

**PLANNING COMMITTEE – 27 MAY 2021****PART 2**

Report of the Head of Planning

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

<b>2.1 REFERENCE NO - 19/503974/HYBRID</b>		
<b>APPLICATION PROPOSAL</b>		
Hybrid application comprising of - Outline application (all matter reserved except for access) for up to 466 dwellings and a community hall. Full planning application for access from Grovehurst Road and The Street and for a country park.		
<b>ADDRESS</b> Land East Of Iwade Kent ME9 8ST		
<b>RECOMMENDATION</b> Grant subject to the conditions listed below and the signing of a suitably worded Section 106 agreement to secure the required mitigation. Authority is also sought to amend the wording of the Section 106 agreement and the wording of conditions as may reasonably be required.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<p>The application site forms the largest part of the Iwade Expansion as allocated by policy A 17 of the adopted Local Plan, and is in accordance with both this site specific policy and other relevant policies in the Local Plan and NPPF. The proposal would deliver a large amount of much needed housing in the Borough on a site allocated for this particular use.</p> <p>Other benefits of the development include a strategic piece of open space in the form of a country park; the delivery of a community hall (to be taken on by the Parish Council); and the commitment to provide a biodiversity net gain of a minimum of 20%.</p> <p>Any adverse impacts that would otherwise result from the development will be mitigated by developer contributions as summarised below and the imposition of conditions (also set out below).</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
Called in by Councillor Corrie Woodford Contrary to the views of Iwade Parish Council		
<b>WARD</b> Bobbing, Iwade And Lower Halstow	<b>PARISH/TOWN COUNCIL</b> Iwade	<b>APPLICANT</b> G H Dean & Co Ltd <b>AGENT</b> Hume Planning Consultancy Ltd
<b>DECISION DUE DATE</b> 01/06/20 – Further extension of time to be agreed in due course.		<b>PUBLICITY EXPIRY DATE</b> 09/12/20

## **Planning History**

Application adjacent to the site to the south of Iwade on Land at Pond Farm, Grovehurst Road, Iwade - 19/501332/FULL – *“Erection of 69 dwellings accessed from Grovehurst Road; public open and amenity space; together with associated landscaping and ecological enhancement works; drainage; utilities; and internal access roads, footpaths, cycleways and parking.”*

This application was reported to Planning Committee on 7<sup>th</sup> January 2021, where Members resolved – *“That application 19/501332/FULL be delegated to officers to approve subject to conditions (1) to (36) in the report; completion of a suitably worded Section 106 Agreement (including an agreed sum for the parish hall contribution if required); no objection raised by Kent Police to the revised layout and design on crime prevention grounds (including conditions if necessary); no objection raised by the KCC Ecologist to the removal of orchard trees as shown in the recently submitted Arboricultural Impact Assessment (including any necessary change to ecology conditions as advised by the KCC Ecologist) and minor layout changes if they would address any outstanding concerns from Kent Police or the KCC Ecologist.”*

A draft of the Section 106 agreement is currently in circulation between the parties.

Application adjacent to the site to the north of Iwade on Land North Of Sanderling Way, Iwade, Kent - 18/505157/OUT - Outline application with all matters reserved apart from the means of access for residential development of up to 65 dwellings. This application is currently pending consideration.

### **1. DESCRIPTION OF SITE**

- 1.1 The application site as a whole comprises approximately 54 hectares of arable land (agricultural grades 1, 2 and 4). The site wraps around the entirety of the existing eastern edge of Iwade, from Grovehurst Road in the south, continuing up to, and including a parcel of land on the western side of The Street, to the north of the settlement.
- 1.2 A large proportion of the site lies adjacent to existing dwellings (to the west of the site) and runs up to the boundary with the A249 dual carriageway to the east. The site, in very broad terms, lies at approximately 10m AOD, although does slope from the village of Iwade, down towards lower areas in the north and east of the site.
- 1.3 The site is crossed by a number of existing watercourses. The Iwade Stream is located centrally within the site and flows from the west through the site into a network of watercourses and drainage ditches on the site's northern boundary. There is also a watercourse located to the north of the site which crosses the flat agricultural marsh area, flowing towards the northeast, into the Ridham Fleet and then into the Swale. In the southern part of the site, a watercourse crosses the site, flowing from west to east before discharging into a drainage pond adjacent to the A249. The part of the site located to the west of The Street is also bounded to the north by a watercourse flowing from east to west. In addition to the watercourses, throughout the site lie a number of ponds.
- 1.4 The majority of the site lies within Flood Zone 1 (lowest risk of flooding), however, the land around the Iwade Stream and northern and north-eastern parts of the site are located in Flood zone 2 and Flood Zone 3 (high risk of flooding).

- 1.5 The site includes existing planting in the form of mature hedgerow and poplar shelterbelt field boundaries. However, in general terms the site is open and visually exposed. Views from the A249 and from the northern part of Sittingbourne are readily available. In addition, the existing southern and western urban edges of Iwade, which the development lies immediately adjacent to are visually exposed, with little planting softening the transition from undeveloped countryside to the residential settlement.
- 1.6 The northern part of the site shares a boundary with The Swale Site of Special Scientific Interest (SSSI), The Swale Special Protection Area (SPA) and Ramsar site and an Area of High Landscape Value (Kent Level).
- 1.7 Located to the west of the site, and in the northern part of the existing settlement of Iwade, lie three listed buildings: the Grade I listed All Saints Church, Grade II listed traditional agricultural barn and Grade II listed Ivy Cottage.

## 2. PROPOSAL

- 2.1 The application has been submitted in hybrid form, with detailed planning permission sought for the following:

Access – Two new accesses are proposed into the site in the form of 4 arm roundabouts. One of these will be provided on Grovehurst Road (at the southern end of the site), which will provide access to the largest development parcel where 413 dwellings are proposed and which includes the land upon which the community hall will be located. This roundabout has also been designed to provide access to the development on the western side of Grovehurst Road, being dealt with under ref 19/501332/FULL, which proposes 69 on land known as Pond Farm. As part of these highway works, the footpath on the western side of Grovehurst Road will be widened and a toucan crossing provided.

The second roundabout, to be located on The Street (towards the northern end of the site), will provide east and west access into the smaller parcels of residential development, where 53 dwellings are proposed.

Strategic Open Space (country park) – Wrapping around the site from the eastern side of Grovehurst Road in the south, to the eastern side of Sheppey Way to the north of Iwade, an area of approximately 40 hectares is proposed as open space, which will include a country park. This parcel of land will include the following:

- A planted buffer following the boundary of the site where it meets the A249 to the east;
- An area of new public open space, forming an extension of Woodpecker Park and Iwade Nature Park to the west;
- Restoration of hedgerow field boundaries;
- Designated dog walking routes;
- Areas of grazing land adjacent to the SPA, protected by livestock / dog proof fencing;
- Closure of existing field gate access into the SPA upon the northern boundary;
- Proposed SUDs basins / enhancement of existing ponds;

- Area of land safeguarded for Grovehurst junction improvements;
- Hay / wildflower meadow planting;
- Picnic area and orchard planting;
- Enhancements for ground nesting birds;
- Reptile receptor areas;
- Sports pitch.

As referred to above, wrapping around the publicly accessible areas of the country park, broadly in the northern and north-western part of the site will be an 18.6 hectare area of open space, which, due to it containing habitat for ground nesting birds and a reptile receptor area will have restricted public access.

- 2.2 Outline planning permission is sought for the construction of up to 466 dwellings and a community hall, with matters of appearance, landscaping, layout and scale reserved for future consideration.
- 2.3 The residential element of the scheme is split into three main parcels, the largest of which is located immediately east of dwellings within Iwade. A further two smaller parcels are located to the north of the settlement, either side of The Street. Respectively, as set out above, the larger parcel is proposed to deliver approximately 413 dwellings, whilst the two parcels in the north of the site are proposed to deliver approximately 53 dwellings.
- 2.4 A detailed Design and Access Statement has been submitted with the application along with an Urban Design Framework. This provides details on how the dwellings could relate to both existing built form and the surrounding areas of open space. The Design and Access Statement provides a high level of detail, including road widths, parking format and landscaping principles in respect of eight different 'street typologies' which are to be provided within the development, ranging from the 'Principle Avenue', down to 'Courtyards'.
- 2.5 The Design and Access Statement divides the site into seven separate character areas, known as – 1) South gateway on Grovehurst Road; 2) Area by Wigeon Avenue and the stream; 3) Country Park edges; 4) Western edge - Mews quarter; 5) Around Fulmar Green; 6) Central area around the SUDs; and 7) Northern gateway by the marshes. The document sets out how it is proposed that development would come forward in these areas, providing details in relation to building appearances; layouts and heights. The general parking arrangements which should be provided and the approach to landscaping within these areas is also set out. The approach to materials is also set out which includes references to local bricks, plain clay roof tiles, weatherboarding, hung tiles and render.
- 2.6 The Design & Access Statement also provides, (separately from the country park), landscape design guidance for the five open spaces within the development, known as – 1) The Village Hall Green; 2) Wigeon Green; 3) Fulmar Green; 4) Woodpecker Park extension, which links with a) Swallow Green in the south and b) All Saints View in the north; and 5) Sanderling Green. Although the details do not include specifics in terms of species of planting, it does provide good level of detail in respect of the design concept,

including cross sectional drawings of how various parts of the open space interact with the proposed dwellings and the surrounding landscape.

2.7 The application proposes the following mix of dwellings:

1-bedroom apartments x 23 (5%)

2-bedroom apartments x 48 (10%)

2-bedroom houses x 72 (15%)

3-bedroom houses x 243 (52%)

4-bedroom houses x 69 (15%)

5-bedroom houses x 11 (2%)

2.8 In addition to the dwellings, outline planning permission is sought for the construction of a new community hall. This will be located in the southern part of the site, relatively close to the new access proposed on Grovehurst Road. Illustrative drawings have been provided which show a 1 and ½ storey building. The Design and Access Statement also sets out that the location of the building has been determined through consultation with Iwade Parish Council who would wish it to be located at the southern tip of the development.

### 3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

Environment Agency Flood Zone 2

Environment Agency Flood Zone 3

Adjacent to Site Of Special Scientific Interest, and The Swale (SPA and RAMSAR site)

Tree Preservation Order Reference: TP-02-18 of 2002.441/TPO

Description: Ash - Land north of All Saints Church, The Street, Iwade (The tree is located upon land that is proposed to be provided as open space)

Within the setting of Grade I listed All Saints Church, Grade II listed traditional agricultural barn and Grade II listed Ivy Cottage.

### 4. POLICY AND CONSIDERATIONS

4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017: Policies ST 1 Delivering sustainable development in Swale; ST 2 Development targets for jobs and homes 2014-2031; ST 3 The Swale settlement strategy; ST 4 Meeting the Local Plan development targets; ST 5 The Sittingbourne area strategy; CP 2 Promoting sustainable transport; CP 3 Delivering a wide choice of high quality homes; CP 4 Requiring good design; CP 5 Health and wellbeing; CP 6 Community facilities and services to meet local needs; CP 7 Conserving and enhancing the natural environment - providing for green infrastructure; CP 8 Conserving and enhancing the historic environment; A 17 Iwade expansion; DM 6 Managing transport demand and impact; DM 7 Vehicle parking; DM 8 Affordable housing; DM 14 General development criteria; DM 17 Open space, sports and

recreation provision; DM 19 Sustainable design and construction; DM 21 Water, flooding and drainage; DM 24 Conserving and enhancing valued landscapes; DM 25 The separation of settlements - Important Local Countryside Gaps; DM 28 Biodiversity and geological conservation; DM 29 Woodlands, trees and hedges; DM 31 Agricultural land; DM 32 Development involving listed buildings; DM 34 Scheduled Monuments and archaeological sites.

Policy A 17 as referred to above deals with the wider Iwade Expansion, of which this site forms the majority of. The policy sets out requirements related to the whole of the allocation, as well as specific requirements for this particular part of the site. The policy states the following:

*“Planning permission will be granted for a minimum of 572 dwellings at Iwade, as shown on the Proposals Map, together with a new country park, landscape and ecological enhancements and community facilities. Landowners and developers will be required to co-ordinate on the preparation, consultation and approval of a Masterplan/development brief. The Masterplan/development brief and planning applications 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), which shall:*

*a. assess biodiversity interests, including, preparation of a Habitats Regulations Assessment (HRA) to demonstrate that development is not likely to have a significant effect on a Special Protection Area (SPA);*

*b. ensure appropriate opportunities for use of the site by residents and visitors (particularly for dog walking) and to establish such land as a country park so as to meet site mitigation in the form of Suitable Alternative Natural Greenspace (SANG). Overall, proposals will ensure that, through both on and off site measures, any significant adverse impacts on European sites arising from recreational pressure and other impacts will be mitigated in accordance with Policies CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*

*c. within the HRA, assess impact pathways from disturbance on the integrity of the European designated SPA during construction and operation of the site and recommend mitigation as appropriate;*

*d. be informed by an ecological assessment detailing the impacts upon protected species and habitats and to make recommendations for their avoidance, mitigation and, where appropriate, compensation;*

*e. secure the agreement and implementation of a management plan for the whole country park to clarify the proposals for various habitats across the site, the extent of public access and types of recreational use, and to provide proposals for the sustainable and financially secure management of the area through the development process and in the long term;*

*f. achieve a net gain in the biodiversity of the site itself, including protecting and enhancing on-site habitats to provide for (at least) current levels of use by key species, including enhancing any existing role the site plays as supporting habitat for the SPA;*

- g. manage the area to maintain and enhance the biodiversity associated with fields, hedgerow, orchards, boundaries and water features;*
  - h. where compatible with 1a.-g., include proposals for green corridors, incorporating existing/new footpath and cycle routes; and*
  - i. in agreed locations, provide strategic planting and open space in advance of new development.*
- 2. Be of high quality design, respecting the settlement form/pattern, character and rural landscape setting of the village as identified by the Swale Landscape Character and Biodiversity Appraisal, 2011;*
  - 3. Submit a site flood risk assessment in accordance with Policy DM 21 which shall additionally consider the sustainable drainage and land management measures that should be undertaken within the developed areas and open space;*
  - 4. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing in accordance with Policy DM 8;*
  - 5. Undertake a detailed heritage assessment (including for archaeology) and mitigate any impacts identified;*
  - 6. Be accompanied by a Health Impact Assessment in accordance with Policy CP 5;*
  - 7. Be supported by a Transport Assessment to determine the need and timing of improvements to the local and strategic transport networks relative to the phasing of development, whilst addressing the following:*
    - a. improvements to the public transport network between Iwade and Sittingbourne, including improved services to the village;*
    - b. encouraging increased rail use from Kemsley Halt;*
    - c. securing pedestrian and cycle links within the development (housing and country park) and to the adjacent network, including to the Ridham employment area and to Sittingbourne; and*
    - d. the identification, reservation and gifting of land within relevant allocations for interim improvements (and subsequently for the remodelling) of the Grovehurst Interchange, together with the necessary and appropriate financial contributions toward such schemes as agreed.*
  - 8. Provide the infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, particularly, a new community building, health, primary education and library provision; and*
  - 9. For individual development areas, additionally:*

*For east Iwade:*
  - 12. As part of the landscape strategy and ecological management plan:*

*a. provide a substantial natural green space, including significant woodland buffers on the southern and eastern boundaries of the development; and*

*b. retain, create and manage, as appropriate, site features and habitats, including existing shelterbelts, hedgerows, wetlands, ponds, meadows and views to the open marshes.*

*13. Respond to the local landscape character area and distinctiveness, with housing that shall be of two storeys in the north east of the site, whilst respecting the scale and form of adjoining existing residential development to the west;*

*14. Avoid substantial harm to the setting (and in views to and from) to All Saint's Parish Church;*

*15. Provide a primary access from Grovehurst Road, and secondary access points connecting with existing development to the west; and*

*16. Reserve land for community facilities where identified as appropriate.”*

4.2 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).

