

2.3 REFERENCE NO - 19/505353/FULL		
APPLICATION PROPOSAL		
Erection of 5no. four bedroom detached dwellings with associated garages, parking spaces and private amenity space.		
ADDRESS Danedale Stables Chequers Road Minster-on-sea Sheerness Kent ME12 3SJ		
RECOMMENDATION Grant subject to conditions and SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The Council is currently unable to demonstrate a 5-year supply of housing sites and this development would contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes, and there are a range of public transport options which enable connectivity to nearby larger urban areas. When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. Whilst there would be an adverse impact from the development on undeveloped land, it is not considered that this adverse impact would significantly and demonstrably outweigh the identified benefits of the scheme. As such when assessed against paragraph 11 of the NPPF, the proposal is considered to comprise sustainable development, and the principle of this development is considered acceptable.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Sheppey Central	PARISH COUNCIL Minster-On-Sea	APPLICANT Mr Sted-Smith AGENT Kent Design Partnership
DECISION DUE DATE 29/05/20		PUBLICITY EXPIRY DATE 28/11/19

Planning History

SW/02/0971

Outline application for erection of 4 dwellings.

Refused Decision Date: 09.10.2002 Dismissed on appeal

SW/84/0423

Outline application for one house

Refused Decision Date: 22.06.1984

SW/83/0540

Outline application for one dwelling

Refused Decision Date: 26.07.1983

SW/81/0181

Siting of caravan for a temporary period of 2 years

Refused Decision Date: 01.06.1981

SW/79/1473

Outline application for residential development

Refused Decision Date: 05.03.1980

SW/76/1086

Erection of detached dwelling (outline)

Refused Decision Date: 11.01.1977

SW/74/1070

Stables kennels and haystore

Refused Decision Date: 22.01.1975

SW/74/0999

Erection of dwelling (outline)

Refused Decision Date: 22.01.1975

1. DESCRIPTION OF SITE

- 1.1 The application site is roughly rectangular in shape, and extends to approximately 0.45 ha in area. It was previously in use as a stables, but is currently vacant. Established trees are located to the front of the northern boundary of the site, shielding some views of the site from Chequers Road. The site is largely covered in grass and rough scrub. Access to the site is provided from Chequers Road via a track that runs along the western boundary of the site. A stable block is located in the north western corner of the site, close to the access. Land levels change across the site quite dramatically, with land rising from north to south on the western side of the site. On the eastern side of the site is a drop in land levels, and land levels here are roughly at the same level as Chequers Road.
- 1.2 Immediately to the west of the site is a development site for nine dwellings approved under application 16/505623/FULL, which are currently under construction. To the south of that site is a field where there is an outstanding outline planning application for five dwellings (reference 20/500400/OUT) which was reported to the previous Meeting when members resolved to defer the item pending a Committee site meeting. To the rear (southern) boundary are open fields. There are a number of residential properties opposite the site, and No. 189 Chequers Road lies to the east.
- 1.3 The site lies opposite the built up area boundary of Minster (the built up area boundary runs along the northern side of Chequers Road), and as such, is considered to lie in open countryside.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of five detached, two storey dwellings on the site.
- 2.2 The proposed buildings will be arranged in a linear fashion, and are of a relatively standard design common to new housing developments across the Borough. The ridge height of the dwellings ranges from 8.8m to 9.1m, and all of the units feature hipped roofs and projecting gable features on the frontage elevations. All of the houses will feature 4 bedrooms at first floor, and living accommodation and a garage at ground floor. Proposed external materials are red/brown brick and hanging tiles, light grey render, red/brown clay roof tiles and grey slates.
- 2.3 The existing access to the site will be removed, and a more centrally located access is proposed, which will result in the removal of two trees on the grass verge to the front of the site. The proposed access has sight lines extending up Chequers Road. Following comments from KCC Highways, the existing footpath that runs along the northern side

of chequers road will be extended to ensure pedestrian access to the site is provided. A shared access road running across the northern part of the site will provide vehicle access to the proposed dwellings. Parking will be provided to the front of the buildings at a rate of 2 per dwelling (in addition to the adequately sized garage at each property) with an additional visitor parking space being provided on the access road.

