

APPENDIX 1

Report to Planning Committee – 14 October 2021 ITEM 2.7

2.7 REFERENCE NO - 21/501740/FULL		
APPLICATION PROPOSAL		
Erection of a nurse accommodation building, car park and outdoor event space for Demelza. Erection of 30 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.		
ADDRESS Land At Hill Farm Rook Lane Keycol Hill Bobbing Kent		
RECOMMENDATION Grant, subject to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995, and highways improvements as set out in the relevant drawings with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>Whilst the development is on land that has been specifically excluded from the Local Plan site allocations and is outside the built-up area boundaries, there is an extant consent for the erection of 20 dwellings (18/500258/FULL) as enabling development to fund the Demelza House hospice facilities, which is a material consideration in the determination of this application, and therefore it is considered that the principle of development has been established through this extant consent</p> <p>It has been demonstrated through the application that the additional development is the minimum level required to provide a viable scheme (to ensure the enabling development is brought forward), and the revised development proposals would provide funding towards enhanced facilities at, and the continued functioning of, Demelza House hospice.</p> <p>The application is therefore considered to be acceptable in principle only in as much as it is an enabling development towards a valuable community facility.</p>		
REASON FOR REFERRAL TO COMMITTEE		
Called in by Councillor Clark; and Councillor Woodford; Parish Council objections; recommendation not in accordance with the Local Plan policy, requires Member determination		
WARD Bobbing, Iwade And Lower Halstow	PARISH/TOWN COUNCIL Bobbing	APPLICANT Esquire Developments & Demelza Hospice Care For Children AGENT DHA Planning
DECISION DUE DATE 29/07/21		PUBLICITY EXPIRY DATE 23/09/21

Planning History

18/500258/FULL

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The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.

Approved Decision Date: 07.11.2018

19/505693/SUB

Submission of details to discharge condition 7 - Event Management Plan, subject to 18/500258/FULL

Approved Decision Date: 21.01.2020

21/502151/SUB

Submission of details pursuant to condition 3 (construction method statement) in relation to planning permission 18/500258/FULL.

Approved Decision Date: 09.09.2021

21/502273/SUB

Submission of details pursuant to condition 6 (contamination) in relation to planning permission 18/500258/FULL.

Approved Decision Date: 09.09.2021

21/502274/SUB

Submission of details pursuant to condition 13 (surface water drainage) in relation to planning permission 18/500258/FULL.

Approved Decision Date: 09.09.2021

1. DESCRIPTION OF SITE

- 1.1 The application site forms the south-western corner of a much larger agricultural field, bordered by Rook Lane to the west, agricultural fields to the north and east houses fronting the A2 to the south. The south-western tip of the application site adjacent to the A2/Rook Lane junction, where there are no existing dwellings extends to the A2.
- 1.2 The application site is irregularly shaped and extends to approximately 3.3ha (8.1 acres) in area
- 1.3 Land levels vary considerably within the application site and wider area. Levels generally slope up to the south and west (from 52m above datum in the centre of the site to ~56m adjacent to Rook Lane), and down to the north and east). However there is a sharp depression towards the centre of the site (dropping to 49m) on the southern end which rises to a crest beyond the site boundary and slopes down again to the rear of the houses on Bobbing Hill, and a noticeable rise along the eastern boundary towards the northern end of the site (rising to 54m).
- 1.4 There are clear, uninterrupted views of the site from Rook Lane, but as a result of the land levels and existing surrounding development there are limited views from the A2, Bobbing Hill, and Sheppey Way – current views from those locations are limited to the roof of the bungalow known as Merville (immediately northeast of Demelza House), Demelza House beyond that, and the rear of the houses closest to the A2/Rook Lane

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junction. Views from Cold Harbour Lane are restricted by land levels (the verge is set much higher than the road at points) and existing hedgerows / mature planting.

- 1.5 The site lies approximately 2.9km from Sittingbourne High Street, and 1.6km from the centre of Newington.

2. PROPOSAL

- 2.1 The application seeks permission for the erection of a nurse accommodation building (providing 3 units), car park and outdoor event space for Demelza; and the erection of 30 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.
- 2.2 The proposed staff accommodation block will be positioned roughly opposite the existing site entrance for Demelza House. It will comprise a single-storey building constructed of red brickwork and slate roof, with areas of timber cladding and a green roof above an entrance porch. Externally the building will measure 28.7m long x 14m wide x 6.4m high (3m to eaves). Internally it will be divided into one self contained flat with two bedrooms, and two one bed units with access to a communal kitchen/living area, with a communal area around the main entrance. Each unit has access to a small shared outdoor space and patio.
- 2.3 Adjacent to the accommodation block will be an 80-space car park and area of open space available for amenity use or as a space for Demelza to hold fundraising events.
- 2.4 Highway works are proposed as part of the application, and the residential development is proposed to be accessed via a new access off Keycol Hill, which would re-route Rook Lane and replace the existing junction at Rook Lane / Keycol Hill (A2). The junction would be re-positioned to the east of the existing location and widened to 5.5 metres to accommodate two-way vehicle movements. It would then tie into the existing road alignment approximately 55m from the existing junction location. Footways measuring 1.8m in width are proposed to be developed on both sides of the road, connecting with the existing footway provision on Keycol Hill. The new junction would achieve visibility splays of 2.4m by 120m in both directions
- 2.5 The existing Rook Lane junction will be ‘stopped up’ to motor vehicles, including localised narrowing to 2.5m and the provision of bollards to prevent vehicular access beyond Robin Close. Pedestrian or cycle access will still be accessible through this area. The highway works also include the relocation of the bus stop at the stopped up junction.
- 2.6 The proposed houses will be arranged along a roughly southwest-northeast line, either side of a central estate road (plots 7-24), and the remaining dwellings would be situated either side of the re-routed Rook Lane with plots 1-6 to the eastern side; 25 and 26 to the northern side; and 27-30 to the western side. The dwellings situated to the west and north of the re-routed Rook Lane would front onto the highway. The remaining plots would front onto the central estate road or areas of open space or two small cul-de-sacs

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(plots 1-5; and the plots 22 and 23). Plots 22 and 23 would have active elevations which also front open the area of open space and existing Rook Lane to the west.

- 2.7 In terms of appearance, the proposed dwellings are described as contemporary interpretation of the traditional Kentish vernacular, to complement the local area. In terms of materials - it is proposed to use a mixture of red and brown brick, with black weatherboarding and red tile hanging to the elevations. Roof coverings are proposed to consist of red and brown roof tiles, interspersed throughout the development, and the roof form comprises a mix of different roof types including half-hipped, gable, and gable/hipped roof forms. In terms of architectural detail, the dwellings include porch detailing, band and brick dentil course, brick detailing and chimneys. The proposed designs and materials are to be interspersed throughout the site to provide variation and differentiation to create interest and variety in the street scene.
- 2.8 As part of the development it is proposed to construct a SUDS pond (roughly 45m x 32m) in the eastern corner of the site, to the rear of 50 to 60 Keycol Hill. This area will not be accessible to residents.
- 2.9 The application site benefits from extant planning permission under application reference 18/500258/FULL which granted “The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping.”
- 2.10 The current application seeks permission for an amended proposal to the extant consent with the following changes
- Relocation of the residential access to Keycol Hill and not Rook Lane
 - The existing Rook Lane junction will be ‘stopped up’ and diverted for a short section through the application site to the proposed new access onto Keycol Hill.
 - The quantum of residential development will increase to 30 private units, and the housing mix will be altered to include a range from 2-5 bedroom units
- 2.11 The supporting statement explains the requested amendments;

1.1.3 Since the grant of planning permission, and as part of the detailed technical work – it has become clear that in order to deliver the proposed off site highways works and proposed access, third party land would be required. Furthermore, following a review of the viability of the scheme by the applicant and in light of current market changes, it has become clear that the overall quantum and housing mix of the extant permission needs to be amended.

