for the duration of such works. The works shall be carried out in accordance with the broad parameters as set out in Figure 5 Mitigation and Enhancement Plan dated November 2021 contained within the Ecological Appraisal by Bakerwell.

Reason: To accord with the terms of the application and the requirements of Policy MU 6 of the Swale Borough Local Plan - Bearing Fruits 2031. To ensure the early delivery of part of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

32) Upon completion of the soft landscaping works, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.

Reason: To ensure the retention and maintenance of strategic landscaping, in the interests of visual amenity.

33) For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 the areas shown on the approved drawings as open space and play areas shall be reserved for the general amenity of the area. Play spaces shall be surfaced and equipped with play

equipment, in accordance with a schedule and timetable for delivery to be submitted to and agreed in writing by the Local Planning Authority before the first dwelling is occupied. The open space and play area within the For the Residential Full phase as shown on Phasing Plan, Dwg. No 031 002_P1 shall be provided prior to the occupation of no more than 40 dwellings. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

Drainage

34) No development shall take place above slab level within a phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 12th November 2021 and shall demonstrate that the surface water generated by the relevant phase of the 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 within the curtilage of the site 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 in that phase are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme for that phase 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.

35) 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 for that building. 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 the National Planning Policy Framework.

36) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

37) With the exception of that element of the development hereby granted full planning permission no development shall take place in a particular phase until the details required by Condition 3 demonstrates that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout for that phase.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

Contamination

38) No development of the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2), shall commence prior to a contaminated land assessment (and associated remediation strategy if relevant) being submitted to and approved in writing by the Local Planning Authority, comprising:

- a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the District Planning Authority prior to any intrusive investigations commencing on site.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (c) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the written consent of the Local Planning Authority. The scheme shall be implemented as approved.

For the Residential Full phase (as shown on the Phasing Plan, Dwg. No 031 002_P1) the details approved under application reference 23/503742/SUB shall be incorporated into the development as approved.

Reason: to ensure land contamination is adequately dealt with, and 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

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

Reason: to ensure land contamination is adequately dealt with, and 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

40) Prior to any part of the permitted development in a particular phase being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation for that phase 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.

41) If, during development, contamination not previously identified is found to be present at the site then no further development within that phase (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 on that phase 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

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

Reason: To 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.

43) No development shall take place in the following phases: Residential Outline, Landscape 1, Landscape 2, Employment 1, Employment 2, Care Home and Day Nursery as shown on Phasing Plan, Dwg. No 031 002_P1 P1 approved under application reference 23/503742/SUB (or other subsequent phasing to be agreed pursuant to condition 2) until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Construction Method Statement 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.

For the Residential Full phase, as shown on Phasing Plan, Dwg. No 031 002_P1, the details approved under application reference 23/504925/SUB shall be incorporated into the development as approved and implemented throughout the entire construction period of the phase.

Reason: To safeguard residential amenity.

44) In relation to the commercial element of this proposal, details of any mechanical ventilation system that will be installed shall be submitted to and approved by the Local Planning Authority and upon approval shall be installed, maintained and operated in a manner which prevents the transmission of odours, fumes, noise and vibration to neighbouring premises.

Reason: To safeguard residential amenity.

Ecology

45) No development shall take place within a phase until a detailed ecological mitigation and enhancement strategy for that phase has been submitted to and approved in writing by the Local Planning Authority. It must be based on the information within the Ecological Assessment; (Bakerwell; Nov 2021) The mitigation and enhancement strategy must include the following information:

- Aim and objectives of the strategy
- Maps demonstrating the areas where mitigation is required.
- Maps showing the areas of habitat creation and ecological enhancements
- Detailed methodology to implement mitigation
- Timings of works.
- Interim management plan for the areas of habitat creation.
- Details of who will be carrying out the works.

The strategy must be implemented in accordance with the approved details.

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

46) No works shall take place in relation to the open space within a phase of the development until a habitat creation, management and monitoring plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The management plan must provide the following information:

- Map showing areas of habitats to be created and managed
- Aims and objectives of the plan
- Overview of habitat creation and management to be carried out
- Detailed methodology to create the habitats
- Management prescriptions and timetable for the works

- Details of on-going monitoring
- Details of management plan reviews.
- Details of who will be carrying out the management and funding mechanisms.

The plan must be implemented in accordance with the approved details.

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

47) No external lighting shall be installed within a phase of the development until a lighting design strategy and plan (to include the dark sky area shown on Figure 5 Mitigation and Enhancement Plan (Ecological Appraisal; Bakerwell; November 2021) and follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals) to mitigate the impact on biodiversity has been submitted to and approved in writing by the Local Planning Authority detailing how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bats. All external lighting shall be installed in accordance with the approved details.

Reason: In the interests of protected species.

48) Within six months of the final occupation of the development, the 6no temporary car parking spaces as shown on 2701_PL_B_Parking_Plan shall be removed and the area reinstated with landscaping in accordance with the details to be approved pursuant to condition 31.

Reason: In the interests of visual amenity and to maximise urban greening.

Archaeology

49) A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) Within 9 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the Local Planning Authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. a technical note outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;

- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with policies in the Local Plan and the National Planning Policy Framework.

INFORMATIVES

1. The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW.
2. The applicant is advised to review and comply with the Mid Kent Environmental Code of Development Practice which can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
3. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
4. 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.
5. 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.
6. 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.
7. 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.
8. Should the development be approved by the Local 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.

9. 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.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework 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.



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2.4 REFERENCE NO - 24/500740/FULL		
APPLICATION PROPOSAL Conversion of 2no. domestic outbuildings to 2no. holiday lets, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building.		
SITE LOCATION The Cottage Frinsted Road Milstead Sittingbourne Kent ME9 0SA		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor Development		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection.		
Case Officer Claire Attaway		
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mr Andrew Low AGENT Kingsway Planning
DATE REGISTERED 23/02/24	TARGET DATE 30/05/24	
BACKGROUND PAPERS AND INFORMATION: - Documents referenced in report are as follows: - All drawings submitted All representations received Planning and Design and Access Statement dated 19.02.2024 (uploaded on 21.02.2024) Heritage Statement dated 11.05.2022 (uploaded on 21.02.2024) Bat Activity Assessment Report dated 02.11.2023 (uploaded on 21.02.2024) eDNA Survey Report Great Crested Newt dated 02.11.2023 (uploaded on 21.02.2024) Preliminary Ecological Appraisal dated February 2023 (uploaded on 21.02.2024) The full suite of documents submitted pursuant to the above application are available via the link below: - 24/500740/FULL Conversion of 2no. domestic outbuildings to 2no. holiday lets, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building. The Cottage Frinsted Road Milstead Sittingbourne Kent ME9 0SA (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site comprises of a curtilage listed 19th century brick built stable building with an attached garage, and a detached timber clad barn that are both currently used for domestic storage. These outbuildings are situated within the grounds (approx. 0.06 hectares in area) of The Cottage, a Grade II listed building which is located outside any Local Plan defined built-up area boundary, and within both the Milstead Conservation

Area and the Kent Downs National Landscape [formerly known as Kent Downs Area of Outstanding Natural Beauty]. The site lies to the south of the village centre and along the western side of Frinsted Road which is designated as a protected rural lane in the Local Plan. To the north of the site runs a track and a public footpath (ZR224) that leads to a property known as Lerimede to the rear of the site.

- 1.2 The Cottage is set within a spacious garden which wraps around the house and the garden of a separate residential property known as Wisteria Cottage, a Grade II listed building. The access next to the track leads to a driveway that passes the stable building and wraps around Wisteria Cottage to arrive at the front of the house.

2. PLANNING HISTORY

- 2.1 **24/500741/LBC** Listed Building Consent sought for conversion of 1no. domestic outbuilding to 1no. holiday let, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building. Pending consideration.
- 2.2 **21/506458/FULL** and **21/506459/LBC** Planning permission and listed building consent granted on 31.01.2022 for the erection of a single storey rear extension and internal alterations to the dwelling. This development relates to the property itself rather than the outbuildings.
- 2.3 **SW/04/0487** Application for a lawful development certificate withdrawn on 22.06.2004 for use of the stables as a private dwelling.
- 2.4 **SW/03/1485** and **SW/03/1486** Planning application and application for listed building consent withdrawn on 15.06.2005 for conversion of the stable building and linked outbuildings to form a single dwelling, including new garage to main house and adapted vehicular access.
- 2.5 **SW/02/0540** and **SW/02/0541** Planning application and application for listed building consent withdrawn on 08.08.2002 for part conversion of stable building and linked outbuildings to form single dwelling, including new garage to main house and adapted vehicular access.

3. PROPOSED DEVELOPMENT

- 3.1 Planning permission is sought for the conversion of the existing stable building and timber barn into two, 2-bedroom holiday lets. The existing garage (approx. 6.7m x 10.6m) attached to the stable building will be demolished and a single storey rear extension (approx. 4.3m x 8.0m) and a glazed side link (approx. 7.7m x 1.5m) will be erected.
- 3.2 The proposed conversion of the stables (Holiday Let A) will retain the existing stall division and cobbled floor, and will be re-positioned as an internal feature. On the front elevation, a new timber window will be inserted to match existing windows (secondary glazed). The rear extension will provide a lounge and kitchen and be constructed of red stock brickwork with dark stained feather-edged timber boarding on the front elevation and have a pitched roof, approx. 4.0m ridge height (approx. 2.3m eaves height) covered in natural slate. The black aluminium framed glazed link will have a mono-pitch roof, approx. 2.7m high (approx. 2.2m eaves height) covered in dark grey metal sheeting.

- 3.3 The proposed conversion of the existing timber barn (Holiday Let B) will involve inserting new timber windows and doors, re-cladding the walls in dark stained feather-edged timber boarding and covering the roof in dark grey metal sheeting.
- 3.4 Each holiday let will have a garden (approx. 8m long) separated by a brick wall and fence. A native hedgerow will be planted along the garden boundaries, and an apple tree. Each holiday let will have two parking spaces.

4. CONSULTATION

- 4.1 One round of consultation was undertaken with neighbouring occupiers adjoining the site who were notified in writing; a site notice was displayed at the site and the application was advertised in the local press. Full details of representations are available online.
- 4.2 One objection from a neighbour was received in response to the consultation. Concerns/comments were raised in relation to the following matters: -

Comment	Report reference
Noise nuisance from occupiers of holiday lets.	Paragraph 7.22
These properties are close to a paddock with alpacas and accommodation, would like to be assured that unsociable activities are not permitted.	Paragraph 7.22

- 4.3 **Milstead Parish Council** objected to the application on the following grounds: -

Comment	Report reference
To convert these outbuildings to holiday lets will make it more claustrophobic for the owners of Wisteria Cottage.	Paragraph 7.18
The proposal will spoil the character of the adjoining footpath and rural lane.	Paragraph 7.16
This proposed conversion is in essence infilling which is not acceptable and would seriously harm the special character of the village.	Paragraph 7.5
Previous applications (in 2002 and 2004) were up for refusal before being withdrawn.	Paragraph 2.4 and 2.5
The Milstead Conservation Area Character Appraisal and Management Plan has been recently updated and identifies the distinctiveness of the village and recognises its special character.	Paragraph 7.12 and 7.13

5. REPRESENTATIONS

- 5.1 **KCC Archaeology:** No objection subject to a pre-commencement condition requiring an archaeological watching brief and a programme of more detailed building recording prior to conversion of the buildings.
- 5.2 **KCC Ecology:** No objection subject to appropriate bat boxes being used, and conditions requiring details of a sensitive lighting scheme and a detailed biodiversity enhancement plan to be submitted for approval.
- 5.3 **Kent Police:** Advise that the proposal falls outside of their remit.
- 5.4 **SBC Conservation:** There would be some loss of fabric, but this is primarily confined to modern or relatively insignificant historic fabric. The glazed link to the front elevation of the stable block is not entirely ideal in visual impact terms, but is modest, well designed for what it is, allows views to the original redbrick walling through it, and prevents the need for the loss of further historic fabric through providing access from the original stable part of the new holiday home to the later extended part of the same holiday home unit.

The proposed scheme is considered to cause no harm to the setting of the Grade II listed building as the proposed buildings will remain within the curtilage of the host dwelling and retain an outbuilding appearance. The proposed scheme allows for a long term, sustainable use to be created for the former Stable Block which retains much of the fabric and appearance of the property.

While the proposed scheme is considered to cause less than substantial harm (at the low end of the scale), this has been mitigated by the long-term use of the curtilage listed building.

- 5.5 **Mid Kent Environmental Health:** No objection subject to a land contamination condition and a condition requiring details of lighting to be submitted for approval.

6. DEVELOPMENT PLAN POLICIES

- 6.1 Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 – policies:

ST1 Delivering sustainable development in Swale
ST3 The Swale settlement strategy
CP4 Requiring good design
CP8 Conserving and enhancing the historic environment
DM3 The rural economy
DM7 Vehicle parking
DM14 General development criteria
DM16 Alterations and extensions
DM24 Conserving and enhancing valued landscapes
DM28 Biodiversity and geological conservation
DM32 Development involving listed buildings
DM33 Development affecting a conservation area
DM34 Scheduled Monuments and archaeological sites

- 6.2 **Supplementary Planning Documents (SPD):**

- Parking Standards May 2020
- The Swale Landscape Character and Biodiversity Appraisal 2011

6.3 **Supplementary Planning Guidance (SPG):**

- The Conservation of Traditional Farm Buildings
- Conservation Areas

6.4 **Milstead Conservation Area Character Appraisal & Management Plan** (November 2021)

6.5 **Kent Downs AONB Management Plan:** MMP2; SD1; SD2; SD3; SD9; LLC1 and VC6.

7. ASSESSMENT

7.1 This application is reported to the Committee because Milstead Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following points: -

- Principle of development
- Heritage
- Landscape and Visual
- Living Conditions
- Transport and Highways
- Ecology
- Landscaping

Principle of development

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.4 The site is situated within the designated countryside where Policy ST3 of the Local Plan seeks to resist development unless supported by the NPPF. The NPPF at Paragraph 88 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that support for all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings which respect the character of the countryside. The NPPF at Paragraph 89 also recognises that sites to meet local business and community needs in rural areas may have to be found outside existing settlements and in locations that are not well served by public transport. It also sets out that the use of previously developed land should be encouraged where suitable opportunities exist.

- 7.5 Policy DM3 of the Local Plan supports the rural economy by encouraging economic development, especially by prioritising the re-use of rural buildings over new builds. The proposed conversion will re-use and restore a historic farm building to provide holiday accommodation that will support the rural economy by helping to sustain nearby businesses and local tourist attractions.
- 7.6 On that basis, the conversion of existing rural buildings into holiday let accommodation is considered acceptable in terms of Paragraph 88 of the NPPF and in accordance with Policy DM3 of the Local Plan.

Heritage

- 7.7 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.8 The stable building is considered to be curtilage listed. The building was previously used as an office/accommodation but is now used for storage by the occupiers of The Cottage. Policy DM32 of the Local Plan supports necessary and appropriate changes of use to listed buildings providing that the proposed use will not be harmful to the character of the building. The proposed development will create a two-bedroom holiday let that retains much of the historic fabric and appearance of the property. The proposed rear extension is sensitively designed and will provide additional accommodation which is connected by a simple glazed corridor. This allows the curtilage listed building to be read in its own right, whilst the new additions will be clearly seen as modern interventions.
- 7.9 The land behind the stable building and to the side of the timber barn will be used as private outdoor space for the occupiers of the holiday let. The drawings show this to be separated by a 2m close boarded fence which is not considered to be an appropriate boundary treatment. It is suggested that a more appropriate boundary treatment could be provided, such as a willow weave fence. Condition (14) requires details of boundary treatment to be agreed. This is considered to adequately address this issue.
- 7.10 As set out in the Conservation Officer's comments (paragraph 5.4), the proposed development is considered to give rise to less than substantial harm to the special character of the curtilage listed stable building. In these scenarios the NPPF sets out that this harm should be weighed against the public benefits of the proposal. As set out above, it is considered that the long-term use of the stables as holiday accommodation will outweigh the limited harm to the appearance of the property when assessed against the framework. On that basis, the proposed development complies with Policies CP8, DM14 and DM32 of the Local Plan and Paragraph 208 of the NPPF.
- 7.11 The Cottage and Wisteria Cottage are located near the site and are Grade II listed buildings. The proposed extensions to the stable building are sensitively designed and of an acceptable scale, and the external alterations to the timber barn would be finished in traditional materials. The proposed scheme allows for a long-term use to be created

for the outbuildings and is considered to cause no harm to the setting of the adjacent listed buildings.

- 7.12 Policy DM33 of the Local Plan states that new development within a conservation area should be sensitive to the special character of the area and be of a high standard of design. The site lies within the Milstead Conservation Area where the recent Conservation Character Appraisal and Management Plan describes this site as follows:

“The next house is the Grade II Listed house known as The Cottage built in 1600 – with up to 15 separate additions. It includes a room which was the original kitchen with an in-situ 17th century brick chimney and a former dairy now kitchen, with loft now a bedroom. As described in the historical background, The Cottage had a long association with Jane Austen. Its extensive grounds sweep round behind the gardens to Wisteria Cottage. It can be viewed from the road beyond a white wooden gate but its boundary onto Frinsted Road is bounded by high hedges.”

- 7.13 The use of the timber barn as a holiday let requires minimal external alterations to the building itself and does not increase its height or footprint. The re-cladding of the external walls with featheredged weatherboarding will improve the appearance of the building. The simple glazed design of the link extension to the stables building means it will be visually discrete. The rear extension will enhance the character and appearance of the conservation area by replacing an unsympathetic garage. The proposed extensions and external alterations to these buildings have therefore been sensitively designed and as such will preserve the character and appearance of the conservation area. On that basis, the proposal complies with Policy DM33 of the Local Plan.
- 7.14 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Landscape and Visual

- 7.15 The NPPF gives great weight to conserving landscape beauty and scenic value in the AONB. This is reflected in Policy DM24 of the Local Plan. The NPPF also gives support to suitably located and well-designed development necessary to facilitate local business and community needs. The Kent Downs AONB Management Plan pursues development for sustainable visitor and tourism facilities which does not detract from the natural beauty of the designated area.
- 7.16 The proposal seeks an alternative use for a redundant farm building and curtilage listed stable building that complies with Policy DM3 of the Local Plan. The rear addition is sensitively designed, being subservient and set back behind the stables with a simple link connection. As such, the proposed development will conserve and enhance the natural beauty of the AONB.

Living conditions

Existing occupiers

- 7.17 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, 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. Policy DM16 also requires that alternations or extensions to existing buildings protect residential amenity.

- 7.18 Wisteria Cottage is situated to the south of the site, approx. 12m away from the stable building and the rear garden of this property backs onto the driveway leading to The Cottage. The proposed single storey rear extension replaces an existing garage. Given that it is smaller in footprint than the existing building, and the link extension is a simple glazed corridor the proposal will not give rise to any significant loss of sunlight or any increased shading of the rear garden to this neighbouring property.
- 7.19 To the north of the site, is Julian House which is situated the other side of the footpath and track, with a separation distance of approx. 10m. The proposed stables conversion does not include any additional windows or doors on the northeast elevation facing this neighbouring property. The new ground floor bedroom window to the barn conversion will be situated approx. 17m from the side boundary. Therefore, the buildings are sufficiently spaced apart and as such will not result in any loss of sunlight or any harmful overlooking.
- 7.20 To the west, is Lerimede which is situated approx. 28m away to the rear of the site. Given this intervening distance, and the fact that the proposed extension replaces an existing garage building, the proposal will not give rise any overshadowing or loss of privacy.
- 7.21 As Building B would not change in footprint, scale or height, it would not result in any loss of light or overbearing impacts. It would be well separated from neighbouring properties and would not directly face the closest neighbour at Wisteria Cottage, and as such no loss of privacy would be likely to occur.
- 7.22 The level of noise generated from the proposed use will not be dissimilar from typical domestic noise and it is important to note that the Council's Environmental Health team have raised no concerns in this regard. However, there is potential for light pollution given the countryside location. Therefore, the Council's Environmental Health Officer recommends that careful consideration is given to any external lighting so that there is not any overspill into adjoining or nearby properties. Members will note that Condition (6) requires lighting details to be submitted to ensure that any impact on the surrounding landscape is minimised.
- 7.23 On that basis, there is found to be no identifiable harm to the living conditions of neighbouring properties and as such the proposal complies with Policy DM14 and DM16 of the Local Plan.

Future occupiers

- 7.24 The Environmental Health Officer recommends a watching brief condition to ensure any contamination found during the development is appropriately dealt with. Members will note Condition (5) below.

Transport and highways

7.25 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

7.26 The NPPF also states that:

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

7.27 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

7.28 The site is in a rural location and along a country lane which is designated as a protected rural lane in the Local Plan. Given the limited access to public transport, it is likely that visitors would rely on a car for their journeys. However, the small number of holiday units being proposed here would not generate a significant amount of traffic, and in any case, it will be dispersed throughout the day.

7.29 The SBC Parking Standards SPD recommends parking requirements based upon the location of the site. The parking area for each holiday let will comprise of two parking spaces which meets the current parking standards and as such is considered adequate to accommodate any visitors to the site. On that basis, the proposal complies with Policy DM7 of the Local Plan and the SBC Parking Standards SPD.

Ecology

7.30 The Conservation of Habitats and Species Regulations 2017 (‘the Habitats Regulations’) affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar sites.

7.31 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that ‘the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity’. The National Planning Policy Framework states that ‘if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused’.