- 2.4 Each property will have a suitably-sized rear garden. Garden depths range from an absolute minimum of 5.2m at pinch points (unit 5) to approximately 32m deep (unit 4), but all of the gardens are wide and provide generous and useable gardens for each property.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

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

5. LOCAL REPRESENTATIONS

- 5.1 24 letters of objection have been received, from 17 separate addresses. Their contents are summarised below:
- Site is outside the built up area boundary – development is contrary to policy ST3.
 - There are already 9 new dwellings being built next to the site and this proposal results in overdevelopment of the area.
 - Loss of views.
 - Reduction of light to properties opposite site.
 - Historical applications at the site for housing have always been refused, including an application for stables. An application for housing was also dismissed at appeal.
 - The need for affordable housing will not be fulfilled by building 5no. 4-bed houses.
 - Impact on local wildlife and farmland to the rear of the site.
 - Loss of equestrian land.
 - Drainage in the area will also be an issue.
 - Developer has already cut down a large tree on the site.
 - During lockdown and over the Easter bank holiday weekend, there were several people clearing hedgerows and undergrowth then burning it on the site.
 - The development will add congestion to an already busy road and proposed access will be dangerous to use.

- In order to create the new access, various Highways trees will need to be cut down, which form part of streetscene.
- The existing footpath should be extended to ensure a continuous footpath between bus stops on Chequers Road, and also should provide a continuous footpath to St Georges School, which could contribute to a reduction in cars as parents and children would be able to walk safely to school.
- It is not acceptable to keep adding houses to an area with a lack of suitable infrastructure – schools, doctors, policy, hospital capacity etc.

5.2 Four comments in support of the application have been received from four separate addresses. Their contents are summarized below:

- Site is suitable for 5 houses of good design and quality with good size plots and parking, which will enhance the surrounding area.
- Proposal is infill development as there are new properties currently under construction to the west, a property to the east and a number of properties opposite.
- The site has become overgrown and has rubbish dumped on it over the last few years.
- With careful planning and planting of indigenous trees and shrubs wildlife would flourish and any temporary disturbance would be minimal.
- I notice in the arboricultural report that 4 trees need to be removed, if replacement trees are planted I cannot see any problem.
- The development is on a local bus route, close to a new school, and walking distance to a small convenience store.
- Provides jobs for local trades and businesses.

6. CONSULTATIONS

6.1 Minster Parish Council object to the application, providing the following comments:

“This proposal is contrary to the Swale Borough Policy ST3 [the Swale settlement strategy] which aims to protect the character of the surrounding countryside and maintain the separation of existing settlements. The site is set in the open countryside outside the built-up area boundary. Minster-on-Sea Parish Council is adamant that this open land should be retained as a valuable countryside gap. If development is allowed the area becomes pure ribbon development.”

6.2 Environmental Health – No objections subject to standard air quality condition relating to electric vehicle charging points and the emissions from boilers. Contamination condition to ensure that if any contamination is encountered it is addressed. Standard conditions during the construction phase to protect the amenity of neighbouring residential properties.

6.3 KCC Ecology – Originally stated further information was required regarding the methodology used for the ecological survey and the potential presence of bats and amphibians on the site. These details were submitted and KCC Ecology subsequently provided comments raising no objections to the scheme subject to conditions.

6.4 Tree Consultant – Originally raised concerns about the impact the construction of the new access, internal road and footpath would have on the line of trees to the front of the

site. Requested a revised arboricultural impact/method statement to address this. This was provided by the agent and the Tree Consultant provided the following comments:

“Having now had chance to look at the revised layout, provided the development follows the recently submitted Arb Method Statement (AMS) by Fellgrove (report ref: 1796.01/FELLGROVE, dated 15-05-2020), then I have no grounds of objection from an arboricultural perspective. If you are minded to approve the application then the working methodology and tree protection recommendations of the AMS are to be conditioned, as is a suitable scheme of landscaping that pays particular attention to the boundary treatment and replacement of lost trees towards the road frontage.”