1.1.8 As before, this application is supported by a full Viability Appraisal which demonstrates the revised scheme of 30 units is the minimum required in order to deliver the Demelza facilities and associated highway infrastructure works, and that no affordable housing or S106 contributions can be delivered.

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2.12 The submitted Planning Statement explains regarding the Demelza proposals;

2.1.1 Demelza Hospice Care for Children is an important local children's hospice run by the charity, Demelza. Swale Borough Council recognises this and regards Demelza as a much respected and valuable local institution providing a vital service to children.

2.1.2 Demelza Kent is suffering from a continued shortage of nearby nursing and care staff and is finding it extremely difficult to attract and recruit suitable and well-trained staff. One of the main reasons for Demelza Kent's difficulty in attracting staff is that potential nursing staff prefer to work in a London hospice which offers staff accommodation. Demelza is trying to address this nursing shortage through supporting newly-qualified nurses in partnership with Canterbury College and others and through recruiting from abroad. However, without being able to offer staff accommodation, recruitment will always remain a very difficult issue for Demelza.

2.1.3 In addition to the lack of accommodation for staff, the parking provision and outdoor event space is severely limited. Overtime, the work of Demelza Kent has grown however development has been piecemeal - there is a lack of space available for outdoor events/activities and parking is spread throughout site and along Rook Lane.

2.1.4 The existing parking provision is not suitable or sufficient for Demelza's existing needs and certainly not for future needs. Currently, an area of parking is provided to the front of the Demelza House and the overflow car park is situated to the rear of the site. In 2012 when the overflow car park was approved, it was originally envisaged that staff could park in the overflow car park, and visitors would have priority and could park nearer to the Demelza House. However, overtime, the charity has grown and the number of visitors that attend the site means they must park along Rook Lane when the overflow car park is full. Furthermore, the overflow car park is on a slope and surfaced with plastic gridding and gravel, which makes it particularly difficult for wheelchair users to get to the main building.

2.1.5 Likewise, the limited parking, combined with the lack of outdoor event space restricts both the charity's ability to take an active role in the Swale community and its opportunity to raise awareness of the wide range of services a children's hospice offers. For example, at the charity's annual Community Fun Day on 24th September 2017, cars had to park along Rook Lane because the car park was at capacity, and the charity had to strictly control the number of visitors and close much of the hospice so as not to impact on the care provided.

2.1.6 A combination of the above is hindering the future development needs of the charity and their ability to reach out to more families who could benefit from their valuable and important work.

2.1.7 Demelza Kent has previously investigated in detail the available options to deliver these facilities. The two key considerations driving this forward are the capital

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costs and physical constraints of expanding on the existing site. As a charity not funded by the NHS, Demelza relies almost solely on the generosity of supporters to pay for its services. Furthermore, the physical constraints of the existing site, limited space and the need for separation from the primary work of the charity prevent this.

2.1.8 Demelzas needs very much remain today, and it has been clearly established through the grant of the extant planning permission on site that the proposed facilities are needed, reasonable and necessary.

2.1.9 The provision of staff accommodation would enable Demelza to recruit much needed care staff and provide full time workers with living facilities.

2.1.10 The increase in parking provision would help meet the existing and future parking needs of the site, and therefore reduce the number of cars which overspill onto Rook Lane. Likewise, the surface material and location of the proposed car parking would make it accessible and easier for wheelchair users in comparison to the existing plastic gridding and gravel surface.

2.1.11 The outdoor area for events space would enable the charity to hold more events and involve the local community and make the hospice itself the hub of fundraising activities.

2.1.12 The proposed scheme seeks to deliver these facilities and therefore meet this need which has disappointedly not been delivered through the previous planning permission.

3. SUMMARY INFORMATION

	Extant consent 18/500258/FULL	Proposed	Change (+/-)
Site Area (ha)	3.36 ha / 8.3 acres	3.36 ha / 8.3 acres	None
Max Ridge Height (m)	5.5m (accommodation block) 9m (houses)	6.4m (accommodation block) 8m-9m (houses)	+ 0.9m accommodation block No change (houses)
No. of Storeys	2	2	No change
Parking Spaces	80 for accommodation block/function area (including 6 disabled spaces), Residential; 54 (2 spaces per semi-detached dwelling (totalling 12 spaces) / 3 spaces per detached dwelling	80 for accommodation block/function area (including 6 disabled spaces) Residential; 96 (65 surface parking spaces; 31 no. car port spaces comprising a breakdown per	No change for Demelza parking + 42 residential spaces

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	(totalling 42 spaces)) 5 visitor spaces Total: 139	dwelling of; 2 spaces (2 bed units); 3 spaces (3 bed units); 3/4 spaces (4 bed units); and 4 spaces (5 bed units)) 10 visitor spaces Total: 186	+ 5 visitor spaces Total: + 47
No. of Residential Units	23 (inc. 3 staff units)	33 (inc. 3 staff units)	+ 10 market dwellings
No. of Affordable Units	0	0	0
Housing Mix (private dwellings)	0 x 2 bed 6 x 3 bed 14 x 4 bed 0 x 5 bed	2 x 2 bed 12 x 3 bed 12 x 4 bed 4 x 5 bed	+ 2 x 2 bed + 6 x 3 bed - 2 x 2 bed + 4 x 5 bed
Dwelling floorspace (sqft.)	32,000sqft	39,000sqft.	+ 7000sqft (18% increase)

4. PLANNING CONSTRAINTS

4.1 The site is within an area of potential archaeological importance.

5. POLICY AND CONSIDERATIONS

- 5.1 National Planning Policy Framework (NPPF) 2021: Paras 8 (Three dimensions of sustainable development); 10, 11, 12 (Presumption in favour of sustainable development); 47 (Determining applications); 60, 63, 65, (Delivering a sufficient supply of homes); 80 (Rural housing) 81 (Building a strong, competitive economy); 93 (Promoting healthy and safe communities); 104 (Promoting sustainable transport); 112, 113 (Considering development proposals); 119 (Making effective use of land); 126, 130, 134 (Achieving well-designed places); 152, 153 (Meeting the challenge of climate change, flooding and coastal change); 168, 169 (Planning and flood risk); 174 Conserving and enhancing the natural environment; 180, 182 (Habitats and biodiversity); 185 (Ground conditions and pollution), 186 (Air Quality)
- 5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (adopted): Policies ST1 (sustainable development), ST2 (development targets for jobs and homes), ST3 (Swale settlement strategy), ST5 (Sittingbourne strategy), CP1 (strong, competitive economy), CP2 (sustainable transport), CP4 (good design), CP6 (community facilities), DM3 (rural economy), DM6 (managing transport impact), DM7 (vehicle parking), DM8 (affordable housing), DM14 (general criteria), DM19 (sustainable design and construction), DM21 (water, flooding, and drainage), DM25 (separation of settlements), and DM31 (agricultural land) of the adopted Swale Borough Local plan 2017 are relevant.
- 5.3 ST3 sets out the Swale Settlement Strategy, which is a hierarchy of the locations at which residential development should be located. The current application site sits within the lowest tier – locations within the open countryside – where “*development will not be*

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permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.”

