

EXTRA-ORDINARY PLANNING COMMITTEE REPORT – 23 JULY 2019

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

Def Item 1 REFERENCE NO - 18/503135/OUT			
APPLICATION PROPOSAL			
Outline application for the development of up to 700 dwellings and all necessary supporting infrastructure including land for provision of a convenience store / community facility, internal access roads, footpaths, cycleways and parking, open space, play areas and landscaping, drainage, utilities and service infrastructure works. (All detailed Matters Reserved for subsequent approval except for access to Lower Road and to Barton Hill Drive).			
ADDRESS Land West Of Barton Hill Drive Minster-on-sea Kent ME12 3LZ			
RECOMMENDATION – That delegated authority is given to officers to GRANT planning permission subject to –			
<ul style="list-style-type: none"> • Completion of a S106 Agreement for the terms as set out in the report • The imposition of conditions as set out in the report below. 			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL			
<ul style="list-style-type: none"> • The application would result in the development of a site that largely falls within site allocation policy A12 of the adopted local plan. • The development within the allocated site would largely comply with the criteria set out in policy A12 of the adopted Local plan. • The inclusion of additional land beyond the site allocation to the west is required to deliver a financially viable scheme and to secure the provision of land to deliver the Lower Road widening improvements. • The scheme would enable delivery of a strategic housing site within the Local Plan. • The scheme would contribute towards the delivery of the Lower Road Improvements for which significant grant funding has been secured. • Further development beyond the site allocation would result in some identified harm and conflict with policy, as set out in the report. Nonetheless, this harm is considered to be limited. In the absence of a five year housing supply and in accordance with paragraph 11 (d) of the NPPF, this harm does not significantly or demonstrably outweigh the benefits of the scheme, and therefore planning permission should be granted. 			
REASON FOR REFERRAL TO COMMITTEE			
This application was deferred by the Head of Planning at the committee meeting of 28 th February 2019 following the decision by the Members of the committee to vote against the officer recommendation.			
WARD Queenborough And Halfway	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT SW Attwood & Partners AGENT JB Planning Associates
DECISION DUE DATE 24/09/18		PUBLICITY EXPIRY DATE 10/12/18	

1.0 Background

- 1.01 Members will note that this application was reported to the Planning Committee on the 28th February 2019. My report recommended that officers be given delegated powers to approve the application, subject to resolution of a small number of outstanding matters and completion of a S106 Agreement.

- 1.02 Members voted against my recommendation, at which point I used my powers to call in the application, and for determination to be deferred to a future planning committee to advise on the prospects of success if challenged at a planning appeal, and any risk of financial costs.
- 1.03 A copy of the original committee report (Appendix 1), tabled updates (Appendix 2), and committee minutes (Appendix 3) are attached as appendices to this report.
- 1.04 My recommendation to approve this application remains unchanged. In the following sections I have provided an update to Members on the outstanding matters that were unresolved in February and changes in the site circumstances / planning policy position since my original report. I have provided further advice on a number of concerns raised by Members at the February committee, and an updated conclusion setting out the reasons why I consider that planning permission should be granted. Finally, I advise on the considerations that Members should take into account if they are minded to overturn my recommendation and refuse this application.

2.0 Further Consultation responses / representations

Further neighbour representations

- 2.01 6 further letters of objection have been received. These primarily raise similar points to those listed in my previous report and the tabled update and are not repeated here. However, one letter specifically requests that a small green corridor is provided between the development site and houses on Parsonage Chase, to maintain privacy and enable wildlife to thrive.
- 2.02 One letter has been received from Sheppey Rugby Club, which supports the application.
- 2.03 Three representations have been received in relation to the medical facility / local centre. Two are from local GPs and one from a Pharmacist. The representations specify interest in providing a new GP facility on the site and a pharmacy.

Further Consultee comments

- 2.04 **KCC Highways** – have provided further comments on an updated technical note as follows –

Addition of GP facility - it is accepted that the addition of the surgery does not change the view of the Highway Authority and that the anticipated internal movements, along with existing healthcare related movements in the area, more than compensate for any additional movements generated by the proposed inclusion.

Analysis of the Halfway Road Junction - The applicant has sought to explain the differences in analysis of a third party consultant in the junctions operation. There are points made in the explanation that the Highway Authority would contest. We are of the opinion that the reported operations of this junction by the applicant are not sufficiently robust. Irrespective of this the junction clearly operates beyond its capacity with or without the additional houses. The applicant has offered to provide contributions to assist in addressing the concerns of existing residents in the vicinity.

On balance, our opinion remains that the application provides reasonable and proportionate mitigation for its impact. Significant cycling infrastructure and

improvements to the Lower Road are enabled along with much improved resilience of the islands highway network. It is however advised that should this application not be determined in July then the Highway Authority would likely require additional funding of approximately £500,000 to ensure that the proposed Lower Road mitigation could be realised. This could result in funding being lost from other areas or that the required Highways mitigation is unable to be delivered.

- 2.05 **The NHS Swale CCG** (summarised) – has provided a further response following discussions with representatives of the applicant in relation to delivery of a medical facility on the site. They advise that the development would not support a new GP facility in its own right, and that previous CCG growth assessments in this area have not identified a need for a new facility. They are currently working with existing GP practices and planning assumptions to review growth forecasts, but are unable to comment on the outcome of this strategic work prior to its completion. The CCG have amended their earlier comments to specify that there is an option for land to be safeguarded within the development site for a medical centre, but that this will only be considered by the CCG where the outcome of the strategic planning assessment identifies a specific need. They also advise that the trigger of any healthcare contribution should be prior to the commencement of development.