7.32 National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity”.

- 7.33 In terms of the Local Plan, Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.34 The bat survey submitted with the application recorded that a brown long eared bat was seen entering the existing garage which is due for demolition. The proposed works will avoid maternity (May to August) and hibernation (December to March) and mild weather conditions, and bat boxes will be installed. The KCC Ecologist is satisfied with the mitigation/compensation strategy provided that the design of the bat box is submitted for approval. Separately, a Natural England mitigation licence will be required for works to this building, trees, and other relevant habitat before proceeding.
- 7.35 As part of this process, prior to determination, Swale Borough Council are required under The Conservation of Habitats and Species Regulation (2017) to consider whether it is likely that a Natural England mitigation licence will be granted, and in so doing must address three tests when deciding whether to grant planning permission for the proposed development. The three tests are:
- (1) Regulation 55(2)(e) states: a licence can be granted for the purposes of *“preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”*.
 - (2) Regulation 55(9)(a) states: the appropriate authority shall not grant a licence unless they are satisfied *“that there is no satisfactory alternative”*.
 - (3) Regulation 55(9)(b) states: the appropriate authority shall not grant a licence unless they are satisfied *“that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”*
- 7.36 In terms of (1), the principle of the proposal as a whole is satisfactory and in accordance with policy DM3. Economic benefits have been identified as set out within this report. On that basis it is considered test 1 is passed. In respect of (2), as the development requires the demolition of this building there is not believed to be a satisfactory alternative. As a result test 2 is passed. Finally, KCC Ecology have commented in terms of (3) that they are satisfied, subject to confirmation regarding the bat boxes, that favourable conservation status can be maintained for the local population of bats, provided the submitted mitigation/compensation strategy is effectively implemented. The details of the bat boxes will be secured via condition and the mitigation / compensation will be required to be submitted to Natural England. There is no evidence to suggest that this strategy will not be effectively implemented and as such on the basis of the above it is considered that test 3 is passed.
- 7.37 There is a pond within 250m of the site which has been surveyed for any evidence of great crested nests. The KCC Ecologist is satisfied that it is unlikely that great crested newts will be present within the site and as such, no further mitigation actions are necessary for either reptiles or great crested newts.
- 7.38 The PEA makes some suggestions for ecological enhancements, but these have not been incorporated into the plans. The KCC Ecologist recommends a Biodiversity

Enhancement Plan is provided within three months of works commencing. Members will note Condition (7) below.

- 7.39 The KCC Ecologist has recommended a condition requiring a lighting design plan for biodiversity to contain any potential impact on bat activity. Members will note Condition (6) below.
- 7.40 As the site is located more than 6km from the Thames, Medway and Swale Estuary SPA and Ramsar sites, there is no requirement to mitigate against impacts upon these designations, and as such a SAMMS payment is not necessary.

8. CONCLUSION

- 8.1 The proposed development would re-use and restore a redundant farm building and a curtilage listed stable building to provide holiday accommodation that will support the rural economy by helping to sustain nearby businesses and local tourist attractions. The impact is considered to be minimal and considerably outweighed by the benefits it would bring to the Borough. On that basis, planning permission should be granted, subject to the conditions which have been included below.

CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in complete accordance with the following approved drawings:

Proposed Ground Floor Plan LO/21/134.08
 Proposed Elevations LO/21/134.09
 Proposed Block and Roof Plan LO/21/134.10

Reason: For the avoidance of doubt and 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 watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority.

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

- (4) 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 in writing by the Local Planning Authority.

Reason: To ensure that historic building features are properly examined and recorded.

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

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

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

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

- (6) Prior to occupation, a lighting design plan for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall show the type and locations of external lighting and shall be designed to minimize light spill in accordance with the recommendations within the Bat Conservation Trust and the Institute of Lighting Professional's Guidance Note 08/23 Bats and Artificial Lighting at Night:

<https://www.bats.org.uk/news/2023/08/bats-and-artificial-lighting-at-night-ilp-guidance-note-update-released>

All external lighting shall be installed in accordance with the specifications and locations set out in the plan and shall be maintained thereafter.

Reason: In the interests of conserving protected species.

- (7) Within three months of works commencing, a detailed biodiversity enhancement plan, showing how the development will enhance biodiversity shall be submitted to the Local Planning Authority. This will include a detailed landscaping plan, basic management measures to achieve the proposed habitat target conditions, native and wildlife-friendly planting, and durable integrated features including bat and bird boxes aimed at species of conservation concern. No occupation shall take until the biodiversity enhancement plan has been approved by the Local Planning Authority and the approved measures shall be implemented and retained thereafter.

Reason: In the interests of protecting and encouraging wildlife and biodiversity.

- (8) No works other than demolition shall take place until details have been submitted to and approved in writing by the Local Planning Authority which sets out what measures have been taken to ensure that the development incorporates sustainable

construction techniques such as water conservation and recycling and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first occupation of the holiday accommodation.

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

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

Reason: In the interests of water conservation and sustainability.

- (10) 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.

- (11) The area shown on approved drawing No. LO/21/134.10 as vehicle parking space shall be provided before first occupation of the holiday lets hereby permitted, and this area shall at all times be retained for the use of the occupiers of the holiday accommodation. No permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order, shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these areas.

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

- (12) Prior to the first occupation of the holiday accommodation hereby permitted, one electric vehicle charging point for each unit shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/authorised-chargepoint-model-list>

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

- (13) Prior to the first occupation of the holiday accommodation hereby permitted, details of secure, covered cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority, and such facilities shall be provided on site prior to first occupation and retained thereafter.

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

- (14) Within three months of the commencement of development full details of both hard and soft landscape works shall be submitted to the Local Planning Authority for approval in writing. 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 (which shall, notwithstanding the details shown on drawing LO/21/134.08, not be a close boarded fence), hard surfacing materials, and an implementation programme.

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

- (15) 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 first 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.

- (16) 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.

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

Reason: In order to preserve or enhance the character and appearance of the listed building.

- (18) Prior to the relevant works taking place, details of the colour finish(es) to be used for the paint/stain finish to the external joinery for the two holiday lets shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the listed building.

- (19) Prior to the relevant works taking place, a 1:2 scale vertical section drawing showing the eaves (including guttering) and verge detailing to be used for holiday let B shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the approved

details.

Reason: In order to preserve or enhance the character and appearance of the listed building.

- (20) Prior to the relevant works taking place, a Manufacturers/supplier colour brochure and technical data sheet details of the specific cast aluminum or cast-iron rainwater goods to be used (for both holiday let A and B) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the listed building.

- (21) Details of any external flues, vents, light fittings, wiring and/or piping to be installed in/on holiday let A or B shall be submitted to and agreed in writing by the Local Planning Authority prior to installation. Thereafter the development shall be carried out in accordance with the approved details.

Reason: In order to preserve or enhance the character and appearance of the listed building.

- (22) No further development permitted by Classes A, 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 interest of conserving the character and appearance of the area.

- (23) No further development permitted by Class A of Part 2 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.

Reason: In the interest of conserving the character and appearance of the area.

- (24) The holiday let hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and the accommodation shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicant's intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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.
- (2) Habitats are present on and around the site that provide opportunities for breeding

birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

N.B: It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 2023 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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2.5 REFERENCE NO - 24/500741/LBC		
APPLICATION PROPOSAL		
Listed Building Consent for conversion of 1no. domestic outbuilding to 1no. holiday let, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building.		
SITE LOCATION The Cottage Frinsted Road Milstead Sittingbourne Kent ME9 0SA		
RECOMMENDATION Delegate to the Head of Planning to grant listed building consent subject to appropriate safeguarding conditions with further delegation to the Head of Planning (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE LBC (alterations/extensions)		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection.		
Case Officer Claire Attaway		
WARD West Downs	PARISH/TOWN COUNCIL Milstead	APPLICANT Mr Andrew Low AGENT Kingsway Planning
DATE REGISTERED 21/02/24	TARGET DATE 30/05/24	
BACKGROUND PAPERS AND INFORMATION: -		
Documents referenced in report are as follows: -		
All drawings submitted		
All representations received		
Heritage Statement dated 11.05.2022 (uploaded on 21.02.2024)		
Planning and Design and Access Statement dated 19.02.2024 (uploaded on 21.02.2024)		
The full suite of documents submitted pursuant to the above application are available via the link below: -		
24/500741/LBC Listed Building Consent for conversion of 2no. domestic outbuildings to 2no. holiday lets, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building. The Cottage Frinsted Road Milstead Sittingbourne Kent ME9 0SA (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1 This application relates to a curtilage listed 19th century stable building which lies within the grounds of The Cottage, a Grade II listed building which lies to the south of the village centre. The site is located outside any Local Plan defined built-up area boundary, and within both the Milstead Conservation Area and the Kent Downs National Landscape [formerly known as Kent Downs Area of Outstanding Natural Beauty].
- 1.2 The outbuilding was constructed as stables and retains much of its original joinery detail, including a large stall and cobble floor. It is built in red brick (Flemish bond) with a plain red tiled roof and is formed of two rooms with a stable door. Attached to the rear

(western) end of the stables is a garage extension of more recent construction and of a utilitarian design.

2. PLANNING HISTORY

- 2.1 **24/500740/FULL** Planning permission sought for Conversion of 2no. domestic outbuildings to 2no. holiday lets, including demolition of existing garage and erection of a single storey rear extension and glazed side link to existing stable building. Pending consideration.
- 2.2 **21/506458/FULL and 21/506459/LBC** Planning permission and listed building consent granted on 31.01.2022 for the erection of a single storey rear extension and internal alterations. This development relates to the property itself rather than the outbuildings.
- 2.3 **SW/04/0487** Application for a Lawful development certificate withdrawn on 22.06.2004 for use of the stables as a private dwelling.
- 2.4 **SW/03/1485 and SW/03/1486** Planning application and application for listed building consent withdrawn on 15.06.2005 for conversion of the stable building and linked outbuildings to form a single dwelling, including a new garage to the main house and adapted vehicular access.
- 2.5 **SW/02/0540 and SW/02/0541** Planning application and application for Listed Building Consent withdrawn on 08.08.2002 for part conversion of the stable building and linked outbuildings to form a single dwelling, including new garage to main house and adapted vehicular access.

3. PROPOSED DEVELOPMENT

- 3.1 Listed building consent is sought for the conversion of the existing stable building into a two-bed holiday let (Holiday Let A), including the demolition of the existing attached garage (approx. 6.7m x 10.6m) and the erection of a single storey rear extension (approx. 4.3m x 8.0m) and a glazed side link (approx. 7.7m x 1.5m).
- 3.2 The existing stall division and cobbled floor will be retained, and the existing large stable door will be re-positioned as a partition. On the front elevation, a new timber window will be inserted to match existing windows (secondary glazed). The rear extension will provide a lounge and kitchen and be constructed of red stock brickwork with dark stained feather-edged timber boarding on the front elevation and have a pitched roof, approx. 4.0m ridge height (approx. 2.3m eaves height) covered in natural slate. The black aluminium framed glazed link will have a mono-pitch roof, approx. 2.7m high (approx. 2.2m eaves height) covered in dark grey metal sheeting.

4. CONSULTATION

- 4.1 One round of consultation was undertaken with neighbouring occupiers adjoining the site who were notified in writing; a site notice was displayed at the site and the application was advertised in the local press. No neighbour representations were received.
- 4.2 **Milstead Parish Council** objected to the application on the following grounds: -

Comment	Report reference
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To convert these outbuildings to holiday lets will make it more claustrophobic for the owners of Wisteria Cottage.	Paragraph 7.18 (24/500740/FULL)
The proposal will spoil the character of the adjoining footpath and rural lane.	Paragraph 7.16 (24/500740/FULL)
This proposed conversion is in essence infilling which is not acceptable and would seriously harm the special character of the village.	Paragraph 7.4 & 7.5
Previous applications (in 2002 and 2004) were up for refusal before being withdrawn.	Paragraph 2.4 and 2.5
The Milstead Conservation Area Character Appraisal and Management Plan has been recently updated and identifies the distinctiveness of the village and recognises its special character.	Paragraph 7.12 and 7.13 (24/500740/FULL)

5. REPRESENTATIONS

- 5.1 **SBC Conservation:** There would be some loss of fabric, but this is primarily confined to modern or relatively insignificant historic fabric. The glazed link to the front elevation of the stable block is not entirely ideal in visual impact terms, but is modest, well designed for what it is, allows views to the original redbrick walling through it, and prevents the need for the loss of further historic fabric through providing access from the original stable part of the new holiday home to the later extended part of the same holiday home unit.

The proposed scheme is considered to cause no harm to the setting of the Grade II listed building as the proposed buildings will remain within the curtilage of the host dwelling and retain an outbuilding appearance. The proposed scheme allows for a long term, sustainable use to be created for the former Stable Block which retains much of the fabric and appearance of the property.

While the proposed scheme is considered to cause less than substantial harm (at the low end of the scale), this has been mitigated by the long-term use of the curtilage listed building.

6. DEVELOPMENT PLAN POLICIES

- 6.1 Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 – policies:

CP8 Conserving and enhancing the historic environment

DM14 General development criteria

DM32 Development involving listed buildings

- 6.2 **Supplementary Planning Documents (SPG):**

- Listed Buildings – a guide for Owners and Occupiers

7. ASSESSMENT

7.1 This application is reported to the Committee because Milstead Parish Council has objected to the proposal. In respect of this application for listed building consent, the only matter for consideration is the impact of the proposed development on the curtilage listed stable building and its historic interest and setting, and the other matters of consideration are assessed under the planning application (24/500740/FULL).

Heritage

7.2 Section 66 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) sets out the Council's obligations to preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.

7.3 The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and is endorsed by the Local Plan.

7.4 The building was previously used as an office/accommodation but is now used for storage by the occupiers of The Cottage. Policy DM32 of the Local Plan supports necessary and appropriate changes of use to listed buildings providing that the proposed use will not be harmful to the character of the building. The proposed development will create a two-bedroom holiday let that retains much of the historic fabric and appearance of the property. The proposed rear extension is sensitively designed and will provide additional living accommodation which is connected by a well-designed lightweight link.

7.5 The proposed scheme retains the appearance of the stable block but does add a simple glazed corridor. This allows the curtilage listed building to be read in its own right whilst the new additions will be clearly seen as modern interventions. As set out in the Conservation Officer's comments (paragraph 5.1), the proposed development is considered to give rise to less than substantial harm to the special character of the curtilage listed stable building. In these scenarios the NPPF sets out that this harm should be weighed against the public benefits of the proposal. As set out above, it is considered that the long-term use of the stables as holiday let accommodation will outweigh the harm to the appearance of the property when assessed against the framework.

7.6 On that basis, the proposed development complies with Policies CP8, DM14 and DM32 of the Local Plan and Paragraph 208 of the NPPF.

8. CONCLUSION

8.1 The curtilage listed stables building is currently used as domestic storage. The proposed change of use to holiday accommodation will retain much of the historic fabric and appearance of the property and although a low level of less than substantial harm has been identified this is outweighed by the long-term use of the stables as holiday accommodation. The proposal therefore complies with Policies CP8, DM14 and DM32 of the Local Plan and Paragraph 208 of the NPPF.

8.2 The application is therefore recommended for approval subject to conditions set out below.

CONDITIONS

- (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 development hereby permitted shall be carried out in complete accordance with the following approved drawings:

Proposed Ground Floor Plan LO/21/134.08
Proposed Elevations LO/21/134.09
Proposed Block and Roof Plan LO/21/134.10

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

- (3) Prior to the relevant works commencing, a 1:10 elevation detail and a 1:2 plan and vertical section for the doors and windows to be used in the stable conversion works associated with Holiday Let A shall be submitted to and approved in writing by the Local Planning Authority (please see Informative 1 below). Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (4) Prior to the relevant works commencing, the following key construction details shall be submitted to and approved in writing by the Local Planning Authority:

- (a) 1:2 vertical and/or plan section drawing showing the junction detailing between the glazed link and southwest elevation of the roof and wall to the stable block
- (b) 1:2 vertical and/or plan section drawing showing the junction detailing between the external and internal walls to the extension with the northwest flank elevation of the stable block
- (c) 1:2 vertical section showing indicative details of any repairs or alterations to the existing brick stone floor in the stable block (which is indicated to be retained)
- (d) 1:10 elevation details and a 1:2 vertical and/or plan section drawing showing the proposed adaptation of the existing stable block stall division to form the new dividing wall between the two bedrooms.
- (e) 1:2 vertical and/or plan section drawing showing the detailing for any proposed internal wall, floor and or vaulted ceiling insulation to be inserted (please note the information to be provided in this respect, may overlap with that required in relation to point (b) above)

Thereafter the development shall be carried out in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (5) A 1m² sample panel of the facing brickwork to be used in the extension to the existing curtilage listed stable block shall be erected on site for inspection and subsequent approval in writing by the Local Planning Authority. The sample panel shall show the specific bricks and mortar course colour, texture and profile to be used. Written details

of the lime-based mortar mix shall be provided for inspection in parallel with the sample panel. The approved sample panel shall be retained on site for the duration of the works consisting of the construction of brickwork. Furthermore, in the case of the brickwork forming the extension to the stable, the courses shall be laid such that they align with the positioning of the mortar courses to the existing stable block, also using Flemish Bond patterning (please see Informative 2 below). The development shall be carried out in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

INFORMATIVE

(1) The sections to be provided shall include part of the surrounding masonry or joinery bordering the window or door opening and shall set out clearly (annotated as necessary) to show the following details, as applicable:

- Depth of reveal
- Window head and cill/sub-cill detailing
- Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
- Glazing bar profile (s)
- Door frame/window frame
- Weatherboard and threshold detail (for doors only)

(2) The applicant is advised that it will be necessary to source an Imperial gauge brick for the new facing brickwork to the stable block extension.



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2.6 REFERENCE NO - 24/500508/FULL		
PROPOSAL Existing garage to be converted to utility room and erection of a side extension to be used as a store.		
SITE LOCATION Camwa Ash Bull Lane Boughton Under Blean Faversham Kent ME13 9AH		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.		
APPLICATION TYPE Householder		
REASON FOR REFERRAL TO COMMITTEE Boughton under Blean Parish Council Objection		
CASE OFFICER Mandi Pilcher		
WARD Boughton & Courtenay	PARISH/TOWN COUNCIL Boughton under Blean	APPLICANT Y Veliu AGENT Mr S Wilkins
DECISION REGISTERED 09/02/2024	TARGET DATE 05/04/2024	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8FTW3TYIM400		

1. SITE LOCATION AND DESCRIPTION

- 1.1 Camwa Ash is a two storey end terraced property within the built up area of Boughton Under Blean and the Boughton Street Conservation Area.
- 1.2 Camwa Ash is situated at the junction of Bull Lane and The Street. There is a private amenity space to the side and rear. The boundary treatment is comprised of a small wall and large hedge. The property has one parking space within its curtilage.

2. PLANNING HISTORY

- 2.1 **SW/92/0886** Planning permission withdrawn on 13.11.92 for a front/side extension to form hobbies workshop.

3. PROPOSED DEVELOPMENT

- 3.1 The application seeks planning permission for the existing garage to be converted to a utility room and the erection of a side extension to be used as a store.
- 3.2 The garage conversion will incorporate the removal of the garage door and the insertion of brickwork and a uPVC window to the front elevation.
- 3.3 The proposed side extension would measure approximately 7.3m in depth by 4.2m wide with timber folding doors on the front elevation and a single door and window on the rear elevation. The extension would have a maximum height of 3.3m with a flat roof and a roof light hidden behind a parapet wall, with stone coping.
- 3.4 The external materials will match that of the existing dwelling.
- 3.5 The drawings also show hardstanding being laid to the front of the dwelling. The agent has confirmed that permeable materials will be used. As a result, this element of the proposal does not require planning permission so will not be assessed.

4. CONSULTATION

- 4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a site notice was displayed at the site and the application was advertised in the local newspaper. No letters from neighbours were received.
- 4.2 **Boughton under Blean Parish Council** were consulted on two occasions. In response to the first consultation they raised an objection on the following summarised grounds (full representations are available online):

Comment	Report reference
No evidence regarding sufficient turning space within the drive;	Paragraphs 7.24 and 7.25
No evidence that a vehicle would be able to access the garage;	Paragraphs 7.24 and 7.25
Concerns regarding vehicular and pedestrian safety if vehicles were required to reverse onto the highway;	Paragraph 7.25
Alternative access to the garage would not be appropriate as it would be located too close to a junction and would require the loss of the hedge;	Paragraph 7.27
Wish to see comments from the Conservation Officer;	Paragraph 5.1
The flat roofed garage would harm the conservation area.	Paragraph 7.10

- 4.3 The application was subsequently amended to propose a store rather than a garage (although the proposal was unaltered in terms of the siting and design of this element of the proposal). Boughton under Blean Parish Council were re-consulted and continued to raise an objection on the following summarised grounds:

Comment	Report reference
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The original application justified the loss of the existing garage with the newly proposed garage, however, this element of the scheme, which strongly resembles a garage, is now described as a store;	Paragraphs 7.24 and 7.25
The property will lose a car parking space from the current garage leaving only one space, 3 spaces would be required to comply with local policies;	Paragraph 7.26
The flat roofed design is unacceptable;	Paragraph 7.10
The extension would have an unbalancing effect on the terrace, giving rise to harm to the streetscene;	Paragraph 7.10
The extension would represent overdevelopment;	Paragraph 7.10
There has been a similar application on the site which was withdrawn;	Paragraph 7.27
The property already has a small single storey side extension which is not shown on the submitted plans.	Paragraph 7.27

5. REPRESENTATIONS

- 5.1 **SBC Conservation Officer:** Raised no objection and commented that although there is a general presumption against prominent flat roofed extensions there are circumstances where the use of a flat-roofed design may be considered more appropriate than a traditional pitched roof design. In this case the flat roofed design with its well-detailed parapet roof design would help to keep the visual bulk of the extension at the end of the terrace of houses to a more acceptable level, and would help to retain a visual sense of greater space around the end of terrace application property, particularly given that it is proposed to retain the tall hedging around the road frontage to the application property. The flat roofed design means that the proposed side extension would barely read in the conservation area street scene, and the wall tile hanging, which is a strong architectural feature of the application property and the adjoining terrace house to the north, would be largely retained and could continue to be read in views from The Street.

6. DEVELOPMENT PLAN POLICIES

- 6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017** - policies:

ST3 The Swale settlement strategy

CP4 Requiring good design

DM7 Vehicle Parking

DM14 General development criteria

DM16 Alterations and extensions

DM32 Development involving listed buildings

DM33 Development affecting a conservation area

6.2 Boughton and Dunkirk Neighbourhood Plan (BDNP) – policies:

E7 *Development within the village envelope will be supported in principle providing it promotes the re-use, recovery and restoration of previously developed sites.*

E9 *Variety in density, layout, building orientation and sizes will be sought to reflect the local context. Building styles and materials must also respect and positively contribute to local distinctiveness.*

T3 *Future residential and non-residential buildings shall have sufficient dedicated on-site parking spaces to avoid the need for parking on adjacent roads in accordance with the Parking Standards set out in BD4.*

H8 *Proposals for new residential development in the Plan area shall ensure that adequate on-site car parking provision is made in accordance with the Borough Council's approved Parking Standards SPD (adopted June 2020). Development proposals which involve the loss or conversion of existing on-site car parking spaces, for example the conversion of a garage to living accommodation, will only be supported where adequate on-site parking provision, in accordance with the Parking Standards, remains available to support the completed development.*

6.3 Supplementary Planning Guidance/Documents

Supplementary Planning Guidance - Designing an Extension – A Guide for Householders & Conservation Areas

Supplementary Planning Document - Swale Parking Standards

7. ASSESSMENT

7.1 This application is reported to the Committee because Boughton under Blean Parish Council object to the proposal. Considering these comments and the scheme that has been submitted, the committee is recommended to consider the following points:

- The Principle of Development
- Character and appearance / Heritage
- Living Conditions
- Highway safety and parking

Principle

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of

the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

- 7.4 Policy ST 3 of the Local Plan 2017 supports the principle of development within the built up area boundary of established towns and villages within the Borough.
- 7.5 The site lies within the built confines of Boughton Under Blean and therefore the principle of development is considered acceptable subject to the consideration of other material planning considerations as discussed below.

