

**APPENDIX 1**

Report to Planning Committee – 7 November 2019

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<b>2.7 REFERENCE NO - 19/501921/FULL</b>		
<b>APPLICATION PROPOSAL</b> Full planning application for the erection of 153 No. dwellings, including open space together with associated access, parking, infrastructure, landscaping and earthworks.		
<b>ADDRESS</b> Land At Belgrave Road Halfway Kent ME12 3EE		
<b>RECOMMENDATION</b> Grant subject to the conditions and the signing of a suitably worded Section 106 Agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application is allocated in the adopted Local Plan for residential use and the proposal is considered to respond well to the context of the site. The scheme would not give rise to any unacceptable impacts upon highway, visual or residential amenities and there are no objections from technical consultees.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Town Council and Parish Council objection.		
<b>WARD</b> Queenborough And Halfway	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Keepmoat Homes Ltd <b>AGENT</b> Miss Rosie Cavalier
<b>DECISION DUE DATE</b> 30/07/19	<b>PUBLICITY EXPIRY DATE</b> 07/06/19	

**Planning History**

None

**1. DESCRIPTION OF SITE**

- 1.1 The application site measures 5.3 hectares in size and is currently in agricultural use. There are no buildings on the site. The site lies adjacent to existing residential development to the north-east and north-west (Belgrave Road, Ashley Close and Rosemary Avenue), together with an area of existing open space to the north east at Rosemary Avenue. The site adjoins the southern end of Belgrave Road which provides access to the existing highway network. The south-east, southern and south-west boundaries of the site adjoin open fields.
- 1.2 The site rises gently from north to south where it meets the base of Furze Hill, which in turn masks the site from wider views. The site is approximately 10m AOD on the northern boundary and 19m AOD on the southern boundary. The site is bounded by intermittent lines of hedgerow and trees, with a line of Poplars extending along the north of the site which is subject to a Tree Preservation Order. An existing drainage ditch runs along the northern part of the site.

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- 1.3 The surrounding built form is mixed in nature and is comprised of single storey, two storey and 2.5 storey dwellings in a range of styles. The closest bus stops are situated to the north of the site on Queenborough Road. Queenborough Railway Station is located 1.2km to the west with Sheerness-on-Sea Railway Station 2.8km to the north.

**2. PROPOSAL**

- 2.1 This application seeks full planning permission for 153 dwellings. These will be split as follows:

- 44 x 2 bed;
- 83 x 3 bed;
- 26 x 4 bed.

- 2.2 The dwellings will be a mix of 2 storey and 2.5 storey (eight units in total) in height and arranged as terraced, semi detached and detached. The style of the properties is contemporary with pitched roofs, gables and projecting elements. Feature brickwork and the use of render and weatherboarding are also proposed.

- 2.3 The vehicular access will be taken from Belgrave Road which will be extended into the site. The residential areas of the site will be laid out in a series of perimeter blocks. As a result the dwellings will face out onto the highway. It is proposed to provide the dwellings in three 'character area', which the supporting information labels as 'Green Corridor'; 'Streets and Mews' and 'Furze Hill View'. Parking will be provided in a mixture of on plot and to the front of the dwellings. A pedestrian access route will be provided from the site, through the Rosemary Avenue playing field to connect with the highway in Rosemary Avenue.

- 2.4 The dwellings will be situated on approximately 3.7 hectares with the remainder of the site being comprised of open space and maintenance corridors. An attenuation pond is proposed in the north-eastern part of the site. Further to this, 'formal' areas of open space are proposed in the western and eastern part of the site and in addition the perimeter of the site will remain undeveloped. Existing hedgerows and trees are proposed to be retained around the perimeter of the site and this will be supplemented by additional planting and street trees along the proposed highways.

- 2.5 The Design and Access Statement explains that the open space will be managed by a Management Company, unless otherwise agreed with the Council.

**3. PLANNING CONSTRAINTS**

- 3.1 Potential Archaeological Importance
- 3.2 Tree Preservation Order

**4. POLICY AND CONSIDERATIONS**

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- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.2 National Planning Practice Guidance (NPPG): Air Quality; Design; Determining a planning application; Flood risk and coastal change; Natural Environment; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Travel Plans, Transport Assessments and Statements; Tree Preservation Orders and trees in conservation areas; Use of planning conditions.
- 4.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017:  
 ST1 (Delivering sustainable development in Swale); ST2 (Development targets for jobs and homes 2014 – 2031); ST3 (The Swale settlement strategy); ST 4 (Meeting the Local Plan development targets); ST6 (The Isle of Sheppey area strategy); CP3 (Delivering a wide choice of high quality homes); CP4 (Requiring good design); CP6 (Community facilities and services to meet local needs); A13 (Land at Belgrave Road, Halfway); DM7 (Vehicle parking); DM8 (Affordable housing); DM14 (General development criteria); DM17 (Open space, sports and recreation provision); DM19 (Sustainable design and construction); DM21 (Water, flooding and drainage); DM24 (Conserving and enhancing valued landscapes); DM28 (Biodiversity and geological conservation); DM29 (Woodlands, trees and hedges); DM31 (Agricultural land).
- 4.4 Policy A13 reads as follows:  
 Planning permission will be granted for a minimum of 140 dwellings, together with open space and landscaping on land at Belgrave Road, Halfway, as shown on the Proposals Map. Development proposals will:
1. Be in accordance with Policy CP 4 and, in particular, demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) to include:
    - enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and
    - a. enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and
    - b. green corridors with footpath and cycle path routes through the site.
  2. Be of a high quality of design and of predominantly two storeys in height, demonstrating any higher development will not breach the skyline of Furze Hill in views from the south. The southern edge of the development should face outwards onto the countryside;
  3. Through both on and off site measures, that any significant adverse impacts on European sites through recreational pressure shall be mitigated in accordance with

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Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;

4. Provide for a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;

5. Provide appropriate vehicle access, including a separate emergency access point off Rosemary Avenue, if required, subject to demonstrating that the playing field is either no longer required, or provision of suitable alternative as part of the application and safeguarded by a legal agreement;

6. Provide a Transport Assessment which shall examine the capacity and need for improvements to the local network; and

7. Provide the infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, particularly education and health provision.

4.5 Supplementary Planning Documents: Developer Contributions (2009) and the Swale Landscape Character and Biodiversity Appraisal (2011).

**5. LOCAL REPRESENTATIONS**

5.1 Letters of objection have been received from 31 separate addresses (although one of the letters has also been signed by the occupants of a separate dwelling) and raise the following summarised concerns:

- The proposed properties will overlook existing properties;
- The proposed development will spoil views;
- Belgrave Road is very congested with parked cars and is in a poor state of repair, therefore using this road as the access into the development is not practical;
- HGVs / construction vehicles will struggle to access the site from Belgrave Road;
- The surrounding road network is unable to cope with any more traffic and is required to be improved ahead of any further development;
- Halfway is unable to cope with any more traffic and other developments have been required to mitigate the impacts in this location;
- The junction of Belgrave Road / Queenborough Road is already extremely dangerous and difficult to navigate. An increase in traffic will exacerbate this problem;
- Highways England have stated that no new homes can be built in the A249 corridor until the upgrading of Stockbury roundabout has been completed;
- Access for existing residents to their homes would be obstructed;
- The emergency access checks on Belgrave Road were carried out during the day when the road was less intensively used;
- More traffic, loss of greenbelt and loss of agricultural land will threaten the tourist industry and local people's livelihood;

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- The Local Plan should be reconsidered and Government housing targets for Swale opposed;
- Brownfield sites should be developed in the first instance;
- Utilities which run under Belgrave Road are already struggling to cope and require regular repairs to be carried out;
- Previous applications on this site for housing were refused due to poor access, drainage and land stability issues, nothing has changed in the intervening period;
- Evidence given at a public inquiry in 1985 led to the site being excluded from the Local Plan at that time due to agricultural and highways constraints;
- The proposal will give rise to noise, smells and disturbance from the increased use of Belgrave Road;
- The layout is cramped with small gardens and a lack of privacy;
- There is no safe crossing point for pedestrians to access the bus stop;
- If the application is approved Rosemary Avenue play area should be upgraded;
- The design of the dwellings will not be in keeping with the surrounding properties;
- Traffic counts were not carried out during peak periods;
- Further pressure on local healthcare and education providers which are already over capacity;
- The proposal will give rise to a loss of visual amenity;
- There is no affordable housing proposed;
- As new housing developments have to provide social housing there will be increased crime rates;
- There are a lack of local jobs for new residents;
- Public transport options are limited;
- The proposal is not beneficial to the community, Sheppey, or the Borough of Swale;
- The proposed plots sizes are extremely small;
- Parking provision within the development is inadequate which will increase pressure upon neighbouring streets;
- The Isle of Sheppey has not been subject to Air Quality monitoring and allowing more houses into already congested areas is damaging to health;
- The application site is not sustainable and provides an important gap which should not be built upon;
- Due to climate change it would be more sensible to plant 153 trees or wind turbines;
- Additional housing is not required;
- Surrounding dwellings already experience low water pressure;
- There would be future problems with drainage;
- The proposal would lower property prices of surrounding dwellings;
- A number of species of birds nest on the application site which will need to be looked after;
- There are alternative sites at Queenborough / Blue Town which would be more appropriately placed for existing retail units and the road network;
- Will there be strict rules on the number of cars that each new household will own?