4.3 National Planning Practice Guidance (NPPG): Air quality; Appropriate assessment; Climate change; Consultation and pre decision matters; Determining a planning application; Historic environment; Housing supply and delivery; Natural environment; Noise; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Transport evidence bases in plan making and decision taking; Travel Plans, Transport Assessments and Statements; Use of planning conditions.

4.4 Supplementary Planning Documents (SPDs): Developer Contributions (2009); Parking Standards (2020).

## **5. LOCAL REPRESENTATIONS**

5.1 Letters of objection from 34 separate addresses have been received, raising the following summarised concerns:

- The proposals will give rise to overlooking and overshadowing of existing properties;
- The Country Park should act as a buffer between existing and proposed development;
- Fulmer Avenue is not wide enough to provide vehicular access to the development;
- Fulmer Avenue / Redwing Avenue is a shared surface and connecting this part of the site to the new development needs to take into account the infrastructure of the existing roads and the additional traffic which would be generated;
- The development will give rise to noise and vibration and pollution;
- The existing infrastructure – healthcare, education, public transport, local and strategic highway network, digital infrastructure, shopping facilities - in Iwade is unable to cope with the existing residents and will be unable to cope with additional residents;

- More open space is required;
- There is no need for a community hall when one already exists;
- There should be restaurant / retail space or sports pitches;
- *“Will there be an entrance from Sheppey Way into the new estate?”*
- The proposal will destroy wildlife habitat;
- The site is greenbelt land and should be left undeveloped [n.b. there is no greenbelt within Swale];
- The development will increase flood risk;
- The chain link boundary to the rear of the village will be lost;
- The density of the development is too high;
- The development is out of scale with the existing settlement, turning it into a town;
- Loss of views;
- Listed buildings have not been taken into consideration;
- *“Isn't some of the ground near to the church sacred?”*;
- Traffic calming features near to The Street / Sheppey Way junction is already problematic and the additional traffic will exacerbate these issues, and generally traffic calming in the village is ineffective;
- The southern access point into the development is in close proximity to the A249 slip road roundabout / the pinch point entrance into the village – there is already queuing traffic at this junction which would be worsened by this proposal;
- The proposed dwellings will further displace surface water causing disruption to the access and property damage;
- Area to the north of Iwade is part of a conservation area and development will have a negative effect on the character of this part of the village [n.b. there are no conservation areas in Iwade];
- Development in Iwade will increase the amount of antisocial and criminal behaviour in Iwade;
- The Local Plan sets out that Swale has a surplus of housing against Central Government requirements – this suggests that the dwellings are not required;
- Grovehurst Junction and M2 Junction 5 improvements should be completed prior to planning permission being granted;
- Careful consideration needs to be given to the amount of parking in the development / concerns about potential parking problems in the existing village;

- The application sets out that Sittingbourne is in close proximity but access on foot is dangerous;
- With the proposed school at North-West Sittingbourne there will be large numbers of children crossing the A249 slip roads which will need to be modified to allow safe passage;
- The construction period will cause prolonged disruption for existing residents;
- Will the trees in Redwing Avenue which act as a noise barrier to exclude road noise be maintained?;
- Air quality is poor in the local area / Air quality will be worsened by construction vehicles;
- Water is becoming scarce and will be further impacting if development is approved;
- Water pressure / drainage is already poor;
- Due to climate change it is estimated that Sittingbourne and Iwade will be under water within 50 to 100 years;
- Many of the reasons for refusing the application for 'Land at Wises Lane' (17/505711/HYBRID) could be used against this development in Iwade;
- No decisions on planning applications should be made until the outcome of the 'Land at Wises Lane' appeal is known;
- The assumptions made in the Transport Assessment and Framework Travel Plan are not based on how people will travel in reality;
- It was promised that no more houses would be built in Iwade;
- Houses should be built near Bordon [sic] and the surrounding areas instead of Iwade;
- Due to an increase in traffic using Sheppey Way to travel through the village, there needs to be a barrier between existing dwellings and Sheppey Way.

## 6. CONSULTATIONS

- 6.1 Cllr Woodford (Ward Member) – Having discussed the application with Cllr Woodford, the following comment has been received – *“I would like it to be reported to committee if you are minded to approve the application please.”*
- 6.2 Iwade Parish Council – *“Whilst the Parish Council realises that this is in Swale Borough Council's Local Plan, which has been approved by the Planning Inspector and thus is set in Stone and cannot be objected to, Councillors have raised the following concerns:*

*Overcapacity of the Grovehurst Interchange, the A249, Key Street Roundabout and the M2 Junction 5 - we understand Highways England has placed a block on any further development until the situation is remedied.*

*The Grovehurst Interchange is dangerous and desperately needs remodelling sooner rather than later.*

*At present there are long queues on the Grovehurst Road, vehicles trying to gain access to the A249/Sittingbourne/Isle of Sheppey, the extra housing from Pond Farm [see 19/501332/FULL above] and this development will place additional pressure on this junction.*

*There is a dire need for infrastructure to be in place prior to any housing development, rather than the norm where this is done afterwards.*

*Concerns over the lack of GPs and the difficulty in recruiting them for this area.*

*We would ask that Broadband services are built into this development, not added after.”*

- 6.3 Environment Agency (EA) – Comment that the village of Iwade has a history of flooding and that the Iwade Stream is narrow, constrained and susceptible to heavy rainfall events. The detailed application will require a full detailed Flood Risk Assessment to be submitted. An 8m wide buffer zone will be required adjacent to the Iwade Stream. Design principles around the watercourses should be revised to assume water vole presence, rather than use ad hoc measures. The willingness to deculvert watercourses is encouraging to see. The management concept of the country park should have dedicated awareness for the identification and awareness of invasive non native species. Light spill from external artificial lighting into the watercourse or adjacent river corridor habitat should be avoided.

Raise no objection subject to conditions relating to contamination; no infiltration of surface water to ground; a scheme to connect all plots to main drainage; and a scheme for the provision and management of a buffer zone alongside the Iwade stream.

Further to the above comments, I have queried with the EA the comments in respect of the need for a full Flood Risk Assessment to be submitted, on the basis that one has been submitted with this application and that they have not requested a condition to this effect. In response they have informed me that as the residential development is outside of the flood zone, they therefore do not have any major issues with the development. They have said that they would like to review final details, however, this will be covered by the “buffer zone” condition which they have recommended. See condition 33 below.

- 6.4 KCC (Lead Local Flood Authority) – *“The FRA indicates that residential development is only proposed for Flood Zone 1. The development site is crossed by a number of watercourses, including the Iwade Stream. It provides background to demonstrate that infiltration is unlikely to be suitable within this site area as a means of surface water management.*

*Flood Risk - It should be noted that Swale experienced significant flooding on 29 May 2018, which resulted in 22 properties within Iwade experiencing / being affected by flooding from the Iwade Stream. The Iwade Stream is a small watercourse and may contain little water, particularly during drier periods. However the large catchment area and relatively small channel size means that it can respond quickly to heavy rainfall and has a history of flooding. In 2002 the Environment Agency classified the channel as main river through Iwade in response to flood risk concerns.*

*Development within the catchment downstream of Iwade, given this flood history, should give due consideration to the watercourses which cross the site and ensure that no*

*encroachment of development occurs. This is important in the areas of site near Sheepfolds, in proximity to the Iwade Stream and to the watercourse in the southern area which contribute to Coldharbour Fleet.*

*It should be noted that the Iwade Stream is low lying and sits below high tide from the edge of Iwade onwards, so is potentially susceptible to tide-locking. Development downstream, therefore, does have the potential to impact on the village and any drainage strategy should consider potential high tide scenarios and impact on drainage operation.*

*Surface Water Management - The illustrative masterplan layout includes open surface water features within the open space which provide the required attenuation for management of surface water runoff from the site for the estimated impermeable areas. It is important that any attenuation features are not located within areas of flood risk or surface water overland flow paths.*

*The current surface water strategy proposes that the majority of attenuation will be online. We appreciate that these are integrated into the open space. Discharge rates from the attenuation basins have been constrained to QBAR. Five of the attenuation basins serve individual catchments. The Preliminary Surface Water Drainage Strategy Plan is shown on Drawing No. D205/07 Rev B,*

*The information submitted to support the outline component of the planning application has demonstrated how surface water may be managed within an indicative layout. Given the high-level strategy presented:*

*a) We agree that the approach as outlined within the Flood Risk Assessment with attenuation of surface water to QBAR is appropriate and demonstrates that surface water can be accommodated within the proposed development area.*

*b) We would strongly recommend that as the masterplan is fixed through reserve matters that a more detailed surface water management strategy accompanies the reserved matter for layout which can then inform subsequent planning submissions for each phase and address specific design matters.*

*c) We would refer the applicant to information within KCC's Drainage and Planning Policy Statement which describes policy in relation to drainage operational requirements and consideration of other matters in relation to layout and design.*

*Additional comments*

*d) The layout will need to accommodate specific set backs from the ordinary watercourses. This will need to have due consideration in some specific areas where housing is in proximity to watercourses.*

*e) Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.*

*f) It would be beneficial if a condition survey of the existing watercourses is undertaken to identify any constraints, maintenance needs and confirm connectivity. This will need to specifically include: (i) an assessment of the watercourse contribution from Wigeon Road,*

*and (ii) an assessment of the receiving watercourse/pond adjacent to the A249 which will receive flows from the southern area of the site.*

*g) Landscape details for the attenuation basins will need to be provided with finalisation of the surface water management strategy to ensure that the basins provide the stated volume, have a suitable maintenance regime and will be sustainable as landscaped features.*

*h) It is proposed that the surface water system will be adopted by Southern Water with a private management company managing the landscape elements within the attenuation basins. We would strongly recommend discussions with Southern Water are undertaken as the scheme is progressed as adoption may impact the design arrangements for the attenuation basins.*

*i) The ability of a system of this type to continue to operate into the future is dependent upon the maintenance being undertaken. We would recommend that maintenance information is requested when greater detail of the system is known. We strongly recommend the utilisation of a verification report condition to ensure the system is delivered as approved but which can also provide greater detail on maintenance specifications.*

*Notwithstanding the comments above, if your authority is minded to approve the proposed development application we would recommend the inclusion of the following conditions on any approval.”*

Conditions requiring details demonstrating that surface water drainage requirements can be accommodated within the layout; a detailed sustainable surface water drainage scheme; and a verification report are included below.

Although not an objection to the application, the agent submitted a file note entitled ‘*Flood and Water Management Response*’ which focuses specifically on the history of flooding in Iwade as raised in KCC’s comments above. This sets out that the flooding instances are located upstream of the proposed development site and that route of Iwade stream, in terms of its relationship with this development is located entirely within the proposed country park. I have provided these details to KCC (Lead Local Flood Authority) who have commented that as follows:

*“As previously stated, there are issues with Iwade Stream and there needs to be due consideration of development in its proximity.*

*We would maintain that any restriction of the Iwade Stream downstream of the village has the potential to impact how the stream flows and stream capacity upstream in the village. I therefore do not agree with the statements made but as the watercourse is within open space within the proposed development I was not sure of why the applicant felt this was an issue.*

*The applicant’s comments do not alter our response. Their comments have not made any changes to the drainage strategy proposed so we do not have any further comments.”*

KCC (Lead Local Flood Authority) have also been re-consulted through the application due to amendments to the proposed country park, in order to assess whether these amendments impact on any of the surface drainage requirements. The response received was as follows:

*“Amendments have been submitted for this development which have resulted in some minor revisions to the Landscape Masterplan for the Country Park as prepared by Lloyd Bore. These amendments do not specifically affect any considerations for surface water, and we would refer you to our comments provided on 10 September 2019.*

*We would note that the Flood Risk Assessment (PFA Consulting, July 2019) indicates the need for connecting swales and conveyance channels from the proposed attenuation features as show on the Preliminary Surface water Drainage Strategy (PFA Consulting, Drawing No D205/07).*

*It is quite key that these are retained at the surface to provide other benefits to landscape, amenity, and biodiversity. We would therefore recommend that these channels are reflected on the Landscape Masterplan for the Country Park for completeness and consistency to reflect the strategic provision of measures within the landscape in this area.”*

*As a result of the above, amended details were submitted which the agent has stated “demonstrate the proposed connecting swales and conveyance channels which have been retained from the earlier revisions in line with the preliminary surface water drainage strategy.”*

*I re-consulted with KCC (Lead Local Flood Authority) who commented “An amended Landscape Management Plan prepared by Lloyd Bore has been submitted, which reflects minor amendments in the General Arrangement plans and has provided greater specificity as to the planting regimes proposed within the attenuation basins.*

*We would note that:*

*- the latest revision means that there is a slight discrepancy between the landscape plan and the Preliminary Surface Water Drainage Strategy included within Appendix 11 of the Flood Risk Assessment.*

*- SuDS Basin A (Landscape General Arrangement Sheet 11 of 12) appears to no longer have a connection to the drainage network provision which would not appear correct based upon the drainage layout.*

*Given the indicative nature of the drainage strategy and the extent of open space provided, the exact layouts for drainage will be covered through additional required in detail design and would be required through conditions as we recommended in our consultation response of 10 September 2019; therefore, we do not see the discrepancy as a significant issue unless the General Arrangements are prescriptive in relation to the location and extent of planting areas.*

*We would refer you to our earlier consultation responses for specific comments in relation to the drainage strategy.”*

*On the basis that the landscaping proposals are detailed in terms of the location, extent and range of species, but do not detail exactly where each species of tree etc. will be planted, I raised the above points with the agent. They confirmed that the detailed design of the drainage strategy, including connecting to the drainage network provision will be dealt with at the detailed stage. I provided the comments to KCC (Lead Local Flood Authority) who confirmed that they had no issue with this proposal.*

- 6.5 Southern Water – Commented regarding the requirement for easements from any Southern Water assets on the site and that agreement will need to be obtained by the developer from Southern Water. In order to protect public sewers and water mains, a condition relating to the measures undertaken to protect them has been recommended.

Initial studies have indicated that there is an increased risk of flooding unless any required network reinforcement is required by Southern Water. This reinforcement will be part funded through the New Infrastructure Charge with the remainder funded through Southern Water's Capital Networks programme. Southern Water and the developer will be required to work together to review whether the network reinforcement aligns with the proposed occupation of the development. Therefore a condition is recommended for the development to be phased and implemented to align with Southern Water to ensure that adequate wastewater network capacity is available.

There is a requirement for SUDs features which will not be adopted by sewerage undertakers. Therefore the applicant will need to ensure that there are arrangements for the long term maintenance of the SUDs and maintained in perpetuity. A condition is recommended requiring details of the proposed means of foul and surface water drainage.

Initial studies indicate that Southern Water can provide a water supply to the site. Therefore an informative is recommended in relation to making an application for a connection to the water supply.

- 6.6 KCC Archaeological Officer – Set out that although there are limited known remains in the area of the site this could be due to a lack of previous investigation and surveys. Increasingly, evidence is showing that the area in and around Iwade in general is rich in archaeology. It is considered that the potential for remains of later prehistoric remains to be high and are expected to extend through most areas of the site, due to the topography and the attraction it would have held for settlement, monument building and use of the marshlands.