Character and appearance / Heritage

- 7.6 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 7.7 Policies CP4, DM14 and DM16 of the Local Plan state that developments and extensions should be well designed and respond positively to the building and its surroundings.
- 7.8 In addition, the National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.9 Policy DM33 of the Local Plan requires proposals to preserve or enhance the conservation area's special character or appearance.
- 7.10 The site is located in the Boughton Street conservation area and the surrounding area is comprised of dwellings constructed in a variety of styles and designs, a number of which are listed. In terms of the side extension, it is set back from the front elevation by 0.2m and incorporates a parapet wall, hiding the flat roof and will be constructed from external materials matching the existing dwelling. Concern has been raised by the Parish Council that a flat roof design is not appropriate. In this case, as set out in the Conservation Officer's comments (paragraph 5.1), the design of the extension would reduce its visual bulk compared to a pitched roof and would allow it to be largely hidden in the streetscene due to the existing hedge. On this basis it is considered to be of an appropriate scale and design. As such it is considered that this element of the scheme would no detrimental impact upon the streetscene and would preserve the character and appearance of the conservation area.
- 7.11 The other element of the scheme which would be visible on the front elevation includes the removal of the existing garage door and replacement with a uPVC window and brickwork to match the existing dwelling. It is considered that this is a small change that would simply repeat the materials already present on the dwelling and will preserve the character and appearance of the conservation area.

- 7.12 On the basis of the above, the scheme has been appropriately designed and would sit comfortably in the streetscene. It is considered that the proposal would preserve the character and appearance of the conservation area. Therefore the application complies with policies CP4, DM14, DM16 and DM33 of the Local Plan.
- 7.13 Policy DM32 of the Local Plan requires proposals to preserve the setting of listed buildings.
- 7.14 The front elevation of the existing dwelling faces towards No.258 The Street, which is a grade II listed building whilst the side elevation faces towards No.s 209 and 211 The Street, which are also grade II listed buildings.
- 7.15 The existing setting of these listed buildings is already comprised of built form, including the host property. As set out above, it has been concluded that the design and scale of the proposal is acceptable and therefore it is considered that the proposal would in turn preserve the setting of the listed buildings as referred to above. The scheme as a result complies with policy DM32 of the Local Plan.
- 7.16 In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Living conditions

- 7.17 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, 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. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.
- 7.18 The proposed side extension is approximately 1.5m off the boundary with the highway and separated by a high hedge. Due to the side extension being on the end of the terrace of properties and adjacent to a highway, the closest property which could be impacted by the proposal is No.250 The Street. However, the proposed extension is separated from the side extension of this property by approximately 6m, sitting only marginally forward of its front elevation. As a result, there would be no significant impact on neighbouring amenities from this element of the proposal in terms of overshadowing or a loss of outlook.
- 7.19 The garage conversion would not increase in footprint, and as a result there would be no additional harm caused in terms of being overbearing or giving rise to any overshadowing. There would be a new window which would replace the existing garage door, however this would look out towards the highway at ground floor level, in a manner no more harmful than existing windows on the property and therefore would not result in any unacceptable loss of privacy between properties.

- 7.20 Taking the above into account the proposal is considered to have an acceptable impact upon on the living conditions of surrounding dwellings in accordance with policies DM14 and DM16 of the Local Plan 2017.

Highway safety and parking

- 7.21 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.22 The NPPF also states that:

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

- 7.23 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. Policies T3 and H8 of the BDNP require proposals to have sufficient on-site parking space and for developments to be in accordance with the Council’s Parking SPD.

- 7.24 When the application was first submitted, the side extension was described as a garage / store. The Parish Council raised concern that it was not clear as to whether a car would be able to access the garage due to the layout of the site. Clarification was received from the agent during the course of the application that is not the intention of the applicant to use the garage / store for parking a vehicle, but for it to be used for cycle, bins and general storage. The application has subsequently been amended to refer to the extension being used as a ‘store’. The agent has also confirmed that the proposal does not include adequate turning for vehicles as on the basis of the above the proposal would not require this.

- 7.25 The points provided by the agent are considered to be a reasonable response. However, even in a scenario where the store was to be used as a parking space, what appears to be a difficult manoeuvre would take place entirely inside the applicant’s curtilage, therefore having no impact upon the highway. Although the point regarding vehicles reversing onto the highway, as raised by the Parish Council is noted, I give significant weight to the fact that this manoeuvre can already take place by virtue of the driveway that currently exists. As such, if a car was to reverse onto the highway then this would be no more harmful in highway safety terms than the existing situation.

- 7.26 I also note that concern has been raised by the Parish Council regarding the loss of the garage as a parking space and that the property would not benefit from the policy required number of parking spaces. The space within the existing garage measures 2.2m in width and 4.2m in depth. This falls significantly below the minimum garage size of 3.6m x 7m, as set out in the Council’s adopted Parking SPD. As a result, the existing garage is undersized and would not be large enough to park a vehicle within. There is,

as existing, only one usable parking space serving the property. The proposed scheme would retain this parking space on the driveway. The drawings also shows that part of the frontage of the site would be hard landscaped, which as has been confirmed by the agent, will be done so using permeable materials and therefore not require planning permission. Notwithstanding this, this area could also potentially be used for parking. As such, this could result in an increase in parking numbers compared to the current situation. On the basis of the above, the proposal does not include any additional bedrooms and the parking provision would be no worse than the current arrangement. Weight is also given to the lack of any restrictive condition related to the existing garage and as a result, it would appear that this element of the scheme could also be carried out without the need for planning permission. On this basis, the proposal would not give rise to any additional harm in respect of highway safety or convenience and as a result complies with policies T3 and H8 of the BDNP and the Council's Parking SPD.

Other Matters

7.27 A number of the comments raised by Boughton under Blean Parish Council have been considered by virtue of the discussion above. Of those that remain I comment as follows. Firstly, although an application was withdrawn in 1992, the details as to why this was the case are not available. It is not therefore considered that this should have any bearing on the current application, submitted some 32 years later which has been assessed against current policies as set out above. The property previously had a small structure close to the side elevation, however, this has now been largely removed and is essentially an open area of domestic storage. Finally, an additional access is not proposed so no further comment is made in respect of this point.

8. CONCLUSION

8.1 On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP4, DM14, DM16, DM32 and DM33 of the Local Plan and the relevant policies in the BDNP. It is recommended that planning permission is granted.

CONDITIONS

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

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

(2) The development hereby permitted shall be carried out in accordance with drawing CA_002 rev B.

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

(3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those stated on the Application Form.

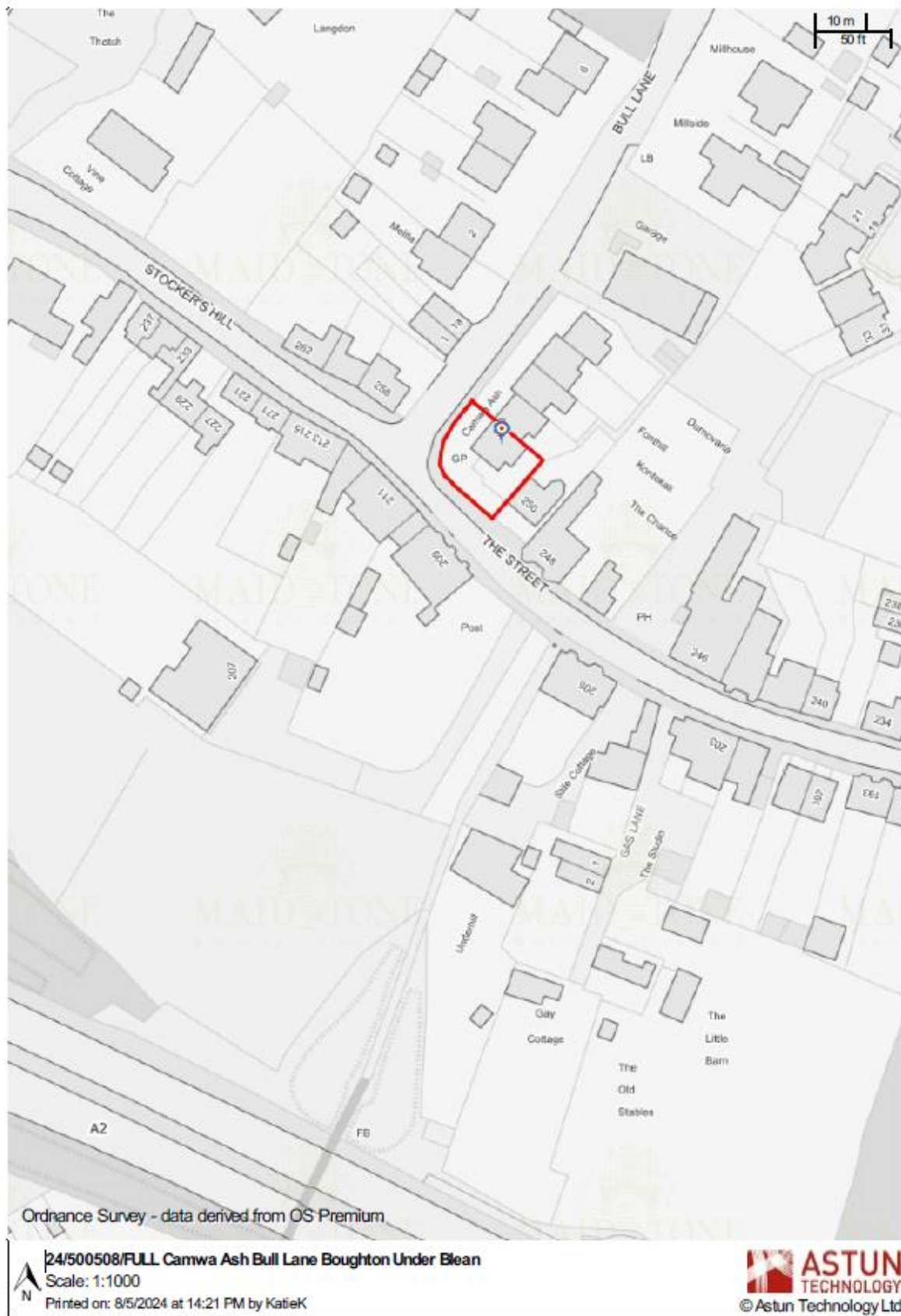
Reason: In the interests of visual amenity.

The 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:

The applicant/agent was advised of minor changes required to the application and these were agreed.



2.7 REFERENCE NO - 24/500940/FULL		
PROPOSAL Change of use of existing premises from a dwelling (Class C3) to a residential care home (Class C2) for children with behavioural/learning difficulties.		
SITE LOCATION 4 Moonfleet Close Sittingbourne Kent ME10 2BD		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE The application has been referred to committee by Cllrs Wise and Carnell		
Case Officer Graham Parkinson		
WARD Kemsley	PARISH/TOWN COUNCIL N/A	APPLICANT Diversity Children Homes AGENT Ken Judge & Associates Ltd
DATE REGISTERED 06/03/24	TARGET DATE 01/05/24	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted All representations received Design and Access Statement dated 28/02/24 (uploaded 01/03/24) Additional Supporting Information dated 26/04/24 (uploaded 26/04/24) The full suite of documents submitted pursuant to the above application are available via the link below: - 24/500940/FULL Change of use of existing premises from a dwelling (Class C3) to a residential care home (Class C2) for children with behavioural/learning difficulties. 4 Moonfleet Close Sittingbourne Kent ME10 2BD (midkent.gov.uk)		

1 SITE LOCATION AND DESCRIPTION

1.1 The application site is occupied by a detached 4 bedroom house with integral double garage with parking in front located on the north side of Moonfleet Close. Moonfleet Close comprises a cul-de-sac of detached houses located within a residential area falling within the built confines of Sittingbourne.

2 PLANNING HISTORY

2.1 None

3 PROPOSED DEVELOPMENT

3.1 It is intended to change the use of the property from a single family dwelling to one providing residential accommodation and care for people in need, in this case children with behavioural or learning difficulties. No changes to the layout or appearance of the house or site are involved.

3.2 The details of the use are set out below:

- It will be an Ofsted registered home.
- Will be a maximum 3 children on site at any time with ages ranging from 3-18.
- Use is wholly residential and is intended to provide a normal home environment including the children attending school.
- Normal staff rota would be 0700-1500 hrs and 1400 – 2300 hrs.
- Anticipated children's bedtime will be 2300- 0700 hrs with shift leaders on site for full 24 hr period.
- Minimum of 1 staff member will always be available on site but generally there would be two.
- At night one staff member will sleep in the fourth bedroom with the other providing cover in the study.
- All children will be registered at local schools and travel to them by car.
- There will be no on-site teaching and no use of amplified devices for voices or music.
- Only a social worker will attend the site.
- The children will be strongly supervised and supported by the on-site care team.
- A Matching process involves multiple meetings and visits to the individual to ensure home is right for them. Ofsted oversees this matching process to ensure it has been completed correctly.
- Not looking for young persons with anti-social behaviour or with past involvement in crime, but more looking to cater for children with additional needs such as ASD, ADHD, downs syndrome and learning disabilities.

4 CONSULTATION

4.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers and a site notice was displayed at the application site. Full details of representations are available online.

4.2 16 letters of representation were received in relation to the consultation, all of which object to the application. Concerns/ comments were raised in relation to the following matters: -

Comment	Report reference
Will bring increased risk of anti-social behaviour and crime while placing other children in cul de sac at risk.	See paragraphs 7.14 -7.17 (inc)
Property not secure and therefore inappropriate for this type of use.	See paragraph 7.14 -7.17 (inc)
Likely use will result in visits from other welfare agencies resulting in increased traffic in a tight cul-de-sac.	See paragraph 7.14 – 7.17 (inc)
Result in a harmful change to the character of the area and overly intense use of the site.	See paragraphs 7.10 -7.13 (inc)
While houses in cul de-sac have integral garages with parking in front garages too small for modern cars. Net result is that parking takes place in cul-de-sac resulting in parking conflict and competition for parking spaces.	See paragraphs 7.18-7.22 (inc)
Proposed use will generate much greater waste requiring further waste vehicle movements in a tight cul-de-sac.	See paragraph 7.23
Will result in noise and disturbance over a 24 hr period with staff/ambulance and police visits.	See paragraph 7.10-7.17 (inc)
Will result in loss of privacy and loss of security while it is widely recognised that such uses are disruptive to a neighbourhood and a community.	See paragraphs 7.10-7.17 (inc)
Will result in loss of a family housing unit at a time when such units are in great demand.	See paragraph 7.7

5 REPRESENTATIONS

- 5.1 **Mid Kent Environmental Health:** - Advise that to address noise and disturbance the maximum number of children in care should be restricted to 3 and that a noise management plan should be secured.
- 5.2 **KCC Highways:** - Have responded stating that this development proposal does not meet the criteria to warrant involvement from the Highway Authority

6 DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

CP3 Delivering a wide choice of homes

CP5 Health and Wellbeing

DM7 Vehicle Parking

DM14 General development criteria**6.2 Supplementary Planning Guidance/Documents**

Swale Parking standards

7 ASSESSMENT

- 7.1 This application is reported to the Committee at the request of Cllrs Wise and Carnell. The main considerations involved in the assessment of the application are the principle of the development, impact upon living conditions and transport / highways matters.

Principle

- 7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.3 The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.4 Paragraph 96 of the NPPF states, amongst other things, that planning policies and decisions should aim to achieve healthy, inclusive and safe places which promote social interaction including opportunities for meetings between people who might not otherwise come into contact with each other.
- 7.5 Policy CP3 of the Local Plan seeks to make provision for a range of housing to meet different needs. Policy CP5 states amongst other things that the Council, working in conjunction with relevant organisations, communities and developers, will promote, protect and work to improve the health of Swale's population, and reduce health inequalities by bringing forward accessible new community services and facilities and create social interaction and safe environments through mixed uses in the design and layout of development.
- 7.6 The application site is occupied by a detached house embedded within a tightly knit residential cul de sac comprising detached houses.
- 7.7 The proposal would remain in residential use as a care home for children, supported by a team of carers working in shifts. The children will go to school with the intention to live an otherwise normal family life as much as their circumstances permit. As such in seeking to provide a range of housing to meet differing needs and circumstances, and to promote wellbeing and social interaction by bringing forward accessible new community services and facilities the proposal can be seen to comply with the NPPF and policies CP3 and CP5 of the Local Plan. Whilst the proposal would lead to the loss of a conventional dwelling house, it will continue to provide a residential use for a particular type of accommodation.

- 7.8 The provision of a residential care home within a predominantly residential environment is therefore considered to be acceptable in principle.

Living Conditions

- 7.9 Policy DM14 of the Local Plan 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.
- 7.10 The property is a detached 4 bed dwelling and no external changes are proposed. The main perception of the use will be through activity taking place within the house or garden and people coming and going to the house. The intention is to use the house as a home for a maximum of 3 children. However established caselaw sets out that children cannot form a household by themselves, hence the reason why this application is for a change of use to a care home. Given the small number of children who will reside at the property and the levels of supervision, there is no reason to suspect the use will result in noise or disturbance significantly different than that normally associated with the occupation of a house of this size and in this location by a large family.
- 7.11 Concerns relating to noise and disturbance due to staff changeovers taking place in the early hours are noted. One member of staff will come off shift to be replaced by another member of staff. Given the limited number of staff employed to look after 3 children, the vehicle movements involved would be unlikely to be significantly different to the movements expected by a large family who could otherwise occupy the property in its current form as a dwelling.
- 7.12 Mid Kent Environmental Health recommend that a noise management plan is secured by way of a condition. However given the limited number of children that would reside in the property, the staffing provided, the nature of the property as a detached premises as well as regulation of the property by other agencies such as Ofsted, it is not considered that noise management measures are necessary. In any case, it is unclear how such a plan could be enforceable under the Planning Acts or meet the tests for planning conditions.
- 7.13 Given the above, it is not considered the proposal will result in a material loss of privacy, outlook or result in excessive noise or disturbance to houses overlooking or abutting the site. As a result, the scheme is in accordance with the provisions of policy DM14 of the Local Plan.
- 7.14 A number of objectors have raised concerns regarding safety and safeguarding. Fear of anti-social behaviour can be a material consideration in the determination of a planning application. As such likely risks must first be identified and mitigation measures examined to assess whether the children in care and adjoining residents can live together without conflict.

- 7.15 The applicants advise that only 3 children will be at the house at any one time where they will be supervised by staff throughout. The applicants also advise that matching young people to the home requires them to go through a selection process to ensure the young person does not exhibit anti-social tendencies. The screening process involves multiple meetings and visits to the individuals to ensure matching is correct while the matching process is overseen by Ofsted. Furthermore, the property will be required to be registered / regulated by Ofsted and subject to inspections.
- 7.16 The applicants also advise they are not looking to cater for young people with anti-social behaviour or past criminal involvement but to cater for children with additional needs such as ASD, ADHD, downs syndrome and learning disabilities.
- 7.17 Given the limited number of children that would reside in the property, that there will always be staff present, and that the property is regulated by Ofsted, it is considered the objectors fears, though acknowledged, are insufficient to justify refusing the proposal.

Highways

- 7.18 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.19 The NPPF also states that:

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

- 7.20 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.21 As generally no more than 2 staff and 3 children living together as a family will be present in the house at any one time, traffic generation and the requirement for car parking is unlikely to differ from that associated with use as a single-family dwelling. Although there would be an overlap during shift changes, this would be limited.
- 7.22 As such it is not anticipated, in the normal course of events, that the proposed use of the house will appear notably different in traffic generation or parking terms to any other house in Moonfleet Close.

Other matters

- 7.23 Concerns relating to waste generation requiring further waste vehicle movements in a tight cul-de-sac are noted. However given the assessment carried out above, it is concluded that waste generated would be likely to be no more than that normally associated with a detached 4 bedroom house in family use. Given the limited number of children resident, any clinical waste produced is unlikely to be significant or require an unacceptable number of collections.

8 CONCLUSION

- 8.1 The proposed use will help provide a range of housing to meet different needs, and would have social and wellbeing benefits for occupants in providing a home for them. The use of the property in a residential area for a small residential care home is considered appropriate in land-use terms.
- 8.2 While the fear of crime and anti-social behaviour can be material planning considerations, given the small number of children involved, screening process, staffing levels and regulation by Ofsted such fears, though acknowledged, are considered insufficient to sustain an objection to the development.
- 8.3 It is not anticipated that in the normal course of events noise or disturbance, traffic generation or parking associated with the use will be notably different from other houses in Moonfleet Close. As such, the development is considered to be compliant with the adopted Local Plan.
- 8.4 As such it is recommended that planning permission is granted.

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 strictly in accordance with the details shown on drawing no: 2735/1rev A.

Reasons: To ensure the development is carried out in accordance with the approved plans in the interests of amenity.

3. The number of children in care residing at the property at any one time shall not exceed 3.

Reason: To retain control over the use in the interests of amenity.