Given that some Members of the February Planning Committee raised concern regarding the need to secure additional GP facilities, I have attached the response from the Swale CCG in full as Appendix 4

- 2.06 **The SBC Greenspaces manager** has been asked to comment on the potential for £102,000 to be diverted from the landscaping maintenance fund to be used as an alternative as additional funding to support a GP Surgery on the site. He advises that the sum would essentially equate to a year of maintenance to the estimated costs of the whole open space to be provided on the site, and that this would erode some of the total sum to be provided, and which may result in additional service charges and /or reduce the quality of maintenance. Overall, whilst this is difficult to judge, he advises there is a level of risk in doing this, that should be weighed against the potential to deliver a health facility.
- 2.07 **The KCC Developer Contributions team** has been asked whether they would accept payment of the education contribution to be delayed to occupation of 75% of dwellings in each phase, to help facilitate delivery of a GP facility (instead of payment at 50% of occupations) To resolve this matter, they are willing to accept such payments.

3.0 **Update on Outstanding Matters from the February Committee Report**

Landscape Impact

- 3.01 Members will note from the tabled update (Appendix 2) that the applicant had submitted a revised Landscape and Visual Impact Assessment (LVA) shortly before the February Planning Committee meeting, and that further comments from the Council's landscape consultant were awaited.
- 3.02 The Council's Landscape consultant does take issue with a number of the judgements made in the LVA relating to the value and effects on the landscape, but states that such disagreements are ones of degree rather than being fundamental. The overall conclusions of the Council's landscape consultant are as follows –

“The additional harmful effects attributable to the Proposed Development over those implicit in a Policy A12 compliant scheme (which can be considered the benchmark)

are considered likely to be materially greater than suggested by the entries in the Summary Table at LVA Appendix 4.

- 3.03 *However, the increased adverse effects are probably insufficient to alter the overall range of landscape and visual effects such as to make the Proposed Development significantly more harmful than a Policy A12 compliant scheme.”*
- 3.04 This aligns with my advice in paragraphs 8.94 and 8.95 of the original report, and that the scheme is acceptable in landscape impact terms.

Planning conditions

- 3.05 A list of updated planning conditions is attached to this report. The relevant pre-commencement conditions have been agreed in writing with the applicant, as required under the Neighbourhood Planning Act 2017.
- 3.06 Members should note that the range of uses for the local facility as set out under condition 15 have been reviewed. The uses are now specified as those falling within A1 (retail), D1 (non-residential institutions such as a medical facility or community hall), or D2 (Assembly and Leisure).

4.0 Update on site circumstances

Highways works

- 4.01 Members will note from my original report that the ability for this application to secure delivery of the Lower Road improvement works (through the provision of land and a financial contribution) weighed strongly in favour of the development. The funding for such works has been largely secured through a NPIF grant, which is time limited and must be spent by spring 2020. I advised Members in paragraph 8.77 of the February report that such works needed to commence in April of this year to enable the grant funding to be spent.
- 4.02 Following deferral of this application in February, there was a risk that the road improvement works would not be undertaken within the above timescales. However KCC has negotiated an alternative strategy with the applicant, who has agreed to provide land adjacent to the north side of Lower Road to allow the construction of a footpath and cyclepath between the new roundabout and Cowstead Corner. This work has commenced.
- 4.03 The remaining improvement works that would be secured under this application are for the widening of Lower Road between the new roundabout and Cowstead Corner. The applicant owns this land and would provide this land, together with a financial contribution of £1,223,000 for the works. The scheme includes a right turn lane into Wallend Farm, which would reduce current delays experienced by vehicles turning into this site. The widening works would enable the road to meet current design standards, and the works at Cowstead Corner would enable two lanes in both directions to be provided for a greater distance (approx. 110m), which would help ease congestion issues at this roundabout.
- 4.04 Members should note that the above contribution has been calculated on the basis that the contractors would carry out all works under a single phase of construction. However, if the road widening works were not secured under this application and there was a delay to this (for example if the application was refused and an appeal undertaken), this would split the construction works into two phases and add an

additional cost estimated at £500,000 to the scheme. KCC would require any additional sum to be funded by the developer. Given the marginal viability of the scheme, such additional costs would almost certainly need to be taken from the “pot” used to fund the S106 requirements as listed in the main report.

- 4.05 As such, the application would still deliver improvements to Lower Road, as required under Policy A12 and IMP1 of the Local Plan. However some works are also now being delivered outside of the planning application process in order to safeguard the grant funding secured.