Due to the broad potential of the general area but recognising the lack of known archaeological assets on the site and the evidence of adjacent investigations, it is considered that archaeological mitigation can be secured via a condition. It is recommended that there is a need to secure archaeological evaluation of the site (both the detailed and outline areas) in order to inform appropriate mitigation areas that could potentially include preservation in situ of important remains by either adjustment of development where appropriate and / or archaeological investigation.

- 6.7 KCC Minerals and Waste Officer – *“The above planning application site is within a Mineral Safeguarding Area (MSA) as defined by the Kent Minerals and Waste Local Plan 2013-30 (KMWLP), the safeguarded economic material being Brickearth (Faversham - Sittingbourne Area). Policy DM7 of the KMWLP 2013-30 sets out the circumstance in which planning applications for this type of development can be permitted having regard to safeguarding requirements.*

*The planning application includes a Mineral Assessment, and correctly references the relevant adopted local plans, with particular reference to KMWLP 2013-30 (CSM 5, DM 7 and DM 21), and how the relevant mineral safeguarding exemption, as detailed in Policy DM 7 has been met is clearly set out. The County Council, as Minerals and Waste Planning*

*Authority, regards the evidence comprehensive to allow an exemption from the presumption to safeguard to have been invoked, the specific criterion being (2) of Policy DM 7: safeguarding Mineral Resources. The brickearth deposit is too marginal to be economic, as supported by Weinberger's letter of the 1st December 2017 in Appendix 4 of the submitted Mineral Assessment."*

- 6.8 Network Rail – *"With regards to the impact on Kemsley Station, Network Rail note within the Transport Statement there are plans for a traffic free cycle routes are proposed through the North West Sittingbourne 3.32. Allocation (Bearing Fruits 2031 Policy MU1) which will encourage more people to cycle to the station. As a result there may be a need to improve cycle facilities.*

*Other than improvements to cycle facilities, no issues were raised as Network Rail are currently in the process of securing improvements to the station which include:*

- Additional seating*
- Waiting shelter*
- CIS screens*

*Given the route to Kemsley is unattractive, I have been advised by my colleagues that it would be beneficial to provide enhancements to the parking provision at Swale station and encouraging rail passengers to use / park there instead. There is a lot of land and passengers would not have to use the A249 to get there. There appears to be a fair size space under the A249 bridge adjacent to the platform and on the opposite side of the old Sheppey Way. Improvements could also include a shelter on the Platform too."*

- 6.9 KCC Highways & Transportation – Have been heavily involved in discussions regarding this application and how sites allocated under the Land east of Iwade Local Plan policy allocation (A 17), and also under the North West Sittingbourne policy allocation (MU 1) will combine to deliver the improvements as required under the respective policies. After seeking further information as part of their original consultation response in terms of further traffic counts; a junction impact assessment were for The Street / Sanderling Way and further confirmation in respect of trip distribution datasets used, this was provided and KCC Highways & Transportation made the following comments:

*"Existing Traffic surveys - Updated traffic counts collected in November 2019 have been reviewed and demonstrate 250 inbound movements on Grovehurst Rd and increase of 17% from the 2015 AM figures within the TA. The outbound movements have a corresponding reduction in movements of 16%.*

*The PM counts show a general trend of peak outbound movements at 15:00 which are around a flow of 280 and assumed to relate to education. This would be an 18% increase on the 2015 figures within the TA. The PM inbound peak is generally 17:00 to 18:00 and around 20% lower than the 2015 base assessed in the TA. In conclusion, the proposed access roundabout for the site would have sufficient reserve capacity to operate effectively.*

*Existing pedestrian and cycling - It is noted that the pedestrian footway on the West side of the Grovehurst Road is of narrow width and will be increased as part of the application proposals. Formal crossing provision for both pedestrians and cyclists in the form of a*

*Toucan crossing is now included within the applicants Grovehurst Rd access arrangement and is accepted.*

*Access to Local Facilities - The development proposes to rely on existing local facilities to serve the needs of the new residents.*

*Bus Access – The applicant had provided information that suggests the nearest regular bus stop is 550m at Helen Thomson Close. This is beyond the recommended maximum distance of 400m and it is likely therefore that some dwellings will be beyond this. Permeability through the proposed site and additional stops will be required to provide convenient links to stops through the existing residential development. It is noted that the Movement Parameter Plan includes a number of potential connections to the West and it will be imperative that these are provided for pedestrians and cyclists through the reserved matters applications.*

*Primary Schools – There is no additional on site provision being made in the local vicinity and additional vehicular trips may therefore be expected to be associated to the development than usual. The Iwade expansion at Local Plan level would be expected to generate 132 children of primary school age. A check on the existing intake for the school would appear to indicate that whilst there are significant numbers coming to Iwade from outside the village it is unlikely there would be sufficient capacity at the local school to cope with that generated from this development. It should therefore be expected that the potential exceedance of Iwade schools capacity and parental choice that there would be external trips made. On balance, it should be expected that the majority of children would be within a walkable/cycling distance of Iwade school and that there would be a longer term reduction in school related vehicular movements.*

*Secondary Schools – There is currently no secondary school provision in the immediate vicinity although there are proposals for a new school to be provided within the North West Sittingbourne allocated Local Plan site. Both the proposed and existing schools are well served by bus access.*

*Employment and shopping – There are limited employment opportunities within the village and limited shopping options with the nearest supermarket being the Asda located on Mill Way. Employment along Swale Way would be accessible and cycling infrastructure will need to be improved through the proposed upgrade to the Grovehurst/A249 junction. The applicant is agreeable to the provision of Section 106 contributions towards the improved Grovehurst junction and the proposed Sheppey Way cycleway which is deemed appropriate.*

*Public Transport - Bus Services – Arriva have improved the 334 service to operate approximately every 30 minutes between Sheppey, Sittingbourne and Maidstone. This provides good opportunities for public transport access. Timetabled journey times are approximately 20 minutes to Sittingbourne and 1 hour and 15 minutes to Maidstone. School services are provided to both Sheerness and Sittingbourne. Commuter services operated by Kings Ferry to London are available from the Iwade bus stops.*

*Train Services – Operate from Kemsley Halt and Sittingbourne however both are beyond the recommended walkable distance but could be considered accessible by cycle should improvements be made to routes and secure parking provision made available.*

### Design and Access.

*Principal Avenue - The proposed width for the footway of this road would need to be increased to 1.8m and the planted verge should be increased to 2m to meet with the typical parameters for Kent Design. All cycleway/footways would need to be shared facilities not segregated.*

*Lane loop - The typical section does not accord with the photographic portrayal and a 2m verge should be incorporated on one side of the road.*

*Collector Streets - The typical section does not accord with the bullet point text above it and would need clarifying.*

*Alleys - The design of these streets would not appear to comply with Kent Design standards and will need to be reviewed. As proposed the roads have no footways with 7m shared carriageways that would not be conducive to reducing speeds. Consideration will need to be given to reducing the widths, a maximum length and the numbers of dwellings that they serve.*

*Masterplan - The pedestrian and cycling connectivity proposed to Fulmer and Swallow Avenues is welcomed however improvements will need to be made to the existing layouts to ensure appropriate legibility and facilities on the links through. A condition will be required ensuring that a suitable Section 278 scheme is presented and delivered to achieve this.*

### Proposed development

#### Parking Standards

*Cycle parking standards are agreed as policy compliant.*

*Vehicle parking standards are proposed to meet the requirements for a suburban settlement.*

*The Design and Access statement (Page 41) refers to incorrect parking standards, the development will need to comply with the policy standards for Suburban edge/Village as defined in IGN3. It should be stated that the D & A commentary alongside does state that most houses would have the potential for 2 spaces should it be desirable.*

*Northern Access - The arrangement as demonstrated as a staggered arrangement does not comply with Kent Design standards and could not be approved. The applicant has provided a further option of a mini roundabout which whilst not ideal, does meet with standards. A Stage 1 Road Safety Audit has been submitted and the solution submitted within drawing reference D205/06 Rev E is agreed as the most appropriate access. It should be noted that the Northbound bus stop would need to be relocated as part of the implementation of the access.*

*Further to earlier concerns regarding the capacity and suitability of the junction of The Street and Sanderling Way, the applicant has agreed to make a Section 106 contribution towards the improvement of this junction. The contribution will be added to that being requested from the close-by Sanderling Way development and is agreed as a suitable*

*approach. The traffic and turning count data provided is agreed and does not raise any concerns regarding capacity.*

*Trip generation - The trip generation rates as proposed are agreed as being 0.527 two way in the AM and 0.572 in the PM. The points raised within technical note D205 FN09 on the latest TRIC's information suggesting that these figures would be reduced is noted. These Transport Assessment rates are considered to be robust for the locality taking into consideration the accessibility to amenities and services. Technical Note D205 FN09 addresses the discrepancy identified in the total quantum of houses being applied for in the "Iwade expansion" applications which increases the allocated 572 units to 601 units. The trip generation assessment is based on the full Iwade expansion quantum of housing at 601 units rather than the 466 proposed in the application. As such the assessment of the local impact is robust. The updated technical note demonstrates that there will be 318 two way movements in the AM peak and 344 two way movements in the PM peak generated by the allocation as a whole. The application on its own is expected to derive 246 two way AM movements and 267 two way PM movements.*

*Trip distribution - Distribution has been calculated using the 2011 census data and that of the past Coleshall Farm application. This is agreed as the most appropriate methodology.*

*Assessment years - The 2023 and 2031 years of assessment are appropriate and consistent with other applications in the area.*

*Committed development - The following sites have been included in the assessment*

- Land adjacent to Coleshall Farm, Iwade (SW08/1127)*
- Eurolink V (SW13/0215)*
- Proposed West Sittingbourne Secondary School*

*Grovehurst/A249 junction - The applicant proposes to make a suitable contribution towards the proposed strategic improvements at this junction required to enable delivery of Swale Borough Council's allocated sites in this area. The baseline assessment presented for the NW Sittingbourne application on which this application relies demonstrates that the Grovehurst Road arm or the junction is operating above operational capacity at 0.93 RFC in the AM peak with the NB offsite also operating beyond capacity in the PM peak. As such a Grampian condition will be required limiting any occupations until such a time as the Highway Authority have awarded a contract for the Grovehurst/A249 interchange improvements and that they have confidence that the network capacity would not result in any safety concerns.*

*Concluding Summary - Subject to the inclusion of the following conditions and Section 106 contributions being secured, the Highway Authority would raise no objection to the application being recommended for approval."*

Conditions related to the following are included below: a construction management plan; no occupation of units accessing to Grovehurst Road prior to the relevant highway works being completed; no occupation of units accessing to The Street prior to the relevant highway works being completed; reserved matters details to show details of areas for parking and manoeuvring of vehicles in accordance with adopted parking SPD; cycle

facilities being provided; works between dwellings and adopted highway provided prior to the occupation of the relevant unit; details of connections between the site and Fulmer Avenue and Swallow Avenue; details of improvements to pedestrian / cycle facilities along Sheppey Way; land required for Grovehurst Junction improvements made available to the Highway Authority at nil cost; no occupation until contract awarded for Grovehurst/A249 interchange improvements; and details contained in Travel Plan to be implemented.

S.106 contributions required:

Grovehurst / A249 Junction – Contribution of £970,353 towards junction improvements;

Bus Stop Infrastructure - £23,261 for Bus Stops including shelter improvements along the proposed North West Siitingbourne application Spine road;

Travel Plan Provisions - £67,504 to be made to the consultant awarded with administering the co-ordinated Travel Plan;

Sustainable Transport Voucher - £350 per dwelling for bus travel / rail travel / cycle equipment;

Sanderling Way / The Street Junction - £15,000 towards junction improvement;

Travel Plan Monitoring - £1,422 for an audit of the Travel Plan.

Further to the above comments, amendments were made to the Design and Access Statement and the Movement parameter plan. I re-consulted with KCC Highways who commented as follows:

*“I have reviewed the updated movement parameter plan and Design and Access Statement and am satisfied that the amendments made address the main concerns of the Highway Authority. I therefore have no further comments to make at this stage and would refer you back to my letter dated June 2020 [which is as per the details above] for details of our required conditions and contributions.”*

6.10 Highways England – Initially responded setting out that they require further information before being able to provide a formal recommendation. Further information was provided and as a result, Highways England raise no objection subject to the inclusion of conditions related to no occupation of dwellings prior to the opening of the M2 Junction 5 scheme and the A249 Grovehurst junction scheme; a construction management plan; full details of hard and soft landscaping and boundary treatment in the vicinity of the A249; no surface water to run onto the highway or into highway drainage systems; no occupations until a Travel Plan is implemented.

Further to the above, I have written to Highways England on the basis that the soft landscaping is shown in detail, there is no further boundary treatment proposed and a Travel Plan has been submitted and considered acceptable by KCC Highways & Transportation. Highways England have responded setting out that on this basis, the condition in respect of boundary treatment will be able to deal with this issue when they are submitted. In terms of the Travel Plan, they have commented that on the basis of KCC Highways & Transportation acceptance of this, they also consider the details to be acceptable and therefore accept that the relevant condition relates to the implementation of

the Travel Plan. As a result, on the basis of appropriate conditions related to the issues as agreed through further discussion with Highways England, they raise no objection to the proposal.

- 6.11 KCC Ecology – Have been heavily involved in the consideration of the application and have reviewed the information submitted at all stages of the application. The most recent correspondence received states the following:

*“We have reviewed the ecological information submitted in support of this application and we advise that the submitted information provides a good understanding of the ecological interest of the site.*

*We recommend that if planning permission is granted there is a need for the following conditions to be included:*

- *Updated Preliminary Ecology Assessment [PEA] and specific species survey (as required) – if over two years old*
- *Detailed ecological mitigation strategy*
- *Review of reptile/GCN receptor site prior to translocation commencing – confirm that it provides suitable habitat to support the populations.*
- *Detailed management plan*
- *Monitoring plan*
- *Lighting strategy/plan*
- *Ecological Enhancement plan for the urban area.*

#### *Bats*

*At least 7 species of bats were recorded foraging/commuting within the site with the most common species recorded during both the transect and activity surveys was common pipistrelle.*

*The optimum bat habitat are the hedgerows on site and from reviewing the submitted parameter plan it appears that buffers of at least 5-15metres will be created along the site boundaries and if designed well with minimal lighting it's likely that these existing habitats can retain some suitability to be used by foraging bats.*

*In addition the proposal to create a country park and take the area out of active arable management is likely to increase the foraging opportunities for bats. However we highlight there is a need to ensure that this area is not lit up with artificial lighting.*

*We advise that if planning permission is granted there is a need to ensure that the finalised site layout is designed to minimise light spill on to the areas of retained habitat and the country park.*

#### *Breeding Birds*

*The breeding bird survey has confirmed that at least 34 species recorded breeding, likely breeding or possibly breeding within or immediately adjacent to the Site. The report has made recommendations to enhance the site for breeding birds and they include:*

- Creation of wild bird cover crops (to provide seed)*
- Rotational cutting*
- Creation of ponds*
- Creation/enhancement of hedgerows*

*The ponds/hedgerows have been referred to within the D+A statement but no reference has been made about the creation of seed crop areas and rotational cutting. We understand that the management plan has not been finalised yet but the report has confirmed that the management will benefit breeding birds – therefore we accept that the final detail on the habitat creation does not need to be provided as part of this submission.*

*The D+A refers to the creation of circular walks and when we previously commented we raised concerns that it will result in disturbance to ground nesting birds, such as skylarks. Additional information has been submitted which has confirmed that an area approximate 18.6ha in size will be created that will have restricted public access through the erection of stock proof fencing.*

*We highlight that the site wide management plan will maintain the fencing to ensure that if any breaks/damages are identified they will be repaired immediately. In addition we highlight that there will be a need for interpretation boards to inform users of the park why there is restricted access in to these areas.*