4. Upon first occupation of the development hereby permitted, the area shown on the submitted plan as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

The Council's approach to the application

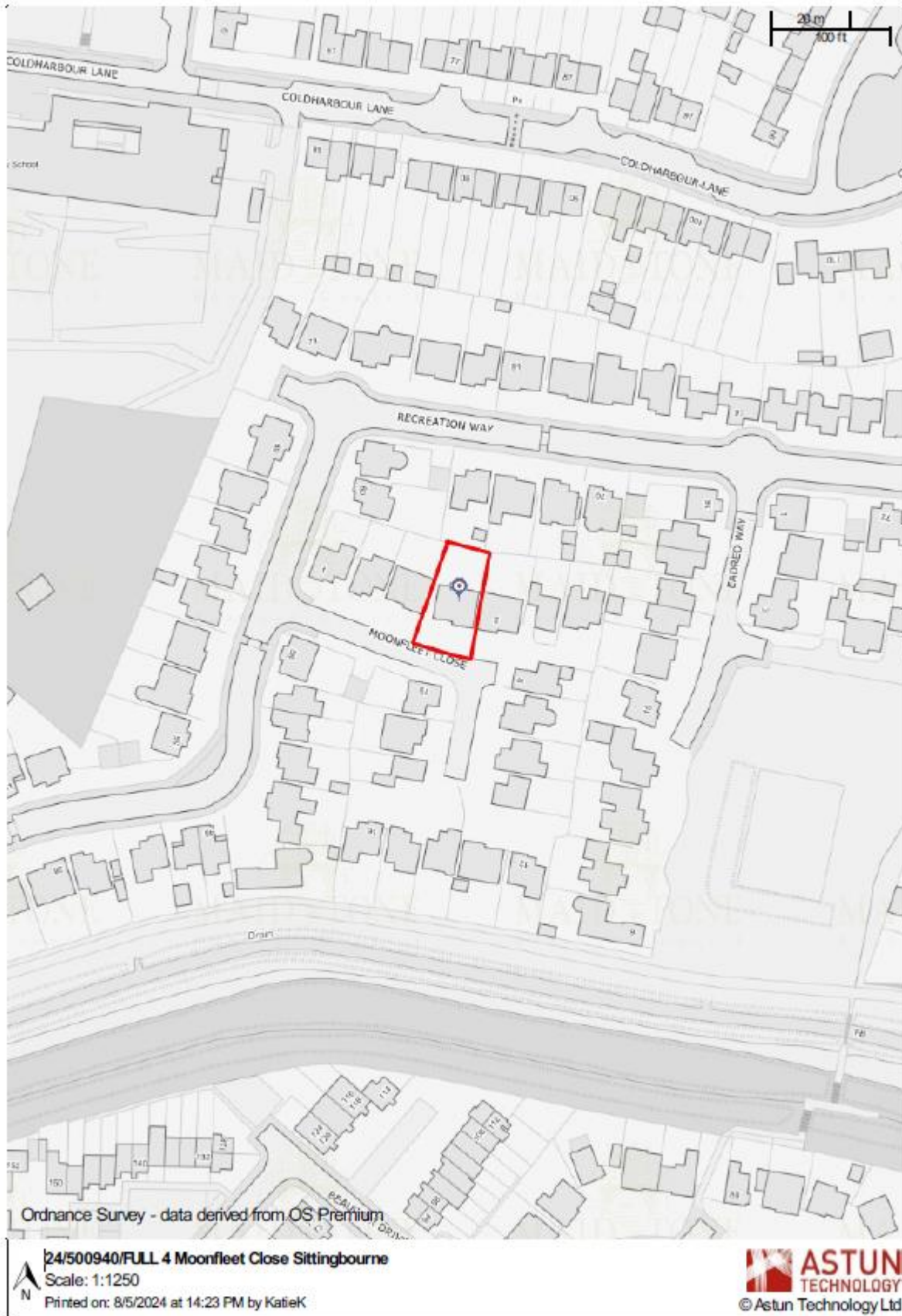
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), 2023 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to

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

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

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

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



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PLANNING COMMITTEE – 23 MAY 2024

PART 4

Report of the Head of Planning

PART 4

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

4.1 REFERENCE NO: 23/503228/FULL		
PROPOSAL Erection of three buildings to provide 51no. residential dwellings (class C3) and hard and soft landscaping, cycle and car parking and associated works.		
SITE LOCATION Cockleshell Walk Car Park, St Michael’s Road, Sittingbourne, Kent, ME10 1AU.		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE Major – Full application		
REASON FOR REFERRAL TO COMMITTEE The application has been submitted by Swale Borough Council.		
Case Officer Simon Greenwood		
WARD Chalkwell	PARISH/TOWN COUNCIL N/A	APPLICANT Swale Rainbow Homes Ltd AGENT BPTW
DATE REGISTERED 24/07/2023		TARGET DATE 28/02/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - Site Location Plan 22084-FA-001 P1 Existing Site Plan 22084-FA-002 P1 Proposed Site Plan 22084-FA-100 P3 Proposed Ground Floor Site Plan 22084-FA-101 P3 Block A - Proposed Ground Floor Plan 22084-FA-105 P3 Block A - Proposed 1st-3rd Floor Plan 22084-FA-106 P2 Block A - Proposed Fourth Floor Plan 22084-FA-107 P2 Block A - Proposed Roof Plan 22084-FA-108 P2 Block B - Proposed Ground Floor Plan 22084-FA-109 P3 Block B - Proposed 1st & 2nd Floor Plan 22084-FA-110 P2 Block B - Proposed Third Floor Plan 22084-FA-111 P2		

Block B - Proposed Roof Plan 22084-FA-112 P2
 Block C - Proposed Ground Floor Plan 22084-FA-113 P3
 Block C - Proposed 1st & 2nd Floor Plan 22084-FA-114 P2
 Block C - Proposed Third Floor Plan 22084-FA-115 P2
 Block C - Proposed Roof Plan 22084-FA-116 P2
 Block A - Proposed Sections A-A and B-B 22084-FA-200 P3
 Block B - Proposed Sections C-C and D-D 22084-FA-201 P3
 Block C - Proposed Sections E-E and F-F 22084-FA-202 P3
 Proposed Southeast and Southwest Context Elevations 22084-FA-300 P3
 Proposed Northeast and Northwest Context Elevations 22084-FA-301 P3
 Block A - Proposed Southeast and Northeast Elevations 22084-FA-310 P3
 Block A - Proposed Northwest and Southwest Elevations 22084-FA-311 P3
 Block B - Proposed Southeast and Northeast Elevations 22084-FA-312 P3
 Block B - Proposed Northwest and Southwest Elevations 22084-FA-313 P3
 Block C - Proposed Southeast and Northeast Elevations 22084-FA-314 P3
 Block C - Proposed Northwest and Southwest Elevations 22084-FA-315 P3
 Drainage strategy plan (14833-TDA-XX-XX-DR-C-51001 Rev-E)
 Schedule of Accommodation 22084-600 P7
 Design and Access Statement submitted 09 October 2023
 Planning Statement submitted 12 October 2023
 Energy Statement submitted 17 November 2023
 Air Quality Assessment submitted 03 October 2023
 Daylight & Sunlight Amenity Study (Neighbouring) Report submitted 11 July 2023
 Daylight & Sunlight Amenity Study (Within) Analysis Report submitted 11 July 2023
 Preliminary Ecological Appraisal submitted 11 July 2023
 Archaeological Desk Based Assessment submitted 11 July 2023
 Arboricultural Survey submitted 11 July 2023
 Noise Impact Assessment submitted 11 July 2023
 Flood Risk Assessment 03 October 2023
 Transport Statement submitted 11 July 2023
 Biodiversity Net Gain Assessment submitted 11 July 2023

All representations received.

The full suite of documents submitted pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RXMJZ7TYGZE00>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The 0.36ha site is located in Sittingbourne town centre on Cockleshell Walk, St. Michael's Road and is currently being used as a surface level pay and display car park.
- 1.2. The site is approx. 158 metres long and approx. 30m wide for the majority of its length. It slopes downwards from the south-west to north-east before sloping moderately upwards again. There is an informal footpath running through the northern part of the

site, connecting the area to the town centre and, to the west / north-west, to Laburnum Place. There is a small group of trees to the north-east of the site.

- 1.3. The western boundary of the site adjoins the rear gardens of two storey dwellings on the eastern side of Frederick Street and 3 two storey terraced houses on Laburnum Place (Nos. 38, 39 and 40). At the southern end, the site adjoins the Troka Tyres and Car Servicing garage.
- 1.4. In terms of the wider surrounding area, to the west of the site there is predominately 2 storey terraced housing whilst Mockett Court and the Islamic Cultural Centre on Hawthorn Road are both 3 storeys high. There are residential, retail, religious and education uses to the south and east along London Road. Building heights are predominantly two and three storeys on West Street and London Road whilst there is a 4-storey residential block at the corner of West Street and Ufton Lane. To the east on West Street and High Street buildings are generally 2 storeys with pitched roofs, other than the large, flat roofed Lidl store, whilst there are 3 and 4 storey residential blocks on St. Michael's Road.
- 1.5. The site is approximately 200 metres to the south-west of Sittingbourne Railway Station and the railway line runs in an east-west direction to the north of the site, beyond which are a small group of trees. Several bus services are available within the immediate vicinity of the site.
- 1.6. The site is not located in a conservation area. The Grade II listed late mid-C19 Church of the Holy Trinity to the east of the application site (off Church Street). There is an Area of High Townscape Value located at its closest edge immediately to the south of the A2 London Road, at its junction with St. Michaels Road and West Street. The site falls within the Central Sittingbourne Area Regeneration. The site lies within a Source Protection Zone for a principal aquifer. Finally, the site is within Flood Zone 1, and therefore has a lowest probability of flooding from rivers or the sea.

2. PLANNING HISTORY

- 2.1. Planning permission was granted by the Council in May 2017 for a mixed use development (on six parcels of land) of 212 residential apartments 3158m² of retail space, a multi storey car park, cinema, ground floor restaurant units, first floor D2 use, amendments to the road network and the creation of a new public square in Sittingbourne Town Centre (ref. 14/505440/FULL).
- 2.2. The above consent granted approval for 62 one and two bedroom dwellings within 1 three storey block and 1 four storey block on the application site. The commercial elements granted approval have been built out and the consent is extant therefore the approved scheme represents a realistic fallback position.

3. PROPOSED DEVELOPMENT

- 3.1. Planning permission is sought for the erection of three buildings comprising 51 residential dwellings. Block A will be five storeys in height whilst Blocks B and C will

be four storeys in height with partially set back top floors to Blocks A and B and a fully set back top floor to Block C.

- 3.2. The facing materials will predominantly comprise red and grey brickwork with patterning and detailing including recessed window surrounds, herringbone patterned panels and arches. Juliet balconies will be provided to the majority of units whilst 8 units will benefit from roof terraces. Soft landscaping is proposed to the front of the blocks along St. Michael's Road.
- 3.3. The proposed unit mix is as follows:

	One bedroom	Two bedroom	Three bedroom	Total
Block A	7	15	2	24
Block B	4	10	2	16
Block C	5	6	0	11
Total	16	31	4	51

- 3.4. 6 of the units (2 one bedroom and 4 two bedroom) will be secured as affordable rented tenure homes, including a two-bedroom wheelchair user flat within the ground floor of Block A.
- 3.5. There will be an access road between Blocks B and C and along the rear of the site. 24 car parking spaces will be provided within ground floor undercroft areas to the 3 blocks and 4 additional car parking spaces will be provided within a landscaped area to the north-west of the site.
- 3.6. Refuse and recycling stores will be located at ground floor level to the rear of Block A and to the front of Blocks B and C. Cycle stores will be provided at ground floor level of Blocks B and C. Block A will also accommodate an electricity substation, switch room, water tank room and plant room at ground floor level to the rear of the block.

4. REPRESENTATIONS

- 4.1. Three rounds of consultation have been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper in accordance with statutory requirements. Full details of representations are available online.
- 4.2. 21 letters of representation were received in relation to the initial consultation and concerns/comments were raised in relation to the following matters: -

Comment	Report reference
Overdevelopment; excessive height and scale; excessive residential density	Paras. 6.36-6.47
Out of character	Paras. 6.36-6.47
Overbearing visual impact	Para. 6.119
Overlooking / loss of privacy at houses and gardens on Frederick Street	Para. 6.199

Overshadowing of adjacent properties; loss of sunlight and daylight	Para. 6.120
Increased noise and disturbance, light pollution, smells and litter	Paras. 6.121-6.122
Inadequate car parking; increased parking stress; increased demand for on-street car parking; existing car park is well used	Paras. 6.75-6.76 & 6.80
On-street car parking restrictions in locality should be reviewed and better enforced; inconsiderate car parking presently occurs	Paras. 6.79 & 6.81
DHA prepared the Transport Statement which seeks to justify car parking provision which falls considerably short of the standards within the Swale Borough Council Parking Standards document which was also prepared by DHA	Para. 6.75
Increased traffic, congestion and associated air pollution	Paras. 6.74 & 6.85-6.90
Public transport and sustainable transport options (cycling infrastructure) are inadequate and do not justify the low car parking provision	Paras. 6.76 & 6.78-6.79
Impaired access to the rear of properties on Frederick Street, including for waste collection, and in particular if parking occurs on access road; access to rear of Frederick Street properties should be maintained during construction process	Para. 6.83
Access road should be gated to promote security and prevent unauthorised access to rear of site	Para. 6.83
Some parking areas are secluded and should be adequately lit	Condition 28
Communal refuse storage arrangements will be problematic; refuse collections for Frederick Street residents will be impacted; increased risk of flytipping and vermin	Paras. 6.77 & 6.79
Increased pressure on local infrastructure and services including healthcare and education	Paras. 6.91-6.94
Piling works could damage nearby properties; noise from construction works	Paras. 4.8 & 6.142 and conditions 3 & 5
Crime, vandalism and anti-social behaviour take place in locality, including	Para. 4.12 and condition 25

in alleyways, and will increase with additional population	
Increased risk of crime as rear of Frederick Street properties will be screened from public view	Para. 4.12 and condition 25
Decrease in value of existing properties, including as a result of overlooking	Paras. 6.119 & 6.143
Inadequate amenity space; lack of children's play space	Paras. 6.95-6.105 & 6.130
Loss of trees; inadequate soft landscaping/planting and public realm works	Paras. 6.44-6.45, 6.48-6.51 & 6.56-6.57
River runs underneath site; Has drainage been properly considered?	Paras. 6.106-6.112
Materials will not weather well;	Para. 6.31
Land should be released for self-build homes	6.138
Council's claims that development will not generate a profit and quantum of development is required for viability reasons are questionable	Paras. 6.38-6.40
Assurances required about adequate management of the development	Para. 6.137
Spring Street Car Park would be more suitable site for a development of this scale.	Para. 6.138

4.3. A second round of consultation was undertaken on 19/10/2023 and no further comments were received.

4.4. A third round of consultation was undertaken on 11th December 2023 and 5 representations were received which reiterated previous comments and made the following additional points:

Comment	Report reference/ clarification
No changes to the application.	Revised application form received 07.12.2023
Inadequate affordable housing for disabled occupants	Para. 6.17-6.22
No disabled car parking provision.	Para. 6.82
Detrimental impact on mental health and wellbeing of residents of Frederick Steet.	Paras. 6.117-6.122
Inadequate community consultation by developer.	Para. 6.139
Application for development in Laburnum Place shows access via the road within the Cockleshell Walk application site.	Para. 6.140

Council is inconsistent in its assessment of planning matters	Para. 6.141
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- 4.5. **The Sittingbourne Society** welcomes the principle of building 51 affordable homes on previously developed land at the edge of the town centre. However, concerns are raised which are summarised as follows:-

Comment	Report reference/ clarification
Increased impact upon local services including local health services and over-subscribed secondary schools;	Paras. 6.91-6.94
Increased pressure on inadequate water and sewage treatment systems.	Para. 6.110
Impact of new development upon the wellbeing of nearby residents along Frederick Street given the height of the blocks.	Paras. 6.117-6.122
Inadequate car parking and increased pressure on on-street car parking.	Paras. 6.75-6.76 & 6.79

CONSULTATIONS

- 4.6. **SBC Heritage:-** The proposed development will result in a low degree of less than substantial harm to the Grade II listed Church of the Holy Trinity to the east of the application site and to the Area of High Townscape Value to the south of the site.
- 4.7. If planning permission is granted conditions are requested to secure details of external finishing materials; hard and soft landscaping; external lighting; windows details and boundary treatments.
- 4.8. **Mid Kent Environmental Health:-** No objections raised subject to conditions securing a Construction Method Statement, noise mitigation measures and measures to offset traffic related air pollution.
- 4.9. **SBC Housing:** - It is proposed to deliver 6 units as affordable rented tenure homes which will contribute towards meeting needs of the area and is welcomed in affordable housing terms. The applicant has agreed to a cascade mechanism whereby a commuted sum in lieu of on-site affordable housing would be secured should no Registered Provider be willing to take on and manage the affordable housing. The applicant's aspiration is to deliver the scheme as a 100% affordable rented housing; however, the applicant is not currently able to demonstrate that the scheme can be delivered on this basis. The Section 106 agreement will need to allow the applicant to vary the affordable housing provision to account for a scenario where a 100% affordable rented scheme or another policy compliant mix is brought forward.
- 4.10. **KCC Highways:-** No objections raised subject to conditions securing the following details of a dropped kerb to be secured under a Section 278 agreement; a

Construction Management Plan; provision and permanent retention of the car parking (including EV charging spaces) and cycle parking; and permanent retention of the refuse storage facilities.

- 4.11. **Environment Agency:-** Controlled waters are particularly sensitive at this location as the site is located upon a principal aquifer within a Source Protection Zone. No objections are raised subject to conditions securing a contamination investigation, remediation strategy and verification report, and a pilling method statement.
- 4.12. **Kent Police:-** No objections subject to a condition securing crime prevention design measures and informatives.
- 4.13. **Lower Medway Internal Drainage Board:-** The site is located outside the Board's drainage district and any river catchment that drains into the drainage district, therefore the proposal does not impact on the Board's interests.
- 4.14. **Natural England:-** No objections subject to securing appropriate mitigation for recreational pressure impacts on European designated habitat sites.
- 4.15. **NHS Kent and Medway:-** The proposed development will have a direct impact on the delivery of healthcare services which will require mitigation through the payment of a financial contribution towards local healthcare services. A contribution of £34,416 is sought towards improvement of existing infrastructure or the delivery of new infrastructure in line with the area strategy.
- 4.16. **Southern Water:-** No objections raised subject to conditions and informatives.
- 4.17. **KCC Flood and Water Management:-** No objections raised subject to conditions securing a sustainable surface water drainage scheme and a subsequent verification report.
- 4.18. **SBC Urban Design:-** The proposed height, scale, massing and density of built form would show a reasonably close correlation with that of established development within the wider vicinity, and that of the extant consent, albeit the relationship of Block A with immediately adjacent development would be somewhat uncomfortable. The arrangement of three blocks is generally well resolved, re-establishing a street frontage whilst providing access to the rear of properties fronting Frederick Street. The form of the block is considered appropriate and façade composition is well considered and articulated with depth and visual interest through the interplay of materials, texture and colour. Indeed, the mass is broken up on all sides through the arrangement of bays, bricks panelling, and balconies. The design and variation in the building and across all facades is well managed and is of high quality. Overall, greatly encouraged by the proposal, particularly considering the previous consent.
- 4.19. **KCC Developer Contributions:-** The proposal will result in an impact upon the delivery of community services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. The contributions sought are detailed in the community infrastructure section of this report.
- 4.20. **SBC Climate Change:-** No objections raised subject to conditions securing details of carbon reduction and sustainability measures.

- 4.21. **KCC Ecology**:- No objections raised. Developer Contributions should be sought due to the increase in dwellings within the zone of influence of a Special Protection Area and a full Appropriate Assessment should be carried out. A condition is sought to secure Biodiversity Net Gain and a breeding bird Informative is recommended.
- 4.22. **SBC Greenspace Manager**:- It is acknowledged that there are limited opportunities to provide public open space and recreation facilities within the application site. The nearest play provision at Redgrove Avenue is approximately 260m away to the north (within the 400m standard for a neighbourhood site) with the second nearest and larger facility at Tavistock Close, some 580m distance to the southwest. Financial contributions are sought towards off-site provision of play/fitness provision and formal sports provision in the locality.
- 4.23. **SBC Trees and Landscape**:- The application is accompanied by a basic tree survey. However, in view of the limited number of trees on the site it is considered that arboricultural matters can be satisfactorily addressed through the submission of an Arboricultural Method Statement and Tree Protection Plan which would be secured through a condition.
- 4.24. **KCC County Archaeologist**:- The site has a high potential for archaeology given that the southern end of the site is close to the route of the A2 (former Roman road) and to a known Anglo-Saxon burial ground. A condition is requested to assess and mitigate the impacts of development on significant archaeological remains.

5. **DEVELOPMENT PLAN POLICIES**

- 5.1. Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

ST 1 Delivering sustainable development in Swale
ST 2 Development targets for jobs and homes 2014- 2031
ST 3 The Swale settlement strategy
ST 5 The Sittingbourne area strategy
CP 2 Promoting sustainable transport
CP 3 Delivering a wide choice of high-quality homes
CP 4 Requiring good design
CP 5 Health and wellbeing
CP 6 Community facilities and services to meet local needs
CP 7 Enhancing the natural environment - providing for green infrastructure
CP 8 Conserving and enhancing the historic environment
Regen 1 Central Sittingbourne: Regeneration Area
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 20 Renewable and low carbon energy
DM 29 Woodlands, trees and hedges

DM 34 Scheduled Monuments and Archaeological Site

DM 32 Development involving listed buildings

DM 36 Area of high townscape value.

5.2. Supplementary Planning Guidance/Documents:

- Developer Contributions (2009)
- Sittingbourne Town Centre (2022)
- Parking Standards (2020).

6. ASSESSMENT

6.1. This application is reported to the Committee as the application has been submitted by Swale Borough Council.

6.2. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Size and Type of Housing
- Affordable Housing
- Heritage
- Archaeology
- Design of the proposed development
- Ecology
- Transport and Highways
- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

Principle

6.3. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

6.4. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

6.5. The site is located in Sittingbourne which is identified as the 1st tier settlement for new housing development under Local Plan policy ST 3. This is echoed in Local Plan policy

ST 5 which sets out the Sittingbourne Area Strategy and specifically identifies the application site as suitable for redevelopment. Local Plan Policy Regen 1 is concerned with the Central Sittingbourne Regeneration Area and supports the residential redevelopment of the application site with buildings of innovative and sensitive design to create new and improved townscape areas. In addition to this the site is included within the Local Plan Land Allocations for New Development (Chapter 6) and is identified to accommodate the delivery of new housing within the town centre. Taking this into account coupled with the fallback of 2014 application, the principle of new housing development in this location is considered to be acceptable in accordance with Local Plan policies ST3, ST5 and Regen 1 and the NPPF.