5.4 Swale Landscape Character and Biodiversity Appraisal (Jacobs, 2011)

5.5 The application site is located within the Iwade Arable Farmlands character area.

5.6 Swale Vehicle Parking Standards SPD 2020

This Supplementary Planning Document provides advisory guidance in respect of car parking provision and recommends parking for rural locations as follows; 2 spaces per unit for 1 & 2 bed houses; 3+ spaces per unit for 3 bed houses; and 3+ spaces per unit for 4+ bed houses. The guidance also seeks 0.2 spaces per unit for visitor parking.

5.4 The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is ongoing, though as it is at an early stage, significant weight cannot be afforded to its policies in the determination of this planning application.

5.5 Developer Contributions SPD.

6. LOCAL REPRESENTATIONS

6.1 A planning notice was advertised in the local press on 13.05.21 and a site notice was displayed at the site on 13.05.21.

Thirty one letters of representations objecting to the development were received following public consultation. The comments are summarised below: *Policy Context and Visual Amenity*

- Greenfield site in the countryside where development is not acceptable
- Not allocated within the Local Plan
- Site is productive agricultural land
- Harmful landscape Impact
- Similar proposal nearby was refused at appeal (REF; APP/V2255/W/19/3234462 & 18/504110/FULL - Funton Brickworks) and points raised by the Inspector are relevant to Hill Farm application; increased motor traffic; significant harm to the landscape; location of development would not create a strong and healthy community; lack of affordable housing
- Design and appearance of the proposals are not in keeping with the surrounding area

Demolza and Enabling Development

- The development should include a S.106 agreement to secure infrastructure payments to mitigate the development

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- The previous application (ref; 18/500 258/FULL) was marginally approved due to the 'special charitable case', and the proposal goes beyond this.
- Increased number of dwellings without increased gain for the charity (Demelza).
- No justification for the additional dwellings proposed
- The application only proposes a 3-unit accommodation block for Demelza, and should provide more accommodation
- Charity has sufficient lands and funds to build their own development without the need for housing. Land to the rear of Demelza should be considered for their needs
- Viability assessment needs to be assessed
- Queries the financial viability argument to increase the number of dwellings from 20 to 30
- Consideration should be given to moving Demelza to an alternative site if they have outgrown the premises
- Relying on Demelza as a charitable vote
- Development of greenfield site will set a precedent
- Design and appearance of the proposals are not in keeping with the surrounding area
- There is sufficient car parking and space for outdoor events on the Demelza site

Highways, Access and Air Quality

- Relocation of the access onto the A2 will increase traffic capacity which would allow further development in the future
- Relocated junction will not improve access turning out of Rook Lane
- New access route is poorly thought out
- Increased traffic and congestion, including on key routes; A2 and Keycol Hill
- Existing junction does not cope with traffic from residents and Demelza House staff and visitors
- Unacceptable levels of traffic and noise pollution
- Highway safety is dangerous, and a crossing is required to access the bus stop heading towards the A2
- Poor access to public transport routes heading towards London/Medway
- Rook Lane is not suitable for construction traffic
- Increased air pollution to existing poor conditions which exceed the Governments air pollution levels
- Disagrees with the findings in the Air Quality Assessment, considers there would be an adverse effect on local pollution
- New access route would be unsuitable for agricultural vehicles or heavy goods vehicles. Rook Lane is a rural road.
- Southlands care home is under construction, this combined with the proposal will result in high traffic levels
- No assurance the proposed access changes would take place prior to development commencing
- No footpath in Rooks Lane

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- Local landslide along the railway has demonstrated that the new access road would be unsuitable for heavy vehicles
- The speed limit along Keycol Hill/A2 is regularly exceeded
- Insufficient parking provision, and likely to result in parking on the highway
- If the existing access (from the A2 onto Rook Lane) is closed, a new bus stop should be installed and the road closed up so only pedestrians can use it.

Residential Amenity

- Harmful impact on amenity from, disruption, noise and dust during construction
- Harmful impact on outlook from neighbouring properties
- Increased noise and pollution from vehicles on the site
- Increased noise and disturbance from events
- Overlooking and harm to privacy from proposed dwellings (to nos. 30 Rooks View, 41 and 43 Bobbing Hill, 5 Robin Close)
- Loss of light (43 Bobbing Hill)

Ecology and biodiversity

- Increased light pollution
- Harmful to wildlife
- Destruction of habitats and open space
- Large number of trees required to counteract pollution of the development

Flooding and drainage

- Increased risk of flooding to properties at a lower land level
- Existing field has drainage issues resulting in land/soil levels raising for properties at a lower land level

Infrastructure and services

- Increased demand on local infrastructure
- Lack of suitable infrastructure; healthcare; schools; water supply, shops and services

Other

- Application given preferential treatment. All planning applications should be treated equally.
- Application process is not transparent

6.2 Other matters raised that are not material planning considerations:

- Proposal will lower market values of existing housing
- Proposal will harm views of countryside from Rooks View
- Large number of houses for sale already

7. CONSULTATIONS

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7.1 Bobbing Parish Council: Object (23/06/21; 05/08/21 and 15/09/21) for the following reasons:

Bobbing Parish Council strongly objects to the 50% increase in housing and wishes to draw the Planning Committee's attention to the following:

To fully consider and appreciate this application you have to be aware that this site already has planning permission (18/500258) which was granted, by a small majority, for 20 residential dwellings and a 3-bed. Nurses accommodation.

This new application seeks a 50% increase to 30 homes.

2. Local Plan

In planning terms SBC granted the original application because of the special needs and requirements of Demelza Hospice. SBC at the time went against planning guidance regarding:

Not an allocated residential site

Outside the built-up areas of urban Sittingbourne and Newington village

The site is on green field land, no previously developed land

Is in the countryside with excellent views over Sittingbourne

Is on grade 1 agricultural land

Traffic would enter and exit from the A2 (Keycol Hill) which currently is in excess of Air Quality requirements.

3. Difference

Why is the new application (21/501740) different from the earlier application (18/500258) when the original application was granted by SBC as a special exemption because of Demelza. The site in question is 3.28 ha, possibly larger than the Demelza House site on the opposite side of the road.

4. More Homes

The new application seeks a 50% increase in dwellings on the same footprint. This is an intensification of homes in a rural area and is out of character with the surrounding homes in Rooks View and Keycol Hill.

5. Pollution

Keycol Hill is a pollution hotspot not only in Swale but in Kent County. The new application bases its air quality reading on Newington High Street and Rainham High Street. It also states that HGVs are 3% of traffic volume. Why Rainham High Street, when HGVs go to Newington Industrial Estate, Spade Lane cold store and Otterham Quay Lane? They then return to Key Street Roundabout, which was not mentioned, neither was the Air quality report for the Manor Farm development behind Key Street.