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- The Government requires there to be a net gain in biodiversity.

One of the letters of objection has ticked all of the matters that are included on public consultation letters as being material planning considerations that are taken into account (namely – Overshadowing; Overlooking another property and loss of privacy; Visual Appearance; Parking provision; Traffic the proposal would generate and effects on highway safety; Noise, smells and disturbance resulting from the use; Loss of trees or other important landscape features; Design, appearance and materials proposed to be used; Effect on listed buildings and on the character of a conservation area; Layout and density of proposed buildings; Flooding). The letter has also added 'Mosquito Infestation' to this list.

In addition, the letter includes correspondence that has been sent to the Agent and the Police. I consider that the material planning considerations included in the letters are covered by the summarised points set out above.

Due to the off site highway works proposed (Belgrave Road widening; Belgrave Road / Queenborough Road junction works; and Halfway House junction works), I have re-consulted with neighbours. I have received a further 10 objections (2 from the same address) making the following summarised points, to avoid repetition I have not included comments which have already been raised by neighbours above:

- KCC Highways would not agree to works when an individual request was made previously to improve visibility for exiting a property on Queenborough Road;
- The Belgrave Road / Queenborough Road junction works will make it more difficult for existing residents to exit their driveway;
- The Belgrave Road / Queenborough Road junctions works are not sufficient to improve highway safety;
- Reducing the speed limit will not work as drivers will ignore it;
- There is not sufficient width to widen Belgrave Road due to parked cars on the pavement and verges;
- Closing access from the Crescent to Halfway traffic lights will cause highway congestion elsewhere;
- Access should be made from the old A249;
- There is a lack of police serving the Isle of Sheppey;
- Negative impact upon natural habitats and species;
- The proposal will give rise to harmful landscape impacts;
- The widening of Belgrave Road will bring traffic closer to existing dwellings creating pollution, noise and vibration;
- Both Queenborough Town Council and Minster Parish Council are objecting;
- Construction traffic should not be allowed to access the site via Belgrave Road and should use the farm track across Crown Estates land.
- Southern Water require the network reinforcement otherwise there will be an increased risk of flooding.

**6. CONSULTATIONS**

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- 6.1 **Queenborough Town Council** (for clarity the site does not fall within the boundary of Queenborough Town Council) have stated the following:

*“The surrounding highways’ do not have the infrastructure to accommodate such a vehicle increase from the newly proposed development.*

*The A250 Queenborough Road is gridlocked daily from its junction with the B2008 Minster Road and A250 Halfway Road and regularly traffic backs up to the junction with the A250, B2007 and A249, along the entire length of Queenborough Road, causing congestion in the surrounding area of Main Road, Queenborough. Extra vehicles from 153 new homes, joining these highways, will only add to congested areas.*

*Concerns of obscured vision for drivers from Belgrave Road at its junction with the A250 Queenborough Road, extra vehicles from 153 proposed homes in this area will strongly add to these concerns.”*

- 6.2 **Minster-on-Sea Parish Council** – *“Although the proposal is not situated within the parish of Minster-on-Sea, the Parish Council is duty bound to respond due to the significant impact it will have on Minster residents.*

*The Parish Council strongly objects to the proposal on the following grounds:-*

*1. Impact on the highway network: The traffic generated will have a detrimental impact on the local highway network particularly on Queenborough Road and the Halfway traffic lights through to Minster Road where the infrastructure is seriously lacking and unable to support existing development let alone additional development. Here, it must be noted that the Halfway Junction is currently gridlocked on a regular basis. Halfway Road is also gridlocked to the extent that access to and from the site where there is only one entrance and [the same] exit is affected by stationary vehicles. In addition, there are concerns whether the site lines at the entrance to Belgrave Road are sufficient. Imposing a development in this area will have a detrimental impact not only on the new inhabitants and their neighbours but on the amenities they might reasonably be expected to enjoy. Without easy movement on and off the site, everyone’s quality of life will be seriously affected.*

*2. Impact on infrastructure and local services : This proposal will not function well because of the lack of existing infrastructure to support current demands. It will also impact on local services. Should it go ahead the effect on the existing population will be devastating. It will result in more traffic on our already congested roads with many areas becoming impassable. It will also impact badly on our schools, medical facilities and public services all of whom will be unable to meet demand. Here, it must be noted that the borough of Swale where the proposal is sited has the highest number of patients per GP in the country. This is an unacceptable problem. This prompts the question, if our GP’s cannot cope with the existing population’s needs, how can they be expected to cope with more?*

*3. Environmental Impact: The impact on the environment will be significant. 153*

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*houses suggests 300 extra cars will join the local road network. This will exacerbate the existing problem of congestion and air pollution.*

*4. Drainage: The impact on drainage will be considerable in an area that suffers from existing flood problems. To address this, the Parish Council's would like a mandatory condition included should planning permission be granted, for well managed high degree mitigation measures to be in place to prevent any additional flooding in the area.*

*5. Parking: The proposed 'tandem' parking arrangements are not adequate and will result in on street parking.*

*6. The lack of affordable housing is another serious concern.*

*In concluding, for all these reasons and more, the proposal is considered premature. Before any further development goes through, Minster's Elected Members would want to see significant improvements put in place to improve the traffic flow particularly in respect of the junctions described under 1 above. To this end, Minster-on-Sea Parish Council strongly advises the applicant to revisit the scheme to address all of the issues it has highlighted above.”*

A further response was sent from Minster-on-sea Parish Council reiterating the above points.

- 6.3 **Highways England (HE)** initially responded stating that the trip rates are acceptable but require confirmation from KCC as to whether the distribution has been agreed. It is requested that various Strategic Road Network (SRN) junction models are provided in order to aid our review. If the development is relying on the scheme at M2 Junction 5, then any occupations on the site will be restricted until the scheme is complete and open to traffic.

HE comment that they are keen to work with applicant's transport consultants to develop a robust transport evidence base which should consider the cumulative impacts of all phases of the proposed development on the SRN with an identified package of mitigation if necessary. Due to the request for further information HE request that the application is not positively determined until additional information has been received from the applicant and reviewed accordingly.

The applicant's have provided further information and following discussions with HE there is some capacity to occupy a proportion of the development prior to the improvement works to M2 Junction 5 being completed and opened to traffic. As a result of this, no objection is raised subject to a condition requiring no more than 100 units being occupied prior to the opening of the junction following these works.

- 6.4 **Swale Footpaths Group** state that the legal status and responsibility for upkeep of open spaces will need to be established.



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- 6.5 **Swale Clinical Commissioning Group (NHS)** request that a financial contribution of £132,192 towards expanding existing facilities within the vicinity of the development. On this basis it is considered that the funding should be earmarked for Dr S Patel Practice.
- 6.6 **KCC Public Rights of Way (PROW)** comment that although there are no PROWs within the boundary of the application, public footpath ZS11 lies to the south of site. The Landscape Masterplan shows a link through to open space in the southern part of the development, however, there is no publicly accessible open space in this area. Policy A 13 of the Local Plan requests that the applicant investigates the possibility of establishing a new footpath link between the site and public footpath ZS11. Overall it is considered that the drawings incorrectly portray links to open space and have missed the opportunity to create a link to the Public Footpath. Having said this, no objection is raised to the proposal.
- 6.7 **Kent Police** have raised concerns with the application. This relates to the need for pedestrian and cycle routes to benefit from natural surveillance. There is a lack of clarity over whether the maintenance access is to be secured in any way and vehicle mitigation will be required to the maintenance areas and open space to minimise unauthorised use. Boundary treatments should be sufficiently high to aid security and parking spaces should be sufficiently overlooked. Visitor parking spaces should be marked as such to avoid future conflict. Planting should be used as a mechanism to protect ground floor windows. It is requested that a condition is imposed to cover these points.

The applicant has provided a response to these comments and I re-consulted with Kent Police. They have commented that they consider matters of permeability, boundary treatments, parking allocation and vehicle access to open spaces have been dealt with appropriately. In relation to the remaining points, it is recommended that a condition is imposed.