Size and Type of Housing

- 6.6. The NPPF recognises that to create sustainable, inclusive and diverse communities, a mix of housing types, which is based on demographic trends, market trends and the needs of different groups, should be provided.
- 6.7. Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. The proposed mix of housing is set out below:

Tenure	1 Bed	2 Bed	3 Bed	Total
Market	14	27	4	45
Affordable	2	4	0	6
Total	16	31	4	51

- 6.8. The supporting text to Local Plan Policy CP3 sets out requirements for market and affordable housing by size. The table below shows the requirements set out in supporting text for Local Plan Policy CP3 and how the proposal compares with this.

Tenure – Local Plan	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	36%	42%	15%	100%
Market Proposed	31%	60%	9%	0%	100%
Affordable Required	8%	20%	36%	36%	100%
Affordable Proposed	33.3%	66.6%	0%	0%	100%

- 6.9. The Council has a Housing Market Assessment (HMA) prepared in 2020, i.e., more recently than the Local Plan, and after the introduction of the standard method for calculating the objectively assessed need. As such officers have considered the proposed mix against that set out in the HMA.

Tenure - HMA	1 Bed	2 Bed	3 Bed	4 Bed	Total
Market Required	7%	33%	41%	19%	100%
Market Proposed	31%	60%	4%	0%	100%
Affordable Required	27%	23%	30%	20%	100%
Affordable Proposed	33.3%	66.6%	0%	0%	100%

- 6.10. The HMA (2020) broadly echoes the Local Plan requirements in terms of the mix of dwelling sizes. It should be noted that this reflects the Borough wide need.
- 6.11. In terms of the affordable tenure, advice from the Council's Affordable Housing Officer is that evidence from the housing register shows that in Sittingbourne there is considerable demand for 1 and 2 bed dwellings. Given this localised knowledge of demand, no objection is raised to the size of affordable dwellings.
- 6.12. In terms of the private housing (market tenure), the proposal would deliver a greater proportion of one and two bedroom dwellings and fewer three and four bedroom dwellings than is indicated as being required by the supporting text to Policy CP3 or the HMA (2020).
- 6.13. Again, it is noted that the mix of dwellings set out in the HMA and Policy CP3 is borough wide and does not take account of localised differences in market housing need. To account for localised differences, local housing market areas have been established which relate to specific postcode evidence. For the town of Sittingbourne, the supporting text to Local Plan Policy CP3 states that Sittingbourne has the opportunity to provide a mix of quality housing types and unit sizes. Prices are affordable and there are reasonable levels of demand from a range of consumers.
- 6.14. In terms of consumers, the Local Plan and the HMA (2020) both identify that the highest forecast increases in the number households over the plan period will be one person and lone parent households therefore there is a growing demand for 1 bed and 2 bed dwellings.
- 6.15. Given the location of the site within Sittingbourne, along with evidence from the housing register (of demand for smaller flats) and the expected increases in one person and lone parent households, it is considered that the proposed mix would provide an acceptable mix of quality housing types and unit sizes in Sittingbourne.
- 6.16. The proposal would provide an acceptable level of affordable housing and accessible housing (in accordance parts 4, 5, 6 and 7 of Policy CP3). In light of this it is considered that the proposal broadly accords with policy CP3 of the Local Plan 2017.

Affordable Housing

- 6.17. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Local Plan policy DM 8 requires 10% provision of affordable housing from developments in Sittingbourne and provides for a commuted sum to be secured in lieu of on-site affordable housing in exceptional circumstances where no Registered Provider is available.
- 6.18. It is proposed to deliver 6 units as affordable rented tenure homes which will contribute towards meeting needs of the area and this is welcomed in affordable housing terms.
- 6.19. It is understood that Swale Rainbow Homes intend to apply to become a registered provider of affordable housing, at which point they would become eligible to secure grant funding for affordable housing delivery. The applicant's aspiration is to deliver the scheme as comprising 100% affordable rented housing; however, the applicant is not currently able to demonstrate that the scheme can be delivered on this basis. It is

therefore proposed that six units are secured as affordable housing in accordance with policy DM8.

- 6.20. If a 100% affordable housing scheme does not come forward then there may not be any interest from registered providers to take on the 6 homes due to challenges associated with managing small numbers of homes within a development. To account for this scenario, the applicant has agreed to a cascade mechanism whereby a commuted sum in lieu of on-site affordable housing would be secured through a Section 106 agreement, in line with policy DM8. The Section 106 agreement would also provide for the applicant to vary the affordable housing provision to another policy compliant mix, which would allow the delivery of a 100% affordable rented scheme should Swale Rainbow Homes become a registered provider and secure grant funding.
- 6.21. The affordable housing provision includes a wheelchair accessible flat to the ground floor of Block A which will be built out to Part M4(3) of the Building Regulations standards. The remaining dwellings within the development will be built out to Part M4(2) (Accessible and Adaptable Dwellings) of the Building Regulations standards.
- 6.22. The proposals are considered consistent with policies DM8 and CP3 of the Local Plan and the NPPF and are therefore acceptable in terms of affordable housing.

Heritage

- 6.23. Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 6.24. The NPPF states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 6.25. Local Plan Policy CP 8 states that development will sustain and enhance the significance of designated and non-designated heritage assets to sustain the historic environment whilst creating for all areas a sense of place and special identity. The site lies adjacent to an Area of High Townscape Value and Local Plan policy DM 36 requires that development proposals conserve or enhance the local historic and architectural character.
- 6.26. In terms of heritage impacts, there are two key receptors to be considered as follows:
- The Grade II listed late mid-C19 Church of the Holy Trinity to the east of the application site (off Church Street)

- The Area of High Townscape Value located at its closest edge immediately to the south of the A2 London Road, at its junction with St. Michaels Road and West Street.

- 6.27. The application is accompanied by a Heritage Statement which concludes that no harm would occur to the Church of the Holy Trinity through change to its setting by reason of the tree belt which lies between the proposed development and the church. It is acknowledged that the tree belt provides some screening; however, the trees within the belt are not protected under a Tree Preservation Order. Furthermore, they are not evergreen and therefore the screening effect is seasonally affected. In view of the height and massing of the proposed development it is considered that there would be some impact upon the heritage significance of the setting of the church. This harm is considered to be at the lower end of less than substantial and in light of this the benefits of the scheme will need to be balanced against the harm.
- 6.28. The application site is outside of the Area of High Townscape Value. There would be limited visibility of the development from the Area of High Townscape Value due to intervening development and the adjacent single storey retail unit. The proposed development, which is five storeys high at its southern end, would create an uncomfortable visual junction with the car servicing and retail premises. However, in view of the local level of the designation, the good quality of the elevational design treatment, the varied form of the designated area (including some taller buildings of 3 storeys and higher) and the poor contribution that the site as existing site makes to the local townscape, the proposal is considered to conserve the character and appearance of the Area of High Townscape Value in accordance with policy DM 36 of the Local Plan 2017.
- 6.29. The proposed development would result in a low degree of 'less than substantial harm' to the setting of the Grade II listed Church of the Holy Trinity. The application proposes the development of much needed housing on a brownfield site in a highly sustainable location, substantial weight is given to this benefit. The proposal would bring forward jobs and spending during the construction phase and local spending once the development is occupied, moderate weight is given to these benefits. In addition to this the applicant is proposing to achieve 177.81% Biodiversity Net Gain as part of this application, this benefit is given moderate weight.
- 6.30. In light of the benefits identified and given the low level of substantial harm identified to the setting of the Grade II listed Church of the Holy Trinity, the benefits of the scheme are considered outweigh the harm identified in accordance with policies DM 32 and DM 36 of the Local Plan 2017 and the NPPF.
- 6.31. The Council's Heritage Officer has requested conditions to secure details of external finishing materials; hard and soft landscaping; external lighting; windows details and boundary treatments. These conditions would ensure an appropriate quality of detailed design and materials therefore can be reasonably imposed.
- 6.32. In considering the impact of this proposal upon designated heritage assets, officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

Archaeology

- 6.33. The application is accompanied by an Archaeological Desk Based Assessment which identifies moderate potential for prehistoric, Roman, Medieval and post Medieval remains on the site. Burials from the early medieval period are considered less likely but would be of high heritage significance and the assessment acknowledges that an archaeological investigation would be required.
- 6.34. The KCC Archaeologist has advised that the site has a high potential for archaeology given that the southern end of the site is close to the route of the A2 (former Roman road) in close proximity to a known Anglo-Saxon burial ground. A condition is recommended to assess and mitigate the impacts of development on significant archaeological remains.
- 6.35. The proposals are considered acceptable in relation to archaeology and are considered to accord with Local Plan policy DM34 and the NPPF.

Design of the proposed development

- 6.36. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.
- 6.37. It is considered that, relative to its setting, the site appears as a somewhat incongruous gap in the streetscape, partly through the intrinsically unattractive character of the car park itself and by exposing the irregular backs of buildings facing Frederick Street. Considered as a whole, the site makes a negative contribution to the character of the area, detracting from the appearance of the street scene along St. Michael's Road. Redevelopment of the site presents an opportunity to repair and improve the townscape in this part of Sittingbourne Town Centre.
- 6.38. The previously approved scheme (ref. 14/505440/FULL) comprised 2 four storey blocks. The larger block was approx. two thirds of the length of the existing car park and the unbroken frontage would have contributed to a somewhat bulky and unrelieved appearance. The footprint of the smaller consented block extended further to the north of the site than the current proposal, which would have further accentuated the mass of the blocks. However, the Council considered that the proposal represented an appropriate scale of development which would enhance the character and appearance of the area.
- 6.39. The current proposals represent an evolution of the previous design and involves the erection of 1 five-storey block and 2 four-storey blocks accommodating 51 dwellings. The proposals therefore represent an increase in the height of the development with an additional storey proposed to Block A, the southernmost block. The height of Block A is considerably higher than development within the immediate context, in particular the Troka Tyre and Car Servicing premises and adjacent single storey retail unit to the south, resulting in a somewhat uncomfortable relationship. However, the proposed development would represent a reduction in density and mass in relation to the previously approved scheme and the revised arrangement, involving three separate blocks, would provide for a more spacious layout and a more contextually appropriate

appearance on the street scene. The proposed height, scale, massing and density of built form would show a reasonably close correlation with that of established development within the wider vicinity.

- 6.40. The arrangement of three blocks would re-establish a street frontage whilst providing access to the rear of properties fronting Frederick Street. The frontage of each block would align with St. Michael's Road which, together with the landscaped strip and new planting providing good definition and enclosure of the road. The blocks will feature set-backs at top floor level with a contrasting, darker coloured brick which will serve to detract from the bulk and massing the buildings.
- 6.41. The blocks' simple form and elevations comprising a simple palette of materials, repeating window patterns, balconies and a range of decorative brickwork features would give the building a contemporary aesthetic which acknowledges Sittingbourne's history of brickmaking. Façade composition is well considered and articulated with depth and visual interest achieved through the interplay of materials, texture and colour. The mass is broken up on all sides through the arrangement of bays, bricks panelling, and balconies. Facades also include legible entrances with brick arches in contrasting buff brick and window openings have been positioned to provide passive surveillance to the street and public realm. The design and variation in the building and across all facades is well managed and is of high quality.
- 6.42. Given the reliance of brick to express volume and character it is crucial that the physical and aesthetic qualities of these materials have a richness and variety in the surface colour and texture so samples of materials and details would be required by condition.
- 6.43. The Council's Urban Design Officer has reviewed the proposals and supports the layout of the scheme and the detailed architectural approach, but notes that the height of Block A is not responsive to the immediate context and would contrast with the adjacent lower rise buildings. However, overall, it is considered that the proposal represents a significant improvement over the previously consented scheme in design terms.
- 6.44. Opportunities for landscaping are limited in view of the constraints of the site and the opportunity to optimise the development potential of the site to deliver housing in a sustainable town centre location. Grassed strips will be provided to the front of the blocks on St. Michael's Road with clay paving installed to facilitate access to pedestrian entrances, cycle stores and bin stores.
- 6.45. A landscaped area will be provided within the northern part of the site adjacent to houses on Laburnum Place where parking is to be provided. The scheme is considered to be acceptable subject to conditions securing a detailed scheme of hard and soft landscape works, external lighting and boundary treatment details to be submitted.
- 6.46. While it is acknowledged that Block A added additional mass to the streetscene, the development will result in an improvement in townscape terms, having particular regard to the negative impact of the existing car park and the arrangement and detailed

architectural treatment of the proposed blocks. Furthermore, the proposed development is considered to represent a significant improvement over the previously approved scheme.

- 6.47. Accordingly, it is considered that the design and appearance of the proposed development including landscaping is acceptable and is in accordance with policy CP 4 of the Local Plan 2017 and the NPPF.

Trees

- 6.48. Local Plan policy DM 29 seeks, inter alia, to protect, enhance and sustainably manage trees and to ensure that development proposals take reasonable opportunities to provide new trees to maintain and enhance the character of the locality and provide for an attractive living and working environment.
- 6.49. The application is accompanied by a Tree Survey which identifies a group of category C (lower value) trees within the surface car park along the southern boundary adjacent to the Troka Tyre and Car Servicing premises. The applicant is proposing to remove these trees to facilitate the development and 4 replacement trees are proposed to offset their loss. The replacement trees will be planted within the northern part of the site adjacent to houses on Laburnum Place where resident's car parking is proposed.
- 6.50. The Council's Trees Officer raises no objections to the proposal and requests that a condition is attached to any planning permission to secure an Arboricultural Method Statement.
- 6.51. In view of the low value of the trees to be removed and the replacement tree planting proposed it is considered that the proposal satisfactorily addresses Local Plan policy DM29 and the NPPF.

Ecology

- 6.52. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 6.53. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

- 6.54. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 6.55. In terms of the Local Plan policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 6.56. The application is accompanied by a Preliminary Ecological Appraisal which identifies that the site has a low ecological value although there may be a loss of biodiversity as a result of the removal of modified grassland, introduced shrub and trees on the site. The proposal is likely to be inconsequential for bat and bird populations and any impacts on bat activity and birds' nests on the site can be mitigated through low impact lighting, appropriate precautions and best practice.
- 6.57. The application is accompanied by a Biodiversity Net Gain (BNG) Assessment which identifies a baseline habitat value of the site of 0.22 BNG units whilst the post development habitat value of the site is projected to be 0.47 units, representing a BNG net gain of 117.81%.
- 6.58. Since the proposed development will result in 51 residential dwellings on the site, impacts to the SPAs and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development, there is no scope to provide on-site mitigation and in such circumstances off site mitigation is normally required by means of developer contributions at the rate of £328.27 per dwelling, which has been agreed by the applicant. In accordance with the Conservation of Habitats and Species Regulations 2017, for completeness an Appropriate Assessment has been completed and is set out below.
- 6.59. The KCC Ecology Officer has reviewed the Preliminary Ecological Appraisal and advises that sufficient ecological information has been provided. A condition is requested to secure details of measures to deliver biodiversity net gain. Developer contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area.
- 6.60. Natural England raise no objection to the development subject to securing appropriate mitigation for recreational pressure impacts on the Special Protection Areas, which will be done by way of financial contribution.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017

- 6.61. This Appropriate Assessment (AA) has been undertaken without information provided by the applicant. The application site is located within 6km of Swale Special Protection Area and Medway Estuary and Marshes Special Protection Area (SPA) and their respective Wetlands of International Importance under the Ramsar Convention (Ramsar Site) which is a European designated site afforded protection under the

Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 6.62. 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.
- 6.63. The proposal is for residential development and future occupiers may visit the protected site for recreational purposes (creating recreational pressure). Therefore, the proposal has the potential to affect the Medway Estuary and Marshes SPA's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 6.64. 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.
- 6.65. 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.
- 6.66. However, the development is of a 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 appropriate mitigation measures.
- 6.67. 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 should be in place before dwellings are occupied.
- 6.68. Due to the scale of development there is no scope to provide on-site mitigation such as an on-site dog walking area. Based on the correspondence with Natural England, off site mitigation is required.
- 6.69. In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures can be implemented within the SPA from

collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. It is therefore considered that any adverse effect on the integrity of the SPA can be satisfactorily addressed through a financial contribution of £16,016.55 (£328.27 per dwelling) which has been agreed by the applicant.

- 6.70. Subject to mitigation (to be secured as a planning obligation) there would be no adverse impact on the integrity of the SPA and the development would comply with Local Plan policy DM 28.

Transport and Highways

- 6.71. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 6.72. The NPPF also states that:

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

- 6.73. Local Plan policy DM 6 promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/or safety standards are compromised proposals will need to mitigate harm.

- 6.74. In view of the existing car park use of the site the development will result in a reduction of 71 vehicle movements during the morning peak hour and a reduction of one vehicle movement during the evening peak hour.

- 6.75. Residential car parking standards are set out in Appendix A of the Swale Borough Council Parking Standards SPD. The site lies within a town centre location where the ‘advisory’ standards indicate that 1 space per unit should be provided. However, ‘advisory’ standards are provided where the accessibility of the locations is likely to justify a reduced provision than that detailed. The guidance advises that a lower provision should be considered for areas with good accessibility by sustainable transport modes and/or where effective mitigation measures are in place, which include Travel Plans and Controlled Parking Zones.

- 6.76. The proposals include 28 car parking spaces, 24 spaces will be located in under crofts to the three blocks at ground floor level. The remaining four parking spaces will be located within a small parking court to the north of the site, adjacent to block C near the houses on Laburnum Place. The proposed car parking provision falls considerably short of the advisory standard. However, the site occupies a sustainable location with good access to bus and train services whilst amenities and services are available within walking and cycling distance of the site. A Travel Plan would be secured through a Section 106 agreement whilst mitigation is provided through Controlled Parking Zones in the locality. It is therefore considered that the proposed car parking would represent adequate provision.

- 6.77. Refuse and recycling bins have been located at ground level in communal bin stores to the rear of Block A and to the front of Blocks B and C. Collections for the existing properties on Frederick Street will take place at the rear of the site, in line with existing arrangements. A vehicle swept path analysis has been provided which demonstrates that a refuse vehicle and other large vehicles such as a fire tender can satisfactorily access and egress the site.
- 6.78. The development proposes a total of 52 cycle storage spaces. A shared store containing 40 cycle spaces is proposed on the ground floor of Block B which will serve residents of Blocks A and B. An additional store within the ground floor of Block C will 12 spaces.
- 6.79. KCC Highways have been consulted and have raised no objections in terms of impacts on the highways network and the proposed car parking, cycle storage and refuse storage, subject to conditions to be imposed should planning permission be granted.
- 6.80. Objections have been received noting that the current car park is well used. New car parking has been delivered in the town centre over recent years and it was anticipated that this additional capacity would facilitate the redevelopment of the application site.
- 6.81. An objection has been received noting that inconsiderate car parking presently occurs and parking restrictions in the area are not adequately enforced. As noted above the proposal is considered acceptable in terms of highways impacts and parking and these are concerns that fall to be addressed by the Council through parking enforcement.
- 6.82. A neighbouring resident has commented that no disabled car parking is proposed. Two spaces within the undercroft to Block B can be enlarged to provide disabled spaces if required.
- 6.83. Concerns have been raised regarding vehicular and pedestrian access (including unauthorised access) to the rear of the Frederick Street properties and these are issues which can be addressed through the management of the development and through crime prevention measures to be submitted pursuant to condition 25.
- 6.84. In view of the sustainable town centre location of the site with a good level of access to bus and train services, the car parking provided is considered acceptable and the access and servicing arrangements have been demonstrated to be satisfactory. It is considered the proposals are acceptable in transport and highways terms and are therefore in accordance with the provisions of Local Plan Policy DM 6, the SBC Parking Standards SPD and the NPPF.

Air Quality

- 6.85. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing, or preventing harmful concentrations of air pollution.
- 6.86. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from

contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be considered in planning decisions. The Planning Practice Guidance on Air Quality states that

“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”.

- 6.87. Local Plan policy DM 6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 6.88. The application is accompanied by an Air Quality Assessment (AQA) which identifies a risk to air quality from dust during the construction phase and from vehicular emissions during the operational stage. The construction stage impacts can be mitigated through the implementation of best practice measures to minimise the impacts of dust from construction activity. The AQA proposes a series of mitigation measures in line with recommendations within the Swale AQPT as follows:
- All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh.
 - Travel Plan to support and encourage sustainable transport choices (public transport, cycling, walking, and car-sharing).
 - Welcome Pack for new residents providing information and incentives to encourage the use of sustainable transport modes.
 - Provision of a Car Club Scheme within the development or support given to local car club
 - Landscaping to improve air flow and minimise canyon effects.
- 6.89. The Environmental Protection Officer raises no objections to the proposal in terms of air quality. Conditions and Section 106 obligations are recommended to secure the proposed mitigation measures.
- 6.90. Subject to the recommended conditions the development would be acceptable in terms of air quality and would accord with Local Plan Policy DM6 and the NPPF.

Community Infrastructure

- 6.91. The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. This is reflected in policies CP 5 and CP6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.
- 6.92. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure

Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind.

6.93. The following outline the financial contributions that have been sought by Kent County Council, Swale Borough Council and other statutory bodies to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations (as amended).

Requirement	Value	Towards
Travel Plan	Estimated £1,500.	Development and implementation of a Travel Plan
Car Club	Estimated £1,000	Set up Car Club or support local Car Club
SAMMS payment	£16,741.77 (£328.27 per dwelling)	North Kent Strategic Access Management and Monitoring Strategy.
Primary Education	£70,812 (£1,770.30 per applicable flat*)	Towards a new Primary school in the Wises Lane site (planning consent ref. 17/505711/OUT) and/or increased capacity in the Sittingbourne South planning group
Secondary Education (New Build)	£55,872.00 (£1,396.80 per applicable flat*)	Towards a new secondary school in North-west Sittingbourne and/or increased capacity in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups
Secondary Education (Land)	£30,227.20 (£755.68 per applicable flat*)	Towards the land costs of the new secondary school in north-west Sittingbourne and/or new secondary schools in Sittingbourne non-selective and Sittingbourne & Sheppey selective planning groups.
SEND (Build)	£5,598.40 (£139.96 per applicable flat*)	SEND contribution to be applied towards additional places in Swale district
Community Learning and Skills	£1,744.71 (£34.21 per dwelling)	Additional equipment and resources at Adult Education Centres including at Sittingbourne and outreach provision to increase capacity in the service
Integrated Children's Service	£2,962.00 (£74.05 per dwelling)	Towards additional equipment and resources for the Integrated Children's Services in Swale including outreach provision. (Includes discount for non-applicable dwellings)

Libraries, Registrations and Archives Service	£3,194.13 (£62.63 per dwelling)	Towards additional resources, equipment and book stock (including reconfiguration of space) at local libraries serving the development including at Sittingbourne.
Adult Social Care	£9,224.88 (£180.88 per dwelling)	Towards Specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places within Swale.
Waste Disposal and Recycling	£9,224.88 (£194.13 per dwelling)	Towards additional capacity at the Sittingbourne HWRC & WTS.
Wheelie Bins	£5,728.00	To ensure the development is provided with facilities to meet waste collection requirements.
NHS (Integrated Care Board)	£34,416.00	Towards refurbishment, reconfiguration and/or extension of existing general practice and other healthcare premises covering the area of development or new premises for general practice or healthcare services provided in the community in line with the healthcare infrastructure strategy for the area.
Affordable Housing	Provision of 6 affordable rented homes or commuted sum in lieu of on-site provision with clause allowing an alternative policy compliant provision.	Affordable housing, including accessible affordable housing.
Formal sports provision	£34,772.31 (£681.81 per dwelling)	Fitness and formal sports facilities in Sittingbourne.
Play/fitness provision	£26,152.80 (£512.80 per dwelling)	Children's play areas and outdoor fitness facilities in Sittingbourne
Monitoring fee SBC	5% of financial contributions	Monitoring of the legal agreement
Monitoring fee KCC	To be confirmed	Monitoring of the legal agreement

* The definition of 'applicable flat' excludes 1 bed units of less than 56 sqm GIA and any sheltered accommodation for the purposes of securing education contributions. In this case, 41 of the proposed units are applicable flats.