5.0 Update on planning policy position

Five year housing supply

- 5.01 Members will note from the tabled update to the February Committee that the Council does not currently have a five year housing supply. Under Paragraph 11(d) of the NPPF, when policies which are most important for determining the application are out of date (which includes applications for housing where the Local Planning Authority cannot demonstrate a 5 year supply), planning permission should be granted unless –
- i) The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.
- 5.02 The majority of the application site is allocated for housing development under policy A12 of the Local Plan. However the three additional parcels of land beyond the site allocation are subject to policies ST3 (the Swale Settlement Strategy), Policy DM25 (Important Local Countryside Gap) and policy DM31 (agricultural land), which all have the effect of restricting locations for new housing development. The application of paragraph 11(d) of the NPPF does not mean that these policies carry no weight, but a proposal would need to clearly fall under parts i) or ii) above to warrant refusal.
- 5.03 Members will note from the last tabled update that the allocated site also forms part of the Council's forecast housing supply (assumed at 100 units in the Council's supply position of 2017/18). Members should note that if permission is refused, the Council's predicted housing supply will worsen.
- 5.04 Members will note in my original report that I had identified some conflict with policies ST3, DM25 and DM31 of the adopted Plan which arises from the inclusion of the three additional parcels beyond the site allocation. However I advised that the identified harm was limited and outweighed by the wider benefits of the scheme that enabled delivery of a strategic housing site and the Lower Road improvements. My advice was written prior to confirmation that the Council did not have a five year housing supply.
- 5.05 Following such confirmation, the advice under paragraph 11(d) of the NPPF tilts the planning balance in favour of granting planning permission, unless any adverse impacts of doing so significantly and demonstrably outweigh the benefits. As I have previously advised that the inclusion of the three additional land parcels only causes limited harm, I would now advise Members that this harm would, in my opinion, fall well short of the test under paragraph 11(d) of the NPPF of significantly and demonstrably outweighing the benefits of the development. The requirement to consider paragraph 11(d) of the NPPF therefore weighs more heavily in favour of granting permission.
- 5.06 Members should note that any harm arising to the setting of Parsonage Farm as a Grade II listed building would be subject to the test under 11(d) (i) of the NPPF. I

have set out in my February report that the harm to the listed building is limited and “less than substantial”, and as such this does not provide a clear reason for refusing the application.

6.0 Further comments on concerns raised by Members during the February Committee

- 6.01 Members raised a series of concerns relating to the development at the February committee. Although Members did not reach a point where they discussed potential reasons for refusal of the application, I have provided further information below relating to a number of the concerns raised.
- 6.02 The applicant has also provided a letter setting out their response to the points raised by Members. This is attached as Appendix 5 and referred to below.
- 6.03 Loss of agricultural land – Some Members raised concern that the application does not include an agricultural land classification statement, and that as such it is unclear whether the development would result in the loss of Best and Most Versatile (BMV) agricultural land.
- 6.04 Members will be aware that the majority of this site is allocated for residential development (some 29 Hectares) in the adopted Local Plan. As a local plan allocation, the principle of the loss of this land from agricultural use / production has been accepted through the formal Local Plan process, irrespective of the land quality.
- 6.05 The additional land take-up arising from the inclusion of land to the west and south as part of this application amounts to a further area of approximately 6.7 Ha in size. The applicant has now provided a site specific agricultural land classification study and this confirms that the land is Grade 3b and not best and most versatile agricultural land. As such, the development would not result in the loss of BMV land.
- 6.06 Loss of an Important Countryside Gap (ILCG) –The majority of the site does not fall within the ILCG. However the two western parcels of land that fall outside the site allocation do fall within this designation under Policy DM25 of the Local Plan. This policy sets out that the purposes of the designation is to maintain the identity and character of settlements by preventing coalescence, to safeguard the open undeveloped character of an area, to prevent encroachment and piecemeal erosion, and to influence decisions on longer-term development of settlements through the Local Plan process. In this instance, I advised in my February report that one parcel would remain green and undeveloped as a SuDS drainage facility, and would not conflict with this designation. I have also advised that the second parcel, which would contain housing development, is located in a recessed area along the western boundary of the site that is surrounded on three sides by the land allocated for development under Policy A12 of the Local Plan. The inclusion of this land would square off the western boundary. Whilst there is a degree of conflict with this policy, through the loss of an undeveloped land parcel, I consider this to be very limited given its size, position and characteristics. It would not reduce the gap between Queenborough / Halfway to the west and the site allocation, and its impact on the open / undeveloped character of the area would again be very limited by the position of the parcel which aligns with the western boundary of the site allocation.
- 6.07 Failure to comply with the Swale Settlement Strategy (Policy ST3 of the Local Plan) – The majority of the site is allocated for development and complies with this policy. However, the additional land parcels beyond the site allocation do conflict with this policy, although again I consider the harm to the countryside would be limited to the

one additional parcel on the west side of the site that would accommodate housing, and not the two parcels that would accommodate SuDS facilities as these would retain green and undeveloped characteristics. For the same reasons as in the paragraph above, I consider the harm to the character and appearance of the countryside to be limited given the characteristics of this land parcel.