6. New Junction

The new application seeks to change the Rooks Lane/A2 junction by replacing it with an S shaped road linking to Rooks Lane by the Rooks View junction. There appears

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to be no consideration regarding:

- a. The bus stop and bus layby which is being sacrificed for this new junction.*
- b. Heavy and large farm machinery (sprayers, combine harvesters, muck spreaders and large lorries collecting crops at harvest time).*
- c. Low loaders carrying bulldozers and diggers to service the railway engineering team.*
- d. The new junction will make it easier for traffic to access the rat run via Bobbing Hill.*
- e. There are concerns among local residents that this new junction will open the door to developers looking to build on all the land between the A2 and the railway line.*

7. Traffic and Congestion

Keycol Hill (A2) is a pollution hotspot (see 5 above) and it does not need more houses feeding even more cars, vans and internet deliveries using it. Newington has expanded by 200 homes in recent months, with another 80-unit care home being built at Southlands site; all using Keycol Hill. At the bottom of Keycol Hill is Key Street roundabout, often gridlocked for much of the day. This road, built by the Romans, now carries about 15,000 vehicles a day, with a high percentage of HGVs. It is also the relief road for the M2 or A249 when these are closed. The area does not have the capacity for extra traffic. The so called Demelza event days could cause traffic issues of their own without the complication already highlighted.

8. Sustainable

Is it sustainable to build 30 homes for 3 nurses homes? Architecturally the nurses home looks more like a consulting clinic with meeting rooms and not a 3-bed house that would blend in with the existing and proposed units. Demelza has buildings at the rear of its current site that could be converted to nurses homes.

9. Consultee Comments

Surface water drains onto Keycol Hill then Key Street Roundabout.

Urban design Comments from Officer

- More creativity should be applied.*
- Car parking adjacent to open space not desirable.*
- Proposals are a poor design.*
- From an urban design perspective, the scheme cannot be supported.*

PROWay Officer

- References 6 SBC policy issues.*
- Consider improvements to footpath.*

Environment Agency

- Would like 4 conditions relating to unacceptable levels of water pollution*

Southern Water

- The development will lie over an existing public foul sewer and water main which is not acceptable.*

KCC Flood and Water Management

- More information required before application is approved.*

Highways England

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- *All events to be monitored and evaluated to ensure that the A249 continues without congestion.*

Kent Police Recommend a number of changes.

NHS Kent and Medway

- *Will require a Section 106 contribution of £33,700*

KCC Economic Development

- *Implications of this proposal for Community Services based on CIL regulation 122 (Schools, Waste, Youth/Adult services) contribution required.*

Conclusion and Summary

In consideration of these comments, the Parish Council has also read the 24 neighbour comments on the SBC website and attempted to consolidate the issues.

Consider:

Is a 50% increase acceptable?

Is moving the junction acceptable?

Is a possible increase in pollution/air quality acceptable?

Is it acceptable that 30 homes are required to provide a 3-unit nurses home which looks like a clinic?

Should this application provide a Section 106 contribution to slow traffic on the A2 e.g. Speed camera in 30mph area?

Will it open the way to a bigger development?

7.2 Newington Parish Council Object (21/06/21) for the following summarised reasons:

Traffic increase and the road network

- This part of the A2 is an ancient and 'B' standard road.
- The High Street in Newington, a conservation area is the narrowest part of the whole road.
- The footpaths alongside the A2 are narrow and alternate between sides of the roads.
- The A2 is unsuitable for cyclists due to heavy and HGV traffic along the narrow carriageways and traffic pollution
- The proposal would increase traffic
- Existing junction at Rooks View is responsible for holding up traffic, an additional 30 homes would exacerbate this.
- Proposals for 'events' will cause congestion. The Highways Agency requirement an event management plan demonstrates this.
- Raises concerns with the recommended conditions from the Highway Agency and these are not consistent with similar applications between Newington and Bobbing.

Air Quality

- Our response to the Edene Meadows proposals apply to the Land at Hill Farm application (as the Air Quality Assessment report is almost identical).
- The submitted Air Quality Assessment (Lustre report) does not sufficiently include all relevant data points / tubes within Newington
- The Lustre report has not considered the impact of emissions of PM_{2.5}. Mid Kent Environmental Services have recently invested in a new monitoring station, capable of measuring PM_{2.5} particles as well as NO₂, within Newington. This surely shows

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that concerns about pollution in Newington remain.

- There are concerns about air pollution to the east and west of this proposed development, currently in open countryside, with AQMAs 300 yards and 2 miles west and a new AQMA 1 mile to the east.
- Newington High Street was closed for six weeks in summer 2019 due to emergency gas works, and for 6 weeks in April 2020 for scheduled gas works; and since March 2020 due to covid and therefore the data over these periods is unreliable
- The proposal would be detrimental to the health of residents of Newington. The submitted reports do not adequately address the cumulative effect on air quality of 124 homes nearing completion at Watling Place, the existing 9 Homes in Eden Meadow, and now the proposed 20 additional homes. One of the two reasons why the Pond Farm appeal was refused after the Planning Inquiry in November 2016 related to proposed mitigation measures and adverse effect in air quality.
- The Lustre report does not demonstrate how its proposed contribution would mitigate against the likely harm to human health through increased pollution.
- No consideration regarding the cumulative effect of development on air quality
- The proposed mitigation does nothing to prevent damage to the health of Newington residents and pedestrians in the High Street or along the length of the A2.

Further Comments

- Unable to understand why 10 additional homes are needed in order to make the scheme financially viable
- The nurses accommodation resembles a substantial health centre; surely one standard house would suffice. Elsewhere similar accommodation is built in a customized pair of semi-detached houses that blend with the streetscene.
- We understand there is adequate space in the ownership of Demelza, and if built here, costs could be reduced substantially
- We note that the applicants are also seeking an exemption from S.106 payments
- The application contravenes several of Swale Borough Councils Planning Policies

7.3 Natural England raise no objection (17/05/21) subject to the appropriate financial contribution being secured (namely £253.83 for each dwelling), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site on the coastal Special Protection Areas and Ramsar Sites. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required and Natural England must be consulted.

An Appropriate Assessment has been carried out and Natural England and submitted to Natural England for comment. Members will be updated regarding this at the Committee meeting.

7.4 Environment Agency raise no objection (20/05/21) subject to conditions regarding contamination; infiltration of surface water; piling; foul water drainage scheme. Confirm no further comments (19/07/21 and 14/09/21).

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7.5 National Highways (formerly Highways England) raise no objection subject to conditions (21/05/21, 14/06/21 & 16/07/21)

16/07/21: Have confirmed the details within the submitted Event Management Plan is acceptable, and have revised the requested conditions to relate to the implementation and monitoring of the submitted Event Management Plan (November 2019)

14/06/21: Raise no objection subject to conditions regarding details, implementation and monitoring of an Event Management Plan, and submission of a Construction Management Plan

21/05/21; The proposed application is similar to that of 18/500258, the main change, from an SRN viewpoint, being that it now comprises 30 dwellings rather than the permitted 20. The application is supported by a Transport Statement (May 2021) from DHA and an addendum received 21 May.

Based on the submitted addendum evidence, that provides an assessment at a more granular level than a standard TRICS based TS, we are content that given the now 30 dwellings are generally smaller than the previously permitted 20 dwellings that the development will have no greater impact on the SRN than the existing permitted development.

Consequently, given that the 2018 permission, for planning application assessment purposes, forms part of the M2J5 baseline evidence, and hence has been allowed for in the current capacity of M2J5, it is not necessary to require the otherwise currently applied M2J5 Grampian condition that restricts occupations until the M2J5 improvement scheme is open to traffic.

7.6 Southern Water raise no objection (21/05/21, 22/07/21 and 16/09/21)

Notes that the proposed development will lie over an existing public foul sewers and water main, which will not be acceptable to Southern Water, but notes it is possible to divert a public sewer under Section 185 of the Water Industry Act. Southern Water therefore raise no objection to the development subject to conditions relating to the diversion of public sewers and water mains; occupation to be phased in line with the delivery of sewerage network reinforcement works; and details of measures to protect underground water supply sources.