- 6.94. Subject to securing the obligations, the application would accord with Policies CP5, CP6, DM8, DM17 and DM28 of the Local Plan.

Open Space

- 6.95. Local Plan Policy CP7 requires developments to promote the expansion of Swale's natural assets and green infrastructure. Policy DM17 of the Local Plan sets out that new housing development should make provision for appropriate outdoor recreation and play space proportionate to the likely number of people who will live there.
- 6.96. The policy recognises that in some cases it may not be appropriate to make provision for new open space and sports facilities on-site, in such cases the policy requires contributions to be made towards the off-site funding of facilities to meet the needs of the development.
- 6.97. Paragraph 27.3 of the Sittingbourne Town Centre SPD notes that Housing development will be encouraged to provide amenity space which may be provided on roofs or as balconies.
- 6.98. Policy DM17 of the Local Plan sets out various open space typologies and the amounts of space that would be required for residential development. The table below compares the proposal to the open space requirements.

Typology	Policy DM17 requirement (ha per 1,000 person)	Scheme requirement (ha)	Proposed (ha)	Shortfall (ha)
Parks and gardens	1.11	0.13	0	0.13
Natural and semi natural greenspace	4.36	0.53	0	0.53
Formal outdoor sport	1.09	0.13	0	0.13
Amenity Greenspace	0.45	0.05	0.068	-0.018
Provision for children and young people	0.24	0.03	0	0.03
Formal Play facilities			off site	
Allotments	0.2	0.02	0	0.02

- 6.99. As the table above shows, there is a shortfall in all open space typologies except Amenity Greenspace. The site occupies a sustainable town centre location where it is considered appropriate to optimise the development potential of the site to deliver new housing and on-site provision of open space would compromise this objective.
- 6.100. The Council's Green Spaces Manager advised that financial contributions are required towards off site formal sports provision (£681.81 per dwelling) and off-site play/fitness provision (£512.80 per dwelling) in order to ensure sufficient capacity to cope with the future population living on site.
- 6.101. There is a play space on Redgrove Avenue and there are publicly accessible open spaces in the wider area off Johnson Road and College Road where funding can be directed to enhance the capacity of these spaces. There are a range of formal sporting facilities within Sittingbourne where funding can be directed to increase capacity to cope with additional population living in the scheme.
- 6.102. There would still be a shortfall on site for parks and gardens. In view of funding that would be directed to open space and play space in the nearby parks which could

contribute towards wider enhancements of the park, no objection is raised in terms of the shortfall in on-site parks and gardens.

- 6.103. There are existing allotments at Homewood Road, and Staplehurst Road, which are in relative proximity to the site, it is considered these sites can provide suitable local provision.
- 6.104. In view of the location of the site, there are no areas of publicly accessible natural and semi-natural greenspace in the locality which would be likely to accommodate the future population on the site such that a financial contribution towards enhancements could be reasonably justified. Having regard to the need to optimise the development potential of the application site to accommodate new housing in a sustainable location, it is considered that the shortfall in natural and semi-natural greenspace is acceptable.
- 6.105. Taking account of the on-site proposals and the proximity of existing public open space and subject to a planning obligation to fund capacity enhancements sufficient to cater for the uplift in residents that would be living on the site, the proposal is acceptable in terms of open space and is therefore in accordance with policy DM 17 of the Local Plan.

Flood Risk, Drainage and Surface Water

- 6.106. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.
- 6.107. The application is accompanied by a Flood Risk and Drainage Strategy Report. The site is located within Flood Zone 1 which is the lowest flood risk category. However, information contained within the Swale Council Strategic Flood Risk Assessment and GOV.UK maps indicates that there are areas on the site subject to a 'Low', 'Medium' and 'High' risk of flooding from surface water sources.
- 6.108. The Report proposes a series of measures to mitigate the risk of surface flooding which are summarised as follows:
- Raised finished ground floor level for Block A;
 - All residential units in Blocks B and C located at first floor level and higher;
 - During a flood event residents will be protected by means of a 'stay put' policy;
 - Ground floor level for Blocks B and C will be formed using flood resilient and resistant materials and techniques.
 - Raised floor level of sub-station to the north-east corner of Block A;
 - Site-specific Flood Warning and Evacuation Plan will be developed and shared with the occupants of the development;
 - Surface water flows from the site will be attenuated through on-site storage prior to discharge into the existing surface water sewer network.
- 6.109. KCC Drainage in their capacity as Lead Local Flood Authority (LLFA) have reviewed the Flood Risk and Drainage Strategy Report. They raise no objections to the proposals subject to a condition securing a detailed sustainable surface water drainage scheme and verification report following its installation.

- 6.110. Southern Water raise no objections to the proposal subject to conditions and informatives relating to drainage details and water supply connection.
- 6.111. Lower Medway Internal Drainage Board have advised that the site is located outside the Board's drainage district and any river catchment that drains into the drainage district, therefore the proposal does not impact on the Board's interests.
- 6.112. The proposals are considered acceptable in relation to flood risk, drainage and surface water and are in accordance with policy DM 21 of the Local Plan and the NPPF.

Contamination

- 6.113. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 6.114. The application is not accompanied by any material addressing ground contamination. The Council's Environmental Protection officer has advised that no potential contaminated land is recorded near the boundary or within this site, and accordingly no objections are raised in terms of ground contamination.
- 6.115. The Environment Agency note that controlled waters are particularly sensitive at this location as the site is located upon a principal aquifer within a Source Protection Zone. No objections are raised subject to conditions securing a contamination investigation, remediation strategy and verification report.
- 6.116. The proposals are considered acceptable in relation to contamination and are in accordance with the Local Plan and the NPPF.

Living Conditions

Existing residents

- 6.117. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 6.118. The nearest residential units to be impacted by the proposals are the terraced houses on Frederick Street and Laburnum Place.
- 6.119. It should be noted that the extant consent for 62 dwellings on the site comprised blocks occupying similar footprints to those currently proposed and with rear windows facing onto the rear of properties on Frederick Street. The currently proposed scheme involves a smaller number of larger windows onto the rear elevation and the introduction of Juliet balconies with inward opening doors. There will also be a large roof terrace on Block A which will afford views towards the Frederick Street properties, and a smaller rear facing balcony/roof terrace to one of the third-floor flats in Block B. It is noted that the proposed inward opening Juliet balconies do not provide a dedicated amenity area and therefore would not be expected to promote overlooking to the same extent that may occur from sitting out on a standard balcony. There is a typical back-to-back separation of approx. 20m between the proposed blocks and the rear of the Frederick Street properties which is considered reasonable in a built-up urban location. It is therefore acknowledged that there will be opportunities for mutual overlooking between facing dwellings but no more than may be typical in an urban and

suburban context. There will be opportunities for overlooking into rear gardens of the dwellings on Frederick Street with a limited degree of separation provided by the rear access road. However, the ends of the gardens typically accommodate garden buildings, which provide some screening, or car parking. There will be a greater degree of separation to the parts of the gardens which may be used as amenity areas, and it is considered that the proposal will not give rise to unduly harmful opportunities for overlooking and loss of privacy. In view of the degree of separation it is also considered that the proposed development will not result in an unduly harmful visual impact or loss of outlook from dwellings on Frederick Street.

- 6.120. The application is accompanied by a Daylight and Sunlight Amenity Study (Neighbouring) Report prepared in accordance with the British Research Establishment (BRE) Guidelines. The report provides an assessment of daylight and sunlight amenity within neighbouring properties on Frederick Street, Laburnum Place, West Street and Anselm Close (Wingate Court). The report notes that properties on Frederick Street have enjoyed outlook over a surface level car park and therefore have benefitted from daylight amenity which would exceed that typically experienced in an urban location. The daylight and sunlight assessment has been reviewed having regard to the guidelines and it is considered that overall there will be no unduly harmful impacts on daylight and sunlight amenity to neighbouring dwellings having regard to the urban location of the site.
- 6.121. There will be a reduction in vehicular activity on the site as a result of the change of use from a surface level car park to residential use. In light of the reduced number of vehicle movements to and from the site there will be a reduction in vehicular noise impacts upon adjacent dwellings. Furthermore, there are a variety of land uses including residential in the locality and as such additional residential accommodation in this location is not considered to be harmful in terms of noise. The Council's Environmental Health Officer raises no objections to the proposal in terms of noise impacts.
- 6.122. Objections have been received regarding increased light pollution, smells and litter arising from the proposed development. It is not considered that the proposal will give rise to any unduly harmful impacts in these regards.

Future residents

- 6.123. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 6.124. The application is accompanied by a Daylight & Sunlight Amenity Study (Within) Analysis Report which is considered to demonstrate that the proposed development will provide an acceptable standard of accommodation for future occupants in terms of daylight and sunlight amenity.
- 6.125. The application is accompanied by a Noise Impact Assessment which identifies that sound insulation provided within the development will provide satisfactory internal noise levels except when windows are opened. The Assessment therefore

recommends a secondary ventilation system to ensure acceptable noise levels during summer months.

- 6.126. All of the units within the development will satisfy the Nationally Described Space Standards, and in this regard will provide suitably spacious residential accommodation.
- 6.127. The proposed units will comply with Building Regulations Part M4(2) (Accessible and Adaptable Dwellings) whilst one ground floor unit will comply with Building Regulations Part M4(3) (Wheelchair User Dwellings).
- 6.128. All units are accessed by both lift and stairs from the communal cores with level access provided at ground level to each block.
- 6.129. Windows and accommodation have been arranged to ensure that there will be an adequate degree of privacy within the units.
- 6.130. Private amenity space is provided to the units where feasible and 8 dwellings will benefit from balconies or terraces.
- 6.131. In view of the above, the proposal would deliver a development which is acceptable in terms of the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is therefore considered to be in accordance with the Local Plan and the NPPF.

Sustainability / Energy

- 6.132. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.
- 6.133. The application is supported by an Energy and Sustainability Statement which sets out measures to promote energy efficiency and to deliver renewable energy as follows:
 - High performance building fabric, double glazing and energy efficient lighting, services and controls to reduce energy demand for space heating, cooling, ventilation and lighting.
 - Passive design measures to reduce energy demand.
 - Use of high efficiency centralised monoblock air source heat pumps to provide heating via radiators and hot water via heating interface units (HIU) to the residential units; and
 - Use of mechanical supply and extract ventilation systems with heat recovery (MVHR) in the residential units
 - Optional roof mounted photovoltaic array.
- 6.134. The proposed measures would achieve a 49% reduction in carbon emissions (beyond Part L 2021 of the Building Regulations) target from energy demand reduction and the optional photovoltaic array would increase the carbon emissions reductions to 62.1%.
- 6.135. The Council's Climate Change Officer raises no objections to the proposals and welcomes the 49% reduction in carbon emissions.
- 6.136. On this basis, it is considered that the proposals incorporate sufficient measures to meet the requirements of Policy DM19 of the Local Plan and the NPPF.

Other Matters

- 6.137. Concerns have been raised regarding the future management of the development. This is a matter which can only be addressed once a management organisation for the development is appointed.
- 6.138. Objectors have commented that an alternative proposal should be brought forward or housing should be delivered on an alternative site. Members are advised that the application proposal as submitted should be considered on its planning merits.
- 6.139. Concerns have been raised regarding the community consultation undertaken by the developer. There is no statutory obligation on a developer to undertake a community consultation and such exercises are promoted as best practice. It should be noted that the Council has consulted neighbouring residents on the application proposals on 3 occasions.
- 6.140. A neighbouring resident has queried the inclusion of part of the application site within the access arrangements for a development proposal at Laburnum Place. It is noted that the Laburnum Place applicant served notice on the Council as owner of the access road, in line with statutory requirements.
- 6.141. A neighbouring resident has commented that the Council is inconsistent in its assessment of planning matters with reference to other planning decisions in the locality. It is noted that each planning application would have been assessed on its individual merits.
- 6.142. Concerns have been raised by a neighbouring resident regarding damage to neighbouring properties from piling works. It should be noted that if any damage were to occur then this would be a civil matter.
- 6.143. Concerns are raised regarding impacts on neighbouring property values. This is not a material planning consideration relevant to the determination of this application.

Conclusion

- 6.144. The site occupies a sustainable town centre location where it is considered appropriate to optimise the potential of the site to deliver new housing to contribute to housing supply in the Borough, including affordable housing. It is therefore considered that the proposed residential redevelopment of the site is acceptable in principle.
- 6.145. The proposal represents an improvement over the previously consented scheme and delivers townscape improvements and is considered acceptable overall in design terms. The proposed development is not considered to result in any undue harm to the living conditions of neighbouring dwellings. The proposed development would also deliver an acceptable standard of accommodation for future occupants.
- 6.146. For the reasons set out in the report the impact upon the Grade II listed Holy Trinity Church is considered to be acceptable.
- 6.147. The proposal would deliver a satisfactory mix of housing, including affordable housing, having regard to demand and the location of the development. The proposal is considered acceptable in terms of technical matters including highways, air quality, flood risk, drainage, contamination, energy and sustainability. The proposal is also

considered satisfactory in terms of archaeology, ecology, biodiversity, open space and community infrastructure subject to appropriate conditions and planning obligations.

- 6.148. The proposals comply with the policies in the Local Plan and NPPF. It is recommended that planning permission be granted subject to conditions and the satisfactory completion of a legal agreement.

RECOMMEDATION – GRANT PLANNING PERMISSION subject to conditions and the prior completion of a Section 106 agreement

1. Commencement of development

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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. Approved Plans

The development hereby permitted shall not be carried out and maintained in accordance with the following approved plans and documents:

Site Location Plan 22084-FA-001 P1
 Existing Site Plan 22084-FA-002 P1
 Proposed Site Plan 22084-FA-100 P3
 Proposed Ground Floor Site Plan 22084-FA-101 P3
 Block A - Proposed Ground Floor Plan 22084-FA-105 P3
 Block A - Proposed 1st-3rd Floor Plan 22084-FA-106 P2
 Block A - Proposed Fourth Floor Plan 22084-FA-107 P2
 Block A - Proposed Roof Plan 22084-FA-108 P2
 Block B - Proposed Ground Floor Plan 22084-FA-109 P3
 Block B - Proposed 1st & 2nd Floor Plan 22084-FA-110 P2
 Block B - Proposed Third Floor Plan 22084-FA-111 P2
 Block B - Proposed Roof Plan 22084-FA-112 P2
 Block C - Proposed Ground Floor Plan 22084-FA-113 P3
 Block C - Proposed 1st & 2nd Floor Plan 22084-FA-114 P2
 Block C - Proposed Third Floor Plan 22084-FA-115 P2
 Block C - Proposed Roof Plan 22084-FA-116 P2
 Block A - Proposed Sections A-A and B-B 22084-FA-200 P3
 Block B - Proposed Sections C-C and D-D 22084-FA-201 P3
 Block C - Proposed Sections E-E and F-F 22084-FA-202 P3
 Proposed Southeast and Southwest Context Elevations 22084-FA-300 P3
 Proposed Northeast and Northwest Context Elevations 22084-FA-301 P3
 Block A - Proposed Southeast and Northeast Elevations 22084-FA-310 P3
 Block A - Proposed Northwest and Southwest Elevations 22084-FA-311 P3
 Block B - Proposed Southeast and Northeast Elevations 22084-FA-312 P3
 Block B - Proposed Northwest and Southwest Elevations 22084-FA-313 P3
 Block C - Proposed Southeast and Northeast Elevations 22084-FA-314 P3
 Block C - Proposed Northwest and Southwest Elevations 22084-FA-315 P3
 Drainage strategy plan (14833-TDA-XX-XX-DR-C-51001 Rev-E)

Schedule of Accommodation 22084-600 P7
Design and Access Statement submitted 09 October 2023
Planning Statement submitted 12 October 2023
Energy Statement submitted 17 November 2023
Air Quality Assessment submitted 03 October 2023
Daylight & Sunlight Amenity Study (Neighbouring) Report submitted 11 July 2023
Daylight & Sunlight Amenity Study (Within) Analysis Report submitted 11 July 2023
Preliminary Ecological Appraisal submitted 11 July 2023
Archaeological Desk Based Assessment submitted 11 July 2023
Arboricultural Survey submitted 11 July 2023
Noise Impact Assessment submitted 11 July 2023
Flood Risk Assessment 03 October 2023
Transport Statement submitted 11 July 2023
Biodiversity Net Gain Assessment submitted 11 July 2023

Reason: In order to define the permission and in the interests of proper planning.

3. Construction Method Statement

Prior to the commencement of the development 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. This shall be in accordance with the air quality report dated 30th November 2022.

Reason: In the interests of air quality and residential amenity.

4. Construction Management Plan

Prior to the commencement of development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The 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 and pedestrian safety and residential amenity.

5. Hours of Construction

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

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

Reason: In the interests of residential amenity.

6. Ground contamination investigation and remediation

Prior to the commencement of development a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the local planning authority:

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
 - 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 express written consent of the local planning authority. The scheme shall be implemented as approved.

Reason: To ensure that any ground contamination on the site is identified and remediated and in the interests of the wellbeing of future occupants.

7. Contamination Verification Report

Prior to the first occupation of the development hereby approved a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification

plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To reduce risk to controlled waters. Controlled waters are particularly sensitive in this location as mentioned above. Due to the vulnerability of the aquifer every precaution should be taken to prevent any pollution of groundwater. To comply with the National Planning Policy Framework paragraph 174.

8. Previously unidentified contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason: To reduce risk to controlled waters. To comply with the National Planning Policy Framework paragraph 174.

9. Archaeological works

A. Prior to the commencement of development the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B. Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C. The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D. Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:

- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
- b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
- c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

E. The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Local Plan policies and the National Planning Policy Framework.

10. Piling works

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

Reason: To 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. Piling and investigation boreholes using penetrative methods can result in risks to potable supplies from, for example, pollution/turbidity, risk of mobilising contamination, drilling through different aquifers and creating preferential pathways.

11. Surface water drainage scheme

Prior to the commencement of the development a detailed sustainable surface water drainage scheme for the site must be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Strategy Report prepared by Tullys (October 2023) 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):

- measures to protect existing public sewers;
- 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.

12. Surface water drainage verification

No building 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 169 of the National Planning Policy Framework

13. The development hereby approved shall incorporate the flood mitigation measures detailed within the Flood Risk and Surface Water Drainage Strategy Report prepared by Tullys (October 2023) including the following:

- Raised finished ground floor level for Block A;
- All residential units in Blocks B and C located at first floor level and higher;
- During a flood event residents will be protected by means of a ‘stay put’ policy;
- Ground floor level for Blocks B and C will be formed using flood resilient and resistant materials and techniques.
- Raised floor level of sub-station to the north-east corner of Block A;
- Site-specific Flood Warning and Evacuation Plan will be developed and shared with the occupants of the development.

Reason: In the interests of flood resilience.

14. Foul Water Drainage

Prior to the commencement of development details of the proposed means of foul sewerage including measures to protect existing public sewers have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To ensure satisfactory details of foul water sewerage.

15. M4(2) and M4(3) dwellings

Unit A.0.1 will be built to M4(3) of building regulations standards and all of the remaining units will be built to M4(2) of building regulations standards unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to secure accessible and adaptable dwellings.

16. Mechanical Ventilation

Prior to the commencement of development details of any mechanical ventilation system that is to be installed shall be submitted to and approved by the Local Planning Authority 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 residential amenity.

17. Noise mitigation measures

Prior to the first occupation of the development hereby approved the scheme of noise mitigation measures recommended by NOVA Acoustics dated November 2022 shall be implemented in accordance with the report and shall be permanently retained thereafter.

Reason: In the interests of residential amenity.

18. Highways works

Prior to works above slap level details of the dropped kerb on St. Michaels Road shall be submitted to and approved in writing by the Local Planning Authority and the approved works shall be delivered through a Section 278 agreement with KCC Highways and shall be completed prior to first occupation of the development.

Reason: In the interests of highway and pedestrian safety and to ensure a satisfactory refuse collection arrangements.

19. Vehicle parking

Prior to first occupation the development hereby approved shall be implemented in accordance with the details of vehicle parking spaces shown on the submitted 'Proposed Ground Floor Site Plan 22084-FA-101' and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the provision and retention of adequate off-street parking facilities in the interests of reducing vehicle parking on the immediate surrounding roads.

20. Cycle parking

Prior to first occupation the development hereby approved shall be implemented in accordance with the details of cycle parking facilities shown on the submitted 'Proposed Ground Floor Site Plan 22084-FA-101' plans and shall be permanently retained thereafter unless otherwise agreed in writing by the Local Planning Authority.

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

21. Electric vehicle charging points

Prior to first occupation of the development hereby approved electric vehicle charging points shall be provided as follows:

- 1 Active Charging Point per dwelling where on-plot parking is provided

- 10% Active Charging Spaces with all other spaces to be provided as Passive Charging Spaces for dwellings with unallocated communal parking
- 10% of total visitor parking spaces should be provided with passive charging provision suitable for future conversion.

Reason: In order to ensure that electric vehicle charging provision is provided in accordance with the adopted standards and sustainability requirements.