- 6.08 Landscape Impact – Again, the majority of the site is allocated for development, which would inevitably result in a change in the character and appearance of the land from open agricultural fields to housing development. The application proposes a landscaped buffer area to the south and west of the site, and this is considered to be sufficient to provide a strong landscaped edge, although I acknowledge that the extent of landscaping and open space on the southern boundary in particular would be less than shown on the development concepts plan that supports Policy A12 of the Local Plan. The Council's Landscape Consultant (as set out above) does not consider the scale of landscape harm arising to be significantly greater than would be the case with a Policy A12 compliant scheme. Therefore, whilst there are clearly landscape impacts arising from this large scale development, they are not considered to be unacceptable particularly taking into account that the site falls within a non-designated landscape.
- 6.09 Viability of site allocation – some Members raised concern that the site allocation itself could not be viably developed without the inclusion of additional land. Members will be aware that the Island does suffer from lower values which affect viability. The application includes a viability report which has been independently assessed and which concludes that a scheme within the site allocation boundaries only cannot be viably delivered.
- 6.10 School funding – some Members raised concern that secondary school contributions should be directed towards improvements to the Oasis Academy on the Island, and not to Sittingbourne. I would advise Members that such contributions only pass the relevant CIL tests if they provide / contribute towards infrastructure that is clearly required to mitigate the needs of the development proposed. As there is current and forecast secondary school capacity on the Island, this can accommodate a forecast increase in pupil numbers arising from the development without infrastructure improvements. However, a large number of pupils living on the Island travel to secondary schools in Sittingbourne (and elsewhere). There is a clear need to increase secondary school capacity in Sittingbourne, hence why the S106 contribution would be directed there.
- 6.11 Lack of sufficient open space – Members were concerned that the quantum of public open space included land to the south of Lower Road, which in practice would be inaccessible to residents of the development, and would therefore reduce the usable open space available. The application had originally specified that the total quantum of open space would be 12.5 Ha in area. This has now been reviewed and a plan has been provided to demonstrate that in total 14.83 Ha of open space can be delivered. If the land to the south of Lower Road is excluded from this, a total of 12.21 Ha can be delivered, which would exceed the policy requirement of 12.08 Ha. As such, the proposal would exceed the required amount without reliance on the land to the south of Lower Road.
- 6.12 Need for improvements to the S106 agreement – The S106 obligations can be broadly split into on-site obligations for delivery of open space, landscaping and on-site facilities, and financial obligations towards off-site infrastructure improvements to meet additional needs arising from the development. Such financial contributions have been subject to consultation with relevant infrastructure providers (primarily KCC and the NHS) and these organisations have confirmed that the contributions listed in my

February report are acceptable. Members will be aware that S106 agreements should only be used to secure obligations that pass strict tests (as set out in para 9.12 of my February report) and the contributions offered meet the infrastructure requirements as set out by consultees. It is not possible to increase these without justification or evidence to demonstrate that the development would otherwise lead to harmful impacts, as this would not meet the relevant criteria under the CIL tests.

- 6.13 Clarity on the S106 funding for the local centre, and provision of a medical facility – Members questioned the extent to which the £200,000 Local centre funding would provide an incentive to deliver a facility. Having discussed this with the Council's Economic Development Manager, I am advised that this would roughly represent 20-25% of build costs, based on average retail build costs for a neighbourhood facility of that size.
- 6.14 However, Members will note from the applicant's letter (Appendix 5) that they have reviewed the local centre further and have also held discussions with a GP to potentially deliver a surgery and possible GP training facilities on the site. (A second GP has also since come forward, as has the operator of a pharmacy). Discussions are ongoing between the developer / GP's and the Swale Clinical Commissioning Group, and Members will note the further comments received from the Swale CCG attached as Appendix 4. Whilst the Swale CCG make clear that no identified need for a new GP facility has been identified to date, they state that further reviews are taking place, and as a result are agreeable to an option to safeguard land within the development site for a medical centre, which shall **only** (my emphasis) be considered by the CCG if the outcome of the latest strategic review identifies a specific need. If such need for a facility is not identified and approved on this site by the CCG, then the provision of a medical facility would fall away. The CCG would continue to receive the off-site contribution already requested.
- 6.15 The applicant is prepared to offer a series of incentives to help deliver a GP facility, to include the delivery of serviced land free of charge and the local centre fund of £200,000. In addition, the developer is seeking to re-direct a sum of £102,000 from the landscape maintenance fund (which totals in the region of £950,000 at present) towards the provision of this facility. Members will note the comments from the Council's Greenspaces Manager and the risks identified in diverting this sum to the GP facility. If the GP facility is not required, then the £200,000 would be available to apply to incentives to bring forward a local centre as detailed below, and the £102,000 sum would be put back to the landscaping maintenance fund.
- 6.16 In respect of the other part of the local centre, (units amounting to up to 450sqm (amended from 600sqm)) to be used for A1 (retail), D1 (non-residential institutions such as a medical facility or community hall) or D2 uses (assembly and leisure), the applicant has agreed to construct these units and to agree a marketing strategy with the Council. The units would potentially accommodate residential development above, and be designed in such a way that, in the event that an occupant was not found, they could be converted at a later date to residential use (subject to planning permission). The applicant has also confirmed that they would be prepared to offer a discounted rent during early years of occupation. The S106 would therefore secure the construction and marketing of these local centre units.
- 6.17 The specific details relating to these obligations are still under negotiation, and I will update Members further at the Planning Committee. Nonetheless, I consider that the above demonstrates a commitment by the developer to facilitate and contribute towards delivery of a medical facility and/or local centre on the site. However Members should note that the CCG will only agree to a new medical facility if such need is

identified in their growth forecasts. Such facilities would be in excess of the local plan site allocation requirements and in excess of the original requirements sought by the Swale CCG. I consider that the commitment to enter into obligations from the developer to accommodate / secure such facilities are positive and reasonable.