7.7 KCC Economic Development requested contributions (07/05/21) towards;

- Primary Education - £16800 per house (total £ 204,000 towards a new 2FE Primary School construction in Sittingbourne)
- Secondary Education - £5176 per house (total £155,280 towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1)
- Secondary Land - £2635.73 per house (total £79,071.90 towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne)

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- Community learning - £16.42 per dwelling (total £492.60 towards additional equipment and classes at Sittingbourne Adult Education Centre)
- Youth Service - £65.50 per dwelling (total £1663.50 towards additional equipment and resources at Sittingbourne Adult Education Centre)
- Library Bookstock- £55.45 per new dwelling (total £1109 towards additional services, resources and stock for the local Library Service including mobile Library attending Bobbing and Sittingbourne Library)
- Social Care - £146.88 per dwelling (total £4406.40 towards specialist care accommodation within Swale Borough)
- Waste - £183.67 per dwelling (total £5510.10 towards MRF and additional capacity at the HWRC & WTS in Sittingbourne)
- A condition regarding high speed fibre optic broadband connection
- All homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)

7.8 **NHS Kent and Medway Clinical Commissioning Group (CCG)** (06/05/21) request the following contributions: General practice – £33,696 toward refurbishment, reconfiguration and/or extension of Primary Care practices within the Sittingbourne PCN

7.9 **KCC Flood and Water Management raise no objection** subject to conditions (17/06/21)

17/06/21: Following the information provided in the DHA response dated 28th May 2021 which is supported by the Flood Risk Assessment prepared by DHA (March 2021). The drainage strategy drawing showing a drainage network which discharges to an infiltration basin which outfalls to an infiltration blanket. We agree that this is a feasible and appropriate approach. Raise no objection subject to conditions seeking a detailed sustainable surface water drainage scheme; verification report; infiltration details. (27/07/21 and 13/09/21: Confirmed no further comments)

18/05/21: Sought additional information regarding infiltration

7.10 **KCC Highways raise no objection** subject to conditions (07/09/21)

07/09/21: The revised details shown on the latest drawings now include two parking laybys along the realigned section of Rook Lane to cater for visitors and deliveries, as requested, as additional provision to the allocated spaces and visitor parking within the off-street and privately maintained areas. I am satisfied that together with the introduction of waiting restrictions along the new length of Rook Lane to prevent obstruction to traffic flows and forward visibility, the proposed scheme is acceptable. This has therefore addressed the final outstanding issue that remained from my previous

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consultation responses.

Consequently, I can confirm that I would raise no objection to the proposed development subject to the previously requested financial contribution towards the Key Street junction improvements being secured and conditions.

The requested conditions include; no occupation of dwellings until the existing Rook Lane junction with the A2 has been closed to vehicular traffic; submission of a Construction Traffic Management Plan; control of vehicle parking and turning space; details of electric vehicle charging; details of cycle storage; access details to be completed prior to the occupation of any buildings; pedestrian visibility splays; highway construction details; no occupation of dwellings until the provision of the relocated bus stop; no occupation under a Traffic Regulation Order has been approved to provide waiting restrictions

Previous Comments

23/06/21: Requested further information and amendments to the proposal

I am satisfied that the trip rates submitted in the Transport Assessment are appropriate, and this indicates that the additional 10 dwellings are likely to generate an increase of 5 vehicle movements in the AM peak hour and 4 during the PM peak hour. That increase is not considered to affect the capacity of the A2/Rook Lane junction in its upgraded form, which previous modelling had shown would be operating at a Ratio to Flow Capacity of 0.292, well within the accepted maximum limit of 0.85.

The trip distribution would suggest that the Key Street/A249 roundabout would experience an additional 3 movements in each of the AM and PM peak hours. As has been identified with other developments in the area, new applications will be expected to contribute towards the HIF recovery funding associated with the planned highway improvements at this junction to accommodate traffic growth. Based on the formula being applied, this would equate to a sum of £14,400. It is noted that the application is supported by a viability assessment that seeks to exclude this development from making any Section 106 contributions. However, I would expect the Local Planning Authority to consider our request appropriately.

The Road Safety Audit that accompanied the application has identified a number items, and I am content that the Designer's Response and amended plans to address those are acceptable. These include the appropriate vertical alignment of Rook Lane to achieve a 1:25 gradient approaching the junction with the A2, and the inclusion of pedestrian crossing points at a number of locations.

The proposed realignment of Rook Lane and its junction onto the A2 is considered as before to facilitate an improvement to the existing highway environment, as it will remove pedestrian activity from walking along the narrow carriageway, and provide a junction that meets current design standards, including visibility sight lines beyond those

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previously achievable by positioning the junction further away from the brow of Keycol Hill.

As with the approved development, it is proposed to introduce a 30 mph speed limit along Rook Lane, and the ATC speed survey previously carried out demonstrated that the recorded speeds along the site frontage were in keeping with the introduction of that restriction. The proposal is therefore still considered appropriate, taken in hand with the realignment of Rook Lane that has been designed to a 25 mph target speed in accordance with Kent Design Guide.

It is noted that the development itself will not be offered for adoption, apart from the realignment of Rook Lane, and it will therefore remain in private management. Consequently, I will not provide detailed comments on the private elements, but do note that it has been tracked to demonstrate that it can be accessed by the refuse vehicle and there appears to be sufficient parking provided to meet the Borough Council's adopted standards. Whilst this still appears to be the case with the dwellings that will front onto Rook Lane, the rear parking arrangements for some of these dwellings does make it likely that some on-street parking may occur as it will be more convenient for the occupiers and visitors. No visitor provision has been identified on the plans to serve the dwellings proposed along the Rook Lane street frontage. This is a concern, particularly given the proximity to the junction with the A2 as well as the other junctions, and also the function that Rook Lane serves to provide access to nearby housing and Demelza Hospice. Sufficient controls and visitor provision must be included to safeguard this route, and consideration given to revise the layout of plots 27 to 30 in order to improve the parking arrangements.

The drawings have not identified where the bus shelter can be relocated to, and I have approached my colleagues in the Public Transport team to seek their views on this matter. I will be able to update you further once they have considered the relocation.

25/08/21: Amended information requested

The information submitted has sought to address the outstanding issues that I had raised in my previous response, and I will comment on these as follows:

- A visitor parking space has now been provided on the private shared access serving plots 27, 29 and 30 to cater for the 0.2 spaces per dwelling required in the adopted parking standards, which would suggest the 5 dwellings accessing directly off the realigned section of Rook Lane would have their appropriate provision. However, the private nature of the parking space will not ensure that it can be used by all those that it would be intended for, and its location would not be easily identified by anyone needing to park in this area.*
- I still think it likely that the rear courtyard parking provision of some of these dwellings, the private location of the visitor space and distance to it will not discourage residents/visitors from parking on Rook Lane. Without waiting restrictions along this stretch, residents and visitors will find it convenient to park here, which may obstruct the operation of the highway. Waiting restrictions should therefore be included.*
- Following discussions with my colleagues in the Public Transport Team, the*

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proposed relocation of the bus stop has been assessed and it is considered that it can be positioned further west to locate it where the existing Rook Lane junction with the A2 currently is. Visibility is sufficient at this location to accommodate bus waiting and for following drivers to see beyond it for passing. I would like drawings to be submitted to identify this and where the replacement shelter can sit to maintain pedestrian/cycle movement through the proposed blocked off section of Rook Lane.