### *Reptiles*

*A reptile survey has been carried out and it has confirmed that excellent populations of slow worm, good populations of common lizard and low populations of grass snakes are present within the site. The reptile populations have been recorded within the site boundaries as the majority of the site is actively managed grassland.*

*To mitigate for the loss of reptile habitat it has been proposed to create a receptor site within the country park and we are supportive of this proposal. The receptor site will be within an area of previously arable farmland and we highlight the following statement included within the receptor site: The area will therefore need significant works to become high quality reptile habitat to ensure it is suitable to support the populations of slow worm, common lizard and grass snake throughout the year.*

*We highlight that, as detailed within the submission, we would expect it to take at least 1 year for suitable reptile habitat to establish prior to any reptile translocation being able to be carried out. Therefore we advise that if planning permission is granted there is a need for habitat creation works to be carried out within this area as soon as possible to ensure that the receptor site is sufficient to support the reptile population prior to any translocation commencing.*

*If planning permission is granted we would recommend that a condition is included requiring information to be submitted demonstrating that the reptile receptor site is suitably established prior to any works commencing.*

*When we previously commented we raised concerns that the proposed receptor site was to be located within the NW of the site between two areas of proposed hosing within an area, which the D+A stated, to be managed as hay meadow. Additional information has been submitted which has confirmed that an alternative receptor site has been identified within the NE of the country park in an area with restricted access and will be managed as tussocky grassland.*

#### *Water voles*

*Water voles have been recorded within the water courses adjacent to the site but at the time of the survey no water voles were recorded on site. Therefore it is possible that the creation of a country park and appropriate enhancement of the water courses on site it could increase the area of suitable habitat for water vole and the species could establish on site.*

*The submitted information has confirmed that the water course on site may be impacted by the proposed development through the creation of bridges/roads. We highlight that any crossing must be designed to ensure that movement of water voles can be maintained through out the site.*

*We advise that any mitigation detailed within the ecological mitigation strategy must be reflected within the detailed site plans/bridge plans etc to demonstrate that it can and will be implemented.*

#### *GCN*

*Surveys have confirmed that a large population of GCN is present within the site and surrounding area. As the majority of the site is proposed as a country park we are satisfied that appropriate mitigation can be implemented and the favourable conservation status of the species can be maintained (as per the 3 tests). As detailed above we previously raised concerns about the location of the reptile/GCN receptor site. This concern has now been addressed through the creation of a receptor site in the NE of the site and the enhancement of habitats surrounding ponds 2, 3, 4, 10 and 11.*

*Due to the presence of GCN we advise that inset kerbs adjacent to drains must be used to reduced the risk of GCN and other amphibians from falling down the drains.*

#### *Mammals*

*Evidence/presence of Badgers, Common shrew and bank voles have been recorded with the site. We are satisfied that the proposed country park will provide additional habitat for these species than is currently present.*

#### *Management Plan*

*No management plan has been submitted as part of this application and there is a need to ensure that the site will be managed to retain/create habitats for the species detailed above.*

*We are satisfied that appropriate habitats can be created within the site and maintained and therefore we accept that a detailed management plan can be submitted as a condition.*

*We advise that there must only be one management plan for the Country Park and not several management plans covering different requirements (e.g. SuDS, recreation etc). That is to ensure that the management is designed to ensure all constraints are taken in to account and the site can be managed to ensure the site benefits biodiversity.*

*We advise that there is a need for on going monitoring of the habitats and species within the site to enable reviews/updated of the site wide management plan.*

#### *Habitats Regulation Assessment*

*The application site nearby to the Swale Special Protection Area (SPA), a European designated site under the Conservation of Species and Habitats Regulations 2017. Article 6(3) of the Habitats Directive, states that: “Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”*

*In considering the site interest for the SPA and Ramsar Site, we advise that Swale Borough Council, a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

*In advising your authority on the requirements relating to Habitats Regulations Assessment, we advise that the proposal is not necessary for the management of the European site. Swale Borough Council should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.*

*The wintering bird surveys have demonstrated that the proposed development does not provide functionally linked land to the adjacent Swale SPA, Ramsar and SSSI however the proposed development could still have a negative impact on the designated sites.*

*We have reviewed the submitted HRA Assessment, however note that the following mitigation measures have been proposed:*

- Provision of recreational space within the allocation site (as per policy requirement A17) creating a space for dog walking, children and everyday recreation;*

- *Increase linkages for cycling and walking within the site and provision of linkages through paths / cycle paths to off site recreational areas;*
- *Provision of financial support of SAMMS;*
- *The use of SUDs for water resource management;*
- *The use of a construction environmental management plan (CEMP) to minimise noise, dust, pollution events (near water courses);*
- *Provision of a travel plan to reduce, where possible, construction traffic to reduce dust and pollution;*
- *Ensuring waste water / sewage demands are met through infrastructural enhancements;*
- *Provision of cycle paths, links to train stations and walkways to reduce traffic use and reliance on cars and a sustainable transport plan.*

*To ensure that the conclusions of the AA are valid we advise that SBC must be satisfied that these measures can be implemented if planning permission is granted.”*

6.12 Natural England – Initially responded setting out that the application could have potential significant effects on the following designated sites - The Swale Site of Special Scientific Interest (SSSI), The Swale Special Protection Area (SPA), The Swale Ramsar, Medway Estuary and Marshes SSSI, Medway Estuary and Marshes SPA and Medway Estuary and Marshes Ramsar. Further information was sought in respect of a construction management plan including the schedule of work; and further acoustic information to determine the impact upon the protected sites.

As a result of the above, a Preliminary Construction Management Plan was submitted, along with an addendum to the Acoustics Assessment. I re-consulted with Natural England who set out that they raise no objection subject to appropriate mitigation being secured in the form of the Construction and Environmental Management Plan detailing how certain activities will be limited in time, location or noise level to minimise the risk of disturbance to the birds designated as part of the above designated sites.

In addition to the above, I have produced an Appropriate Assessment and re-consulted with Natural England. They have commented as follows:

*“Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.*

*Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of the Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar site or The Swale SPA and Ramsar site.*

*To ensure all identified adverse effects on the integrity (AEOI) of the designated sites are appropriately mitigated various measures are suggested including:*

- *appropriate financial contribution to existing North Kent Strategic Access Management and Monitoring Strategy (SAMMS)*
- *appropriate surface water management strategy including implementation and management in perpetuity of the proposed Sustainable Drainage Systems (SuDS)*
- *implementation construction environmental management plan (CEMP) in line with provided preliminary construction management plan.*

*Having considered the assessment, and these proposed mitigation measures for all the identified adverse effects which could potentially occur as a result of the proposal, Natural England advises that we concur with your assessment's conclusions, providing that all these mitigation measures are appropriately secured in any planning permission given."*

6.13 SBC Environmental Protection Team – Initially raised an objection to the application for the following summarised reasons:

Noise - Reliance on keeping windows closed for some properties shut to achieve compliance with BS 8233;

Air Quality - Lack of damage cost calculation and mitigation measures for a proposed development of this size.

Land Contamination - The lack of a contaminated land assessment.

Further to the above, additional information was submitted in respect of the above three identified issues. I re-consulted with the Environmental Protection Team who commented as follows:

*"Air Quality*

*The air quality consultant has submitted a further addendum in which a damage cost calculation has been evaluated. The final figure [£365,405] is acceptable as is the methodology as to how the figure was arrived at. Associated with this is a list of acceptable mitigation measures for both residential and commercial/industrial end users. These are in addition to the original report which just highlighted dust-related activities needing mitigation.*

*The damage costs will presumably be used to fund these measures, though there is no breakdown as to how the sum is to be allocated.*

*This addendum covers the issues of concern I had from the original submission and therefore is acceptable at this point, with the proviso that this is still an outline application.*

*Noise*

*Further clarification concerning the noise issues of concern were pointed out to me in the report which are considered sufficient so as not to have to rely on windows being closed to achieve compliance. It remains to be seen whether these measures are sufficient, as they seem to be largely landscape-based, but I will still withdraw my noise-related objection.*

*Land Contamination*

*A phase 1 contamination assessment has now been submitted. It consists of a single report and also has some Groundsure reports included showing a history and appraisal of the site.*

*The report itself is quite brief and though it states that the contamination risk from this site is low, it nevertheless recommends that further sampling and analysis is carried out on soils where residential properties are to be sited.*

*I would agree with this conclusion. I therefore recommend that the usual contaminated land condition is attached, but the first part can be considered already complied with.”*

As a result, the objections initially raised were withdrawn, subject to a condition related to contamination land.

- 6.14 SBC Climate Change Officer – Initially commented that there was little information in respect of the sustainability element of the application and requested a standalone Sustainability Statement (or equivalent) to be submitted.

As a result of the above a Sustainability Statement was provided and I re-consulted with the Council’s Climate Change Officer. Comments received were that the details provided were a vast improvement and set out a number of opportunities in respect of solar PV, air source heat pumps and passive design. The proposed community hall is looking to achieve ‘BREEAM’ good, which although meeting the policy requirement, it should be explored as to whether a higher rating could be achieved. The surface water drainage scheme requires detail [n.b. this is dealt with via conditions requested by KCC as Lead Local Flood Authority]. All houses have EV Charging points and the rest of the development 10% provision to include the community hall. Possibility of car club schemes should be explored. *“Given this is a hybrid application and most of the above refers to the outline section I am happy with the proposals subject to further consideration of my comments.”*

Due to the above, a revised Sustainability Statement was submitted and at that point set out that a BREEAM rating of ‘excellent’ was being proposed for the community hall and a 50% reduction in carbon emissions against the Building Regs for the dwellings. I re-consulted with the Climate Change Officer who set out that they were particularly encouraged by the aim for a BREEAM ‘excellent’ rating, and that the previous concerns raised [as above] have been addressed.

Further to this, and as a result of more in depth investigation, including a BREEAM pre assessment, that the agent is confident that a rating of ‘very good’ can be achieved. I re-consulted the Council’s Climate Change Officer who stated the following:

*“The agent has argued their case well and given that they are still going beyond the Local Plan requirement for a building of this size, I am happy to accept “very good” as the minimum.”*

- 6.15 SBC Greenspaces Manager – Initially commented that generally the proposals reflect and develop the early discussions in relation to the site. Would like to see further consideration of an extension to the cemetery. Believe that bins should be located at the main accesses. Play facilities have been provided, and although locating them all in the built up areas

allows for surveillance it would seem appropriate to locate one towards the edge of the country park for an expansive natural play experience. Would wish to see the country park delivered early in terms of the development. In addition, the management and funding of the country park will be key.

The above details were provided to the agent who responded specifically in terms of the cemetery point. They pointed out that the request for further space is not justified, on the basis that no burials have taken place in the area of the cemetery which has been previously expanded. However, there is open space shown surrounding the church which would allow for the expansion of the cemetery in future if required.

As a result of the above, I re-consulted with the Greenspaces Manager who commented that the burial plots within Iwade were expected to begin to be utilised within the short terms, and provides for around 14 years of use. However, the comments received are acknowledged and therefore it is agreed that this can be dealt with by not obstructing the possibility that the land can be used for this purpose in future.

In addition to the above, other points initially set out also sought to be addressed by the agent. I have re-consulted with the Greenspaces Manager who commented as follows:

In respect of the Landscape Management Plan the details look appropriate, the schedules look realistic and issues such as litter and bin emptying which were previously raised have been addressed. However, there is little information in terms of how the formal sports pitch will be managed for sport. There also remains the issue in respect of clarity around stakeholder involvement and funding mechanisms in terms of future management and how other open space within the development will be managed.

Further to the above comments, a 'Landscape Management Framework' was provided by the agent. This was provided to the Greenspaces Manager who commented that it addresses previous comments in respect of management of open space within the development including how it will be managed and how maintenance will be funded. However there is limited information in respect of the maintenance of the sports field.

In addition to the above, the Greenspaces Manager considered it positive that the orchard is back included in the masterplan, although it is somewhat distanced from the existing orchard. The choice of species is improved but a particular focus on plum would be preferable. There is also no specific reference to the maintenance of the orchard in the management plan.

Due to the above details, the agent provided further details in respect of the maintenance of the orchard and the sports pitches and an increased emphasis on Plum trees. Upon consulting with the Greenspaces Manager, confirmation was received that the issues raised had been dealt with.

6.16 SBC Affordable Housing Officer – Originally commented on the application setting out that

*- "As per Swale's Policy DM8, 10% of the total number of dwellings should be provided as 47 affordable homes, and as noted in the Local Plan, 90% of these should be provided as 42 Affordable or Social Rent Tenure Homes, and 10% as 5 Shared Ownership homes.*

*- If the site is to be phased a proportionate number of units should be included per phase to ensure the total number of affordable homes required are delivered across the site.*

*- As supported by policy CP3, a mix of housing types should be made available for a variety of groups including families, vulnerable and older persons households including those homes to be provided as affordable housing. This ensures the delivery of a reasonable and proportionate mix of open market and affordable homes across the site. Furthermore, along with housing need demonstrated on the Council's Housing Register and with the requirements of the Equality Act, I would recommend that at least one affordable dwelling should be provided to Part M4(3) standard (wheelchair user dwelling) and that a one bedroom ground floor flat would best meet this need. The remaining affordable homes should be provided as Part M4(2) standard (accessible and adaptable dwellings).*

*- I can confirm that Swale's Housing Register demonstrates a need for all types and sizes of affordable accommodation for those in housing need in the Sittingbourne and Iwade areas."*

Further to the above, there have been discussions between Officers, the agent and Members and it has been agreed that the affordable housing provision for this site (47 units) and the site being considered at Land at Great Grovehurst Farm (ref 18/502372/EIOU) for 12 units shall be amalgamated and then split across the two sites. The opportunity has arisen as the sites are in control of the same applicant. The agent has also stated that they would be willing to offer an additional dwelling to make the total up to 60, which would then be split evenly, to provide 30 affordable units on each site. The Council's Affordable Housing Manager has commented as follows:

*"I am pleased that agreement has been reached to split the affordable units across Grovehurst Farm and the site East of Iwade, with each site now due to deliver 30 affordable units which yields the benefit of overprovision of one affordable home.*

*This will mean that an increased number of affordable houses will be delivered on the Sittingbourne site at Grovehurst Farm, which is an area of high need, but whilst also ensuring a reasonable number of affordable homes are provided on the Iwade site which is also a sought after area with a need for affordable housing. Furthermore, having 30 affordable units on each site provides better incentives to attract a Housing Association to take on the affordable homes."*

- 6.17 KCC Economic Development – Have made the following requests: Primary Land (2,026.22 per applicable house; £506.56 per applicable flat); Secondary Land (£1,932.16 per applicable house; £483.04 per applicable flat); Primary Education (£4,535 per applicable house; £1,134 per applicable flat); Secondary Education (£4,687 for applicable house; £1,172 per applicable flat); Community Learning (£60.43 per dwelling); Youth Service (£65.50 per dwelling); Libraries (£227 per dwelling); Social Care (£146.88 per dwelling); Waste (£237.54 per dwelling).
- 6.18 NHS Swale CCG - £402,624 towards refurbishment, reconfiguration and/or extension of the following practices; Iwade Health Centre, Grovehurst Surgery, Lakeside Medical Practice, Milton Regis Surgery, The Meads Medical Practice and Sheppey NHS Healthcare Centre, or towards a new general practice building.