- 6.18 Members should also note that if the £200,000 local fund is not spent (or only partially spent), then this will be diverted towards the delivery of off-site sustainable transport measures. KCC Highways have identified that this could contribute towards delivery of improvements to cycle access to Neats Court.
- 6.19 Lack of affordable housing – I originally dealt with this point in paragraphs 8.36, 8.37 and 8.96 of the February committee report. Policy DM8 of the adopted Local Plan sets affordable housing requirements for new developments, and Members will note that there is nil provision on the Island, due to known viability challenges in this part of the Borough. The policy does set out that there may be circumstances where economic conditions or the characteristics of a development can positively change the viability of affordable housing. However, as reported in paragraph 8.98, the provision of 5% affordable housing within the development has been tested and found to be unviable. As such, the lack of affordable housing on this development does not conflict with the Local Plan.
- 6.20 Other sites on the Island with permission for housing – Members raised concern regarding existing outstanding permissions for some 1000 dwellings in the area, excluding this site, and the lack of infrastructure developed in line with this. In terms of road infrastructure, I would advise that this application has been assessed against committed developments which would include those for which permission has been granted but not built. As such the traffic forecasts are based on cumulative impacts. In terms of other infrastructure, those outstanding permissions would have been assessed at the time against infrastructure requirements. Members should note that infrastructure improvements can only be sought to mitigate impacts specifically arising from the development in question, and not to “fix” existing deficiencies in infrastructure (although sometimes the needs to address direct impacts arising from a development can benefit the wider public – such as the Lower Road highways works).
- 6.21 Prematurity of application – some Members raised concern that the application was premature without confirmation that the M2 J5 improvement works would take place, and that such works should be completed prior to the development. Members should note that Highways England (as the Authority responsible for the strategic road network) do not object to this application, but recommend that no more than 250 dwellings are occupied until the improvement works are complete. The current Highways England timeframe is to commence works in March 2020 and open the improved junction in winter 2021. Taking into account the need for reserved matters approval and likely delivery rates for development on Sheppey, the applicant forecasts that the 250 dwelling threshold is unlikely to be reached prior to 2025/26, and this allows for a substantially greater time period than currently forecast by Highways England to deliver the road improvements.
- 6.22 Provision of a puffin crossing point on Barton Hill Drive – Members raised concern that this should be earlier than the occupation of 75 dwellings as set out in proposed condition 23. The applicant has agreed to move this forward to be provided prior to the occupation of 25 dwellings.

7.0 Conclusions

- 7.01 The conclusions in my February report are set out under paragraphs 9.01 – 9.09. The applicant has sought to improve the development by strengthening the delivery of local facilities and bringing forward the delivery of the puffin crossing. They have also clarified the extent of open space that can be delivered on the main site, and that this would accord with policy requirements, and have provided a report on the agricultural land quality. Whilst the time-critical issue of spending the NPIF grant funding for the road improvements has been resolved by separate agreement between the applicant and KCC to deliver part of the scheme on the north side of Lower Road, the application would still facilitate improvements to Lower Road by securing land and finance for such works on the south side. I have set out in the main report why the inclusion of the additional unallocated housing parcel is justified on viability grounds.
- 7.02 I concluded in my February report that the harmful impacts arising from the development were limited and outweighed by the material considerations and benefits of the scheme. Although the separate agreement between the landowner and KCC would now deliver part of the road improvement scheme outside of the application process, the delivery of the remaining road improvement works remain a significant benefit. The scheme would deliver substantial housing, and the viability appraisal demonstrates that the additional housing land parcel beyond the site allocation is necessary to deliver the scheme.
- 7.03 Added to this, and in the absence of a five year housing supply, I must also now consider the application against paragraph 11(d) of the NPPF. This sets out that permission should be granted unless any harmful impacts significantly and demonstrably outweigh the benefits of the scheme. As I have found the harmful impacts to be limited as set out above and in my February report, I would advise that the application falls well short of failing this test under the NPPF, and that this gives greater emphasis to my recommendation.
- 7.04 On this basis, I would continue to recommend to Members that Planning permission should be granted for the development.

8.0 Considerations if Members seek to refuse the application

- 8.01 Notwithstanding my recommendation, Members are entitled to reach a different conclusion to mine if they consider there are sound planning reasons for doing so, and this is an established facet of the planning process. Members should however note that if the Council cannot substantiate its grounds of refusal it then places itself at significant risk of costs in the event of an appeal. In my opinion, the likelihood of an appeal is high, given that the majority of the site is allocated for housing development in the Local Plan, and additionally that the Council cannot currently demonstrate a five year housing supply.
- 8.02 The National Planning Policy Guidance - "Appeals" document sets out the type of behaviour that may place a Local Planning Authority at risk of costs. This includes the following examples
- preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.
 - failure to produce evidence to substantiate each reason for refusal on appeal
 - vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.

- 8.03 Therefore Members must carefully consider the substance and evidence they wish to rely on for any reason advanced to refuse this application. I have set out in my report that there are some harmful impacts, but have explained why such impacts are limited, are outweighed by other factors when considered against the Local Plan, and how the NPPF test in the absence of a five year housing supply points towards the grant of permission.
- 8.04 Members may disagree with my assessment of harm, or the weight I have given to other considerations. However they must set out this out clearly and substantively in any reasons advanced for refusal, to justify their decision and minimise the risk of costs.
- 8.05 Members will also need to consider other consequences of refusing the application. A refusal will result in a financial shortfall of £1,223,000 to deliver the Lower Road improvements, as well as the ability to secure the land required for these widening works. It would result in a loss of funding to KCC in the region of £3 million towards delivery of a new primary school at Queenborough / Rushenden, and £820,000 towards delivery of a new secondary school at North West Sittingbourne. These projects are specifically identified in the Local Plan under Policy IMP1. Members should therefore, also have regard to these potential consequences as part of their decision making.