- 6.8 **KCC Highways & Transportation** initially commented as follows:

*“It is noted that the application site is an allocation for 140 dwellings under Policy A13 within the adopted Swale Local Plan, so there is an expectation that housing will be brought forward at this location. The policy does describe vehicular access being derived from Belgrave Road, as per the submitted proposals, although it does also provide the option to consider an alternative access route from Rosemary Avenue to increase connectivity and permeability, and to provide an alternative emergency vehicle access route. However, with regard to the emergency vehicle access, Appendix F of the submitted Transport Assessment does provide confirmation from Kent Fire and Rescue Service that they do not consider this to be necessary in these circumstances.*”

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*With respect to Belgrave Road serving as the sole means of vehicular access to the application site, it is acknowledged that the width of this route at between a 4.8m and 5m wide carriageway is considered to be within the Kent Design Guide parameters of a Major Access Road that is suitable to serve around 300 dwellings. Please note that historically, national design guidance describes 4.8m as being sufficient road width for a car and an HGV to pass one another. It is appreciated that on-street parking does occur along Belgrave Road, as indeed it generally would on any street without parking restrictions, and the Kent Design Guide standards would not expect these roads to be free from parked vehicles. It therefore accepts that traffic is unlikely to operate in free flow conditions, and a degree of shuttle working to pass parked vehicles is inevitable. Obviously, were Rosemary Avenue also proposed to serve as an additional route, this would spread the trip generation associated with the development across two different means of access, if the Local Planning Authority were minded to lessen the impact on Belgrave Road.*

*In consideration of the Transport Assessment, I am satisfied that the trip rates derived from the TRICS database are appropriate, and the correct selection filters have been applied to most accurately reflect the application site's location. The trip rates used are what the Local Highway Authority would have expected, and the distribution used to assign the traffic onto the local highway network is also accepted. This has been informed by the latest Census data that provides the journey to work statistics for the local area, to assign modal split and route choices.*

*The applicant has undertaken junction capacity modelling using the industry recognise software packages (ARCADY, PICADY and LINSIG) to assess the likely impact that the development will have on the highway network, in accordance with the junctions identified during pre-application discussions that took place between Kent County Council, Highways England and the Applicant. Of the junctions modelled, the most relevant to Kent County Council as the Local Highway Authority are Belgrave Road/Queenborough Road, and the Halfway traffic signals. This modelling has been undertaken for the future year scenario of 2023, with background traffic flows growthed using the appropriate growth factor from the national statistics derived TEMPro database, and further allowances made for any committed development that would also influence the growth. As the other junctions modelled fall under the responsibility of Highways England, I shall limit my comments to the former two junctions mentioned.*

*The PICADY results for the Belgrave Road/Queenborough Road junction demonstrate that there will be no material impact on the operation of the junction, as the Ratio to Flow Capacity (RFC) on any arm of the junction would only reach a maximum value of 0.27. This is well below the accepted maximum practical capacity of 0.85, so it is considered that the junction would continue to function satisfactorily with plenty of reserve capacity available.*

*Halfway traffic signals have been modelled using LINSIG, and while this demonstrates that the junction will exceed capacity in the 2023 scenario with this*

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*development proposal, it does also confirm that this is also the current situation at present with the 2018 base model without the development. However, the Transport Assessment concludes that as the Degree of Saturation between the 2023 scenario with and without the development only rises by around 3% on the most affected arm of the junction, the impact is not considered materially significant. The figures equate to an increase in queue lengths of 5 vehicles on both the half way Road and Queenborough Road arms during the PM peak period, but I do not agree that the suggested inclusion of a Travel Plan to promote sustainable transport choices will mitigate this impact. Instead, I will require the applicant to investigate what improvements can be undertaken at the junction as mitigation.*

*Provided the above issue regarding the proposed development's impact on the Halfway signalised junction can be satisfactorily addressed, I would consider that the impact on the remainder of the local highway network that falls under the jurisdiction of Kent County Council would be acceptable.*

*Turning to the layout of the proposed development, I would make the following comments:*

*1. Notwithstanding the comments above regarding the alternative access to the development from Rosemary Avenue, I would consider that it is appropriate to provide a permanent hard surfaced pedestrian/cycle connection through to link the development more conveniently to the core amenities east of the site. I should therefore like to see a minimum 3m wide shared footway/cycleway linking the development to Rosemary Avenue. This would also have the benefit that it could double as an emergency access after all.*

*2. Whilst I note the quantum of visitor parking appears to conform with the amount specified within the adopted parking standards, I do think that it is not entirely practical for its intended use. At a provision of 0.2 spaces per dwelling (or the equivalent of 1 space per five houses), this should generally be spread evenly to be well related to each group of 5 houses. However, there are certain lengths of roads where they are lacking visitor parking, and with some of the visitor parking actually being concentrated into the limited private areas, it is likely that residents overspill and visitors will park obstructively closer to the properties they are visiting. Additionally, the parking standards do discourage tandem parking arrangements, as they are less efficiently used compared to independently accessible spaces. Generally, we would seek an additional 0.5 on street parking provision per tandem arrangement to mitigate this. Consequently, it is likely that further demand for on-street parking will be experienced, exacerbating the visitor parking issue already discussed. In particular, I would highlight the following situations:*

*i. There is no on-street parking provided along the sections in front of plots 142 to 146, 16 to 20 (93 to 97), 80 to 83, 104 to 108, 146 to 150, 21 to 25, 37 to 44. Certainly in the case of 16 to 20 and 93 to 97, vehicles are likely to park on both sides of the road and straddle the footway.*

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ii. The 2 visitor spaces within each of the private driveways for plots 3 to 5, 26 to 30 and 132 to 135, and the single spaces for plots 6/7 and 130/131 will be claimed by those dwellings, given they are all 4 bedroom units with tandem parking and remote from the public areas.

iii. The 2 visitor spaces outside plot 153 are likely to be annexed by that dwelling, as they appear remote from the public areas. Similarly, the same applies to the visitor space outside plot 45. Given plot 46, a 3 bed unit, only has 1 parking space, this is likely to be in demand from that plot, and risk conflict with plot 45.

iv. Parking for plot 146 is too remote, and they are likely to park directly outside their front door instead.

3. The road layout at the junction by plots 16, 97 and 117 is unclear, and it is considered that this should be a table junction as per the adjacent junctions.

4. The transition from road hierarchy between footway/carriageway to shared space must be more clearly defined and obvious. The transition outside plots 97 and 80 is missing, as the footway just ends, but the carriageway remains the same. However, in the case of plot 80, I consider that the number of dwellings being served along this route is too many for a shared surface, and the footway should continue past plot 80 to plot 74, and the transition created at that point instead.

5. Speed restraint features should be provided at a minimum distance of 60m apart to achieve a 20mph design speed. The lengths of straight vehicular routes exceed this on the north/south routes.

6. The refuse strategy for collection day should be shown to demonstrate where wheelie bins will be left for the private areas, so they are accessible and won't obstruct access.

7. Despite the title of Refuse and Cycle Storage for figure 7.5 in the Design and Access Statement, no cycle storage has been indicated.

Finally, it is appreciated that construction of the development could involve a significant number of HGV movements along Belgrave Road, which will need consideration to how this can be accommodated. Given the width is generally the minimum required to allow a car and an HGV to pass one another, and the current on-street parking, measures may need to be taken to comfortably manage this level of movement. The current condition of the highway is also likely to deteriorate through the construction traffic movements, and we would expect the developer to ensure the highway asset is of a suitable condition to accept the traffic. We will need to be assured before allowing the development to take place, that damage will be prevented.”

Due to the above, amended drawings / additional information was provided and I re-consulted with KCC Highways & Transportation who made the following comments:

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*“The revisions that have been made to the proposed scheme in order to address the layout matters raised in my previous consultation response of 19th July 2019 are noted, which includes the provision of additional visitor parking spaces. Whilst this is welcomed in the additional locations that have now been provided, I do still consider that a number of areas are still lacking these facilities. As previously explained, this visitor parking should be evenly spread around the development, generally with a space catering for the nearest group of 5 dwellings, otherwise informal parking is likely to occur closer to those groups of dwellings if the intended spaces are too far away. Consequently, areas in the vicinity of plots 59 to 68, 105 to 107, 142 to 145 and 146 to 150 are remote from convenient visitor parking spaces.*

*The newly proposed speed restraint features will require further measures to ensure deflection in the path of vehicle movement, as these features are only provided on one side of the road. This would not encourage vehicles passing along the opposite side to travel at slower speeds, as they would still have a straight run past the build-out.*

*Although the footway has been extended south past plot 80 as far as plot 74, the width of the footway should be maintained past the visitor parking spaces by plots 80 and 74, and safely discharge pedestrians into the shared surface beyond the speed hump.*

*The footway/cycleway link to Rosemary Avenue has not been completed, and would therefore still require users to cross an unsurfaced field that could potentially be wet and muddy at times. I would ask that a fully surfaced route be provided to ensure suitable access.*

*With regard to the comments raised previously concerning the impact of the development on the Halfway traffic signals, and the measures required to cater for construction traffic along Belgrave Road, I can confirm that discussions are currently taking place with the Applicant to consider appropriate mitigation to address these issues. It is anticipated, therefore, that further drawings will be submitted in due course to propose off-site highway works as part of the current application.”*

Further amended drawing and additional information was submitted to the Council and I re-consulted with KCC Highways & Transportation who have commented as follows:

*“The latest amended site layout plan does now provide an acceptable level of dedicated on-street parking spaces, spread reasonably evenly throughout the development, generally addressing the issues that I had highlighted previously over a number of locations that lacked provision. Whilst it is noted that my request for additional provision in front of plots 105 to 107 has not been complied with, the site constraints associated with the IDB drainage ditch have been discussed, and additional compensatory parking is now proposed nearby as an alternative solution.*

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*I am satisfied that the amended speed restraint features are appropriately located and spaced to comply with the relevant design standards, and the footway provision within the application site is suitable for accommodating the movement of pedestrians through the development and onto the shared surface environments.*

*However, I do note that the location of the footway link into the existing public open space has been moved from opposite plot 46, to outside plot 47, south of the subterranean attenuation tank open space. I consider this position less intuitive than the previous location, as it is no longer on the alignment of the main spine road, nor linked directly to the internal footway network. Whilst I have no concern with a link in the position shown, I would rather this be an additional link as opposed to an alternative. Similarly, a link into the public open space from outside plot 61/62 would also be desirable, so that residents in that corner of the development have a more direct route to it.*

*Notwithstanding the above, it is appreciated that the full provision of the previously requested hard surfaced footway through to Rosemary Avenue does fall outside of the application site, and would require the agreement of the Borough Council as landowner to facilitate. I understand that the Borough Council is willing to include a hard surfaced route through the public open space, connecting the development to Rosemary Avenue, and for the perimeter fencing to be removed in order to provide an open aspect from the development. As this is in the gift of the Borough Council to facilitate, I will defer this matter to the Local Planning Authority to secure in however it sees fit to do so.*

*As previously described, the Highway Authority has been in discussion with the applicant regarding the provision of off-site highway works. These are to address transport matters raised concerning the existing local road network, and a package of measures are now included as part of this submission. These consist of the following works that the Highway Authority has assessed, and considers acceptable:*

*- Belgrave Road Widening - Belgrave Road will be widened over a significant proportion of its length to 5.5m, which is the typical width of a Major Access Road, in accordance with the Kent Design Guide.*

*- Improvement of Queenborough Road junction – In addition to the widening of Belgrave Road in this location, the carriageway alignment of Queenborough Road will be amended to improve sightlines at the junction. Included within this scheme, the 30mph speed limit would be extended west of the junction, appropriate for the presence of building frontage on both sides of Queenborough Road.*

*- Halfway Traffic Signals Improvements – The junction would be altered to remove vehicle entry from The Crescent. This will improve the capacity of the junction by increasing the amount of green time allocated to the remaining arms of the junction, providing betterment over the current performance, even with the additional traffic from the proposed development and background growth. It should be noted that*

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*traffic will still be able to gain access to The Crescent from the junction itself, and that it merely stops traffic entering the junction from that location.*

*Consequently, I have no objections to the proposals in respect of highway matters subject to the following conditions.”* Conditions recommended relate to: off site highway works being carried out; a Construction Traffic Management Plan; provision and permanent retention of parking spaces; cycle parking facilities; provision of pedestrian visibility splays; details of estate roads, lighting etc, works between the dwelling and the highway to be carried out.

6.9 **KCC Ecology** initially commented that a Preliminary Ecological Appraisal, and Preliminary Ground Level Roost Assessment report has been submitted. The potential for protected species to be present and affected by the proposed development is identified in this report and as such, it is advised that the following additional ecological survey information must be sought prior to determination of the planning application:

- Bat transect survey results, along with any necessary mitigation proposals;
- Reptile survey results, along with any necessary mitigation proposals.

Concern was also raised that the proposed link from the site to the open space to the north east of the site falls directly where the tree assessed as having moderate bat roosting potential is located. If the developer can not re-site this link then further survey work will be required. Also made comments in respect of mitigation / compensation habitat, stag beetles and nesting birds.

In relation to the site layout, it is not considered that the layout adequately demonstrates green corridors for biodiversity within the development.

The proposal is also within the zone of influence of the Swale SPA and there is a need for an appropriate assessment to be carried out.

The proposed development provides opportunities to incorporate features into the site and the way to best secure these will be determined once the above additional survey works will be carried out.

Further to the above, a Biodiversity Impact Assessment was provided and KCC Ecology were re-consulted. They have commented that this provides confirmation via a calculation that the development will result in a net gain in biodiversity as a result of habitats retained, enhanced and created. However, this does not address all the concerns and must not be demonstrated as having no ecological impacts. The following is still required prior to the determination of the application:

- Bat transect survey results, along with any necessary mitigation proposals;
- Reptile survey results, along with any necessary mitigation proposals.

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No changes have been made to avoid potential impacts to the tree with bat roosting potential and as a result an inspection of the tree for bat roosting potential is required.

With regards to the site layout, there have been no alterations that will materially change the suitability of the central site areas for biodiversity. Although more habitats for wildlife within the site are encouraged, landscaping details that maximise the biodiversity benefits of the site boundary can be secured, ensuring that these features provide corridors for wildlife.

As a result of the above a Reptile Survey Report, Bat Transect Survey Report and Phase 2 Bat Survey Report has been submitted and I have re-consulted with KCC Ecology who have commented as follows:

*“The Reptile Survey Report concludes that a ‘medium’ population of slow worms is present on the site. To mitigate the potential impacts to slow worms, it is proposed to retain much of the currently suitable reptile habitat in the proposed development. Some suitable habitat will be lost as a result of the proposed development, but with additional habitat enhancement measures in the landscaping proposals we are satisfied that the proposed mitigation is appropriate. Account must also be taken of the potential presence of nesting birds, stag beetles and hedgehogs. The details can be secured by condition [Biodiversity Method Statement], if planning permission is granted.*

*A detailed ecological design strategy must also be secured to ensure that the proposed mitigation measures for reptiles, net gains in biodiversity and provision of ecological enhancement features, are delivered within the scheme.*

*In order to ensure appropriate long-term management of the wildlife habitats, we advise that the submission and implementation of a landscape and ecological management plan is secured by condition, if planning permission is granted.*

*The bat survey results indicate low levels of bat use of the site, with boundary features along the north and northeast the focus of bat activity. It is our understanding that these features will be retained within the proposed development.*

*It is confirmed in the Phase 2 Bat Survey Report that no evidence of roosting bats was found in respect of the tree T9. The potential roosting feature remains, but as there is reported to be no direct impact to the tree, no further action is necessary at this time.*

*As recommended in the bat reports, external lighting must be minimised to avoid impacts to foraging and commuting bats. We advise that a condition securing the submission and implementation of a bat-sensitive lighting strategy is secured within the planning permission, if granted.”*



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

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

- 6.11 **Southern Water** have requested a number of conditions, firstly, requiring that the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required. Secondly, that construction of the development shall not commence until details of the proposed means of surface water run off disposal in accordance with Building Regulations as well as acceptable discharge points, rates and volumes have been agreed by the LLFA in consultation with Southern Water. Thirdly, that the construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been agreed.
- 6.12 **Lead Local Flood Authority (KCC)** comment that in principle they are satisfied with the drainage design and have no objection subject to formal consent from the Upper Medway IDB for the connection into the northern ditch. At detailed design stage drawings regarding the attenuation basin, including side slopes and available freeboard will be required. Conditions are recommended relating to a sustainable surface water drainage scheme and a Verification Report.
- 6.13 **Upper Medway Internal Drainage Board** have commented that they are reviewing the surface water design in relation to the land drainage consent and as such have commented that this falls outside of the planning process. Also stated that they are happy with the application in principle and note the Lead Local Flood Authority's comments which requires acceptable details to be provided prior to the commencement of the development. They have suggested a condition relating to the development not commencing until land drainage consent has been received and that the development will not impact on the IDB maintenance of the stream to the north of the site or have a negative impact on the drainage of the surrounding area.
- 6.14 **KCC Archaeological Officer** has commented that due to the results of the archaeological report that no further archaeological measures are necessary.

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- 6.15 **SBC Environmental Protection Team** recommended conditions relating to contamination, construction hours, suppression of dust details, noise monitoring details, and emissions mitigation.
- 6.16 **SBC Greenspaces Manager** has commented that the quantity of open space provided within the development is adequate. The existing adjacent piece of open space provides the more active space for recreation. There are no details provided of play facilities within the development. This should be toddler equipment due to the size of the open space and the need for a buffer between the facility and the dwellings. An off-site contribution for formal sports (at King George's playing field, Queenborough) of £593 per dwelling is requested. The strengthening of boundary planting and use of native species is welcomed. Would wish to see either removal or replacement of the boundary fence around the existing open space due to the change in circumstances. Would also have no objection to a footpath running through the open space (connecting the site with Rosemary Avenue) although would need to ensure that this does not completely dissect the existing open space making it less usable.

**7. BACKGROUND PAPERS AND PLANS**

- 7.1 The application is supported by site layout drawings; elevations; floorplans; Flood Risk Assessment; Ground Investigation Report; Planning Statement; Design and Access Statement; Residential Travel Plan; Transport Assessment; Landscape and Visual Assessment; Ecological Appraisal.