- 6.19 Kent Police – Request a condition so that a number of points raised, including boundary treatment; parking; lighting, can be adequately addressed.
- 6.20 Lower Medway Internal Drainage Board – Note that it is proposed to discharge surface water to a number of watercourses will require Land Drainage Consent, and although recommends that Land Drainage Consent is sought prior to the determination of planning permission, recognises it is dealt with separately to the planning process.
- 6.21 Health and Safety Executive (Explosives Directorate) – The site falls within the vulnerable building consultation zone of the nearby licenced explosives facility, but outside of the inhabited building distance. The Explosives Directorate has no comment to make on the application provided that the development is not a vulnerable building. “*Vulnerable building*’ means a building or structure of vulnerable construction, that is to say –
- a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;
  - b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;
  - c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panels larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or
  - d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.”

## 7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by a significant amount of drawings, assessments and reports. These include the following:

Acoustic Assessment; Air Quality Assessment; Archaeology Assessment; Built Heritage Statement; Existing Utilities Statement; Flood Risk Assessment; Great Crested Newt Survey; Habitat Screening Assessment; Health Impact Assessment; Landscape and Visual Appraisal; Minerals Assessment; Ecological Appraisal; Transport Assessment; Travel Plan; Wintering Bird Survey; Arboricultural Impact Assessment; Design & Access Statement; Tree Protection Plans; Parameter Plans; Planning Statement; Topographical Survey.

## 8. APPRAISAL

### Principle of Development

- 8.1 As set out above, the application is allocated for development under policy A 17 of the adopted Local Plan, which deals with the Iwade expansion as a whole and which includes three different sites. These are described as ‘north Iwade’; ‘east Iwade’ and ‘south Iwade at Pond Farm’. This development falls under the ‘east Iwade’ description.
- 8.2 The policy sets out that amongst other elements, the land shall deliver a minimum of 572 dwellings. In addition to this application, which is the largest of the three sites and seeking planning permission for 466 dwellings, Members will recall an application submitted under

ref 19/501332/FULL – Land at Pond Farm, Grovehurst Road, Iwade – for the erection of 69 dwellings which was reported to planning committee on 7<sup>th</sup> January 2021. Members resolved to grant planning permission subject to a number of requirements, including the completion of a S.106 agreement. Further to this, a planning application is currently being considered under reference 18/505157/OUT - Land North Of Sanderling Way, Iwade – for the erection of up to 65 dwellings. As such, in total, the three sites, seek to deliver 600. This is compliant with the requirement of the Local Plan policy. As a result of the above, the proposed development is acceptable as a matter of principle.

- 8.3 Despite the acceptability of this application never being dependant on the application of the “tilted balance” (which under Paragraph 11 of the NPPF sets a presumption in favour of sustainable development, and states that where policies that are most important for determining an application are out of date, that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole) as the proposed dwellings would – as noted above - all sit within an allocation that includes housing, Members should nevertheless note that the Council is not currently able to demonstrate a five year housing supply. The supply is currently 4.6 years. In this context, Members should note that this scheme will deliver the majority of the dwellings (466 out of a total of 600) proposed under Policy A 17. Therefore, by not approving this development, this shortfall would become even greater and place the Council in a weaker position to be able to resist housing development in inappropriate locations not supported via the Local Plan. As a result of the above considerations I am of the view that the principle of development upon the site is wholly acceptable.

#### Country Park

- 8.4 Members will have noted that this is a hybrid application, with the details for a new strategic piece of open space in the form of a country park submitted in detail. The supporting text of the site specific policy sets out that a broad swathe of green space of some 39 hectares will be provided between any development and the A249. In this case, a piece of open space of approximately 40 hectares is provided in an arc, broadly speaking wrapping around the southern, eastern and northern parts of the site, achieving the broad aim of this part of the policy as set out above.
- 8.5 In addition to this the site specific policy also sets out that the site is to establish land as a country park and this has been achieved through the proposals that have been submitted.
- 8.6 As set out in paragraph 2.1 above, the country park includes a number of different elements, including planting belts, an orchard, dedicated pedestrian paths and has been the subject of detailed consultation with relevant parties, including KCC (Ecology, Lead Local Flood Authority), and the SBC Greenspaces Manager who have all considered the proposal acceptable. It should be noted that Kent Wildlife Trust have also been heavily involved in discussions around the proposals for the country park and are the preferred management company for this moving forward.
- 8.7 Information provided by the agent has set out that the country park will be delivered early in the process and will be completed prior to the occupation of the first dwelling. I believe that this early delivery will provide benefits for future and existing residents early on in the

implementation of this permission. The country park element of the scheme and the various elements included within it will ensure that the scheme is compliant with a number of the landscape and ecological aims of the site specific policy. To ensure that this early delivery is achieved, I have imposed a relevant condition (number 7 below). I have also included a condition (8 below) to ensure that safe access for users of the country park can be provided whilst construction of the residential units / community hall is on-going. In overall terms, I am of the view that the country park will be an asset for the local area, and via the different functions which it performs, will give rise to biodiversity and visual benefits (discussed in more detail below).

### Community Hall

- 8.8 The adopted policy sets out that the application will *“Reserve land for community facilities where identified as appropriate.”* The Planning Statement submitted with the application states – *“Outline planning permission is also sought for the erection of a community hall (Use Class D1) which will act as the new community hub for the village through the provision of a nursery facility, the base for Iwade Parish Council and will include ancillary offices and meeting rooms.”*
- 8.9 The application, in the land use parameter plan, identifies land towards the southern end of the development, close to the proposed access to the site on Grovehurst Road. The site concept plan, included within the site specific policy indicates site options for the community building, one in the southern part of the site, and one more centrally located, broadly to the east of the existing Woodpecker Park. The proposed location in the south of the site has been agreed in consultation between the applicant and Iwade Parish Council and although not exactly in the location of the Local Plan concept diagram, is close to the area of one of the proposed options. I am of the view that the proposed location, which will be prominent at the southern end of the site, is an appropriate one for the community building and will act as a gateway into the development.
- 8.10 As this element of the scheme is submitted in outline, the detailed layout and elevations of the buildings, including associated car parking and landscaping are reserved matters, which will be required to be submitted in a subsequent application. However, the application does set out indicative drawings of what the community hall may look like. I am encouraged by these details, albeit that they are indicative at this point.
- 8.11 In terms of the use, aside from Iwade Parish Council, no other end user for the facility has been identified, although the supporting information does indicate that a nursery facility would be proposed, in addition to meeting rooms, storage and toilet facilities. In line with the site specific policy, I am of the view that the range of community uses proposed is acceptable. I have also considered the hours of use, and discussed this with the Council’s Environmental Protection Team and the agent, who in turn has liaised with the Parish Council. The agent has suggested hours on 0700 to 2300 on Sunday to Thursday with an extra hour on Friday and Saturday, i.e. 0700 to midnight to allow for functions. The Council’s Environmental Protection Team consider this acceptable and that the details of the hall (which are reserved) will be able to ensure that matters such as orientation of the building will reduce potential noise issues. On balance, although the hall is close to an area of the site where new residential units will be located, taking into account the

proposed use these hours are considered acceptable. As such, I have imposed a condition controlling the use and opening times of this facility to protect the amenities of the area.

- 8.12 In terms of the delivery of the community hall, I have discussed this with the agent who has set out that contributions will be sought from the developers of the other two applications in Iwade which make up the wider allocation (Pond Farm, Iwade, – ref 19/501332/FULL for 69 dwellings and Land north of Sanderling Way – ref 18/505157/OUT for up to 65 dwellings). This was previously agreed with the developers of the site for the application at Pond Farm, Iwade (ref. 19/501332/FULL), which was reported to planning committee on 7<sup>th</sup> January 2021, at a figure of £52,413 (or £759.60 per dwelling), although it is noted in the committee report that the need / sum is still to be confirmed. Since this time, there has been an update in that the cost of providing the community hall (amounting to £1,370,516) has been divided by the total number of dwellings across the Iwade Expansion allocation (600 in total as set out above), in order to calculate the contributions required from these other two applications. This results in the Pond Farm developer agreeing to a contribution of £2,284.19 per dwelling (£157,609 in total). I have also received written correspondence from the developers of the parcel of land to the North of Sanderling Way Iwade, submitted under ref. 18/505157/OUT agreeing to contribute on this per dwelling basis (which would amount to £148,472 in total). In terms of the overall cost and whether this is reasonable for the delivery of a community hall, it is my understanding that the community hall at Great Easthall, Sittingbourne, was delivered for a total cost of approximately £1.06 million. As a result, the above total figure would appear to be reasonable in this case.
- 8.13 The agent has also set out in a letter to the Parish Council (on the basis that the community hall will primarily be used by the Parish Council) that the hall will be constructed to practical completion (at nil cost to the Parish Council); transferred to the Parish Council (at nil cost) and thereafter the Parish Council will take on the on-going management and maintenance of this facility. The Parish Council have written to me separately to confirm that they accept this arrangement. The Phasing information submitted with the application sets out that the community hall will be delivered in the first phase. On this basis I am of the view that the delivery of the community hall can be controlled by condition, and therefore I have recommended that the condition requires that the hall is completed and ready for its intended use prior to the occupation of any dwelling in the second phase.
- 8.14 The site of the existing village hall, has an extant planning permission for the demolition of the hall and the erection of 8 dwellings (ref. 20/502385/FULL). It should be noted that there is a condition imposed on the planning permission which does not allow the development to commence until such a time that the replacement community building, being proposed under this application, has been constructed and is available for use. As such, I am of the view that the provision of a community facility is safeguarded by this.
- 8.15 In summary, the adopted policy requires this application to “*Reserve land for community facilities where identified as appropriate.*” In my view, the proposal is going beyond this, by facilitating the delivery of the facility itself, at a relatively early stage in the process. On this basis I consider this aspect of the scheme acceptable.

Mix of Dwellings

- 8.16 As set out in paragraph 2.7 above, a housing mix has been provided with this application. The site specific policy requires the development to come forward with a mix of housing in accordance with Policy CP 3. The following provides a comparison of the proposed housing mix against the details set out in policy CP 3:

No. of bedrooms	Proposed	CP 3
1 bed	5%	7%
2 bed	25%	36%
3 bed	52%	42%
4+ bed	17%	15%

As can be seen from the above, the main difference between the Local Plan requirement and the proposal is a larger number of 3 bed units and smaller number of 2 bed units. However, it is also important to turn to the requirements of specific Local Housing Market Areas (LHMA). Iwade falls within the LHMA of *“Rural parts of Sittingbourne, Iwade, Upchurch, Newington, Milstead and Teynham.”* This sets out the main issues, purpose and objectives of housing proposals as follows - *“Has relatively high average prices and reasonable levels of demand and as such the market is reasonably strong. Going forward, the aspiration could be to encourage the development of good quality family housing, for which the greatest local demand exists.”*

- 8.17 On the basis of the above, I am of the view that the larger number of 3 bed units would be in line with the requirements of the LHMA. As a result I am of the view that the housing mix is acceptable and have imposed a relevant condition to require the reserved matters applications to be submitted in accordance with it.

Landscape / Visual Impacts

- 8.18 Although the site is not subject to any landscape designations, it does sit adjacent to a designated Area of High Landscape Value (Kent Level), located to the north, north-east and east of the site. It is however important to note that the part of the site closest to this designated area is proposed to form part of the strategic piece of open space, in the form of a country park. The proposed development parcels, within which the dwellings will be located are, at their closest, approximately 270m away from this designated area. Nevertheless, the site clearly has a relationship with this designated land and will need to respond to this appropriately as required by policy DM 24 of the Local Plan and the details in the NPPF.
- 8.19 In addition to the above, the site sits within the Iwade Arable Farmlands character area as identified by the Swale Landscape Character and Biodiversity Appraisal. The site specific Local Plan policy sets out that the development shall be of high quality design, respecting the settlement form/pattern, character and rural landscape setting of the village as identified by this document. The Swale Landscape Character and Biodiversity Appraisal identifies

the condition of this landscape as 'poor', with a 'moderate' sensitivity. The guidelines included in the document discusses restoring remaining landscape structure, including hedgerow, orchards, shelterbelts, the softening of major transport infrastructure and the use of local materials.

- 8.20 The details submitted with the application, in particular the Landscape and Visual Appraisal and in turn the Design and Access Statement have amongst other matters, identified the site context in respect of the relationship with both the adjacent land designation and the character of the area which the site lies within.
- 8.21 The Landscape and Visual Appraisal is a detailed document, and sets out the impact that the proposed development would have upon public visual amenity and landscape character. It is recognised that a development of this scale would be visible from a number of vantage points, and that those closest to the site would be most significantly impacted upon. However, as set out above, the strategic piece of open space, in my opinion, provides the opportunity to embed the proposed built form into the wider context of the landscape in a more coherent way than the current relationship between the edge of the built form in Iwade and undeveloped areas. For example, the proposals include a buffer of woodland planting, close to the boundary of the site where it meets the A249. This is a requirement of the site specific policy and I am of the view that this has been achieved.
- 8.22 As set out above, and as recognised by the site specific Local Plan policy, the existing southern and western urban edges of Iwade are visually harsh, with very little planting. A requirement of the policy is to ensure that this is not repeated and I note that the details provide include retaining existing planting and supplementing this with additional planting, close to the edge of the proposed development parcels. I am of the view that this will soften the urban edges of the development and have included relevant conditions to ensure that the planting is carried in the areas as proposed. In addition, the Design and Access Statement, sets out that those dwellings adjacent to the country park will have their frontages outward facing. When this is considered alongside the planting I believe that the proposals will allow for an acceptable transition between the undeveloped parts of the site and built form.
- 8.23 The proposed dwellings all form part of the outline element of the application, with their layout, scale, appearance and associated landscaping reserved matters. Having said this, the application has provided parameter drawings which set out the extent of the development parcels. These correspond with the Local Plan policy, and specifically the built up area boundary which was extended under the adopted Local Plan to include provision for this development. As a result of this, I have included a condition which restricts construction of the dwellings to these areas.
- 8.24 Further to the above, the Design & Access Statement does set out in detail how the proposed residential parcels are proposed to come forward, and divides the site into a series of character areas. The Design & Access Statement has been amended throughout the course of the application to meet the aims of both urban design and KCC Highways & Transportation comments. The result, in my view, is a document which provides a clear rationale as to the way in which built form can come forward on the site. The document is detailed and sets out the desired network of streets, details of the open spaces within the development parcels, parking details, building forms and materials. To ensure the reserved

matters submission and ultimately the development itself comes forward in general accordance with the details, I have embedded the Design & Access Statement into a relevant condition (see number 43 below).

- 8.25 In overall terms, I am of the view that the proposal appropriately responds to the designated land and landscape character. The details to ensure this have been included in relevant conditions and as a result I am of the view that the proposal is in compliance with policy DM 24 of the Local Plan, the requirements of the NPPF in terms of landscape impact and wider requirements relating to the overall design approach to the development.

#### Integration with wider development in Iwade

- 8.26 It is also important to note that the application site will be located on the opposite side of Grovehurst Road to the application for 69 dwellings at Land at Pond Farm, Iwade (ref. 19/501332/FULL) and adjacent to the application for up to 65 dwellings at Land north of Sanderling Way, Iwade (ref. 18/505157/OUT). These two applications, along with this proposal make up the Iwade Expansion as allocated under policy A 17. As such, the relationship between these sites will need to be considered.
- 8.27 Policy A17 states that development at Iwade should be in accordance with a masterplan / development brief for the wider development allocation in Iwade. This has not come forward for the allocation as a whole. However, I note that Members resolved to approve the application reported to planning committee on 7<sup>th</sup> January 2021 at Land at Pond Farm, Iwade in the absence of a masterplan. Although this masterplan is not in existence, the details submitted with this current application include a number of parameter plans, which along with the details submitted for the other two applications allow a full assessment to be made in terms of their integration.
- 8.28 Firstly, in respect of Pond Farm, this includes open space close to Grovehurst Road, which would then be continued in the form of the country park in this application. In addition, the highway improvement works related to this current application also include a toucan crossing to enable safe pedestrian / cycle access between the two sites and to connect with the country park. On this basis, I am of the view that the proposals will sit comfortably adjacent to each other.
- 8.29 In respect of Land north of Sanderling Way, there is a 'primary movement corridor' passing through the adjoining parcel of land subject of this current application, linking up with the North of Sanderling Way proposal. In addition, as adjoining parcels are in outline I am of the view that detailed proposals will allow a coherent form of development to be provided and for a seamless transition between the two sites.