9.0 RECOMMENDATION

GRANT Subject to completion of a S106 Agreement and subject to the following conditions

Commencement

- 1) Details relating to the layout, scale and appearance of the proposed building(s) within a relevant phase, 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.

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

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

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

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

General

- 4) The development shall be carried out in accordance with the phasing plan drawing 1456.21 Version 10, unless otherwise agreed in writing by the Local Planning

Authority.

Reason To ensure appropriate development of the site.

- 5) The reserved matters shall be submitted to be in accordance with the Site Parameters Plan drawing 1456.18 Version 10 and the Landscape and Open Space Framework Plan 1456.26 Version 02.

Reason: To accord with the terms of the outline permission

- 6) Prior to the submission of a reserved matters application, a design code for that phase of development shall be submitted to and approved in writing by the Local Planning Authority. The design code shall be based upon the Site Parameter Plan drawing 1456.18 Version 10, the Landscape and Open Space Framework Plan 1456.26 Version 02, and the Development Brief and Design and Access Statement, and shall include the following –
- A design strategy for buildings, to include housing mix, density and massing, architectural treatment, the use of feature buildings in key locations, principles for the use of external materials, boundary treatments, and provision of car parking.
 - In relation to phase 3 (as shown on drawing 1456.21 Version 10), a design strategy for buildings to the south and west of Parsonage Farm and measures to respond to the setting of this listed building.
 - Principles for establishing character areas
 - Principles for road hierarchy, pedestrian and cycle connections in each phase, including the alignment, width, lighting and surface materials to be used
 - A strategy for street tree planting
 - Principles for the layout to accommodate and respond to existing landscape features within the site.
 - Design of the public realm, including principles for the design and layout of public open space, areas for play, lighting, street furniture and sustainable urban drainage
 - A strategy to provide open space, footpath and cycle linkages through each phase

The reserved matters shall be designed to accord with the approved Design Code.

Reason: In the interests of providing a high-quality layout and design for the development.

- 7) Prior to the submission of any reserved matters application, a site-wide landform parameter plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall provide a strategy for utilising the existing landform of the site, measures to minimise cut and fill operations, and measures to minimise or avoid over-engineered operations to deal with levels changes. The reserved matters applications shall be designed to accord with the approved site-wide strategy.

Reason: To respect and make best use of the sloping landform of the site and to accord with the site allocation policy.

- 8) For each phase of the development hereby approved, no development shall take place within a relevant phase until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures will be taken to ensure that the development in that phase incorporates sustainable construction techniques 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.

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

- 9) The proposed residential development hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the residential units shall not be occupied unless the notice for that dwelling/flat 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 development shall take place in any phase until details of the existing site levels, proposed site levels, and proposed finished floor levels for buildings in that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels.

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

- 11) Before development commences within a relevant phase, details shall be submitted for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic connections to multi point destinations and all buildings including residential, commercial and community buildings within that phase. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reason: In the interests of residential amenity.

- 12) The reserved matters for each phase shall incorporate measures to minimise the risk of crime in accordance with the requirements of Crime Prevention through Environmental Design (CPTED). The approved measures shall be implemented before the development is occupied and thereafter retained.

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

- 13) No development beyond the construction of foundations shall take place in any phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) permitted in that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

- 14) The reserved matters details shall include measures to demonstrate how the detailed design and layout of the residential development would meet the needs of specific housing groups, including older and disabled persons.

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

- 15) The convenience store / community facility (which for the avoidance of doubt may include residential units on upper floors) shall be permitted for uses under classes A1,

D1 and D2 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and for no other purpose.

Reason: To provide for a local facility, in the interests of sustainability and local amenities.

- 16) No development beyond the construction of foundations shall take place in phases 1 or 2 of the development (as shown on drawing 1456.21 Version 10), until an acoustic assessment has been submitted to and approved in writing by the Local Planning Authority. The assessment shall set out predicted internal and external noise levels for dwellings in that phase, and (if required) shall provide a scheme of mitigation measures in accordance with BS8233:2014 – “Guidance on Sound Insulation and Noise Reduction for Buildings”. The development shall be carried out in accordance with the approved details and mitigation prior to occupation of any dwelling.

Reason: To ensure appropriate mitigation is provided, in the interests of residential amenity.

Highways

- 17) No more than 250 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme (the scheme of works in the May 2018 Preferred Route Announcement) has been completed and opened to public traffic.

Reason: To avoid adding unacceptably to congestion at the existing A249 Trunk Road and M2 Junction 5, to ensure the effective operation of the Strategic Road Network, and to satisfy the reasonable requirements of road safety.

- 18) No development shall take place in any phase (including any engineering or levelling works), until a Construction Management Plan (CMP) 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. The CMP shall provide details of:
- (a) The predicted numbers of construction and delivery vehicles and measures to manage routing of construction traffic to / from the site,
 - (b) Means of access to the site during the construction process
 - (c) Parking and turning areas for construction and delivery vehicles and site personnel
 - (d) Timing of deliveries
 - (e) Provision of wheel washing facilities
 - (f) Temporary traffic management / signage
 - (g) Areas for the loading / unloading and storage of plant, materials and waste
 - (h) Measures to control the emission of dust and dirt during construction
 - (i) A scheme for recycling/disposing of waste resulting from demolition and construction works
 - (j) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

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 Bank Holiday, nor on any other day except between the following times:

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

Reason: In the interests of residential amenity.