**8. APPRAISAL****Principle of Development**

- 8.1 Policy A 13 of the adopted Local Plan allocates this site for a minimum of 140 dwellings. As a result, the application which seeks planning permission for 153 dwellings (9% more than the minimum figure in Policy A13) is in accordance with this adopted policy. Furthermore, Members will be aware that the Council is unable to demonstrate a 5 year housing land supply. As a result of this, I am of the view that the benefits of addressing this shortfall, upon a site allocated for this specific type of development should be given very substantial weight. As such, I am of the very firm view that the principle of residential development is accepted.

**Density and Mix of Dwellings**

- 8.2 The application proposes 153 dwellings on a site 5.3 hectares in size, equating to a density of approximately 29 dwellings per hectare. The supporting text to policy CP 3 of the Local Plan sets out that the density of the site will be informed by local characteristics and the context of the site. I also have regard to the requirements of the policy in terms of the quantum of development expected from this site. The surrounding area is mixed and predominately includes detached and semi detached dwellings with a mixture of garden sizes. Based upon the requirements of the policy and the pattern

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of development in the surrounding area I am of the view that the density proposed is appropriate.

- 8.3 The mix of dwellings proposed is 43 x 2 bed units; 83 x 3 bed units; and 27 x 4 bed units. Policy CP 3 of the Local Plan identifies the 'Main Issues, purpose and objectives of housing proposals' in specific local housing market areas. In terms of the ME12 postcode upon the Isle of Sheppey, where this site is located, the following is stated: *"Demand is greatest for family housing. Future development of quality family housing that reflects the character of the area should be encouraged. If opportunities arise, improve design and/or levels of sustainability especially in the pockets of deprivation found in this market area."* I believe that the proposal sits comfortably within the objectives in this specific housing market area by providing for family housing. As such I believe the proposal is acceptable in this regard.

**Layout**

- 8.4 Prior to the submission of the application the proposal was submitted for pre application advice and was assessed by the Design Panel. The Panel considered that the development should make a greater play on the topography of the site (and that of the surrounding area) by introducing a layout of streets with a north / south orientation ending in open views towards Furze Hill to the south. In addition, it was considered that there may be scope for more pedestrian and cycle links (aside from the main access from Belgrave Road) that would help anchor the development to local facilities around Queenborough Road.
- 8.5 The layout which was originally submitted in my opinion had considered the comments of the Design Panel in providing a network of streets, largely with a north / south emphasis. The dwellings are predominately laid out in a series of perimeter blocks which is considered to represent a legible and permeable layout. The existing Rosemary Avenue playing field sits immediately adjacent to the north east of the site and during discussions with the applicant / agent I expressed a view that the closest dwellings should front onto this recreation area. As a result, an amendment to the layout has been provided which shows the closest dwellings framing this piece of land which I consider appropriate. The dwellings in the southern part of the site face towards Furze Hill as required by policy A 13 and therefore I consider this acceptable.
- 8.6 Also of relevance is that due to the existing use of the land there is a fence of utilitarian appearance on the western and southern side of the playing field where it abuts the site. The playing field is in the Council's ownership and I have discussed the issue of removing this fence with the Council's Greenspaces Manager. This will allow for the future occupants of the development to be able to access this facility and will integrate this existing open space with the new development. The Greenspaces Manager considers this appropriate and has estimated that it will cost £4,500 to remove this fence and then to make good the boundary of the site. After discussions with the applicant and agent, the applicant has agreed to make a contribution to cover this cost. On this basis, I believe that the site will assimilate well with this existing recreation area and provide benefits for future residents.

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- 8.7 The main vehicular access to the site is to be taken from Belgrave Road. As discussed in more detail below (see highways section) this has been considered acceptable. However, I am of the view that a further pedestrian / cycle access through the Rosemary Avenue playing field should be provided. This would in my opinion aid connectivity with the surrounding area, especially for those future residents in the eastern part of the site who would be able to access services and facilities in Halfway via this more direct route. I am keen to ensure that the link is provided in the southern part of the playing field, so as not to make this facility unusable and have discussed this with the Greenspaces Manager who considers this acceptable. The estimated cost of this is £10,500 and the applicant has agreed to fund this. I am of the view that this will appropriately provide a secondary access point.
- 8.8 The open space upon the application site includes an area close to the vehicular entrance in the western part of the site and a further parcel in the eastern part of the site, adjacent to the Rosemary Avenue playing field. In addition, due to drainage ditches and the maintenance margins, there is open space around the perimeter of the majority of the site. I note the comments of the Council's Greenspaces Manager who is of the view that a toddler play space should be provided within the development on either the parcel of land in the east or the west of the site. Having discussed this with the agent, it has been agreed that as the proposed location is not yet known, these details can be assessed and secured via a condition. I consider this appropriate as this will ensure that the play equipment can be located in the most suitable location depending on the amount of play equipment necessary. This can also be agreed as part of the condition. As a result I am of the view that this will introduce a further benefit and is acceptable.
- 8.9 I have also made an assessment of the scheme against Building for Life 12 (as agreed by the Local Plan Panel on 25.04.18), and consider that it scores well in terms of this. My assessment is appended.

**Visual and Landscape Impact**

- 8.10 As set out in paragraph 6.5.49 of the supporting text to policy A 13 and the description of the site above, the site is enclosed to the south by Furze Hill which masks the site from wider views, and by existing residential units to the north. A public footpath (ref ZS 11) crosses Furze Hill providing some elevated views of the application site in the foreground,
- 8.11 A Landscape and Visual Appraisal has been submitted with the application and this concludes that any impacts, due to the surrounding context of the site, would be limited. The appraisal considers that any impact would be restricted to the edge of the existing settlement and in overall terms I agree with that assessment. Furthermore, I am of the view that the site is well contained within the landscape and would not appear unduly prominent from the available vantage points.
- 8.12 Policy A 13 of the Local Plan sets out that the proposal will *“demonstrate and provide a strong landscape framework (shown by a submitted Landscape Strategy and a Landscape and Ecological Management Plan) to include:*

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*a. enhanced hedgerow and woodland planting on the southern and western boundaries to form a new, attractive urban edge; and*

*b. green corridors with footpath and cycle path routes through the site.”*

8.13 The Design and Access Statement submitted with the application states the following in respect of landscape features:

*“There are a variety of landscape features that make up the overall landscape strategy and design. These include:*

- The retained hedgerows and hedgerow trees along the northern, eastern and south-eastern Site boundaries;*
- A newly planted native hedgerow and associated hedgerow trees along the south-western boundary;*
- Wildflower meadows with mown paths;*
- An attenuation/balancing pond and associated wetland planting;*
- A hierarchy of semi-mature and standard tree planting across the development envelope;*
- Semi-ornamental and ornamental shrub and ground cover planting; and*
- Amenity turf and lawn areas.”*

8.14 A Landscape Masterplan has been provided which indicatively shows the retention of the hedgerows and trees and a newly planted native hedgerow in the locations as set out in the policy above. Further to this I am of the view that the general approach to landscaping within the site is reasonable. Overall the species mix suits the prevailing landscape character of the surrounding area and the proposal includes planting within the newly created streets to assist in creating an attractive development. I believe that the predominately native species indicated are appropriate, although I take the view that adding additional larger tree species such as small and large leaved Lime in the more open areas of the estate would help improve biodiversity. I also believe that the introduction of the attenuation pond and open space within the development will allow for further amenity and biodiversity benefits. Overall I consider that the general approach to landscaping within the site is acceptable as shown on the indicative drawing. However, these details are not precise enough to condition compliance with in their own right, therefore I have recommended relevant landscaping conditions below to ensure that these principles can be developed upon and agreed.

8.15 An arboricultural impact assessment has also been submitted with the application. This sets out that the development will only impact upon a number of low quality trees where the access into the site is being created from Belgrave Road. As the access into the site is required in this location and the quality of the trees is low I am of the view that this is acceptable. The existing trees, shrubs and hedges are confined to the boundaries of

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the site with TPO 2 of 1965 covering a number of Elm trees and saplings along the northern and eastern boundaries. Most of the Elms present when the TPO was made have since died due to Dutch Elm Disease so all that remains along these boundaries are thickets of self re-generating Elm suckers. The arboricultural impact assessment includes tree protection measures which I consider to be appropriate. To ensure this is carried out I have recommended a relevant condition and overall I believe that the development is acceptable within the context of the TPO.