#### Ecology

- 8.30 The site specific policy sets out that the development proposals as a whole shall *“achieve a net gain in the biodiversity of the site itself, including protecting and enhancing on-site habitats to provide for (at least) current levels of use by key species, including enhancing any existing role the site plays as supporting habitat for the SPA.”* Paragraph 175 of the NPPF deals with biodiversity and advises that *“When determining planning applications, local planning authorities should apply the following principles:*

*(d) ...while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.”*

- 8.31 It should be noted that currently, neither the Local Plan, nor the NPPF specifies a target percentage for the biodiversity net gain that should be sought from new development. I acknowledge that the draft Local Plan Review seeks a biodiversity net gain of a minimum of 20%.
- 8.32 The majority of the site is arable farmland which, in broad terms, has limited biodiversity value. There are a number of features included within the development (predominately within the country park) which will give rise to biodiversity benefits, for example, the enhancement of hedgerows, tree planting, species rich grasslands and SUDs ponds. As a result I have liaised with the agent in respect of tying down an appropriate figure in respect of biodiversity net gain. To this end, a baseline assessment has been carried out and this concludes that a biodiversity net gain of a minimum of 20% across the site can be achieved. I have provided this to KCC Ecology who consider this to be an appropriate figure based on the specific characteristics of the site. This commitment from the applicant goes considerably beyond what any adopted local or national policy requires and I am of the view that this provides a substantial benefit. To ensure that this commitment is secured, I have included relevant conditions below.
- 8.33 With regard to landscape and open space management, Members should note that a ‘Landscape Management Framework’ has been submitted. Importantly, in my view, this includes details of how a ‘Landscape and Ecology Management Committee’ will be set up. This mechanism will allow key stakeholders, including local interest groups, such as the Parish Council and Kent Wildlife Trust to provide a good level of oversight moving forward, via scheduled meetings, to monitor and review the management of the site against the Landscape and Ecological Management Plan which has been secured via condition. As part of this process I have liaised with Cllr Hunt regarding existing work which has been taking place in Iwade relating to the Iwade Community Orchard and Nature Park. This existing piece of open space sits immediately to the west of the application site and as such it was considered that ensuring the proposals integrate successfully with one another requires collaboration between the two. There is an existing Management Plan for this piece of open space and I provided it to the agent. In turn, they have discussed it with Kent Wildlife Trust who took the view that there is no conflict between the management of this area, and the proposals for the country park as part of this application. In addition, the ‘Iwade@The Barn Trust’, Iwade Nature and Conservation Group have also been added to the ‘Landscape and Management Committee’. The Council’s Greenspaces Manager has welcomed the inclusion of these local groups and I am of view that this will assist in creating a proper oversight of the management moving forward.
- 8.34 As set out above, the country park element of the application has been submitted in detail, performing a variety of functions. The agent has been receptive to the amendment of the proposals throughout the process. It is noted that although the general location of additional planting and an exhaustive list of the proposed species has been submitted and considered acceptable, I do not have the details of the precise location of the exact species. As such, I have recommended a condition (number 5 below) to ensure that these details are provided. The scheme has also been amended to reintroduce an orchard into

the scheme and provide species as recommended by the Greenspaces Manager in the form of 'Plum'. This has historical links to the area and also a known relationship with the 'Nobel Chafer', which is a protected species which I believe would provide further benefits.

- 8.35 The country park also provides the opportunity for an enhanced habitat for many of the species that have been found on the site. This includes protected species such as Great Crested Newt, bats and also reptiles. There are also areas set aside adjacent to SPA for ground nesting birds which will have public restricted access. KCC Ecology have assessed the details as per their comments above and consider the proposals to be acceptable in this regard, subject to a number of conditions as set out below.
- 8.36 Overall, as set out above, KCC Ecology, Natural England and the Council's Greenspaces Manager have all been heavily involved throughout the consideration this application and raise no objection subject to a number of conditions, and these are included below. Members should note that Natural England have considered the Appropriate Assessment and raise no objection subject to the payment of the standard tariff of £250.39 per dwelling to be spent on mitigating recreational impacts on the Special Protection Area (discussed in further detail below), the appropriate surface water drainage strategy and a construction management plan. The applicant has agreed to the payment of the tariff and there are separate conditions imposed to ensure that the points related to drainage and construction management are appropriately dealt with.

#### Affordable Housing

- 8.37 The policy (DM 8) compliant level of affordable housing for this site is 10% (47 units). I have consulted with the Council's Affordable Housing Manager who has set out this requirement. However, it is important to note that due to concerns with the delivery of on site affordable housing on sites with a smaller provision than this, an opportunity has arisen where the applicant for this development, is also the applicant in control of the land on the site known as 'Land at Great Grovehurst Farm, Sittingbourne'. Concurrently, a planning application is being considered under reference 18/502372/EIOUT, for amongst other things, 115 units. The policy compliant affordable housing requirement for that site is also 10%, equating to 12 units. The Council's Affordable Housing, in commenting on this separate application, has confirmed that it is one such site where an RP may be reluctant to take on this small number of units.
- 8.38 Due to this specific situation, a proposal was put forward to amalgamate the affordable housing provision from the two sites and then split evenly across the two developments. An additional affordable unit has been offered to create a total of 60, which would then be provided as 30 affordable units on each site.
- 8.39 I have raised the possibility of proceeding on this basis with the Ward Members for both schemes, the Chairman of the Planning Committee, the Cabinet Member for Planning, the Cabinet Member for Housing and Iwade Parish Council. Some queries were raised, predominately in respect of how this would be controlled to which both the agent and myself provided responses. After liaising further I gave the relevant Members a timeframe by which if no further comments were received I would proceed on this basis. I received confirmation from certain Members that they were content and no response from others.

Iwade Parish have also stated in correspondence to me that they agree with the proposals in respect of affordable housing. As such, on this basis I have proceeded.

I have consulted with the Council's Affordable Housing Manager at all stages who is in support of the proposal, primarily as the agreed approach provides the best opportunity to secure on site affordable provision on both of these developments. The affordable units will be secured via the S.106 when the details of the precise tenure split will be agreed.

#### Residential Amenity

- 8.40 As set out above, neighbouring objections to the application set out concerns in relation to overlooking, overshadowing and disruption caused by the construction period. Policy DM 14 of the adopted Local Plan states that development proposals should cause no significant harm to amenity.
- 8.41 In terms of overlooking and overshadowing, as set out above, the dwellings proposed are in outline form. Therefore, the exact configuration of them is unknown. Having said this, as discussed previously, a series of parameter plans have been submitted which fix the positions of the development parcels. Where the proposed dwellings would be located adjacent to existing dwellings, 'Development Offsets' have been proposed. This sets a minimum distance between existing dwellings and those proposed. During the course of the application, I received comments from the occupants of existing dwellings in Redwing Avenue and Fulmer Avenue that the criteria used for determining the offset distances were incorrect, insofar as they wrongly referred to the rear / side of existing dwellings. I raised this with the agent who provided additional details, crucially setting out that the classifications relate to the proposed dwellings.
- 8.42 In terms of the proposals that have been put forward at this stage I am of the view that the offset distances are appropriate. At reserved matters stage, the dwellings will be assessed against the criteria that are used in these circumstances, i.e. a minimum of 21m rear to rear and 11m flank to rear. However, none of the details in front of me lead me to conclude that this would not be achievable. As such, I do not believe that the details provided would lead to an unacceptable level of overlooking or overshadowing.
- 8.43 In terms of disruption during the construction period I comments as follows. It is recognised that a development of this scale will likely last for a considerable period of time. As a result of this, and as requested by KCC Highways & Transportation, I have imposed a condition requiring a construction management plan to be submitted. In addition to this, I have imposed a condition related to construction hours to ensure that potential harm to residential amenity is mitigated. As a result, I am of the view that the development will not give rise to significantly harmful impacts upon residential amenities.

#### Highway Impacts

- 8.44 The application will have impacts upon both the road local network, for which KCC Highways & Transportation are responsible, and the strategic road network (A249 / M2), for which Highways England are responsible. Details of the access into the development has been submitted in detail and is proposed in the form of two roundabouts, one on Grovehurst Road and one on The Street. The application has been supported by a detailed Transport Assessment which has been scrutinised by both highway authorities as referred

to above. I also note that a large number of the neighbour representations have raised concern in respect of a lack of capacity on the surrounding road network and that this proposal will lead to highway safety issues.

- 8.45 Further to comments received from both highway authorities during the course of the application, which has included amending the junction providing access to the northern part of the site from a T junction to a roundabout, they now raise no objection to the proposals, subject to a number of conditions and developer contributions. The applicant has informed me that they agree to the developer contributions requested, which can be secured via a Section 106 agreement.
- 8.46 Members should also note that this application also sets aside, in the far southern part of the site, land which is safeguarded for the Grovehurst Junction improvements. This is a requirement of the policy and has been secured by way of the relevant condition below. In addition, as part of the package of highway related contributions, this development will secure a contribution amounting to £970,353 towards the Grovehurst Junction improvements which will assist in providing wider benefits moving forward.
- 8.47 In respect of parking, both the community building and the dwellings have been submitted in outline form. As a result of this, the precise details of the amount and layout of parking will be considered at the reserved matters stage. Having said this, I have imposed a condition requiring this to come forward in accordance with the Council's adopted Parking SPD.
- 8.48 As required by the site specific policy, improvements are required to the existing highway network and public transport infrastructure. This application forms part of the Iwade Expansion allocation (A 17), and also sits close to the North West Sittingbourne site allocation (MU 1). As a result of the above circumstances, the requirements of the Local Plan policy have been apportioned to the various applications mentioned. Each development is providing either a proportion or the full requirement of contributions and / or improvements necessary to comply with the Local Plan policy, which has been agreed via meetings with the respective applicants and officers from both SBC and KCC. In respect of this application, the applicant has agreed to provide, as requested by KCC, the following:
- A contribution of £970,353 for the works to the Grovehurst Road / A249 junction;
  - A contribution of £23,261 towards Bus Stops including shelter improvements along the proposed North West Sittingbourne application Spine Road;
  - A contribution of £67,504 towards Travel Plan monitoring, paid to a consultant;
  - A contribution of £1,422 to be paid to the Highway Authority to enable an audit of the Travel Plan;
  - A sustainable Transport Voucher of £350 issued for each dwelling for either bus travel, rail travel or cycle equipment;
  - A contribution of £15,000 towards an improvement to the junction of Sanderling Way and The Street, Iwade;
  - Improvements to pedestrian/cycling facilities along Sheppey Way - consisting of providing a footway/cycleway along Sheppey Way, between Bramblefield Lane and Featherbed

Lane. An uncontrolled crossing point shall be provided near the southern end of the scheme where the facility switches between the eastern and western sides of the carriageway;

- Pedestrian / cycle connections between the site and Fulmer Avenue and Swallow Avenue.

8.49 On the basis of the above, this application, along with the others forming part of the Iwade Expansion allocation, and the North West Sittingbourne allocation will combine to deliver the full requirements of the respective policies. In my view, this application is either contributing to, or delivering in full, the contributions or off site highway works which have been requested by KCC Highways & Transportation.

8.50 I note the objections that have been received on highway capacity and safety grounds, however, due to the proposals that have been submitted, the mitigation that has been agreed and the lack of an objection from either Highways England or Kent Highways & Transportation I am of the view that these aspects of the development are acceptable. I also note the objection regarding vehicular access between the application site and Fulmer Avenue. However, as the requirements set out above, this will be limited to a pedestrian / cycle access only.

8.51 I also note the consultation response from Network Rail in relation to possible enhancements to Swale station. In my view, as the policy does not require enhancements to this station I have not pursued this. However, it should be recognised that as mentioned above, various schemes within the NW Sittingbourne and Iwade allocations will be contributing to enhancements to Kemsley Station, as required by the policy and agreed with KCC Highways & Transportation. As such I am of the view that this matter has been adequately addressed, and am mindful that Network Rail did not request such a contribution in this instance.

8.52 As a result, I am of the view that the scheme acceptably deals with the transport related parts of policy A 17 as well as being compliant with policy DM 6 of the Local Plan.

#### Flood Risk / Surface and Foul Water Drainage

8.53 The majority of the site is located within Flood Zone 1 (low risk), however, adjacent to the Iwade Stream and in the north-eastern part of the site, there are areas in both Flood Zone 2 and 3 (high risk of flooding). All of the proposed development parcels which include built form (dwellings / community hall) are located in Flood Zone 1 (low risk of flooding). The Iwade Stream has been classified by the Environment Agency as a 'Main River' in response to the flood risk concerns. A detailed Flood Risk Assessment has been submitted in support of the application.

8.54 The surface water drainage strategy for the site includes a number of open water features located within the parts of the site proposed to be delivered as a country park. Due to the flood risk zones upon the site, as well as the Lead Local Flood Authority (KCC), the Environment Agency have also been consulted. Both consultees have recognised previous history of flooding in Iwade and have provided comments. In summary, these consultees raise no objection, subject to a number of conditions. These conditions have been

recommended below and as such I am of the view that details in respect of flood risk and surface water drainage have been adequately dealt with as part of this application.

- 8.55 In respect of foul drainage, Southern Water have been consulted and recommended that a condition is imposed to protect public sewers and water mains on the site. I have included this and am of the view that this adequately deals with this matter.
- 8.56 Southern Water have also identified an increased risk of flooding if network reinforcement is not provided. This would be funded through the New Infrastructure Charge and Southern Water's Capital Works programme and they have recommended a condition on this basis and details of the proposed means of foul and surface water disposal.
- 8.57 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 related to network reinforcement 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.
- 8.58 In terms of the condition relating to the proposed means of foul and surface water disposal, as surface water is dealt with via separate conditions (discussed above) I consider this matter to have been adequately dealt with. In specific respect of foul water disposal, the connection to the foul sewerage network is dealt with through Section 104 and Section 106 Agreements of the Water industry Act, which falls outside of the planning process. As such, it would not meet the relevant tests required of a planning condition. On this basis, the details will be dealt with via applications and agreements outside of the planning process.
- 8.59 I also note the comments of the Environment Agency, who have set out that as the site overlies a principal/secondary aquifer that a condition is required to agree, prior to commencement of the development, a scheme to connect all the plots to mains foul drainage. As this is related to preventing the development from contributing to unacceptable levels of water pollution, as required by paragraph 170 of the NPPF then I am of the view that this condition would meet the necessary tests and have imposed accordingly. I also believe that this condition would overlap with the condition recommended by Southern Water requiring the details of the proposed means of foul drainage and as such have only included a single condition.

#### Climate Change / Sustainable Design and Construction

- 8.60 The Council declared a climate and ecological emergency on 26th June 2019. The purpose of the declaration was to draw attention to the urgent need to reverse the decline in biodiversity in Swale and to take effective action to reduce carbon emissions in the Borough. The declaration sets the goals for carbon emissions from the Council's operations to be carbon neutral by 2025 and for the Borough to be carbon neutral by 2030. I note that the Inspector's decision in respect of the Land West Of Barton Hill Drive application (ref 18/503135/OUT) referred to this declaration and stated that "*I am satisfied that this is a material consideration and is supported by development plan policies and national policies*

*within the Framework.*” A Climate and Ecological Emergency Action Plan (22<sup>nd</sup> April 2020) has also been produced.