- 6.5 Natural England – The proposal will result in a net increase in residential accommodation, and therefore mitigation is required.
- 6.6 Southern Water – Request informative relating to the need for a formal application for a connection to the public foul and surface water sewer.
- 6.7 KCC Archaeology – *“The site lies on undeveloped elevated land on the isle of Sheppey which has considerable potential for early remains and in particular those of prehistoric date. This has been well illustrated by discoveries to the east of the present site at Kingsborough Farm where remains of two Neolithic camps, a bronze Age enclosure and several iron age enclosures were found amongst other remains. Investigations in Minster and at the Norwood landfill site have also revealed significant prehistoric and Saxon remains. Given the potential to impact on archaeology I would recommend that in any forthcoming consent provision is made for a programme of archaeological works.”*
- 6.8 KCC Highways – First responded to the scheme noting that the access should be relocated to avoid the loss of highway trees which are of high amenity value. The access should be moved several metres west to ensure only two trees are lost. A footpath should also be provided to the front of the site to enable safe pedestrian access to the proposed development. A visitor parking space should also be provided. Discussions between the agent and Highways Planner took place regarding the practicalities of providing a footpath on the southern side of Chequers Road, given the constraints presented by the existing trees. This resulted in the proposed footpath being relocated to the northern side of the road, and an uncontrolled crossing will be provided to link into the existing footpath provision in the area. An amended drawing was provided (19.39_PL03 revision E) and Highways considers it shows an acceptable layout that now addresses all of the comments that the Highway Authority has made during the consideration of this application. As such, no objections are raised subject to conditions.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to 19/505353/FULL.

8. APPRAISAL

Principle of Development

- 8.1 The development site lies outside the built up area boundary where policies of rural restraint apply. The main relevant planning policy is ST3 of the Local Plan, which states that at locations in the open countryside outside the defined built up area boundaries, development will not be permitted unless supported by national policy and where it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquility and beauty of the countryside, its buildings, and the vitality of rural

communities.

- 8.2 The National Planning Policy Guidance (NPPF) seeks to promote sustainable development in rural areas, and housing should be located where it will enhance or maintain the vitality of rural communities and avoid isolated new homes in the countryside.
- 8.3 Paragraph 79 of the NPPF states that the local planning authority (LPA) should avoid isolated homes in the countryside. Given the site's position adjoining the settlement boundary and close proximity to existing residential dwellings, it is not considered that the development would constitute isolated homes in the countryside.
- 8.4 The Council cannot currently demonstrate a five-year housing land supply. In such situations, the NPPF advises that plans and decisions should apply a presumption in favour of sustainable development. Para 8 of the NPPF explains that achieving sustainable development means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 8.5 The site is just outside the built up settlement boundary of Minster. Minster itself forms part of the West Sheppey Triangle which is a Tier 3 'Other Urban Local Centre' settlement within the Councils settlement strategy which is considered to provide a reasonable range of services. Policy ST6, the Isle of Sheppey area strategy states that the focus of development and long-term change is at settlements within the West Sheppey Triangle. The site is considered to relate well to the existing urban settlement of Minster and the West Sheppey Triangle which itself is considered to be sustainable as it has access to shops, services, education and healthcare facilities as well as public transport links to nearby larger urban areas. There are bus stops on both sides of Chequers Road, providing connections to Sheerness and Leysdown. The closest corner shop to the site is on Oak Lane, which lies roughly 0.2km to the west, whilst the nearest Post Office (4 Chapel Street) is roughly 0.9km away and the nearest doctors (Shiva Medical Centre, Broadway) is roughly 1.95km away. As such, I take the view the proposal is located within a sustainable location, appropriate for residential development.
- 8.6 However the site comprises of greenfield land and cannot be considered as brownfield or previously developed land. Therefore the development would take place on an undeveloped site which is considered to have a significant adverse impact.
- 8.7 The proposal is for five dwellings which would be of some social benefit. As outlined above, the site has good connectivity with an existing urban area with has a good range of services. As such it is considered that the proposed dwellings would help support the social viability of the existing urban area including existing shops, schools and nearby employment opportunities. It is considered that this would result in a positive impact. As economic benefits from the construction of these dwellings would be short-term, these are limited and would carry little weight. It is considered that there would be a neutral impact.
- 8.8 When assessed against para 11 of the NPPF, it is considered that the positive impacts of the development in terms of its sustainable location and social benefits of the scheme comply with the environmental and social objectives of sustainable development. The proposal would also help contribute towards the Borough's housing land supply, and whilst the proposal is a relatively small site it will make a contribution in a sustainable location. Therefore it is not considered that the adverse impact in terms of developing an undeveloped parcel of land would significantly and demonstrably outweigh the benefits of the scheme outlined above. As such, the proposal is considered to comprise

sustainable development, and the principle of this development is considered acceptable.