- 8.16 A Landscape Strategy and Landscape and Ecological Management Plan has not been submitted with the application, however, I note the comments of KCC Ecology. They have, amongst other requirements, recommended conditions requiring that these details are submitted. Therefore, on the basis that the principles of the landscaping details have been considered acceptable I am of the view that requiring this strategy and plan by condition is appropriate in this instance.
- 8.17 Policy A 13 explicitly states that the dwellings will be predominately two stories in height. This has been reflected in the submission with 145 of the dwellings being two storey in height. The remaining 8 units are two and a half stories. There is a range of properties in the surrounding area, both of single storey and two storey height. Overall I believe that the proposal complies with the adopted policy in this regard and is acceptable.
- 8.18 The surrounding area is comprised of a mixture of dwelling styles and designs and I do not consider there to be a strong local architectural theme that should be replicated. The design of the proposed properties incorporates traditional building forms with pitched roofs but supplements this with more contemporary features such as square projecting bay windows, projecting brick panels, rendered elevations, casement windows and six panelled doors. The Design Panel suggested a contemporary design and I am of the view that the elevations submitted reflect this appropriately.
- 8.19 The Design and Access Statement submitted with the application sets out that the site has been split into three character areas – Green Corridor; Streets and Mews; and Furze Hill Views. The distinction between the character areas is subtle, and related to variation in materials. I am of the view that this is appropriate on a development of this scale which I do not believe is of sufficient size to support areas of vastly contrasting styles. Although an indicative palette of materials has been suggested and includes bricks, render, weatherboarding and roof tiles, I do not consider that there is enough detail in respect of the materials to consider this acceptable at this point. As a result I have recommended a condition to ensure that an appropriate palette can be agreed.
- 8.20 Due to the use of perimeter blocks there are a number of dwellings located on corner plots with dual frontages. The elevations show that these plots have been carefully considered and provide active frontages in the streetscene. I consider this appropriate and will ensure that these dwellings sit comfortably within the development.
- 8.21 An important factor in terms of the success or otherwise of new developments is the appropriate use of boundary treatment. The application is supported by a drawing showing the proposed use of boundary treatment and sets out that this will be limited to

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a 1.8m close boarded fence. In the wholly private areas of the development I consider this to be appropriate. However, there are a number of instances where this boundary treatment would be visible in the streetscene. I am of the view that a close boarded fence in these areas (or to the rear of Plots 1 to 8 and the side of Plots 9 and 25) would not be appropriate and as such have recommended a condition to allow alternative details to be provided and assessed.

**Residential Amenity**

- 8.22 I note comments from local residents in respect of the impact of the development in respect of a loss of privacy for neighbouring occupants. In terms of the separation distances I firstly consider the relationship between the existing and proposed properties as follows.
- 8.23 Existing properties in Ashley Close, to the north, share a boundary with the application site. Due to the proposed layout of the development a limited number of the proposed dwellings would share a rear to rear or flank to rear relationship with existing properties in Ashley Close. Having assessed this, in terms of rear to rear separation distances, the closest relationship is between unit 5 and No.43 Ashley Close which is separated by 26.5m. The Council would usually expect a minimum rear to rear separation distance of 21m and as such I consider this to be acceptable. All other rear to rear separation distances are in excess of this. There are a further two dwellings which have a flank elevation facing the rear of the properties in Ashley Close. However, these are separated by a distance of 20m and 23m respectively. The Council would usually expect a minimum rear to flank distance of 11m and as such I am of the view that this relationship would not give rise to any serious amenity concerns.
- 8.24 In respect of the amenities of future occupants of the development, all rear to rear distances are a minimum of 21m and as such I am of the view that this is acceptable. There are a very limited number of instances where the rear to flank distances of the proposed properties fall below the 11m separation distance. However, this is by a minimal amount and as such I do not believe that this would give rise to any serious harm to the amenities of future occupants. In respect of garden depths, the majority of these are approximately 10m, which is the minimum that the Council would generally expect. A limited number of the proposed gardens fall below this depth, however, I do not consider that this will be by any significant degree. Furthermore, where the depth does fall below 10m, I am of the view that these gardens are of a sufficient width to be sufficiently usable. As a result I consider this to be acceptable.
- 8.25 Due to the existing residential units adjacent to the site I am of the view that the impact of construction activities upon the amenity of future occupants will need to be carefully considered. In respect of this, I note the comments of the Council's Environmental Protection Team and the request for conditions in respect of construction hours, suppression of dust details and noise monitoring details. I consider these conditions appropriate and as such have recommended that they are imposed. Overall, based upon the assessment above I am of the view that the proposal does not give rise to unacceptable harm to residential amenities.

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Highways

- 8.26 The highway considerations of the development are three fold and relate to the impact upon the strategic highway network, the local highway network and matters related to the internal layout of the development including parking numbers and form.
- 8.27 In respect of the impact upon the strategic highway network, Highways England have been consulted and initially required further information to be submitted. Highways England also commented that if the development was to rely on the improvement scheme at junction 5 then any occupation of dwellings would be required to be restricted until the scheme is complete and opened to traffic. Subsequent to this, additional information was provided to Highways England.
- 8.28 In respect of the Highways England comments, of fundamental importance was the refusal by Swale Borough Council of the planning application at 'Land west of Barton Hill Drive' (ref 18/503135/OUT) for, amongst other things, up to 700 dwellings. This is of critical significance as the entirety of the remaining capacity at M2 Junction 5 had been allocated to this site. However, following the refusal of this scheme, the junction capacity has become available. As a result of further discussions between Officers, applicant, agent and Highways England it has been agreed that a proportion of this available capacity should be attributed to this site. To put this into context, there is now, following the Barton Hill Drive decision, capacity for 90 additional movements at M2 Junction 5. The total number of units proposed in this development (153) would result in 19 additional movements. To fairly apportion the available capacity to relevant developments, it has been agreed that 100 dwellings for this scheme will be able to be occupied prior to the M2 Junction 5 works being completed. This would equate to 12.4 of the available movements. Highways England have confirmed that they raise no objection to the scheme on this basis. Therefore I have recommended a Grampian condition on this basis.
- 8.29 It is clear from the comments of neighbours that the impact of this scheme upon the local highway network is of concern. I have consulted with KCC Highways & Transportation and have quoted their comments in the consultation section above. Firstly, it was considered that Belgrave Road is of a sufficient size to serve as the access to this development and Kent Fire and Rescue Service have confirmed that they do not require a secondary access to be provided. Having said this, the width of the road is the minimum that would be required for a car and a HGV to pass one another. There are also a number of parked cars along this section of highway. As there will be a number of HGV movements along Belgrave Road during the construction period, I note the comments that measures may be required to comfortably manage this level of movement. In addition, KCC Highways & Transportation raised the issue that the current condition of the highway is likely to deteriorate through construction traffic movements. As a result, there will need to be assurances that before allowing development to take place that such damage can be prevented.



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- 8.30 KCC Highways & Transportation are satisfied that the trip rates provided have been derived from the correct methodology. In respect of the impact upon the Belgrave Road / Queenborough Road junction, it is considered that the data demonstrates that there is enough capacity at this junction, even accounting for the development. In respect of the Halfway traffic light signals to the east, the applicant's suggestion of a Travel Plan in order to mitigate the increased level of traffic at this junction is not considered appropriate to lessen the impact. As such, KCC Highways & Transportation required the applicant to investigate what improvements could be made to this junction. However, provided that the issues affecting this junction can be satisfactorily addressed then KCC Highways & Transportation confirmed that they consider the impact upon the remainder of the local highway network to be acceptable.
- 8.31 On the basis of the above, the applicant has discussed a range of off-site highway works with KCC Highways & Transportation and as a result the following has been proposed as part of this application:
- Belgrave Road Widening - Belgrave Road will be widened over a significant proportion of its length to 5.5m, which is the typical width of a Major Access Road, in accordance with the Kent Design Guide.
  - Belgrave Road / Queenborough Road junction – In addition to the widening of Belgrave Road in this location, the carriageway alignment of Queenborough Road will be amended to improve sightlines at the junction. Included within this scheme, the 30mph speed limit would be extended west of the junction, appropriate for the presence of building frontage on both sides of Queenborough Road.
  - Halfway Traffic Signals – The junction would be altered to remove vehicle entry from The Crescent. This will improve the capacity of the junction by increasing the amount of green time allocated to the remaining arms of the junction, providing betterment over the current performance, even with the additional traffic from the proposed development and background growth. It should be noted that traffic will still be able to gain access to The Crescent from the junction itself, and that it merely stops traffic entering the junction from that location.
- 8.32 KCC Highways & Transportation consider that these works are acceptable to mitigate against the impacts of the development. They have requested conditions to ensure that the works are carried out and I have recommended these. As a result I am of the view that the impact upon the local highway network will be acceptable.
- 8.33 In respect of the internal network of streets within the development, upon receipt of the application, KCC Highways & Transportation made suggestions in terms of additional visitor parking, raised tables to restrict speeds and further provision of footpaths within the development. Amended drawings were provided and KCC Highways & Transportation have confirmed that the details provided are acceptable. As a result, no objection is raised and a number of conditions have been requested. I have recommended these and as a result believe that the impact upon highway safety and amenity is acceptable.