- 8.61 The issue of biodiversity has been dealt with above. In respect of the need to reduce carbon dioxide emissions from the development, a detailed Sustainability Statement has been submitted with the application which set out an intention for the dwellings to achieve a reduction in carbon emissions of 50% over the Building Regs. Members will note that the dwellings proposed as part of this application have been submitted in outline. As a result of this, there will need to be reserved matters approval for the precise details and a period of construction. In addition, the scheme proposes 466 dwellings, and therefore, will take a number of years to deliver. As a result of this, I have recommended a relevant condition which does not specify a certain reduction in carbon emissions against the Building Regulations, but will allow for an appropriate reduction to be agreed in due course. This will take into account the relevant policy at the time and due to the length of time it'll likely take for the development to come forward, it is envisaged a reduction in excess of Members' current aspirations for a 50% reduction over and above the Building Regs could well be required at that point.
- 8.62 In terms of the community hall, it is noted in the Sustainability Statement that if possible they would be striving for a BREEAM rating of 'excellent'. Further to the submission of this document I have liaised with the agent regarding this issue and a BREEAM pre assessment has been carried out. This has demonstrated that a BREEAM rating of 'very good' is achievable. I have consulted with the Council's Climate Change Officer who is of the view that as a rating of 'very good' goes beyond the minimum requirements of policy DM 19 for a building below 1,000sqm (which this is), then the details are acceptable. Members will note the relevant condition which secures a rating of 'very good'.

#### Archaeology

- 8.63 The application has been supported by an 'Archaeological Desk Based Assessment' and I have consulted with the KCC Archaeological Officer. In response, as set out in the consultation section above, although knowledge of known archaeological remains in Iwade is limited, this is increasingly looking to be the result of a lack of previous investigation, as evidence is beginning to show the potential for archaeological remains to be high. It is considered that this potential extends to this site.
- 8.64 On this basis, the KCC Archaeological Officer has recommended a condition is imposed which will require archaeological evaluation of the site which will then inform appropriate mitigation areas if required. Dependant on the results of the evaluation, the condition will then require either adjustment of development if appropriate and / or archaeological evaluation. As the layout of the built form on the site is a reserved matter I do not believe that this condition provides any conflict with the details submitted at this stage. As such, I have recommended the condition below and believe that this adequately addresses the matter at this stage.

#### Agricultural Land

- 8.65 Although the site is classed as best and most versatile agricultural land, policy DM 31 of the Local Plan sets out that *“development on best and most versatile agricultural land (specifically grades 1, 2 and 3a) will not be permitted unless 1) The site is allocated for*

*development by the Local Plan.*” As the site is allocated for development, it is therefore not subject to protection under this policy.

#### Impact upon designated heritage assets

- 8.66 Policy A 17 of the Local Plan requires that the development proposals “*avoid substantial harm to the setting (and in views to and from) to All Saint's Parish Church*”. All Saints Church is a grade I listed building and located approximately 20m from the boundary with the application site. The application has been supported by a Heritage Statement which assesses the impact of the proposed development upon the setting of the church.
- 8.67 The Heritage Statement sets out that due to the closest part of the application site being comprised of open space (in the form of the country park), and the lack of visibility between the closest parts of the site proposed to be developed and the church that there would be no direct harm to its setting. Having considered the application I consider that the assessment undertaken is fair and any substantial harm to the setting would be avoided.
- 8.68 Although not mentioned in the policy, the grade II listed Ivy Cottage (to the south of the Church) and the grade II listed Iwade Barn (to the north of the Church) are within 100m and 15m respectively of the application site. However, again, the closest parts of the development are to be provided as open space. As such, I am of the view that their setting would not be harm to any significant degree and the heritage constraints of the site have been adequately addressed.

#### Developer Contributions

- 8.69 Policy A 17 requires that the development provides the necessary contributions to mitigate the impacts of the scheme. The contributions requested by various consultees are as follows:

Grovehurst Road / A249 Junction - £970,353;

Bus Stops along North West Sittingbourne (ref 18/502190/EIHYB) spine road - £23,261;

Travel Plan Monitoring - £67,504;

Travel Plan Audit - £1,422

Sustainable Transport Voucher - £350 per dwelling = £163,100;

Sanderling Way / The Street Junction - £15,000;

Primary Education Land – £2,026.22 per application house / £506.56 per applicable flat;

Primary Education - £4,535 per applicable house; £1,134 per applicable flat;

Primary Education - £4,687 for applicable house; £1,172 per applicable flat;

Healthcare - £402,624;

Social Care - £146.88 per dwelling = £68,446.08;

Community Learning - £60.43 per dwelling = £28,158.83;

Youth Services - £65.50 per dwelling = £30,523;

Libraries - £227 per dwelling = £105,782;

Household Waste Recycling and Transfer Station - £237.54 per dwelling = £110,693.64;

SAMMS (SPA mitigation) - £250.39 per dwelling = £116, 681.74;

Air Quality Damage Costs - £365,405 (There is the potential for this to be spent on either on site, or off site mitigation).

Wheelie Bins - £105.20 per house / £189.64 per flat.

- 8.70 The applicant has agreed to pay these contributions and I am of the view that they meet the relevant tests for planning obligations. I am also content that a Section 106 Agreement is the best mechanism for addressing the SAMMS contribution (of £250.39 per dwelling), the details of which are set out under the subheading 'The Conservation of Habitats and Species Regulations 2017'. Members may note that KCC initially requested a contribution for 'Secondary Education Land.' However, it has since been agreed that the developer of the scheme for the largest part of the NW Sittingbourne allocation (ref 18/502190/EIHYB) will be providing this and as such is not included above.
- 8.71 In addition, an Administration and Monitoring Fee will be required to be agreed in due course. The S.106 agreement will also be required to include a phasing plan. Furthermore, Members will note that there are conditions related to a site wide OLEMP (Outline Landscape and Ecology Management Plan), phased DLEMP (Detailed Landscape and Ecology Management Plan) and a DLEMMP (Detailed Landscape and Ecology Management and Monitoring Plan) related to the country park, with reference made to the approved Landscape Management Framework. Notwithstanding this, delegated authority is sought to insert extra provisions in the S.106 as may be required to ensure that robust, sustainable mechanisms are in place for the long-term management of the open space, strategic landscaping and other ecological mitigation areas.
- 8.72 Delegated authority is sought to agree appropriate triggers for the various payments set out above and in respect of the non-financial contributions. Authority is also sought to amend the amount, substitute with conditions (or visa versa) or make other amendments to the S.106 wording where required.
- 8.73 Finally, I note that a large number of the objections received to the application consider that local infrastructure is already unable to cope with demand, and that this proposal will exacerbate this problem. In considering these comments, I give very significant weight to the views of the various relevant technical consultees who have not objected to the application.

#### Air Quality, Noise, Contamination

- 8.74 When originally consulted, the Council's Environmental Protection Team raised concern in respect of air quality, noise and contamination. The concerns raised were that there was no air quality damage costs calculation provided; a reliance on keeping windows open to achieve compliance with noise standards; and no contaminated land assessment.

- 8.75 Further to this, additional information was submitted and I re-consulted with the Council's Environmental Protection Team. A damage cost calculation was undertaken which produced a figure of £365,405. The methodology as to how this figure was arrived at was considered acceptable and as set out above the applicant has agreed to this contribution. This payment can be secured via the S.106 (which the applicant has agreed to) and the details of which mitigation measures this will be put towards will be included in the agreement, via consultation with the Council's Environmental Protection Team. On this basis, I am of the view that the matter of air quality has been adequately dealt with.
- 8.76 In respect of noise, further details were provided which set out that windows will not be required to remain closed to achieve compliance with the standards. These details were considered acceptable for the noise related objection to be withdrawn.
- 8.77 Finally, in respect of contamination, a phase 1 contamination assessment was submitted which sets out that the contamination risk of the site is low. As such, the initial objection was withdrawn, subject to a relevant condition which I have included below.
- 8.78 As a result of the above I am of the view that the application acceptably deals with matters of air quality, noise and contamination.

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

- 8.79 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.
- 8.80 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 (£250.39 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.81 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 areas, *“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.

- 8.82 In this regard, I have undertaken an appropriate assessment and considered the country park element of the application which means that although the SPA lies close to the application site, accessing the SPA for future residents would not be as convenient as accessing open space upon the development which is outside of the SPA. As such I took the view that the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff will ensure that these impacts will not be significant or long-term. To confirm this I have re-consulted with Natural England. Natural England have confirmed that subject to the Council securing appropriate mitigation, via the SAMMS payment, an appropriate surface water management strategy and the implementation of a construction management plan in line with the preliminary construction management plan then this will prevent harmful effects on the protected sites. As set out, above, the applicant has agreed to pay the tariff. In addition, surface water and construction management details have been secured via condition. As such I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPAs.
- 8.83 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/>).

#### Brickearth

- 8.84 The site lies within a Minerals Safeguarding Area, due to the potential for brickearth on the site. The application has been supported by a Minerals Assessment which includes confirmation from the local brickmaker, Weinberger, that the brickearth deposits on the site are too marginal to be economic. I have consulted with KCC Waste & Minerals who consider that the evidence is comprehensive enough to allow an exemption from the presumption that the mineral should be safeguarded. As a result the proposal is in compliance with policy DM 7 of the Kent Minerals and Waste Local Plan 2013-30.

#### Health and Safety Executive (Explosives Directorate)

- 8.85 Members will note the comments of the Health and Safety Executive as set out above in that the site falls within the vulnerable building consultation zone for a licenced explosives facility, but outside of the inhabited building distance. As a result, they have no comment to make, provided that the development does not include a 'vulnerable building'.
- 8.86 The HSE have provided a definition of what is classed as a 'vulnerable building' and is based upon height, amount of glazing and structural design. Based upon the site parameter details, it does not look immediately obvious that any of the buildings on this site would be classified as a 'vulnerable building' in this sense. However, to ensure this is the case, I have imposed a condition setting out that the reserved matters applications shall show that the buildings do not meet the criteria for a 'vulnerable building'. As a result I am of the view that the future occupants of the development will not be put at risk.

## **9. CONCLUSION**

- 9.1 This scheme will bring forward the largest part of the A 17 Iwade Expansion site allocation, as set out in the adopted Local Plan. In addition to the benefits of the scheme, in terms of

contributing to the Borough's housing supply (which currently sits below the required 5 years), the scheme will also deliver further community benefits in the shape of a community hall and a strategic piece of open space in the form of a country park. The country park will be delivered prior to the occupation of any dwellings.

- 9.2 In addition to the above, the proposal will deliver a biodiversity net gain of a minimum of 20%, going far beyond the requirements of any adopted policy on this subject. I also take into account the additional commitment which has been given to the on-going overview of the landscape and ecology matters associated with this application via the Landscape Management Framework. I am of the view that the proposal will deliver the aims of the site specific policy and in many respects as described above, goes beyond what is set out in policy A 17.
- 9.3 I do recognise that the proposal has attracted objections related to a range of subjects as set out and considered via the discussion points above. However, based upon the details contained in the report, the conditions and the obligations required, I am of the view that the proposal deals acceptably with matters not limited to highway safety and amenity, drainage, air quality, contamination, and biodiversity. It is also important to note that I do not have any objections from the technical consultees. On this basis, I am of the very firm view that planning permission should be granted.

## 10. RECOMMENDATION

GRANT Subject to the following conditions:

- 1) Before any phase is commenced, details relating to the appearance, landscaping, layout and scale (the reserved matters) of that phase of the development hereby approved shall be submitted to and approved by the Local Planning Authority.

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

- 2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date on which the Roads Investment Strategy Scheme at M2 J5 is open to the public.

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

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

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

- 4) The development shall be carried out in accordance with the following approved drawings: 4603-LLB-XX-E1-DR-L-0001-S4-P04; 4603-LLB-XX-E2-DR-L-0001-S4-P04; 4603-LLB-XX-E3-DR-L-0001-S4-P05; 4603-LLB-XX-E4-DR-L-0001-S4-P04; 4603-LLB-XX-E5-DR-L-0001-S4-P05; 4603-LLB-XX-E6-DR-L-0001-S4-P05; 4603-LLB-XX-E7-DR-L-0001-S4-P04; 4603-LLB-XX-E8-DR-L-0001-S4-P04;

4603-LLB-XX-E9-DR-L-0001 Rev P07; 4603-LLB-XX-E10-DR-L-0001-S4-P04; 4603-LLB-XX-E11-DR-L-0001-S4-P04; 4603-LLB-XX-E12-DR-L-0001-S4-P03.

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

- 5) Notwithstanding the details shown on the drawings listed in condition 4, prior to the commencement of development, details showing the precise location of species listed in the Planting Schedule (4603-LLB-SH-L-0001, S4, Rev P04) and an implementation schedule shall be submitted to and agreed in writing by the Local Planning Authority. The development thereafter shall be implemented as agreed.

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

- 6) The measures for Tree Protection as set out in the following drawings shall be adhered to throughout the construction of the residential phases of development hereby approved: 4603-LLB-XX-E1-DR-L-0002-S4-P04; 4603-LLB-XX-E2-DR-L-0002-S4-P04; 4603-LLB-XX-E3-DR-L-0002-S4-P04; 4603-LLB-XX-E4-DR-L-0002-S4-P04; 4603-LLB-XX-E5-DR-L-0002-S4-P04; 4603-LLB-XX-E6-DR-L-0002-S4-P04; 4603-LLB-XX-E7-DR-L-0002-S4-P04; 4603-LLB-XX-E8-DR-L-0002-S4-P04; 4603-LLB-XX-E9-DR-L-0002-S4-P04; 4603-LLB-XX-E10-DR-L-0002-S4-P04; 4603-LLB-XX-E11-DR-L-0002-S4-P04; 4603-LLB-XX-E12-DR-L-0002-S4-P04; 4603-LLB-XX-E13-DR-L-0001-S4-P03.

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

- 7) Prior to the occupation of any dwelling, the country park hereby approved shall be completed and available for public use.

Reason: To ensure this strategic piece of open space is delivered in a timely manner.

- 8) Prior to the access to the country park being made available, details showing measures to provide safe and convenient access to this area of open space during on-going construction works shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to the occupation of any dwelling.

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

- 9) The details submitted pursuant to condition 1 (the reserved matters) shall show the residential areas and location of the 'village hall' restricted to those locations as shown on drawing 5598 / OPA / SK 002 B (Land Use Parameter Plan).

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

- 10) The details submitted pursuant to condition 1 (the reserved matters) shall show the height of the residential units and 'village hall' (in terms of both storey heights and maximum heights) in accordance with the details as shown on drawing 5598 / OPA / SK 002 B (Land Use Parameter Plan).

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

- 11) The 'village hall' hereby approved shall be restricted to the following use – use D1 (non-residential institution) – and not for any other purpose including any uses otherwise provided for by the operation of the Town and Country Planning (Use Classes) Order 1987 (as amended) or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

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

- 12) The 'village hall' hereby approved shall be constructed to BREEAM 'Very Good' Standard or an equivalent standard and prior to the use of the building commencing the relevant certification shall be submitted to the Local Planning Authority confirming that the required standard has been achieved.

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

- 13) The 'village hall' hereby approved shall only be available for use between the hours of 0700 and 2300 on Sunday to Thursday and between the hours of 0700 and 0000 on Friday and Saturday.

Reason: In the interests of residential amenities.