- 20) The reserved matters for phase 1 (as shown on drawing 1456.21 Version 10), shall include the provision of a footway on the development site frontage on the west side of Barton Hill Drive, and this shall be completed prior to the occupation of any units on the site.

Reason: In the interests of pedestrian safety.

- 21) No occupation of any dwelling within phase 1 (as shown on drawing 1456.21 Version 10), shall take place until access from that dwelling to the roundabout at the junction of Barton Hill Drive and Lower Road has been completed.

Reason: In the interests of highways safety

- 22) No occupation of any dwellings other than those within Phase 1 (as shown on drawing 1456.21 Version 10), shall take place until the Highway works for the Barton Hill Drive access as shown in drawing T-01 Rev P3 have been completed in accordance with a Section 278 agreement with the Highway Authority.

Reason: In the interests of highways safety

- 23) No more than 25 dwellings shall be occupied until a Puffin Crossing is provided on Barton Hill Drive at a location and specification approved by the Highway Authority through a section 278 agreement, and is open and available for public use and to an adoptable standard.

Reason: In the interests of pedestrian safety

- 24) The details submitted for the approval of Reserved Matters shall show adequate land, reserved for the parking of cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards where appropriate) and for the loading and unloading of commercial vehicles where necessary. Such land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the buildings / land hereby permitted.

Reason: In the interests of highway safety

- 25) The details submitted for the approval of Reserved Matters above shall include details of covered secure cycle parking facilities for each dwelling. The approved cycle parking shall thereafter be provided prior to the occupation of that dwelling and retained in perpetuity.

Reason: To ensure that there is sufficient cycle parking at the site in the interests of sustainable development.

- 26) Prior to the occupation of any dwelling or other building the following works between the dwelling or building and the adopted highway shall be completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: To provide suitable access to the development

- 27) The pedestrian/cycle link between the development site and Lovell Road together with the installation of tactile paving at the crossing of Lower Road at its junction with Barton Hill Drive shall be constructed to a specification approved beforehand by the Local Planning Authority and Highway Authority via an s278 Agreement and made available for public use prior to the occupation of the 350th dwelling.

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

- 28) No more than 350 dwellings shall be occupied until a pedestrian and cycle link from the site to Parsonage Chase has been completed and opened for public use in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of surfacing for all weather conditions, and details of lighting.

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

- 29) The reserved matters for each phase shall include measures to provide electric vehicle charging and shall include –
- a) Provision for electric vehicle charging points to all dwellings with parking facilities within their curtilage.
 - b) Details of provision for electric vehicle charging points for 10% of all other residential parking areas (save for visitor parking areas) within that Phase;

No dwelling shall be occupied until the electric vehicle charging for that dwelling has been installed (whether for an individual property or a communal point).

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

Drainage

- 30) No development shall be commenced until:

i. the details required by Condition 1 have demonstrated that requirements for surface water drainage can be accommodated within the proposed development layout.

ii. a detailed sustainable surface water drainage strategy has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and discharged from the site at an agreed controlled discharge rate. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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.

- 31) No development shall be commenced until a phasing plan for the surface water drainage scheme has been submitted to and approved in writing by the local planning authority, and which demonstrates the provision of a drainage network to serve any designated Phase 1 or subsequent phases prior to occupation. The phasing plan shall also indicate and provide details of any temporary works associated with the construction of the surface water drainage system.

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.

- 32) No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:
- A description of the drainage system and its key components
 - A general arrangement plan with the location of drainage measures and critical features clearly marked
 - An approximate timetable for the implementation of the drainage system
 - Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities
 - Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 33) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

- 34) No development shall commence until details of the proposed means of foul sewerage disposal for a particular phase have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall then be implemented for the relevant phase before any of the dwellings in that phase are occupied.

Reason: To ensure that adequate foul drainage is provided.

Contamination

- 35) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- i) 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.
- ii) A site investigation, based on (i) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (ii). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- iv) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (iii). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason: to ensure land contamination is adequately dealt with.

Ecology

- 36) No development shall be commenced until a site-wide ecological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The plan shall set out principles for ecological mitigation to be adopted in each phase of development.

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

- 37) No development shall take place in any phase (including any ground works, site or vegetation clearance) until a detailed ecological mitigation strategy for that phase has been submitted to, and approved in writing, by the local planning authority. The strategy shall be based upon the site-wide mitigation strategy, and content of the

detailed strategy shall include the:

- a) Updated Preliminary Ecological Appraisal
- b) Updated specific species surveys as necessary.
- c) Purpose and objectives for the proposed works:
- d) Detailed design(s) and/or working method(s) necessary to achieve stated objectives:
- e) Extent and location of proposed works, including the identification of a suitable receptor site for reptiles and great crested newts, (if required for that phase and consistent with any licence issued by Natural England) shown on appropriate scale maps and plans;
- f) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- g) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- h) Use of protective fences, exclusion barriers and warning signs
- i) Initial aftercare and long-term maintenance (where relevant);
- j) Disposal of any wastes for implementing work
- k) Details of temporary management measures to be put in place prior to implementation of the site-wide ecological management plan.

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

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

38) No development beyond the construction of foundations shall take place in any phase until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The LEMP shall be updated at each phase to incorporate and review approved management plans for earlier phases, and upon development of the last phase shall provide a single LEMP for the entire development. The content of the LEMP shall include the following.