22. Refuse and recycling storage

The development hereby approved shall be implemented in accordance with refuse and recycling storage arrangements detailed on plans refs. 22084-FA-A-105 Rev. P2, 22084-FA-B-109 Rev. P2 and 22084-FA-C-113 Rev. P2 and shall be thereafter retained unless otherwise agreed in writing by the Local Planning Authority.

Reasons: In the interests of visual and residential amenity and to ensure adequate provision of refuse and recyclables storage on site.

23. Biodiversity Enhancement

No development shall occur above slab level, until details of how the development will offset biodiversity loss/enhance biodiversity have been submitted to, and approved in writing by, the local planning authority. Details will include native species and wildlife-friendly planting, as well as habitat boxes for bats and/or breeding birds. Boxes for breeding birds will be targeted at S41 priority species/ red/amber listed species as per the Birds of Conservation Concern Report 2021. Any boxes included for wildlife will be building integrated and/or Woodstone/woodcrete boxes to ensure durability. The approved measures will be implemented and retained thereafter.

Reason: To ensure biodiversity net gain is carried out appropriately and in the interest of promoting wildlife.

24. Arboricultural Method Statement

Prior to the commencement of development (including site clearance and demolition) hereby approved an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 shall be submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory protection and retention of trees during construction.

25. Crime Prevention Design Measures

No development shall take place above ground floor slab level until details of measures to minimise the risk of crime, according to the principles and physical

security requirements of Crime Prevention through Environmental Design (CPTED), have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: In the interest of security, crime prevention and community safety.

26. External finishing materials

No development beyond the construction of foundations shall take place until details of the external finishing materials including 1m² sample panel of brickwork, mortar and pointing 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 the visual amenities of the area.

27. Hard and soft landscaping

No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, any trees that become diseased, dying within 5 years to be replaced and an implementation programme.

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

28. Lighting

Prior to the relevant works details of security lighting or other external lighting shall be submitted to and approved in writing by the Local Planning Authority and the approved lighting shall be installed and operated in accordance with the approved details. These details shall include:

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

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

29. Details of windows

No development beyond the construction of foundations shall take place until the manufacturer's brochure and technical specifications (along with details of the proposed colour finish) of the window system(s)/product(s) to be used have been submitted and agreed in writing by the Local Planning Authority. Submitted details shall also include additional 1:1 or 1:2 part vertical and/or plan section drawings showing the typical detail of the window frame in relation to the surrounding wall construction, in order to show the typical depth of reveal. The works shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenities and to preserve the character of the immediate surrounding area.

30. Surface treatment

Prior to the commencement of development hereby approved details of site/surface treatment, details of those parts of the site not covered by buildings including any parking, service roads, sight lines and footpaths surface treatment and boundary treatment shall be submitted to and approved by the Local Planning Authority. These works shall be carried out in accordance with the approved details.

Reason: To ensure satisfactory treatment of the site and an appropriate setting to the buildings hereby approved.

31. Boundary treatment

No development beyond the construction of foundations shall take place on the building(s) hereby permitted until details of all screen and boundary walls, fences and any other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved details and the buildings hereby approved shall not be occupied until the details have been fully implemented.

Reason: To ensure that the details and appearance of the development are acceptable to the Local Planning Authority and the National Planning Policy Framework.

32. Decorative brickwork

No development beyond the construction of foundations shall take place until details until detailed drawings of the decorative brickwork at a scale of 1:2/1:5 including brickwork panels, window and door arches (if applicable). The development shall be carried out using the details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development and to comply with the National Planning Policy Framework.

33. Sustainable development, energy efficiency and renewable energy

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 occupation of any dwelling.

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

34. Water conservation

No development beyond the construction of foundations shall take place until details of measures to achieve a water consumption rate of no more than 110 litres per person per day, the rate for that unit(s) have been implemented in accordance with details submitted to and approved in writing by the Local Planning Authority. The measures shall be retained thereafter.

Reason: In the interests of water conservation and sustainability.

35. Boiler Standards

All gas fired boilers installed within the development shall meet a minimum standard of <40mgNO_x/kWh.

Reason: In the interests of air quality in the locality.

36. Welcome Pack

Prior to first occupation of the development, details of a Welcome Pack available to all new residents shall be submitted to and approved in writing by the Local Planning Authority. The Welcome Pack shall contain information and incentives to encourage the use of sustainable transport modes from new occupiers.

Reason: To reduce vehicle usage and associated traffic congestion, emissions and to promote sustainable transport.

INFORMATIVES

The Council's approach to the application

1. In accordance with paragraph 38 of the National Planning Policy Framework (2023), 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.
2. The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Mid Kent Environmental Health

3. You should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>

Kent Police – Designing Out Crime

4. Applicants/agents should consult Kent Police Designing out Crime Officers (DOCOs) to address Crime Prevention Through Environmental Design (CPTED) and incorporate Secured By Design (SBD) as appropriate. DOCOs use details of the site, relevant crime levels/type and intelligence information to help design out the opportunity for Crime, Fear of Crime, Anti-Social Behaviour (ASB), Nuisance and Conflict.
5. 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.
 1. If perimeter, boundary or divisional treatments are to remain, they must be a minimum of 1.8m high. We would strongly recommend secure gates, which have fob control access for residents to avoid anti-social gathering on or around the fire escape stairs.
 2. We recommend parking areas are covered by natural surveillance from an "active" window e.g. lounge or kitchen and sufficient lighting. In addition, we request appropriate signage for visitor bays, if to be included, to avoid conflict and misuse.
 3. 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), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: "18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided."
 4. Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards.
 5. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding, sliding or patio doors to meet PAS 24: 2022 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+.
 6. Windows on the ground floor or potentially vulnerable e.g. from flat roofs or balconies to meet PAS 24: 2022 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.
7. Bedroom windows on the ground floor require a defensive treatment to deflect loitering, especially second bedrooms often used by children.
 8. 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.
 9. For the main communal doors audio/visual door entry systems are required. 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.
 10. Cycle and Bin Stores must be well lit and lockable, with controlled access for the residents within the flats.
 11. 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. If mail is to be delivered within the lobby, there must be an access controlled door leading from the lobby to the apartments/ stairs on the ground floor to prevent access to all areas.
 12. CCTV is advised for all communal entry points and to cover the mail delivery area.
6. Please note, 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.

Southern Water

7. The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.
8. The exact position of the public sewage and water distribution assets must be determined on site by the applicant in consultation with Southern Water before the layout of the proposed development is finalised.
 - The 100 mm diameter water distribution main requires a clearance of 6 metres on either side of the water distribution main to protect it from construction works and to allow for future maintenance access.
 - No excavation, mounding or tree planting should be carried out within 6 metres of the external edge of the public water distribution mains without consent from Southern Water.
 - The public gravity sewers requires a clearance of 3 metres on either side of the public sewer to protect it from construction works and to allow for future maintenance access.
 - No development or tree planting should be carried out within 3 metres of the external edge of the public gravity sewer without consent from Southern Water.

- All existing infrastructure should be protected during the course of construction works.

Please refer to: <https://www.southernwater.co.uk/media/3011/stand-off-distances.pdf>

9. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of public or adoptable gravity sewers, rising mains or water mains.
10. 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.
11. In order to protect public sewers, Southern Water requests that if consent is granted, the following condition is attached to the planning permission; The developer must agree with Southern Water, prior to commencement of the development, the measures to be taken to protect the public sewers.
12. Investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal and water supply to service the proposed development. Southern Water requires a formal application for a connection to the public sewer and water supply to be made by the applicant or developer. To make an application visit Southern Water's Get Connected service: <https://developerservices.southernwater.co.uk/> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <https://www.southernwater.co.uk/building-and-developing/our-services/water-services/water-connection-calculator/>
13. 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:

<https://www.water.org.uk/sewerage-sector-guidance-approved-documents>

<https://www.ciria.org/ItemDetail?iProductCode=C753F&Category=FREEPUBS>

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. P
- 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.

14. 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.

KCC Ecology

15. The applicant is reminded that, under the Wildlife and Countryside Act 1981 (as amended), 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.
16. Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (1st March to 31st August inclusive) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented. This includes examination by a suitably qualified and experienced ecologist immediately prior to starting work. If any nesting birds are found, works must cease until after the birds have finished nesting.

It should be noted that some birds are capable of nesting outside of these times, especially where weather conditions are favourable. Birds such as feral pigeon, wood pigeon and barn owl have been recorded nesting in every month of the year. Care when removing bird nesting habitat may therefore be required at all times of year, with attention paid to the nesting habits of the species that could make use of the site and weather conditions at the time of clearance.

Environment Agency

17. With respect to any proposals for piling through made ground, we would refer you to the EA guidance document "Piling and Penetrative Ground Improvement Methods on Land Affected By Contamination: Guidance on Pollution Prevention". NGWCL Centre Project NC/99/73. A Piling Risk Assessment (PRA) is required to demonstrate that the chosen piling method does not result in deformation of the ground that may lead to an increase in the risk of near-surface pollutants migrating

to underlying aquifers. The risk assessment must investigate whether the water environment source-pathway-receptor linkages exist. Further guidance is available on the .gov web site.

18. Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer.

KCC Highways

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

20. 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 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.

21. 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.

22. 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.

23. 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.
24. 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.
25. 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: [Highways permissions and technical guidance - Kent County Council](#). Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.



PLANNING COMMITTEE – 23 MAY 2024**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – Hill Crest, Dully Hill, Doddington**

APPEAL ALLOWED**DELEGATED REFUSAL****Observations**

The Inspector noted that the proposed extension would exceed the limitations set out in the Council's house extensions SPG relating to dwellings in the countryside. Despite this, the Inspector considered that due to the limited views of the site and the subdued appearance of the resultant dwelling that the proposal would conserve the landscape and scenic beauty of the Kent Downs AONB and would not result in an adverse impact upon the host dwelling. On this basis the appeal was allowed.

- **Item 5.2 – Moggys Cabin Throwley Road Throwley Faversham**

APPEAL ALLOWED**DELEGATED REFUSAL****Observations**

This appeal related to a proposed extension to a dwelling which had previously replaced a much smaller property in the Kent Downs AONB. The Inspector considered that the starting point for assessing extensions to dwellings in the countryside, such as this, should be the dwelling as existing, rather than taking into account the increase in built form which had already taken place. On this basis the Inspector took the view that the extension would be within the limitations set out in the Council's SPG relating to dwellings in the countryside and would be of an appropriate scale and massing. Due to the design of the extension and the subservient nature of the extension the Inspector concluded that the proposal would not be harmful to the landscape and scenic beauty of the Kent Downs AONB and allowed the appeal.

- **Item 5.3 – Queens Hall Car Park Forbes Road Faversham**

APPEAL DISMISSED**DELEGATED REFUSAL****Observations**

The Inspector agreed with the Council that the proposed mast would fail to preserve or

enhance the character and appearance of the conservation area or preserve the setting of nearby listed buildings. The Inspector also agreed that the applicant had provided insufficient evidence that alternative and less harmful options had been explored. It was concluded that the harm identified to the significance of the heritage assets was not outweighed by the need for the installation to be sited as proposed.

- **Item 5.4 – 4 Oast Cottages Breach Lane Upchurch**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector agreed with the Council that the proposed side extension would be an overly large and dominant feature on the property that fails to respect the scale and mass of the existing dwelling. It was concluded that the development would detract from the character and appearance of the property, wider terrace and surrounding countryside.

- **Item 5.5 – Eastfields Old House Lane Hartlip**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

The Inspector concurred that the proposed side and rear extensions would result in a sprawling layout, inappropriate in a countryside location. He did consider that the extension and conversion of the garage conversion and front porch extension to be acceptable, however due to the identified harm from the side and rear extensions, the appeal was dismissed on the basis that these aspects of the proposal would detract from the character and appearance of the appeal property and wider countryside.



Appeal Decision

Site visit made on 24 October 2023 by Thomas Courtney BA(Hons) MA MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/V2255/D/23/3324619

Hill Crest, Dully Hill, Doddington, Kent, ME9 0BY

- 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 Mrs Colbert against the decision of Swale Borough Council.
 - The application Ref 23/500529/FULL, dated 1 February 2023, was refused by notice dated 3 April 2023.
 - The development proposed is the erection of single storey front and rear extensions.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of single storey front and rear extensions at Hill Crest, Dully Hill, Doddington, Kent, ME9 0BY, in accordance with the terms of the application Ref 23/500529/FULL, dated 1 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 01 Plans & Elevations As Existing, 02 Plans & Elevations As Proposed, 03 Site Location Plan, 04 Block Plan As Existing, 05 Block Plan As Proposed.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Areas of Outstanding Natural Beauty (AONB) have, since 22 November 2023, been renamed as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Kent Downs AONB as the Kent Downs National Landscape in my recommendation.
 4. The Government has published a revised National Planning Policy Framework (December 2023) (the Framework). I have had regard to this document in reaching my conclusions.
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Main Issue

5. The main issue is the impact of the proposal on the character and appearance of the host dwelling and the surrounding Kent Downs National Landscape (KDNL).

Reasons for the Recommendation

6. The appeal dwelling comprises of a detached bungalow which lies in an elevated position on the side of a shallow sided valley within a cluster of properties located in a rural location in the KDNL. The dwelling lies within a small plot that is cut into the side of the hill such that there is a tall brick wall along the northern boundary of the site which practically reaches the same height as the roof ridge. The southern and western boundaries of the site are well-screened with mature vegetation.
7. The Council asserts that the proposed extensions would be disproportionate when viewed in conjunction with the previous single storey extension referred to by both parties in the appeal documents. However, it is evident that the resultant dwelling would not appear excessively large or bulky due to its low height, position set partially within the hillside, and screening by mature vegetation.
8. The rear extension would fill in the area to the side of the previously extended part of the dwelling, essentially squaring off the footprint of the property. This would appear as a logical and reasonably scaled addition which would not unbalance the underlying architectural form of the dwelling. Although the dwelling is partially visible from the south-west on Faversham Road, the proposed rear extension would not be easily discernible. Similarly, the roof of the proposal would not feature prominently when seen from the open countryside and public footpath to the north. Overall, the modestly sized extensions would not feature prominently in the surrounding area.
9. I note that that the proposal would exceed the limitations set out in the '*Designing an Extension – A Guide for Householders*' Supplementary Planning Guidance (SPG) document which states that extensions to dwellings in the rural area are normally limited to a maximum of a 60% increase in floorspace from the original.
10. In this instance, however, I have had regard to the very modest original size of the dwelling. The stated aims of the SPG are to ensure extensions are appropriately scaled and do not lead to smaller properties becoming larger houses. In this case, the resultant dwelling would still be relatively small in terms of floorspace and footprint. It would have a low profile given its single storey height and would continue to be read as a modestly sized bungalow. There would not therefore be a reduction in the amount of smaller properties in the area.
11. In light of the very limited views of the site and the subdued appearance of the resultant dwelling, the development would conserve the landscape and scenic beauty of the KDNL, and would not result in an adverse impact on the character and appearance of the host dwelling.
12. Given the above, the proposal would not conflict with Section 12 of the National Planning Policy Framework, Policies CP4, DM11, DM14, DM16 and DM24 of the '*Bearing Fruits 2031: The Swale Borough Local Plan*' (2017) as well as the

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guidance contained within the SPG which together seek to ensure proposals are well-designed and extensions in the rural area are of an appropriate scale, mass and appearance in relation to their location.

Conditions

13. In addition to conditions related to the timeliness of the commencement of development and adherence to the approved plans, a condition requiring the use of matching materials for all external surfaces would be necessary in the interest of the character and appearance of the development.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed, subject to the attached conditions.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's recommendation, including the suggested conditions, and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR

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Appeal Decision

Site visit made on 27 February 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2024

Appeal Ref: APP/V2255/D/23/3329707

Moggys Cabin, Throwley Forstal ME13 0PJ

- 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 Berryman against the decision of Swale Borough Council.
 - The application Ref is 23/502872/FULL.
 - The development proposed is two storey rear extension.
-

Decision

1. The appeal is allowed 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: AL(0)01/A: Site Location Plan; AL(0)100/B: Site Plan & Roof Plan as Proposed; AL(0)02/A: Site Plan as Existing; AL(0)101/B: Floor Plans as Proposed; AL(0)03/B: Floor Plans, Elevations & Section as Existing; AL(0)103/B: East & South Elevations as Proposed; AL(0)104/B: West & North Elevations as Proposed; and, SJA MSP 23288-091: Method Statement Plan.

Preliminary Matters

2. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. Those parts of the Framework most relevant to this appeal remain broadly the same. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party has been prejudiced by my approach.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area, having particular regard to the Kent Downs Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site lies outside of any defined built up area boundary and falls within the countryside for planning purposes. The appeal site also lies within the Kent Downs AONB. There is a public right of way that runs along the northern boundary of the site.

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

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5. The Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty of AONBs. The appeal site lies at the edge of a small settlement. The surrounding landscape is predominantly in agricultural use. The area is characterised by irregular shaped fields, which are bound with trees and hedgerow. There are areas of woodland interspersed within the picturesque and gently undulating landscape.
6. The appeal property has two floors of accommodation and is T shaped. The central part of the dwelling has been designed to appear as an agricultural barn, with an oak frame and unstained weatherboarding. The existing dwelling has front and rear projections, which have a lower ridge height than the central part of the building. The front projection is larger than the rear projection.
7. The proposal seeks to provide a two storey rear extension, which would provide a kitchen on the ground floor and a bedroom at first floor level. Two dormers and a roof light are proposed within the roof of the extension.
8. While I appreciate that the appeal property is a replacement dwelling, which is larger than the dwelling it replaced, the proposal before me is for an extension to an existing dwelling. As a result, I have assessed the proposal based on the second part of Policy DM11 of the Bearing Fruits 2031: The Swale Borough Local Plan, adopted July 2017 (the Local Plan). Policy DM11 states that the Council will permit extensions (taking into account any previous additions undertaken) to existing dwellings in the rural areas, where they are of an appropriate scale, mass and appearance in relation to the location. Based on the evidence before me, it does not appear that the existing dwelling has been extended since it was first constructed.
9. The proposed two storey extension would be set in slightly from the existing side building line and would have a lower ridge height than the existing dwelling. The proposed extension would increase the floorspace of the existing dwelling by approximately 25%, which is well within the limits set out within the Council's Designing an Extension – A Guide for Householders Supplementary Planning Guidance (the SPG) and would result in an extension of an appropriate scale and massing. As a result, I find that the proposed extension would appear subservient in relation to the host dwelling. Given that the proposed design and materials would match the existing dwelling, I find that the proposal would integrate well with the host dwelling.
10. Views of the proposed extension would be available from the public right of way and from the surrounding landscape. Given the high quality design and the subservient nature of the extension, I find that the proposal would not be harmful to the landscape and scenic beauty of the AONB.
11. For the reasons given above, I conclude that the proposed development would not harm the character and appearance of the host dwelling, the area and the landscape and scenic beauty of the AONB. The proposal would comply with Policies CP4, DM11, DM14 and DM24 of the Local Plan. These policies among other things require that extensions to existing dwellings in the rural areas are of an appropriate scale, mass and appearance in relation to the location; that development is of high quality design and that development conserves and enhances the special qualities and distinctive character of the AONB. The proposal would also comply with the SPG, which among other things requires that extensions to dwellings within the countryside are of an appropriate scale.

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Conditions

12. In addition to the standard time limit condition, in the interests of certainty, I have included a condition specifying the approved plans. Given the proposed materials are indicated on the plans, an external materials condition is not necessary.

Conclusion

13. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed, subject to conditions.

A James

INSPECTOR

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Appeal Decision

Site visit made on 19 January 2024

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2024

Appeal Ref: APP/V2255/W/23/3322929

Queens Hall Car Park, Forbes Road, Faversham, Kent ME13 8PL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by MBNL (EE and H3G) against the decision of Swale Borough Council.
 - The application Ref 22/504412/TNOT56, dated 9 September 2022, was refused by notice dated 25 November 2022.
 - The development proposed is the installation of a 20m monopole supporting 12no. antenna apertures and 2no. 600mm dishes along with 1no. wraparound cabinet, 6no. equipment cabinets, all within a 1m high hooped perimeter barrier and ancillary development thereto.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is no dispute between the main parties that the proposal complies with the limitations and restrictions of Paragraph A.1 of Class A of Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO). Based on the evidence before me, I have no reason to consider differently.
3. The provisions of the GPDO under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely based on its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
4. The relevant provisions of the GPDO do not require regard to be had to the development plan. However, I have had regard to the policies of the development plan cited in the Council's reasons for refusal, only in so far as they are a material consideration relevant to the matters of siting and appearance.
5. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. There are no material changes relevant to the substance of this appeal and I am satisfied that no one will be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.

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

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Main Issues

6. The main issues are:

- Whether the siting and appearance of the proposed installation would preserve or enhance the character or appearance of the Faversham Conservation Area (CA) and its effect on the setting and significance of listed buildings and a non-designated heritage asset, and
- If any harm is identified whether it would be outweighed by the need for the installation to be sited as proposed, taking into account any suitable alternatives.

Reasons

Conservation Area and listed buildings

7. The appeal site is located within the CA, and close to the centre of the town where there is a mix of mostly residential and commercial uses. It is my statutory duty under s72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
8. The CA encompasses a relatively extensive area of the town. Its character, appearance and significance appear to be derived from the relationship between the tightly knit rows of mostly traditional period style buildings which enclose the streets in the area. Although of different designs and appearances, the buildings are mostly of comparable heights across 2 or 3 storeys, giving a broad consistency of roof heights. This relationship provides an attractively fine-grained appearance to the largely historic streets of the CA, and it reflects the extensive history of the town.
9. The proposed installation would be considerably taller and thicker than the lighting columns in the area, particularly the upper part with the irregular shaped antennas. Whilst I have no reason to doubt that it would be no taller than necessary to meet the requirements of the telecommunications network, it would nonetheless rise well above the surrounding buildings and the few trees that are growing nearby. As such, it would have a considerable presence in a variety of views from within the CA, including from the car park, Forbes Road and Station Road around its junction with Preston Street.
10. Although the area around Forbes Road is described in the CA Character Appraisal ("the CACA") as somewhat disjointed in appearance, the height, and utilitarian appearance of the proposal would contrast markedly with the traditional appearances, materials and broadly consistent heights of the 2 and 3 storey buildings in the area.
11. In views from Station Road the proposal would be seen in certain views as projecting well above the buildings lining Preston Street, which are generally rows of attractive 2 and 3 storey traditional buildings in the historic street scene. In this context, the utilitarian and overly modern appearance of the installation would be seen as a visually intrusive feature, inconsistent with the prevailing character and appearance of the area.
12. For these reasons the proposed installation would be seen as a visually jarring and incongruous feature within the CA, that would result in a significant level of harm to its character, appearance and significance. For these reasons the

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proposal would fail to preserve or enhance the character or appearance of the CA, as a designated heritage asset.