- 14) Prior to the commencement of development hereby approved a Construction Management Plan, to include the following shall be submitted to and approved in writing by the Local Planning Authority:

- (a) Routing of construction and delivery vehicles
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage
- (f) Any requirements for temporary construction access
- (g) Measures to minimise the production of dust on the site
- (h) 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(s)
- (i) Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- (j) Design and provision of site hoardings
- (k) Measures to manage the production of waste and to maximise the re-use of materials
- (l) The location and design of site office(s) and storage compounds
- (m) Measures to mitigate impacts upon the integrity of designated sites in accordance with the details provided in the Preliminary Construction Management Plan.

Reason: To ensure that construction of the development does not result in avoidable congestion on the A249 Trunk Road and M2 Junction 5, to ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety; and in the interests of highway safety on the local highway network; in the interests of residential amenities and in the interests of protecting the SPA.

- 15) Before the occupation of any dwelling in the development area labelled 'E2' (as shown in section 1.2 of the Design & Access Statement, August 2020), the off site highway works to create the access into the site from Grovehurst Road, as indicatively shown on drawing D205/17 Rev F shall have been carried out in accordance with a design and specification to be submitted and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interest of highway safety.

- 16) Before the occupation of any dwelling in development areas E1 and N2 (as shown in section 1.2 of the Design & Access Statement, August 2020), the off site highway works to create the access into the site from 'The Street', as indicatively shown on drawing D205/06 Rev E shall have been carried out in accordance with a design and specification to be submitted and approved in writing by the Local Planning Authority. Works shall then be implemented in accordance with the approved details.

Reason: In the interest of highway safety.

- 17) The details submitted pursuant to condition 1 (the reserved matters) shall include details of areas for the parking and manoeuvring of vehicles in the development in accordance with Swale Borough Council's adopted Parking Standards Supplementary Planning Document (adopted 2020). The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling / use to which they relate and retained thereafter.

Reason: In the interests of highway safety.

- 18) Prior to any dwelling being occupied or any use commencing, covered cycle parking facilities shall be provided for the dwelling / use in accordance with the Council's adopted Parking Standards Supplementary Planning Document (adopted 2020) and the facilities retained thereafter.

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

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

- (a) Footways and/or footpaths, with the exception of the wearing course;
- (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interest of highway safety.

- 20) Prior to the occupation of any dwelling, details showing a pedestrian / cycle route between application site and Fulmer Avenue; and between the application site and Swallow Avenue, including measures to prevent it's use by motorised vehicles, shall be submitted to the Local Planning Authority. The agreed works shall thereafter be implemented prior to the occupation of the 50<sup>th</sup> dwelling.

Reason: In the interest of highway safety and promotion of sustainable modes of transport.

- 21) Prior to the occupation of any dwelling, details showing connectivity and improvements to pedestrian/cycling facilities along Sheppey Way as indicatively shown on PBA drawing 27239\_5504\_049 shall be submitted to the Local Planning Authority. The agreed works shall thereafter be implemented prior to the occupation of the 100<sup>th</sup> dwelling.

Reason: In the interest of highway safety and promotion of sustainable modes of transport.

- 22) Any land coloured brown on the drawing entitled “Grovehurst Junction Land Requirements” in the applicant’s ownership shall be made available to the Highway Authority at their request and at no cost. Any land coloured brown on the drawing ‘entitled “Grovehurst Junction Land Requirements” which is subsequently not required by the Highway Authority for the Grovehurst/A249 interchange improvements shall be given back to the applicant at no cost.

Reason: In the interest of highway safety.

- 23) The Travel Plan, as submitted, shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interest of highway safety and promotion of sustainable modes of transport.

- 24) No dwellings hereby permitted shall be occupied until the opening to the public of a Roads Investment Strategy scheme at M2 Junction 5 and a Housing Infrastructure Fund scheme at the A249 Grovehurst junction (or schemes to the same effect that may be agreed in writing by the local planning authority who shall consult Highways England).

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 25) No works shall commence until full details have been submitted to and agreed in writing by the Local Planning Authority (who shall consult Highways England) of the hard and soft landscaping and boundary treatment of the country park in the vicinity of the A249 shown in Landscape Masterplan: Country Park drawing 4603-LLB-XX-XX-DR-L-0001 Rev P14.

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in Highways England Planning Response (HEPR 16-01) January 2016 accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 26) No surface water shall be permitted to run off from the development hereby permitted on to the highway or in to any drainage system connected to the highway. No drainage connections from any non-Strategic Road Network related development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A249 Trunk Road and M2 Junction 5 continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 27) No development shall take place until a surface water drainage strategy masterplan for the entire site has been submitted to and agreed in writing by the Local Planning Authority. The masterplan shall include a phasing plan which is in accordance with the drainage strategy set out in the FRA at Appendix 11 (drawing no. 2057B) showing strategic provision and any temporary works, and will demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout without increase to flood risk on or off-site.

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

- 28) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for that phase, compliant with the approved drainage masterplan, has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated 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.

- 29) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on a critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 30) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 170 of the National Planning Policy Framework.

- 31) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants in line with paragraph 170 of the National Planning Policy Framework.

- 32) The residential units / village hall elements of the scheme hereby approved shall not be commenced until such time as a scheme to connect all plots to mains foul drainage has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: The site overlies a principal/secondary aquifer and connection to mains sewer provision is available and in line with our guiding principles and statutory undertaker duties. The National Planning Policy Framework paragraph 170 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution.

- 33) No development shall take place until a scheme for the provision and management of an 8 metre wide buffer zone alongside the Iwade stream has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be carried out with the approved scheme. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the 8m buffer zone (taken from the top of bank);
- details of any proposed planting scheme – which shall be of native species, of local genetic provenance suited to the local landscape character;
- details demonstrating how the buffer zone, water vole species and associated habitat will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths with a justification on how the design considerations for these take into account ecological sensitivities and opportunities.

Reason: Land alongside watercourses, wetlands and ponds is particularly valuable for wildlife and it is essential this is protected.

- 34) Prior to the commencement of development the measures undertaken to divert the public sewers shall be submitted to and agreed in writing by the Local Planning Authority (in consultation with Southern Water).

Reason: To ensure the protection of the public sewers.

- 35) Prior to the construction of any dwelling details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

Reason: In the interests of energy efficiency and lowering carbon emissions.

- 36) No gas boilers shall be fitted in the dwellings hereby permitted other than a low emission boiler of a minimum standard of <40mgNO<sub>x</sub>/kWh. No dwellings shall be occupied until details of the boilers to be installed have been submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with such details.

Reason: In the interests of minimising air quality impacts.

- 37) The details submitted pursuant to condition 1 (the reserved matters) shall include measures to provide electric vehicle charging and shall include –
- a) Electric vehicle charging points for all dwellings with parking facilities within their curtilage.
  - b) Electric vehicle charging points to be provided to a minimum of 10% of all other residential parking areas and the village hall parking spaces.

No dwelling / village hall hereby permitted shall be occupied until the electric vehicle charging points for that dwelling / village hall have been installed.

Reason: In the interests of promoting sustainable transport methods and carbon reduction.

- 38) The dwellings hereby permitted shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no residential unit(s) shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 39) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

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

Reason: In the interests of residential amenity.

- 41) Prior to the commencement of development of the residential element of the scheme hereby approved, details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all dwellings. The infrastructure shall be installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 112 NPPF.

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

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

- 43) The details submitted in pursuance of condition 1 (the reserved matters) shall accord generally with the provisions of the Design and Access Statement, dated August 2020. Proposals shall incorporate:
- the building forms and materials generally as shown in Section 5.5 of the Design and Access Statement;
  - the key open spaces set out generally as shown in Section 5.7 of the Design and Access Statement;
  - the subdivision of the site into Character Areas generally as shown in Section 5.8 of the Design and Access Statement and for each Character Area the details shall incorporate the design principles set out in the document.

Reason: In the interests of promoting a consistent quality of development, sustainable development and of visual and landscape amenity.

- 44) Prior to any works commencing on site (including vegetation clearance or ground works) a detailed ecological mitigation strategy must be submitted to the Local Planning Authority for written approval. The strategy must include the following:
- Overview of the ecological interest of the site

- Overview of the mitigation required.
- Maps/plans showing the location of the mitigation areas
- Detailed methodology to implement the mitigation
- Timings of the proposed works
- Interim management plan for the mitigation areas
- Details of on going monitoring.

Reason: In the interests of biodiversity.

- 45) Prior to the commencement of development on each phase a review and update of the detailed ecological mitigation strategy must be submitted to and approved in writing by the Local Planning Authority. The review must be informed by an updated Preliminary Ecological Appraisal and, where recommended, specific species surveys. The mitigation must be implemented as approved.

Reason: In the interests of biodiversity.

- 46) Prior to the commencement of the reptile and Great Crested Newt translocation, a report must be submitted to and approved in writing by the Local Planning Authority demonstrating that the reptile/Great Crested Newt receptor site provides suitable habitat to support the translocated populations. The translocation must not commence until it can be demonstrated that the habitat is appropriate.

Reason: In the interests of biodiversity.

- 47) Prior to the commencement of development (including any works to the country park) hereby approved an Outline Landscape and Ecology Management Plan (OLEMP) for the whole site must be submitted to and agreed in writing by the Local Planning Authority. It must provide the following information:

- An overview of the habitats to be created within the site;
- Map showing the habitats to be created/retained/enhanced within the site;
- Overview of what management will be required – which shall be based upon the Landscape Management Framework (March 2021), including reference to the Community & Stakeholder Involvement Mechanism;
- Details of interpretation boards in respect of restricted public access.

The OLEMP must inform the detailed Landscape and Ecology Management Plans.

Reason: In the interests of biodiversity.

- 48) Prior to the commencement of development (including works to the country park) hereby approved a habitat creation plan must be submitted to and approved in writing by the Local Planning Authority. It will provide details on how the habitats within the Outline Landscape and Ecology Management Plan will be created, established and/or enhanced and must include the following information:

- Overview of the habitats on site
- Map demonstrating the locations of the habitats to be created, established or enhanced
- Methodology to establish/create/enhance the habitats
- Interim management requirements until the implementation of the Detailed LEMMP
- Timings of the proposed works
- Details of who will be carrying out the works.

The plans must be implemented as approved.

Reason: In the interests of biodiversity.

- 49) The details submitted pursuant to condition 1 (the reserved matters) shall in respect of each phase include a detailed Landscape and Ecology Management Plan must be submitted to and approved in writing by the Local Planning Authority. The plan must include the following:

- Overview of the habitats to be created
- Overview of how the habitats will be managed.
- Detailed timetables demonstrating how and when the management will be carried out.
- Details of who will be carrying out the management.
- Timings of the works.
- Details of how it will be monitored - which shall include the 'Community & Stakeholder Involvement Mechanism' as detailed in the Landscape Management Framework (March 2021);
- How it will be funded.
- Details of when and how the management plan will be reviewed.

The management plan must be implemented as approved.

Reason: In the interests of biodiversity.

- 50) Prior to the occupation of the first dwelling a detailed Landscape and Ecology Management and Monitoring Plan for the country park must be submitted to and approved in writing by the Local Planning Authority. It must include the following information which shall include the details as set out in the Landscape Management Framework (March 2021):

- Overview of the habitats and associated species present within the country park
- Overview of how the habitats will be managed.
- Detailed methodology to implement the management
- Detailed timetables out of the management requirements.
- Details of who will be carrying out the management.
- Timings of the works.
- Details of habitat and species monitoring.
- How it will be funded in the short and long term
- Timings of management plan reviews – informed by ongoing monitoring.

The management plan must be implemented as approved.

Reason: In the interests of biodiversity.

- 51) Prior to the commencement of development a lighting plan must be submitted to and approved in writing by the Local Planning Authority. The plans must demonstrate where dark and low level light corridors are located within the site – No artificial lighting will be located within either area and there will be limited light spill within the low level light corridors. For the avoidance of doubt, the sports pitch shall not have any floodlighting.

Reason: In the interests of biodiversity.

- 52) The details submitted pursuant to condition 1 (the reserved matters) shall include a detailed lighting plan. The lighting plan must demonstrate that it has been designed to ensure that the artificial lighting is not impacting the dark areas and/or low level light areas detailed within the lighting strategy submitted (and approved) as part of condition 51. The lighting plan must demonstrate that that it is following the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals (or most recent guidance if subsequently updated) <https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229>

Reason: In the interests of biodiversity.

- 53) The details submitted pursuant to condition 1 (the reserved matters) shall in respect of each phase include an Ecological Enhancement Plan. The plan must detail what ecological enhancements will be incorporated into the site and it must include native species planting, integrated bat, bird and insect boxes and hedgehog highways.

Reason: The plans must be implemented as approved.

- 54) The details submitted pursuant to condition 1 (the reserved matters) shall demonstrate that no building or structure meets the following criteria:
- a) a building of more than three storeys above ground or 12m in height constructed with continuous non-load bearing curtain walling with individual glazed or frangible panels larger than 1.5m<sup>2</sup> and extending over more than 50% or 120m<sup>2</sup> of the surface of any elevation;
  - b) a building of more than three storeys above ground or 12m in height with solid walls and individual glass panes or frangible panels larger than 1.5m<sup>2</sup> and extending over at least 50% of any elevation;
  - c) a building of more than 400m<sup>2</sup> plan area with continuous or individual glazing panels larger than 1.5m<sup>2</sup> extending over at least 50% or 120m<sup>2</sup> of the plan area; or
  - d) any other structure that, in consequence of an event such as an explosion, may be susceptible to disproportionate damage such as progressive collapse.

Reason: For the protection of future occupants of the development.

- 55) Prior to the commencement of development a contaminated land assessment comprising of the following (and associated remediation strategy if relevant), shall be submitted to and approved in writing by the Local Planning Authority:
- 1) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology. A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.
  - 2) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and

approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

- 3) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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.

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

- 56) The details submitted in pursuant to condition 1 (the reserved matters) shall be in accordance with the Housing Mix Schedule as provided in Section 4.6 (p.48) of the Design and Access Statement (August 2020).

Reason: To ensure that a satisfactory mix of dwelling are provided in accordance with the needs of the local housing market area.

- 57) The details submitted pursuant to condition 1 (the reserved matters) shall demonstrate how the development meets the principles of 'Secure by Design'.

Reason: In the interests of crime reduction and safety.

- 58) Prior to the commencement of any development, a strategy setting out how the entire site will deliver a biodiversity net gain of a minimum of 20% shall be submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed strategy.

Reason: In the interests of biodiversity.

- 59) The details submitted pursuant to condition 1 (the reserved matters) shall in respect of each phase be in accordance with the strategy agreed as part of condition 58 and in accordance with a detailed scheme for all proposed habitat features and enhancements (including a programme for implementation). The scheme shall be carried out in accordance with the approved details and prior to the occupation of the first dwelling in each phase the agreed mitigation for that phase shall have been implemented.

Reason: In the interests of biodiversity.

- 60) Notwithstanding the details provided on drawing 5598 / OPA / SK 002 B (Land Use Parameter Plan), the dwellings hereby approved in development areas E1 and N2 (as shown in section 1.2 of the Design & Access Statement, August 2020) shall be no more than 2 stories in height.

Reason: To achieve an acceptable form of development on this sensitive edge of the site.

### **INFORMATIVES**

- 1) A formal application for connection to the water supply is required in order to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or [www.southernwater.co.uk](http://www.southernwater.co.uk)”.

For further advice, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119), [www.southernwater.co.uk](http://www.southernwater.co.uk) or by email at [developerservices@southernwater.co.uk](mailto:developerservices@southernwater.co.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.