Visual Impact

- 8.9 I note the site is currently undeveloped and the proposal will introduce a substantial amount of built form onto the plot, however I consider the proposal will relate well to the residential development to both the north and west of the site, and as such will not cause significant harm the character and appearance of the countryside in my view. The properties are arranged in a linear form within the site, which reflects the surrounding linear development in the area, in particular the nine houses currently under construction to the west of the site. The provision of an internal access road to the front of the dwellings is also similar to the ongoing development of nine houses to the west and I take the view the proposal will relate well to the existing built form along this section of Chequers Road.
- 8.10 The dwellings are well designed in my opinion and would sit comfortably within the context of the local area. The use of different housing styles is appropriate in my view, and will ensure the development blends in with the varied streetscene. The material palette will also be mixed, as shown on the proposed streetscene elevations, and I include a condition below to ensure details of materials are submitted to the Council.

Residential Amenity

- 8.11 The proposed dwellings would provide a good standard of amenity for future occupants, in my opinion. Internal layouts are sensible and practical, and garden areas are generous. The positioning of the units in a linear design results in any residential amenity impacts between plots being minimal. First floor windows are proposed in the side elevations of the dwellings on plots 1, 3 and 5, serving bathrooms. I include a condition below to ensure that these windows are obscure glazed to limit overlooking issues.
- 8.12 The properties will lie roughly 50m from No. 176 Chequers Road, to the north of the site. Due to this distance, I do not envisage there will be any significant impacts to amenity at this neighbouring property. Similarly, due to the distances between the development and the closest dwellings to the east and west (30m and 20m respectively), I take the view the development will not cause unacceptable harm to the amenity of the occupiers of any existing dwellings in the streetscene. I note objections refer to a loss of light for dwellings opposite the site, however there is no set minimum distance for front-to-front separation, and taking into account this distance is roughly 50m, I do not consider any loss of light to be significant.

Highways

- 8.13 The creation of the access in the centre of the site does result in the loss of two highway trees located on the grass verge to the front of the site. Through discussions with the Highway Authority, the positioning of the proposed access was altered during the course of the application to ensure the trees of higher amenity value are retained. This resulted in the access moving approximately 2m to the west. The applicant will be required to financially reimburse KCC Highways for the loss of the two trees, and the proposed landscaping scheme will also ensure replacement trees are planted within the site. Highways are satisfied with the access and its associated sightlines, and have no objections to the scheme, subject to conditions imposed below.

- 8.14 The provision of a footpath providing pedestrian access to the site was also requested by Highways. In order to protect the existing trees along the northern boundary of the site, the footpath will be extended along the northern side of Chequers Road, with an uncontrolled crossing point installed to provide pedestrian access to the site. I am satisfied with this arrangement and include a condition below to ensure details of the footpath and crossing are submitted to the Council.
- 8.15 Regarding parking provision at the site, the recently adopted SBC Vehicle Parking Standards SPD recommends three parking spaces are provided for a four bedroom house in this location. Each property provides two parking spaces on the driveway, as well as an adequately sized single garage. Whilst garages are not always counted towards parking provision, in this case, I note the site is in a fairly sustainable location (within walking distance of a shop, primary school and on a bus route), and the scale of the garages are in line with the sizes recommended in the SPD. As such, I consider the parking provision at each property is adequate. In line with the SPD, 0.2 visitor spaces should be provided per dwelling at the site. One visitor space has been provided and as such I am satisfied with this aspect of the proposal.

Landscaping

- 8.16 As set out above, two trees to the front of the site will be removed to create the access. Highways will be compensated for the loss of these trees, and taking into account the access has been carefully positioned to ensure that the existing trees of higher amenity value are retained, I do not consider the loss of two trees unacceptable. The tree consultant is satisfied with the submitted Arboricultural Method Statement and considers that the trees to the front of the site will be adequately protected during the construction of the development. I include a condition below ensuring the methods outlined in this document are implemented on site. The plans show some indicative landscaping to the front of the site. Full details of the hard and soft landscaping at the site (which pays particular attention to the boundary treatment and lost trees at the front of the site) would be secured through the conditions set out below.

SPA Payment

- 8.17 I have for completeness set out an Appropriate Assessment below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £250.39 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee in principle.