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**Ecology**

- 8.34 The application site is in agricultural use and a Preliminary Ecological Appraisal and Preliminary Ground Level Roost Assessment report was submitted in support of the scheme. These reports identified the potential for protected species to be present. I consulted with KCC Ecology who required further survey work to be undertaken and also considered that the development did not adequately provide green corridors for biodiversity.
- 8.35 These comments led to a Biodiversity Impact Assessment being submitted. KCC Ecology have commented that this demonstrates a net gain in biodiversity would be achieved due to retained, enhanced and created habitats. However, further information was requested in respect of bat and reptile survey results. In terms of the layout, although this had not been materially amended, KCC Ecology have taken the view that biodiversity benefits on the site boundaries can be secured. In terms of the central areas of the site which includes the planting of street trees, I refer back to the comments regarding landscaping whereby a condition has been recommended. This will allow the species to be considered and agreed on the basis of enhancing biodiversity. As such I am of the view that this provides the opportunity to enhance the central areas of the site appropriately.
- 8.36 The additional survey results were subsequently provided and a population of slow worms found to be present on the site. Much of the slow worm habitat is being retained and the habitat enhancement measures mean that KCC Ecology have concluded the proposed mitigation appropriate. I note that there is the potential presence of nesting birds, stag beetles and hedgehogs and as such a biodiversity method statement is required. I have recommended a relevant condition to this effect. Further to this, in addition to the conditions requiring a landscape strategy and landscape and ecological management plan I have also recommended a condition requiring a bat sensitive lighting strategy as required by KCC Ecology. On this basis I am of the view that the ecological issues have been appropriately dealt with and the remaining elements can be acceptably dealt with via condition.

**Drainage**

- 8.37 The application has been supported by a flood risk assessment, drainage strategy and drainage construction details. I have consulted with Southern Water, the Lead Local Flood Authority (KCC) and the Medway Internal Drainage Board.
- 8.38 Southern Water have referred to initial studies indicating that there is an increased risk of flooding unless the required network reinforcement is carried out. This will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Works programme. Due to this, a condition is recommended requiring development to be phased and implemented in alignment with the delivery of any required sewerage network reinforcement.

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- 8.39 In order for a condition to be imposed it is required to meet the six tests (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; reasonable in all other aspects). Having assessed the condition recommended by Southern Water against the six tests I am of the view that the requirement for the development to align with the delivery by Southern Water of any sewerage network reinforcement required would fail to meet the test of being relevant to planning. This would be a matter solely between the developer and Southern Water and dealt with outside of the planning process, for that reason I have not recommended this condition. Further conditions have been recommended which requires details of foul and surface water disposal. As surface water is dealt with via separate conditions I have amended the condition to avoid repetition and have recommended a condition relating to foul water disposal. As such I am of the view that this matter can be adequately dealt with in this manner.
- 8.40 In respect of surface water, I note KCC's comments that they raise no objection subject to formal consent from the Upper Medway Drainage Board for connection into the northern ditch. I have consulted with the Drainage Board who are content with the details required by KCC. The Drainage Board have recommended a condition requiring that the development does not commence until land drainage consent has been received. However, I refer back to the tests that have to be met for conditions to be imposed. One of these is for it to be relevant to planning. Land drainage consent is a separate matter outside of the planning process and therefore a condition on this basis would not meet this test. I do however note that KCC have recommended conditions and I have imposed these. As a result I am of the view that the foul and surface water drainage matters have been adequately addressed. I am also pleased to note that part of the surface water strategy is an attenuation pond. I believe that this provides benefits not only from the point of view of sustainable drainage but will give rise to both visual and biodiversity benefits.

**Developer Contributions**

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

Primary Education - £693,855

Secondary Education - £179,277.75

Community Learning - £9,245.27

Youth Service - £5,750.23

Library - £7,346.42

Social Care - £9,331.47

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Swale CCG (NHS) - £132,192

SPA Mitigation (SAMMS) - £37,570.68

Refuse Bins - £15,804.90

Formal Sports - £90,729

Removal of fence around perimeter of Rosemary Avenue playing field - £4,500;

Footpath through Rosemary Avenue open space - £10,500

Administration and Monitoring Fee – £35,883

Total - £1,231,985.80

8.42 The applicant has agreed to pay these contributions and I am of the view that they meet the relevant tests for planning obligations. Furthermore, despite local concern regarding a lack of local infrastructure, I have received no objection from the relevant consultees on this basis.

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

### **Affordable Housing**

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

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

8.46 *"Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership<sup>29</sup>, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:*

*a) provides solely for Build to Rent homes;*

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

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

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

<sup>29</sup> *As part of the overall affordable housing contribution from the site."*

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- 8.47 I give the Local Plan, which is area specific, a significant amount of weight and due to the above considerations do not consider that affordable housing could be insisted upon on this site.
- 8.48 Despite the above, I have during the course of the application discussed the matter of affordable housing with the applicant / agent. As a result of these discussions, the applicant / agent has proposed that 10% of the dwellings are provided as intermediate affordable (typically shared ownership) housing. The agent has requested that this is controlled via a condition rather than included in the Section 106 Agreement. I believe that this is so grant funding provided by Central Government can be accessed. I have discussed this with the Council's Strategic Housing and Health Manager who has confirmed that as policy DM 8 of the Local Plan would normally seek 0% of affordable housing on the Isle of Sheppey then providing these dwellings outside of the Section 106 Agreement is considered acceptable. In addition, I am of the view that a condition to secure the delivery of these dwellings in this way will meet the necessary tests. Furthermore, I believe that if the proposal had been submitted with 0% provision of affordable housing then due to policy DM 8 I am of the view that this would have been acceptable. As a result, as the scheme proposes 16 units to be provided as intermediate affordable housing I believe that this allow for potential occupants on a range of incomes to achieve home ownership. As such, I believe that this element of the proposal will deliver a further social benefit.
- 8.49 KCC Social Care also initially made a request that as part of the on site affordable housing delivery that two of the units would be provided as wheelchair adaptable. As set out above, the affordable housing requirement, as per the Local Plan is 0%. The application proposes 10% of the units as intermediate affordable housing, which as set out above is provided over and above what would usually be sought in this location. I have discussed this further with KCC and informed them of the requirements of our Local Plan who have confirmed that although they could therefore not insist on two wheelchair adaptable dwellings, they would wish to see some dwellings built to Part M4(2) standard, which are classified as 'Accessible and adaptable dwellings'. This allows dwellings to remain accessible throughout the lifetime of the occupants, is suitable for some wheelchair users and allows for adaptation in future as and when the needs of the occupants change. The applicant has agreed to provide two dwellings to part M4(2) standard and as a result I am of the view that this is acceptable.

**The Conservation of Habitats and Species Regulations 2017**

- 8.50 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) and the Swale SPA which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

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- 8.51 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£245.56 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.52 However, the recent (April 2018) judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS), and needs to progress to consideration under an AA.
- 8.53 In this regard, whilst there are likely to be impacts upon the SPAs arising from this development, the scale of development (153 dwellings on an allocated site with access to other recreation areas) and the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff I believe will ensure that these impacts will not be significant or long-term. However, in order to confirm this I have carried out an Appropriate Assessment and re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff and as such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.54 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

**9. CONCLUSION**

- 9.1 Overall, I give very significant weight to the allocation of the site within the adopted Local Plan for residential development. In addition, the Council is currently unable to demonstrate a 5-year supply of housing sites and as a result this development would contribute towards addressing this identified under supply on a site allocated for this specific use. Although I note the objections that have been received from the nearby Town and Parish Council and neighbours, on the basis of the details above I have been unable to identify any conflict with either local or national planning policies. Overall, I am of the view that the application has coherently considered the context of the site and

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proposes a scheme which displays a number of good planning principles in both its design and layout.

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

**10. RECOMMENDATION**

GRANT Subject to the following conditions and an appropriately worded Section 106 Agreement:

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

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

- 2) The development hereby approved shall be carried out in accordance with the following drawings: CB\_11\_135\_001 M; CB\_11\_135\_002 J; CB\_11\_135\_003 J; CB\_11\_135\_005 J; CB\_11\_135\_006 J; CB\_11\_135\_007 J; CB\_11\_135\_004; C85883-SK-002 Rev E; P18-1250\_05D CB\_11\_135\_FH\_CA\_E02 A; CB\_11\_135\_FH\_CA\_P02; CB\_11\_135\_FH\_RO\_E01; CB\_11\_135\_FH\_RO\_E02; CB\_11\_135\_FH\_RO\_P01 A; CB\_11\_135\_FH\_RO\_P02; CB\_11\_135\_FH\_WI\_E01; CB\_11\_135\_FH\_WI\_E02; CB\_11\_135\_FH\_WI\_P01; CB\_11\_135\_GC\_AB\_E01 A; CB\_11\_135\_GC\_AB\_E02 A; CB\_11\_135\_GC\_AB\_P01; CB\_11\_135\_GC\_AB\_P02; CB\_11\_135\_GC\_BA\_E01; CB\_11\_135\_GC\_BA\_P01; CB\_11\_135\_GC\_CA\_E01 A; CB\_11\_135\_GC\_CA\_P01; CB\_11\_135\_GC\_KI\_P01; CB\_11\_135\_GC\_RO\_E02; CB\_11\_135\_GC\_WI\_E01; CB\_11\_135\_GC\_WI\_E02; CB\_11\_135\_GC\_WI\_E03 A; CB\_11\_135\_GC\_WI\_P01; CB\_11\_135\_GC\_WI\_P02; CB\_11\_135\_SM\_AB\_E01 A; CB\_11\_135\_SM\_AB\_E03 A; CB\_11\_135\_SM\_AB\_P03; CB\_11\_135\_SM\_BA\_E01; CB\_11\_135\_SM\_BA\_P01; CB\_11\_135\_SM\_KE\_E01 A; CB\_11\_135\_SM\_KE\_P01 A; CB\_11\_135\_SM\_LA\_E01 A; CB\_11\_135\_SM\_LA\_P01; CB\_11\_135\_SM\_RO\_E01; CB\_11\_135\_SM\_RO\_E02; CB\_11\_135\_SM\_RO\_P01; CB\_11\_135\_SM\_RO\_P02; CB\_11\_135\_SM\_WI\_E01; CB\_11\_135\_SM\_WI\_E02; CB\_11\_135\_SM\_WI\_P01; CB\_11\_135\_SM\_WO\_E01 A; C85883-SK-013E; CB\_11\_135\_SM\_WO\_P01 B; C85883-SK-031B; C85883-SK-032 B; CB\_11\_135\_GC\_KI\_E01 A; CB\_11\_135\_GC\_KI\_E02 A; CB\_11\_135\_SM\_RO\_E02 A; CB\_11\_135\_FH\_CA\_E01 B; CB\_11\_135\_FH\_CA\_P01 A; CB\_11\_135\_FH\_SS\_01 B; CB\_11\_135\_GAR\_01 Rev A; CB\_11\_135\_GC\_CA\_E02 B; CB\_11\_135\_GC\_CA\_P02 A; CB\_11\_135\_GC\_KE\_E01 B; CB\_11\_135\_GC\_KE\_P01 A; CB\_11\_135\_GC\_LA\_E01 B; CB\_11\_135\_GC\_LA\_E02 B; CB\_11\_135\_GC\_LA\_P01 A; CB\_11\_135\_GC\_LA\_P02 A; CB\_11\_135\_GC\_RO\_E01 A; CB\_11\_135\_GC\_RO\_P01 A; CB\_11\_135\_GC\_SS\_01 B; CB\_11\_135\_SM\_AB\_E01 B; CB\_11\_135\_SM\_AB\_E02 B; CB\_11\_135\_SM\_AB\_P01 A; CB\_11\_135\_SM\_AB\_P02 A; CB\_11\_135\_SM\_CA\_E01 B; CB\_11\_135\_SM\_CA\_P01 A; CB\_11\_135\_SM\_SS\_01 B; CB\_11\_135\_FH\_CAA\_E01; CB\_11\_135\_FH\_CAA\_E02; CB\_11\_135\_FH\_CAA\_P01; CB\_11\_135\_FH\_CAA\_P02; CB\_11\_135\_GC\_FA\_E01; CB\_11\_135\_GC\_FA\_P01; CB\_11\_135\_GC\_WI\_E04; CB\_11\_135\_GG\_KE\_E02; CB\_11\_135\_SM\_CA\_E02; CB\_11\_135\_SM\_CA\_P02; CB\_11\_135\_SM\_CAA\_E01; CB\_11\_135\_SM\_CAA\_E02;

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CB\_11\_135\_SM\_CAA\_P01; CB\_11\_135\_SM\_CAA\_P02; CB\_11\_135\_SM\_FA\_E01;  
CB\_11\_135\_SM\_FA\_E02; CB\_11\_135\_SM\_FA\_P01; CB\_11\_135\_SM\_FA\_P02.

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

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

Reason: In the interest of visual amenity.

- 4) No development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:500 showing the boundary treatments to be used across the site, including details of any bricks, have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity.

- 5) Notwithstanding the details as shown on drawing P18-1250\_05D, no development beyond the construction of foundations shall take place until 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 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, details of tree pits where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- 6) 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.

- 7) 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.

- 8) No development shall take place until the off-site highway works to Belgrave Road shown on drawing C85883-SK-036 Revision A has been carried out in accordance



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with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 9) Before the development hereby approved is first occupied, the off-site highway works to the Halfway Road Signalised Junction and the Belgrave Road junction with Queenborough Road as shown on drawings C85883-SK-044 Revision A and C85883-SK-034 Revision D respectively have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interests of highway safety and amenity.

- 10) Before the development hereby approved is first occupied an application for a Traffic Regulation Order to extend the existing 30mph speed restriction as shown on drawing C85883-SK-034 Revision D shall be made.

Reason: In the interests of highway safety and amenity.

- 11) No development shall take place, including any works of demolition, until a Construction Traffic and Environmental Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors
  - ii. loading and unloading of plant and materials
  - iii. recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic
  - iv. routing and timing of construction traffic
  - v. wheel washing facilities
  - vi. measures to minimise the production of dust on the site.
  - vii. measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier.

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

- 12) The area shown on drawing no. CB\_11\_135\_006 J as car parking and turning space shall be provided before any of the dwellings are occupied and shall be retained for the use of the occupiers of, and visitors to the dwellings, and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto.

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

- 13) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the

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access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 14) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner.

- 15) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
  - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
    - (1) highway drainage, including off-site works,
    - (2) junction visibility splays,
    - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 16) No development shall take place (including any ground works, site or vegetation clearance), until a method statement for the protection of reptiles, nesting birds, stag beetles and hedgehogs during construction works has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include the:
- a) Purpose and objectives for the proposed works;
  - b) Working method, including timings, necessary to achieve stated objectives;
  - c) Extent and location of proposed works shown on appropriate scale plans;
  - d) Persons responsible for implementing works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works.

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

Reason: In the interests of biodiversity.

- 17) No development shall take place until an ecological design strategy (EDS) has been submitted to and approved in writing by the local planning authority addressing:
- 1. Retention and enhancement of reptile habitat (receptor site), in accordance with section 3 of the Reptile Survey Report prepared by Kingfisher Ecology and dated September 2019.
  - 2. Retention and creation of habitats of no less biodiversity value than that shown in the conclusions of the Biodiversity Impact Assessment Report prepared by Kingfisher Ecology and dated July 2019;

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3. Provision of ecological enhancement features including reptile hibernacula, integrated bat and bird boxes/bricks and native species planting.

The EDS shall include the following:

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

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

Reason: In the interests of biodiversity.

18) Prior to occupation of the development hereby approved, a landscape and ecological management plan (LEMP) will be submitted to and approved in writing by the local planning authority. The content of the LEMP will include the following:

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

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

Reason: In the interests of visual amenity and biodiversity.

19) Prior to occupation of the development a “lighting design strategy for biodiversity” for the site will be submitted to and approved in writing by the local planning authority.

The lighting strategy will:

- a) Identify those areas/features on site that are particularly important for bats;
- b) Show how and where external lighting will be installed in accordance with ‘Guidance Note 8 Bats and Artificial Lighting’ (Bat Conservation Trust and Institute of Lighting Professionals).

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

Reason: In the interests of biodiversity.

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

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

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

Reason: To ensure potential contamination is adequately dealt with.

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

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

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

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

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

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

- 25) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage scheme shall be based upon the FRA (JNP Group, March 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

- 26) 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 modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

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

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

- 28) The development shall include the provision of 10% Intermediate Affordable Housing, where the Affordable Housing shall be provided by a Registered Provider for sale or rent below market levels, which may include Shared Ownership Housing and/or shared equity and/or low cost homes for sale and/or intermediate rent and/or such other forms of intermediate tenure for sale or rent, and the Affordable Housing shall be provided in accordance with the details set out in the Affordable Housing Plan (Drawing No. CB\_11\_135\_004) hereby approved and shall remain as Intermediate Affordable Housing in perpetuity.

Reason: In order potential occupants on a range of incomes to access housing on the site.

- 29) No more than 100 dwellings on the site shall be occupied until the M2 Junction 5 Roads Investment Strategy scheme 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.

- 30) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the arboricultural impact assessment by Arbor-Eco Consultancy (report number MB190401-01), without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof. The installation of tree protection methods shall be undertaken in accordance with the details contained within drawing MB190301-01-01, Rev A – sheet 1 and 2.

Reason: To protect and enhance the appearance and character of the site and Locality.

- 31) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted in the same location and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.

Reason: To protect and enhance the appearance and character of the site and locality.

- 32) Prior to the development hereby approved being occupied details of toddler play equipment, including its specification and location shall be submitted to and agreed in

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writing by the Local Planning Authority. The equipment shall thereafter be installed before the first occupation and shall be maintained to a safe and secure condition in perpetuity.

Reason: To enhance the amenities of the area.

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

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

**The Council's approach to the application**

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

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

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

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

**APPENDIX 1**