- *In connection with the blocking up of the redundant length of Rook Lane, I would note that it will need to be implemented in such a way as to prevent vehicles from proceeding south beyond Robin Close as they would be unable to turn around. Whilst a localised narrowing to 2.5m has been indicated on the proposed access plan 15326-H-01 Revision 3, this would still allow a car to pass through. A more comprehensive design will be required to progress the associated off-site S278 Agreement works to ensure a suitable design, particularly given the accommodation works required to cater for the bus stop relocation and positioning of the shelter.*
- *An adoption plan has also now been provided to show the extent of the adoptable area. This confirms that the housing development itself, apart from the realigned section of Rook Lane, will remain private and outside of the Highway Authority's general interest. I am satisfied that the extents indicated are generally appropriate and will be finalised in detail during the associated S38 Agreement process to construct the adoptable road.*

7.11 KCC Biodiversity raise no objection subject to conditions (10/08/21)

10/08/21: KCC Biodiversity have reviewed the ecological information submitted with the planning application and advise that they are satisfied it provides a good understanding of the ecological interest of the site and no further information is required prior to determination. If planning permission is granted the following conditions are required

- Ecological Mitigation Strategy
- Habitat Creation Plan and Ecological Enhancement Plan
- Detailed Management Plan
- Bat Sensitive lighting Plan

The submitted details set out that the proposal will result in an increase in over 20% biodiversity net gain.

24/06/21: Requested additional information in relation to Breeding Birds; Arable Weeds; submission of data to support Biodiversity Net Gain.

7.12 KCC PROW raise no objection (26/07/21)

26/07/21: Note that the suggested improvements would be an opportunity to improve access, however advise no objection is raised to the development proposal.

11/06/21: Impact on Public Footpath ZR105: Public use of this right of way is likely to increase if this proposal is approved, as new residents seek outdoor recreation opportunities in the area, though the development is not expected to cause a significant

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negative impact on the footpath. This footpath is the only link in the vicinity that connects to the wider network and countryside.

Consideration should be given to providing an increased width for approximately 55 metres of the path from Rook Lane along the Demelza boundary as a recently installed fencing has constricted an already narrow footpath. Such an improvement would benefit, staff, clients and the wider community.

The agent provided additional information setting out that alterations to public footpath ZR105 wasn't required previously, does not meet the necessary tests and falls within third party land.

7.13 MKIP Environmental Health - No objection subject to conditions, and securing the air quality damage cost (£20,995) via a S.106 agreement (21/09/21)

21/09/21: The following comments are in response to my previous consultation dated 7th September 2021 relative to a revised Air Quality Assessment (AQA) provided by Luste Consultant's.

I can confirm the revised AQA has addressed my questions and recommendations raised, as it now includes all relevant traffic flows (i.e., inclusion of Keycol Hill and Rainham traffic flows). In addition, the revised assessment provides the EFT calculations for all 30 dwellings which equates to £20,995, considering the additional 10 dwellings for this assessment. The suggested mitigation options are appropriate and can form part of an agreement to mitigate the effects of the development, which should be secured by the S. 106 agreement.

As part of the air quality assessment process, we can consider the cumulative impact in this area and it shows that we need to consider a wider mitigation scheme for further development happening within the area.

There are a total of three small application sites for Newington currently under consideration which could go towards a wider scheme such as an improvement to the bus service. However, these alone will not equate to the cost amount needed for such a scheme. As mentioned before, if a Bus improvement plan was considered for this area, other application sites in Sittingbourne and Rainham (that link with the bus route) would need to contribute via S.106 to make this viable.

Reconfirming that due to the size of this development the air quality impacts from the AQA are very low with negligible impact compared to other already committed development sites. As a result, I have no grounds to object to the current application.

07/09/21: Requests the Air Quality Assessment is updated to ensure it covers the 30 dwellings sought under the application, and requests further information regarding

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cumulative impacts of development on air quality. Notes that due to the size of this development the air quality impacts from the AQA are very low with negligible impact compared to other already committed development sites. As a result, I have no grounds to object to the current application.

01/06/21: Due to the sensitivity of the area relative to air quality and the mitigation limitations I currently object, and that further information is required prior to determination of the application. The applicant needs to provide additional details relative to the cumulative impacts and an effective scheme of mitigation measures.

The original EP comments (dated 01/06/21) requested the following conditions; Submission of a contaminated land assessment; Submission of an Construction and Environmental Method Statement; Construction hours condition; Pile driving condition; Construction hours condition; AQ standard conditions

7.14 **Kent Police raise concerns** (20/05/21, 20/07/21 and 13/09/21) to the application and request a condition regarding secure design. The concerns and comments include the high permeability of the site; lack of barrier to the Demelza car park; notes on boundary treatments heights and form; lighting; nurses accommodation to meet SBD Homes 2019 standards; natural surveillance for parking areas; doorsets and windows must meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+

8. APPRAISAL

Principle of Development

- 8.1 It must first be acknowledged that the site lies outside of the built-up area boundary and is not allocated for development under the adopted Local Plan. The principle of residential development is therefore generally unacceptable under both Local and National planning policy and guidance.
- 8.2 This is the same policy context as considered under the previous application (ref; 18/500258/FULL) which sought a similar proposal to the current application, albeit there are changes in terms of the number of dwellings, housing mix and highway arrangements. The approved consent gave permission on the site for 'The provision of a 3 unit accommodation building, car park and outdoor event space, the erection of 20 private residential dwellings, together with associated access, parking, highway works, drainage and landscaping'. This application is extant, and the pre-commencement conditions have been discharged, and therefore it would be possible to lawfully commence on site.
- 8.3 Therefore it is considered that the principle of development on this site has been established through the previous application. As such, the enabling development argument needs to be considered against the proposed changes to the scheme (the marginal increase in the site area to accommodate additional landscape screening, the

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increase in the number of dwellings proposed, and the other changes proposed, including to the local road layout); and any material considerations need to be assessed.

Enabling Development

- 8.4 The enabling element of the proposal comprises the provision of staff accommodation (3 units of nurses accommodation) for Demelza Hospice, an external events space and car parking for 80 vehicles to provide over-spill for the hospice, which would be funded by erection of 20 dwellings.
- 8.5 The term “enabling development” is not a statutory definition. It generally refers to situations in which development that would otherwise be unacceptable is considered acceptable because it would facilitate benefits that outweigh that harm. Enabling development is most commonly used to help repair important listed buildings which would otherwise be left to ruin (for example SW/06/0150, which granted consent for construction of one 6 bedroom house and four 2 bedroom cottages to fund repairs to Provender House), but this does not preclude it from occurring in instances such as this. It is noted that the enabling development argument was also accepted under the previous extant consent (reference 18/500258/FULL).
- 8.6 The Council must consider;
- i) whether the benefits to be gained from the provision of a staff accommodation block for Demelza and the other proposed facilities outweighs the harm arising from the erection of 30 dwellings within the countryside (including the harm arising from not securing standard developer contributions to mitigate impacts on infrastructure and services), and
 - ii) whether the development is legitimately an enabling scheme, including consideration of the additional dwellings sought under the proposal.
- 8.7 In respect of item ii) above, the applicants’ agent has provided a full viability assessment clearly setting out the costs involved and profit to be generated. Para 5.1.10 of the planning statement provides a summary of the applicant’s viability assessment;

5.1.10 This application is supported by a full updated Viability Appraisal which demonstrates the revised scheme is the minimum required in order to deliver the Demelza facilities and associated highway infrastructure works. This confirms the proposed scheme produces a developer’s profit of only 13.27% on GDV. The previous Viability Appraisal demonstrated a developers profit of 11.26 %. Whilst the number of dwellings has increased on the site, the Viability Appraisal clearly demonstrates that 30 dwellings (at the proposed footprint) are the minimum required and only shows a very marginal improvement to the previous scheme in order to deliver the new facilities at Demelza and the associated highway works. Even at this rate, it should be noted that the developers profit is significantly below the normally acceptable range of 20% on GDV - as set out within the Council’s own Local Plan Viability Testing (2014) document and draft Viability Study (2020). The appraisal also clearly illustrates that no additional affordable or section 106 payment can be made, as previously approved.