Other Matters

- 8.18 Following the submission of bat surveys, KCC Ecology has no objection subject to the conditions set out below to ensure a precautionary mitigation strategy for Great Crested Newts, biodiversity enhancements and details of hedgehog holes are provided, as well as appropriate bat-sensitive lighting scheme within the wider site. I have no reason to dispute their conclusions.
- 8.19 I appreciate local concern, but loss of views is not a material planning consideration.

9. CONCLUSION

- 9.1 The Council is currently unable to demonstrate a 5-year supply of housing sites and this development would help to contribute towards addressing this identified under supply. Whilst the site falls outside the settlement boundary it is a sustainable location adjacent to an existing urban area with a good range of services which can be reached by sustainable travel modes. Therefore I consider the application is acceptable in principle. I consider the scheme is well designed and does not cause unacceptable impacts to residential or visual amenities. The proposed access is acceptable and will not cause harm to highway safety and convenience. As such I consider that the harm arising from this development is significantly and demonstrably outweighed by the benefits, and I recommend this application is approved.

10. RECOMMENDATION – GRANT subject to the following conditions:

CONDITIONS

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

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

- (2) 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.

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

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

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

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

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

a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

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

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

- (6) No development shall take place until a programme for the control and suppression of dust during the construction & demolition phase has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of the amenities of the area.

- (7) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0800 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

- (8) No development shall take place until details of operatives' and construction vehicles loading, off-loading or turning on the site has been submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- (9) No development shall take place until details of parking for site personnel / operatives / visitors has been submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

- (10) No development shall take place until details of disposal of surface water so as to prevent its discharge onto the highway has been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety and convenience.

- (11) No development shall take place until a proposal to guard against the deposit of mud and similar substances on the public highway has been submitted to and approved by the Local Planning Authority. Such proposals shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Reason: In the interests of amenity and road safety.

- (12) No dwelling shall be occupied until space has been laid out within the site in accordance with the details shown on the approved drawings for cycles to be securely sheltered and stored.

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

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

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

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

Reason: In the interests of highway safety.

- (15) No dwelling shall be occupied until Electric Vehicle Charging facilities shown on the approved drawings have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

- (16) No dwelling hereby approved shall be occupied until the off-site footway along Chequers Road indicated on drawing 19.39_PL03 revision E has been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and pedestrian amenity.

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

attention should be paid to the boundary treatment and the replacement of lost trees towards the road frontage.

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

- (18) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with 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.

- (19) Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with 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.

- (20) The development must be carried out in accordance with the working methodology and tree protection measures recommended in the submitted Arboricultural Method Statement by Fellgrove (ref. 1796.01/FELLGORVE, dated 15/05/2020).

Reason: In the interests of visual amenity.

- (21) Prior to the occupation of the development, a “lighting design strategy for biodiversity” for the site shall 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).

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.

- (22) No development shall take place until a precautionary mitigation strategy for Great Crested Newts has been submitted to and approved in writing by the Local Planning Authority. The works must be implemented during the construction works as detailed within the approved plan.

Reason: In the interests of biodiversity.

- (23) Prior to the occupation of the development, details of the fence holes for hedgehogs shall be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

- (24) No development shall take place until details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with hedgehog highways and provision of generous native planting where possible. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

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

Reason: In the interests of water conservation and sustainability.

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

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

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

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

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

Reason: In the interests of visual amenity.

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

Reason: In the interests of residential amenity.

- (29) The development hereby permitted shall be carried out in accordance with the following approved plans: 19.37_PL03 E, 19.37_PL04, 19.37_PL05, 19.37_PL06, 19.37_PL07, 19.37_PL08, 19.37_PL09, 19.37_PL10, 19.37_PL11, 19.37_PL12, 19.37_PL13, 19.37_PL14, 19.37_PL15, 19.37_PL16, 19.37_PL17, 19.37_PL 18, 19.37_PL20 C, 19.37_PL22 A and 19.37_PL23 A.

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

INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defense against prosecution under this act. Trees, hedges and buildings are likely to contain nesting birds between 1st March and 31st August inclusive. Trees, hedges and buildings are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (2) A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link: <https://beta.southernwater.co.uk/infrastructure-charges>
- (3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

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

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

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

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

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

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

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

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

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

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

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

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

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 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.