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions, together with a plan of management compartments;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures
- i) Time table for the management plan review.

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

Reason: To ensure that any adverse environmental impacts of development activities can be mitigated, compensated and restored and that the proposed design, specification and implantation can demonstrate this.

39) No development beyond the construction of foundations shall take place in any phase until a scheme of ecological enhancements for that phase have been submitted to and approved in writing by the Local Planning Authority, together with a timetable for such

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

Reason: To ensure that ecological enhancements are delivered, in the interests of biodiversity.

Landscaping

40) No development in any phase shall take place until full details of all existing trees and/or hedges in that phase, details of any trees or hedges proposed for removal, and measures to protect any trees or hedges shown to be retained, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include

- (a) a plan showing the location of, and allocating a reference number to each existing tree and hedge on the site to be retained and indicating the crown spread of each tree, and extent of any hedge, and identifying those trees and hedges to be removed.
- (b) details of the size, species, diameter, approximate height and an assessment of the general state of health and stability of each retained tree and hedge.
- (c) details of any proposed arboricultural works required to any retained tree or hedge
- (d) details of any alterations in ground levels and of the position of any excavation or other engineering works within the crown spread of any retained tree.
- (e) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree or hedge from damage before or during the course of development .

The development shall be carried out in accordance with the approved details and the approved protection measures shall be installed in full prior to the commencement of any development, and retained for the duration of construction works. No works, access, or storage within the protected areas shall take place, unless specifically approved in writing by the Local Planning Authority

In this condition “retained tree or hedge” means any existing tree or hedge which is to be retained in accordance with the drawing referred to in (a) above.

Reason: In the interests of protecting existing trees and hedges which are worthy of retention in the interests of the amenities of the area.

41) The development shall deliver 14.8 Hectares of open space, of which 12.2 Hectares shall be delivered on the land to the north of Lower Road. Prior to the submission of any reserved matters, a site-wide open space strategy shall be submitted to and approved in writing by the Local Planning Authority. This shall set out the quantum of open space to be delivered in each phase and how the 14.8 Hectares of open space would be achieved across the site.

Reason: To ensure the site is developed under a strong landscaped and open space framework, in the interests of visual amenity and recreation.

42) The reserved matters for each phase shall include a detailed hard and soft landscaping scheme for all public areas within each phase of development. The scheme shall include the following details -

- Details of the type and quantum, and layout of open space to be provided within each phase (based upon the information contained within the Design and Access Statement / Development Brief and parameters plans submitted with the application).

- Soft landscaping proposals, to 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.
- A detailed scheme for street tree planting (where practicable).
- Hard landscaping details for the public areas, to include details of lighting, hardsurfaces, footpaths and cycleways (including surface finishes), means of enclosure, litter bins, dog bins, and benches.
- Phase 2 (as shown on drawing 1456.21 Version 10) shall include a Neighbourhood Equipped Area of Play, ball court facility and central open space / kick-about facility
- Phases 1 and 5 (as shown on drawing 1456.21 Version 10) shall include a Local Equipped Area of Play / Local Area of Play facility.
- Phase 3 (as shown on drawing 1456.21 Version 10) shall include (subject to any requirements of Natural England) a scheme for an extended orchard area and open space in the north east corner of the site, in accordance with the Illustrative Landscape strategy by Lloyd Bore.
- A timetable for implementation

The development shall be carried out in accordance with the approved details and implementation timetable.

Reason: In the interests of the visual amenities of the area and recreation.

- 43) The reserved matters shall include full details of both hard and soft landscape works within the curtilage of any building. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of types 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.

- 44) 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.

- 45) No development beyond the construction of foundations in Phase 1 shall take place until a detailed scheme of advance soft landscaping has been submitted to and approved in writing by the Local Planning Authority. This shall consist of a woodland buffer on the southern and western boundaries of the site as shown on the approved Site Parameters Plan, and shall be a minimum of 20 metres in depth. The scheme shall include proposed trees, shrubs and other features, planting schedules of plants (which shall include native species and of types 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 advance

planting shall be completed prior to occupation of the 50th dwelling on site and in accordance with the approved details.

Reason: To accord with the terms of the application and the requirements of Policy A12 of the Swale Borough Local Plan – Bearing Fruits 2031. To ensure the early delivery of the strategic landscaping to the site, in the interests of visual amenity and wider landscape objectives.

- 46) Upon completion of the advance 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.

Heritage and archaeology

- 47) The reserved matters and design code to be submitted for phase 3 of the development (as shown on drawing 1456.21 Version 10), shall be designed to maintain an area of open space of at least 20 metres from the boundary of Parsonage Farmhouse.

Reason: To protect the setting of the listed building.

- 48) No occupation of any units within Phase 3 of the development (as shown on drawing 1456.21 Version 10) shall take place until a scheme to provide a heritage interpretation board in relation to the Listed Building at Parsonage Farmhouse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the information to be displayed, the design and siting of the interpretation board, and maintenance of the board. The heritage interpretation board shall be installed in accordance with the approved details prior to occupation of the 75th dwelling within Phase 3.

Reason: To provide information to the public on a nearby designated heritage asset,

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

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

The Council's Approach

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development

proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance, pre application advice was provided, the applicant was given the opportunity to make amendments to the scheme, and 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.