13. Although not part of a listed building, the appeal site lies just beyond the rear boundary of the Grade II listed building of Shepherd House (Number 56). This building dates from the early nineteenth century and is constructed from red brick with a formal pattern of windows set around a recessed panelled doorway to its façade. Along with Numbers 53 through to 59 Preston Street, it forms part of a consecutive row of Grade II listed buildings that front onto the west side of Preston Street.
14. Number 55 (Chase House) is a large red brick building with double fronted curved bays to its façade. Number 53 (Delbridge House) is a substantial red brick building with a formal symmetrical pattern of window openings. Numbers 57-58 is a large nineteenth century building with a formal pattern of sash windows. Number 59 (Limes Hotel) is a public house with a shop front and largely symmetrical pattern of sash windows. The north part of the Railway Hotel, which is a Grade II listed building with sash windows and small attic dormers, is situated on the opposite side of Preston Street.
15. The significance of those listed buildings lies primarily in their aesthetic value and age as examples of historic buildings of traditional architecture. This is best appreciated in street level views from Preston Street and Station Road, where their attractive facades form part of the historic street scene. They also have historic association with the development of the area and would contribute to an understanding of the evolution of the town. The settings of these listed buildings comprise the historic street scape around them and the car park to the rear where there is a general absence of buildings or other structures projecting above the outlines of their roofs. Setting therefore makes a positive contribution to their significance as designated heritage assets.
16. The evidence shows that the proposed installation would be visible at street level from Station Road, where the upper part of the mast and antennas would be seen projecting above the outlines of the roofs of Chase House and Shepherd House, and through the narrow gap between them. There would also be intervisibility with Delbridge House. Seen in the context of the traditional architectural appearances of Chase House, Shepherd House and Delbridge House in the historic street scene, the height and utilitarian appearance of the appeal proposal would appear as an incongruously modern feature that would intrude harmfully into the settings of these buildings. As such, it would significantly harm their settings and significance as designated heritage assets.
17. Intervisibility between the appeal proposal and the Limes Hotel, Number 57-58 and the north part of the Railway Hotel in views from Station Road or Preston Street would be unlikely given their respective heights and positions.
18. There would be varying degrees of intervisibility between the proposed installation and the rear elevations of Chase House, Shepherd House, Delbridge House, Numbers 57-58 and the Limes Hotel in views from the car park, which comprises part of their settings. However, the rear elevations of these buildings in the row are less visually coherent than their facades. Seen in these views the harm that would result from the scale and utilitarian appearance of the proposal to the settings of the listed buildings and their significance, would be comparatively modest.

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19. The contrast between the modern utilitarian appearance of the proposed installation and the traditional architecture of Queens Hall, which is a non-designated heritage asset (NDHA) owing to its distinctive architectural appearance, would be somewhat jarring. However, this would be limited to particular views from Forbes Road and given the scale of Queens Hall, it would result in a modest degree of harm to its significance.
20. The proposed equipment cabinets would also be of utilitarian appearances. However, they would be relatively low height structures set close to the nearby tall boundary wall. Viewed against the backdrop of this tall wall they would not be of a scale or appearance that would be dominant or harmful to the settings of the heritage assets referred to above. A lack of harm in this respect would not outweigh the harm I have identified above.
21. I therefore conclude that the siting and appearance of the proposed installation would have an unacceptably harmful visual impact, which would fail to preserve or enhance the character or appearance of the CA, and would harm the settings and significance of the Grade II listed Chase House, Shepherd House, Delbridge House, Numbers 57-58 Preston Street and the Limes Hotel. There would also be harm to the significance of Queens Hall as a NDHA.
22. To the extent that they are a material consideration, the proposed installation would conflict with Policies CP4, CP8, DM14, DM32 and DM33 of The Swale Borough Local Plan – Bearing Fruits 2031 (Adopted July 2017), insofar as they require a proposal to be appropriate to its surroundings, accord with national planning policy in respect of heritage matters, and sustain and enhance the significance of designated and non-designated heritage assets and their settings.
23. The level of harm would, in terms of the approach set out in Framework Paragraph 205, be 'less than substantial'. Nevertheless, this is a matter of considerable importance and great weight should be given to an asset's conservation under Framework Paragraph 205. Paragraph 208 of the Framework requires me to weigh this harm against the public benefits of the proposal. I will return to this in the planning balance.

Alternative sites

24. Framework Paragraph 119 is clear that the number of masts and the sites for them should be kept to a minimum, and that using existing masts, buildings and structures should be encouraged. Paragraph 121.c) of the Framework states that applications for prior approval for new masts should be supported by evidence that an applicant has explored the possibility of erecting antennas on existing buildings, masts or other structures.
25. Several alternative sites for the proposed installation were assessed by the appellant within a search area described as indicative and not exclusive. However, their locations are not pinpointed on a map and the reasons for discounting them are generally expressed in relatively broad terms. A number of those sites are said to be too far north within the search area and installations at some sites are described as needing to be significantly taller than the appeal proposal, albeit this is not quantified. Even if I were to accept the discounting of sites considered too far north, there is limited evidence before me to convincingly substantiate the extent to which other discounted sites would cause the visual harm suggested by the appellant. Whilst the

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search area is entirely within the CA, this does not necessarily mean that any site within it would cause a comparable level of harm to the CA as the appeal proposal.

26. For example, alternative sites 2 and 10 appear to relate to the area around the car sales plot to the north of the railway line and fronting Forbes Road. This area is characterised by open land and what appeared to be a number of commercial uses. The CACA describes development in the vicinity of Forbes Road as somewhat disjointed in appearance. Parts of this area are also some distance from Delbridge House, and the car sales plot is seen against the backdrop of the elevated railway embankment and rows of tall trees. Given my conclusions on the first main issue, I have limited evidence to substantiate the appellant's conclusion that the appeal proposal would be less visually intrusive than this alternative location.
27. Mast sharing with the existing installation at the Station Car Park, which the evidence suggests is 15 metres tall, was discounted as being too far south outside of the search area to provide the required replacement coverage. However, this mast is relatively close to the boundary of the appellant's search area, which is described as indicative and not exclusive. Although the appeal proposal would be shared by EE and H3G, the Framework encourages mast sharing and limiting the need for new masts. In this context, there is limited evidence before me to substantiate how much larger the existing installation in the Station Car Park would need to be to facilitate mast sharing, or the visual impact that such an upgrade would have on the area.
28. Siting the proposed installation in an alternative part of the car park further away from the listed buildings referred to above, and potentially not visible with them in views from Preston Street, has been discounted. However, there is limited evidence before me that this would adversely affect vehicles circulating within the car park. The proposed installation would appear to necessitate alterations to the car park layout and the removal of 3 parking spaces in any case. The relatively few trees around the eastern edge of the car park are not likely to substantially screen the upper part of the proposal's mast and antennas.
29. On the evidence before me, I am not satisfied that potential alternative sites for the proposed installation have been comprehensively assessed. The recently dismissed appeal for an installation at the Central Car Park¹ in the town does not alter my conclusions on the appellant's assessment of alternative sites and I am not familiar with the evidence placed before the Inspector in that case. As such I am unconvinced that the sites assessed by the appellant would not represent available and realistic alternatives, such that the appeal site, and the harm it would cause, represents the least harmful option available in terms of achieving satisfactory network coverage and capacity.
30. In allowing an electronic communications mast in Sheffield² an Inspector stated that even if alternative sites were available, there is no requirement within the Framework or the GPDO for developers to select the best feasible siting where a proposed site is considered to be acceptable. However, in that appeal, the proposed installation did not affect heritage assets and unlike the appeal proposal before me it was not found to cause unacceptable visual harm. As

¹ APP/V2255/W/22/3295885

² APP/J4423/W/17/3188962

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such, that appeal decision is not comparable to the circumstances in the case before me and it does not alter my conclusions.

Other Matters

31. The appeal decisions allowing electronic communications masts in Wells³, Harrow-on-the-Hill⁴, Uxbridge⁵, Winchester⁶, Sheffield⁷, and Woodseaves⁸, relate to different sites. They would have been determined on their individual merits based on site specific considerations and judgements, and the evidence that was placed before the respective Inspectors. As such they have limited relevance to my considerations in this appeal and they do not alter my conclusions on the main issues. The Woodseaves appeal predates the Framework and GPDO by several years and therefore it was not determined under the same policy and guidance as in the case before me.
32. Some broad similarities can be drawn between the case before me and the appeal that I dismissed for a telecommunications installation under the GPDO at Lower Road, Faversham⁹. However, both relate to different sites which I have assessed on their individual site specific circumstances and effects, and on the evidence presented by the respective appellants. For these reasons the Lower Road appeal has limited relevance to my considerations in this appeal.

Planning Balance

33. Framework Paragraph 118 supports expanding electronic communication networks as part of providing the advanced, high quality and reliable communications infrastructure essential for economic growth and social well-being. The public benefit is the continuation of 3G and 4G network services in an area where an existing installation has been decommissioned and is currently the subject of an installation erected under emergency provisions, together with the addition of 5G network capability. Furthermore, EE has been awarded a contract by the Home Office to provide a new network for emergency services, which the proposal could support. These public benefits weigh strongly in favour of the proposed installation.
34. I have been referred to several publications and statements, including by Government Ministers, supporting mobile digital communications infrastructure. Whilst the Framework requires planning decisions to support the expansion of electronic communication networks as part of the Government's continued commitment to improving digital connectivity in England, it also states in Paragraph 195 that heritage assets should be conserved in a manner appropriate to their significance and that great weight should be given to their conservation.
35. For the reasons given, the appeal proposal would cause less than substantial harm to the significance of several heritage assets, including designated heritage assets and a NDHA. I have given great weight to the conservation of those designated heritage assets as required by paragraph 205 of the Framework. In weighing the harm to those heritage assets against the public

³ APP/Q3305/W/18/3206555

⁴ APP/M5450/W/17/3180345

⁵ APP/R5510/W/21/3269903

⁶ APP/L1765/W/18/3197522

⁷ APP/J4423/W/21/3268791

⁸ APP/Y3425/A/02/1084110

⁹ APP/V2255/W/22/3311086

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benefits of the proposal as required by Framework Paragraph 208, and in taking account of my conclusions on the appellant's assessment of alternative sites, I find that the proposal's strong social and economic public benefits would not be sufficient to outweigh the harm to the significance of the heritage assets.

Conclusion

36. For these reasons, I conclude that the appeal proposal would fail to preserve the character or appearance of the CA, contrary to the Act, and it would harm the settings and significance of the Grade II listed buildings and the NDHA referred to above. The harm to the significance of those heritage assets would not be outweighed by the public benefits of the appeal proposal, taking account of the alternative sites assessed by the appellant. Therefore, the appeal should be dismissed.

G Sylvester

INSPECTOR

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The Planning Inspectorate

Appeal Decision

Site visit made on 21 March 2024

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/V2255/D/23/3333168

4 Oast Cottages, Breach Lane, Upchurch, Kent, ME9 7PH

- 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 S Greensted against the decision of Swale Borough Council.
 - The application Ref. 23/503674/FULL, dated 7 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is single storey rear and side extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property, the terrace of which it forms part, and the countryside.

Reasons

3. The appeal property forms one end of a short terrace located in a rural location. The dwelling has a two-storey side extension plus single-storey side porch and rear addition, with the opposite end-terraced house having a single-storey side lean-to. The terrace also contains front and rear dormer windows and rooflights which differ in size. However, none of these additions have undermined the original form and balance of the terrace façade. The rear elevation is more altered, with the mix of materials and alterations more clearly distinguishing the separate dwellings.
4. Viewed from the rear, the narrow proportions of the original terraced dwellings is most apparent, and the dormer windows add to the vertical emphasis. Viewed from Breach Lane, the cottages 'read' as a single building with a strong horizontal emphasis, as noted by the appellant. This view is supported by a single doorway in the terrace façade (excluding the set back porch of the appeal property), which adds to the perception of one large building.
5. The existing two-storey side extension at the appeal property appears proportionate to the dwelling and terrace due to its reasonably narrow width. In contrast, the proposed side extension would be wider and deeper, and would result in an overly large and dominant feature on the property. It would be highly visible in the street scene due to its size and its position next to the open driveway, and close to the road. Whilst I appreciate the aim to provide

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continuity of design, this would not be secured by the use of matching materials.

6. Amongst other criteria, Policy DM 16 of 'Bearing Fruits 2031: The Swale Borough Local Plan 2017' (LP), requires building extensions to be of an appropriate design which responds positively to the style and character of the building being extended, to be appropriately scaled in relation to the building and its surroundings, and to maintain or enhance (where applicable) the character of the street scene. Within the rural areas, LP Policy DM 11 supports extensions where they are of an appropriate scale, mass, and appearance in relation to the location. In making such an assessment, the policy requires regard to any previous extensions undertaken.
7. In this context, whether considered in its own right or cumulatively with the previous extensions to the dwelling, the proposal would not respect the scale and mass of the host house. The resultant sprawling layout would be at odds with the shallower, linear form of the original terrace. Even taking into account the horizontal emphasis of the terrace façade, an addition of the depth and width proposed would not reflect or be sympathetic to the original form.
8. The appellant advises that the small dwelling footprint gives a restrictive living area for a 5-bedroom, 6/7-person, property. I appreciate that the proposal would offer more flexible accommodation as suggested by the appellant, but as proposed the additional space would be at the expense of the character and appearance of the property, the terrace, and its countryside setting.
9. As part of the application an alternative layout plan was provided which included an integral single garage, to demonstrate that the proposal would be equivalent to the addition of a garage onto Breach Lane. However, as it is the proposed size and scale of the extension rather than its use which would have an adverse impact, I have placed limited weight on this argument.
10. I therefore conclude that the proposal would detract from the character and appearance of the appeal property, the terrace of which it forms part, and the countryside, in conflict with the overarching design requirements of LP Policies CP 4 and DM 14, and with LP Policies DM 11 and DM 16.
11. I find no conflict with paragraph 5.0 of the Supplementary Planning Guidance, "Designing an Extension - A Guide for Householders", referred to in the reason for refusal, as it relates to the provision of side extensions in areas of mainly detached or semi-detached housing. However, that does not alter my conclusions outlined above.
12. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR



Appeal Decision

Site visit made on 21 March 2024

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18th April 2024

Appeal Ref: APP/V2255/D/23/3333160
Eastfields, Old House Lane, Hartlip, Kent, ME9 7SP

- 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 and Mrs Kevin and Claire Fisher against the decision of Swale Borough Council.
 - The application Ref. 23/503208/FULL, dated 10 July 2023, was refused by notice dated 19 October 2023.
 - The development proposed is erection of single storey side garage extension, single storey rear extension, front porch, conversion of garage into annexe with side extension, internal and external alterations including log burner flues.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was modified prior to its determination, and as such I have used the description of development on the decision notice, rather than that given on the original planning application form.
3. Since the appeal was lodged a revised version of the National Planning Policy Framework has been published. However, as the policies of relevance to this proposal have not changed fundamentally it has not been necessary to seek further comments from the parties.

Main Issues

4. The main issues are (1) the effect of the proposal on the character and appearance of the appeal property and wider countryside; and (2) the need for the proposed development, including the provision of accessible annexe accommodation.

Reasons

Character and Appearance

5. The appeal property is a detached dwelling located on a large site on the outskirts of the more built-up area of Hartlip, which is set within a locally-designated Area of High Landscape Value (Kent Level) [AHLV]. The appeal site has a rural context, with the development on the southern side of Old House Lane being more sporadic, of dwellings located on large plots. This pattern

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appears quite distinct from the northern side of the road, which comprises close-knit housing on smaller plots.

6. The parties agree that the dwelling has previously been extended with a side garage, two-storey side extension and a conservatory. Planning permission exists for a detached car parking barn, but this has not yet been constructed. The existing two-storey extension is an annexe, but does not give accessible accommodation, being over two-floors served by a spiral staircase, and accessed from a set of front steps and small porch.
7. Policy DM 11 of 'Bearing Fruits 2031: the Swale Borough Local Plan 2017' (LP) permits extensions to dwellings in the rural area if they are of an appropriate scale, mass and appearance in relation to the location, but specifies that account will also be taken of any previous additions undertaken. This is reinforced by the supplementary planning guidance, 'Designing an Extension: A Guide for Householders', which advises that in rural areas, the Council will not normally approve an extension if it results in an increase of more than 60% of the property's original floorspace.
8. Whilst a mathematical assessment is a useful starting point, it is also important to assess the proposal in terms of its effect on the building and location. The appeal property is highly visible in the street scene, being set back from the road in a slightly elevated position. There is limited natural screening, with low roadside planting; the appellants refer to the planting of laurel hedging around the perimeter, but this will take some time to offer any screening effect. The building is oriented such that its eastern side elevation is visible in the street scene, and the position and height of the existing fencing would not fully mask development to this side of the dwelling. A public right of way runs alongside the length of the western boundary of the site, providing clear public views of the rear of the property.
9. The proposed extensions to enable the conversion of the existing garage to an annexe would add to the building mass at this point, but the replacement pitched roof would be an enhancement compared to the mixed roof form of the existing garage, and the adjacent sheds.
10. The proposed porch and canopy would be reasonably large, but linked with the new roof to the garage conversion, would complement the design and appearance of the host house. The removal of the existing annexe porch and front door would give the property one focal entrance point, and would enhance its appearance. These aspects of the proposal would offer a qualitative improvement to the dwelling and area, as suggested by the appellants.
11. However, I do not reach the same view with regard to the proposed rear and eastern side extensions. Considered together, the replacement of the conservatory with a much larger structure, and the further side and rear extensions would appear overly dominant on the dwelling. The rear and side elevations would become a complex mix of projections and roof forms that would detract from the simpler design and form of the host dwelling. Rather than appearing subservient, the single-storey additions would subsume the main two-storey part of the dwelling, and I share the Council's view that this would result in a 'sprawling' layout. I accept that previous extensions to the property are not recent, but they are nevertheless in place and must be taken into account in assessing the scheme against LP Policy DM 11 and the SPG.

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12. The increased size and visual impact of the building would be apparent from outside of the site due to the siting and orientation of the building and the location of the public footpath. I do not consider that the proposed extensions would be so distant from public views that they would have no material impact on the setting. Whilst I appreciate that the proposals would be contained within an existing garden, the resultant dwelling would nevertheless have an increased visual impact on the AHLV, designated as a landscape considered to be scenically important in a county-wide context, and which LP Policy DM 24 seeks to conserve and enhance.
13. The scale of the extended dwelling would be similar to some others in the vicinity, and proportionate to the generous plot, but there are also examples of smaller dwellings on large sites. However, the relationship to neighbouring properties is only one aspect to be considered in assessing the impact of a proposal, having regard to the requirement in LP Policy DM 11 and the SPG to take account of previous extensions to the host dwelling.
14. The appellants advise that the area of the proposed extensions would be less than could be constructed as Permitted Development (PD), subject to the Prior Approval procedure¹ (PA). The Council disputes that there is any potential PD 'fallback'. In my view, there can be no real prospect of a development being built if it requires a PA application which has not been made. I cannot assume the outcome of such an application; neighbouring occupants and their views can change, and those who did not object to the appeal proposal may have different views on an 8m deep extension. As such, it has not been demonstrated that there is a legitimate fallback of equivalent or greater impact on the dwelling and area than the appeal scheme.
15. I note the appellants view that the overall site and location warrant a house suitable for a multi-generation family. However, it is not evident that this can only be achieved by the scale and form of extensions proposed in this appeal. As noted above, I find no objection in principle to the conversion and extension of the existing garage to secure more accessible accommodation, and this would allow the reconfiguration of the existing annexe space to improve the space and layout of the main house.
16. Attention has been drawn to a number of planning permissions for large extensions granted in the area, but limited details have been provided of the developments, the permissions granted, and the reasoning behind the decisions taken. Similarly, although the appellants have identified a number of large properties in the area, it is not known if their size is the result of extensions or if the 'starting points' were larger than the appeal building. In the absence of fuller information to gauge a comparison with the appeal scheme, these examples offer little support to the proposal.
17. I therefore conclude that the proposed rear and eastern side extensions would detract from the character and appearance of the appeal property and wider countryside, contrary to the overarching design requirements of LP Policies CP 4 and DM 14, as supported by the SPG, and the specific criteria for rural extensions set out in LP Policy DM 11. It would not conserve and enhance the landscape as required by LP Policy DM 24.

¹ Pursuant to Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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18. Although I have found the conversion and extension of the existing garage and front porch to be acceptable, I am unable to issue a split decision as the works are not physically and functionally independent of, and clearly severable from, the remainder of the appeal proposal.

Accessibility and Need

19. The appellants have advised that an accessible ground floor annexe is required to accommodate family members. I have had due regard to the Public Sector Equality Duty (PSED) contained in section 149 of the Equality Act 2010, in so far as protected characteristics are relevant to part of the development applied for, and this weighs in favour of the proposal.
20. I have found no objection in principle to the extension works to facilitate conversion of the garage to create such an annexe, nor the proposed front porch to improve accessibility to the main house. Consideration was given to issuing a split decision, but for the reasons outlined above it is not possible. The extensions and alterations to create a more accessible annexe and entrance to the house are only part of the appeal proposal, and it is not evident that the other extensions proposed are required to facilitate this need. Whilst dismissal of the appeal would not provide an accessible annexe at the site, having balanced the need for the development and the adverse impact of the wider development on the character and appearance of the dwelling and the area, the personal circumstances of the appellants' family would not outweigh the identified harm.
21. The appellants advise that the proposed porch size and design has partly been guided by the position of utility meters, and to provide head height for the replacement of a substandard staircase at the property. As noted above, I have found no objection in principle to the proposed porch, but any benefit in replacing the existing staircase would not outweigh the harm of the wider package of extensions.

Other Matter

22. The appeal scheme was the result of negotiations with the Council, and I note the appellants comments about these discussions and the processing of the application. However, such matters cannot be explored in a Section 78 planning appeal, and I have considered the appeal on its planning merits.

Conclusion

23. For the above reasons, I conclude that it is proportionate and necessary to dismiss the appeal.

H Lock

INSPECTOR