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- 8.8 The Council have sought an external assessment of the submitted viability information, and a copy of the report is included at Appendix A. The viability assessment has adopted an overhead and profit rate of 17.5% of gross development value for the scheme, and takes into account the risks posed by the nature of the scheme and the relatively short development period.
- 8.9 The viability assessment sets out that if the full S.106 contributions are sought (approx. £509,541.50, plus SAMMS at £7,614.90), then the proposed development would not be economically viable, as it would generate a residual land value of -£231,311 (which equates to -70% of the benchmark value).
- 8.10 The viability assessment has undertaken the same assessment, but with a lower level of S.106 contributions (including SAMMS) to a figure of £9,615, which would provide an economically viable scheme; and notes that 30 market dwellings would be required in order to provide a viable scheme as set out in paras 8.4 and 8.5 copied below;
- 8.4. However we have also considered an identical option to the base scenario but reduced S106 commuted sums (including SAMMS) to £9,615. The proposed scheme generates a residual land value of £331,706 (which equates to 100% of the benchmark value). This would be considered to be an economically viable level of land value as required by the National Planning Policy Framework.*
- 8.5. We have modelled the reduction of one market sale house from the above viable appraisal which reduces the residual value to 11% of the benchmark land value. We can therefore conclude 30 homes are required to deliver a viable scheme.*
- 8.11 Therefore the external assessment of the submitted viability information has demonstrated a viable scheme is one which can only provide a lower level of S.106 contributions (up to £9,615); and that a minimum of 30 market dwellings would be required. *It could be argued that the developer could take an even lower profit, however it must be considered that without a certain profit margin developments simply do not go ahead. Below the current projected profit level it is likely that the developer will struggle to recoup their costs, and the project would be a non-starter. In this regard officers are confident that this is the minimum level of development required to ensure the Demelza development is funded.*
- 8.12 It should be noted that the external viability assessment has considered two scenarios, the first is where no housing value is attributed to the nurses' accommodation, and the second where a value is attributed to the nurses' accommodation. As the application seeks enabling development for Demelza Hospice, the provision of this nurse/staff accommodation will be a benefit to the Hospice to help attract and retain staff. As such, the Council has proceeded on the basis that no value will be attributed to the nurses' accommodation.
- 8.13 Some local residents have noted that, according to the Charity Commission, Demelza has funds in the bank and land to the rear of their existing buildings on which they could expand. Further information was sought under the previous application regarding these aspects, and the response from Demelza remains applicable; *“As set out in the planning*

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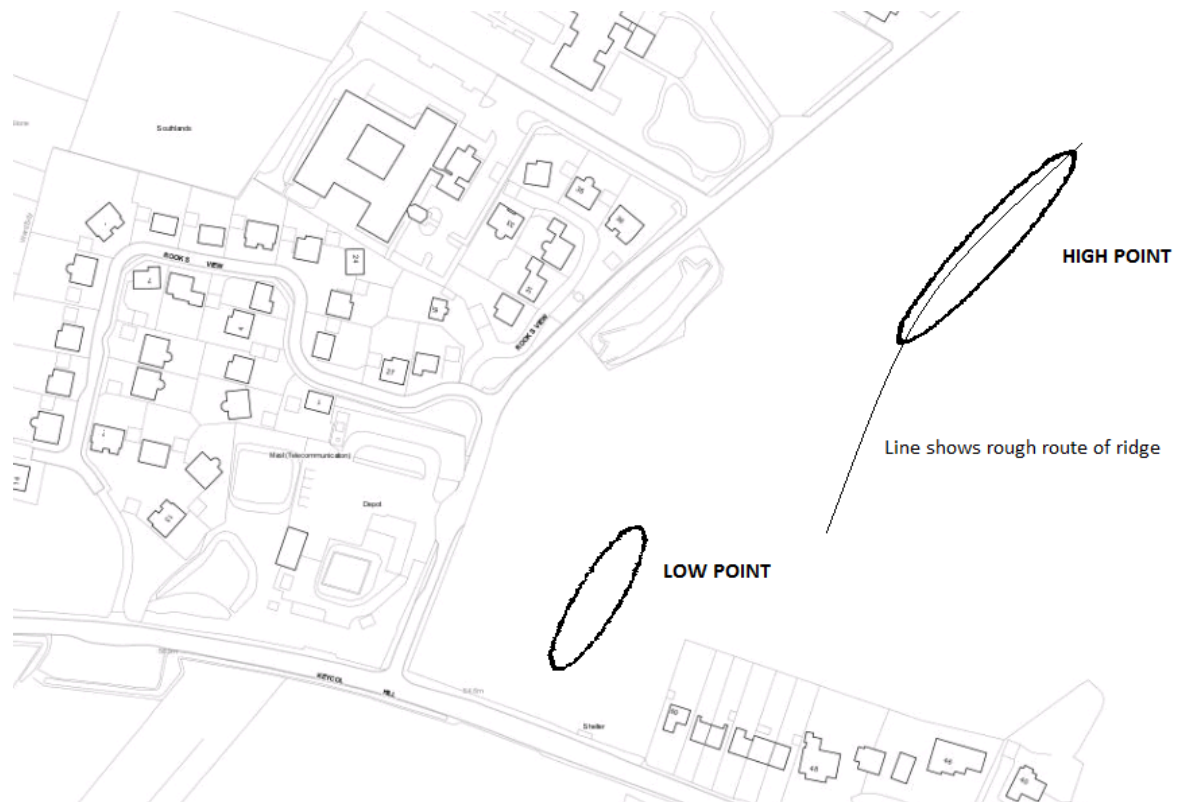
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statement, Demelza Kent has investigated the available options to deliver the parking, event space and accommodation facilities on site. However, the key reasons preventing this are cost and the physical constraints of expanding on site. As a charity not funded by the NHS, Demelza relies almost solely on the generosity of supporters to pay for its services. Furthermore, the existing site has not got the adequate space for the proposed facilities on site, and there is a need for sufficient separation between the existing and proposed development to ensure no impact on the primary day to day work of the charity.”

- 8.14 This is considered to be a reasonable response, and it is noted that the existing Demelza site is somewhat constrained by land levels and existing supporting buildings / amenity space around the main building
- 8.15 With regard to the arguments in respect of the need for the development and the viability assessment it is considered that scheme (including quantum of development) is necessary and reasonable. The scheme needs to be secured through a section 106 agreement, however, and strict trigger points for the provision of the Demelza elements will be set out within that agreement. Given the enabling argument of the proposal, it is appropriate to require construction and handover of the Demelza element before first occupation of any the market housing, as the ‘benefit’ has then been accrued before there is any opportunity for slippage or change of ownership of the land that may affect the wording (and therefore enforcement) of the agreement (not that there is any suggestion or suspicion that this is likely, but rather a guarantee that the benefits will be provided). The development is *only* acceptable because of the planning gain from supporting the hospice (as it is otherwise contrary to policy) so this needs to be unequivocally secured before the dwellings are sold otherwise there is a risk (again, not that there is *any* suggestion or expectation of impropriety by the applicant) that the Council could end up with new houses in the countryside and no community benefit.
- 8.16 Consideration of item i) as set out in 8.6 – whether the harms arising from the development justify the gain for Demelza – is a much broader issue, which requires consideration of the wider scheme.

Layout

- 8.17 The application seeks a similar layout to the extant consent, and would not result in any further encroachment into the open countryside than the existing consent. As with the previous consented scheme, the site layout has been carefully considered to locate the Demelza element in an appropriate location to properly service their requirements; it is directly to the front of the existing buildings and therefore provides a clear and functional link between the two sites. Of particular note is that the position of the accommodation block means that it will be obscured in views from the east by a high point in the land.



8.18 As set out in the previous application, the southern part of the site was identified as the least visually sensitive part of the larger field (beyond the application site), as the southwestern corner is screened to some extent by land levels and existing development. It was also noted that it made sense to locate new development close to existing development, rather than spreading out the built form across a larger area. The ridge running roughly N-S to the east of the application site (see illustration above) will screen the majority of views from Bobbing Way and Coldharbour Lane of the proposed houses, while a low point within the application site boundary will result in some of the houses being set down and thus less imposing.

8.19 The layout of the houses follows the principles of the extant planning consent, with the majority of dwellings situated around the central spine road, on a roughly N-S alignment and facing into the site. The previous scheme did include residential dwellings close to Keycol Hill / A2, but did not include a direct access from the A2. The layout of the dwellings around the re-routed Rook Lane and new access will ensure that dwellings front out onto the highway or areas of open space within the site which is considered to be a sensible approach for the re-aligned access route.

8.20 The previous scheme had a low density of approximately 11 dwellings per hectare, and dwellings had large footprints set within spacious plots. The current scheme seeks to increase the density to approximately 15 dwellings per hectare and would have a tighter development pattern than the previous consent. It is still considered that there is adequate spacing for gardens, space for on-site parking and car ports, and amenity/open space within the site suitable for the sites countryside location.

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- 8.21 The Urban Design Officer has raised concerns regarding the orientation of dwellings within the site, and has set out that the dwellings should front onto either Keycol Hill, Rook Lane or the open countryside, rather than the largely inward facing layout proposed. The extant scheme is a material consideration in the determination of this application, and it is considered that a balance has been struck to ensure that some dwellings have an outward facing arrangement onto the re-aligned Rook Lane and areas of open space, and where the rears of buildings are adjacent to the open countryside the landscape screening in these areas along the northern and eastern boundaries has increased to a depth of 10m (from 3m in the previous scheme).
- 8.22 The adopted Landscape Character SPD advises that the Council should be aiming to restore rural landscape features and create “a landscape structure that will improve the area’s strength of character.” In this regard (and it is accepted that erection of dwellings is generally an intrusive feature in the rural landscape) it is considered that the proposed scheme will offer positive gains for the wider landscape. A lot of the housing will be obscured in long distance views by land levels (as set out at the site description above), and therefore primary views from key vantage points such as Bobbing Hill or Sheppey Way (especially close to McDonalds) will be of the 10m-deep boundary planting belt that wraps around the edge of the development. This new planting will, when established, positively contribute to the hilltop woodland areas/features identified within this character area, and enforce field boundaries (where previously fields have been opened up and destroyed historic patterns), as required by the SPD.

Design and Housing Mix

- 8.23 It is considered that the proposed buildings would be of a good standard of design. The staff/nurses accommodation block will have a low roof ridge that will help to reduce its visual impact, and makes use of traditional local materials.
- 8.24 The proposed dwellings are noted to be a contemporary interpretation of the traditional Kentish vernacular, and will include a mixture of red and brown brick, with black weatherboarding and red tile hanging to the elevations. The proposed house designs and materials are to be interspersed throughout the site to provide variation and differentiation to create interest and variety in the street scene. The design of the dwellings are considered to be of a good design which will complement the existing built form within the area, whilst including design cues and materials relating to the rural location of the area. The success of the development will depend upon it being constructed in accordance with the submitted details, and the conditions below will ensure that officers have control over the elevations and external materials. Subject to these conditions there are no serious concerns in this regard, and I consider this to be a development with the potential to be an exemplar of good design within the Borough.
- 8.25 In terms of the breakdown of the units, policy CP3 of the Local Plan seeks to provide a wide choice of high-quality homes. In this respect, I set out the proposed mix of market and affordable dwellings against the Local Plan requirements as follows.

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No. of bedrooms	Market Housing – Number / percentage	CP 3 requirement	Extant consent 18/500258/FULL
1	0 / 0%	7%	0 / 0%
2	2 / 6%	36%	0 / 0%
3	12 / 40%	42%	6 / 30%
4+	16 / 53% (12 x 4 bed; 4 x 5 bed)	15% (this is defined as 4+ bed in the policy)	14 / 70%
Total	30		20

8.26 The supporting text of policy CP3 sets that for the rural parts of Sittingbourne and Newington that the aspiration could be to encourage the development of good quality family housing for which the greatest local demand exists. In terms of the market units the provision of 3 bed units would comply with the proportion set out within CP3, although it is noted that provision of 4+ bed units would exceed to the requirements of CP3. However, the consented scheme (18/500258/FULL) included a very large proportion of 4+ bed units (at 70%), and the dwellings themselves were large spacious dwellings. It is considered that the revised housing mix which includes a range of 2-5 bed units would provide a wider range of housing, including the provision of family housing which would be beneficial in comparison to the large dwellings previously approved, and would meet the aims of CP3. Whilst an additional 10 dwellings are proposed, the proposed dwelling floorspace would only represent an 18% increase (+ 7000sqft).

Residential Amenity

8.27 Local concern has been raised regarding the proposed development on residential amenity in terms of harm to outlook, loss of light and privacy. There will be the following separation distances between the existing and proposed dwellings as set out below;

- minimum 12m flank to flank with 60 Keycol Hill;
- minimum 44m between proposed houses and existing houses on Rooks View; (closest point between plot 22 and 30 Rooks View)
- minimum 22m between proposed houses and the houses at Robin Close (closest point between plot 26 and 5 Robin Close)

8.28 The closest neighbouring dwelling is therefore no. 60 Keycol Hill which would be situated next to plot 4 (a two storey semi detached dwelling). A flank-flank separation distance of 12m would be achieved which exceeds the minimum 11m flank to flank requirement of the Council. Furthermore, the dwelling is sited roughly in line with the building line of no. 60 Keycol Hill, and soft landscaping is proposed along the boundary (outside the

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residential curtilage) to provide a degree of screening. Therefore it is considered there would be no significant harm to residential amenity in terms of loss of light, overshadowing or outlook. The soft landscaping will provide privacy to the existing neighbour, and a condition will be applied to ensure that the first-floor side window (serving a landing) facing no. 60 Keycol Hill is obscure glazed in the interests of maintaining privacy.

- 8.29 With regard to other nearby neighbouring dwellings on Robin Close or Rooks View, it is considered that the separation distances are sufficient to ensure there would be no significant harm to these neighbours in terms of loss of light, overshadowing, outlook or privacy.
- 8.30 Concerns have also been raised in respect of noise and disturbance from events held at the new open space, but these will be infrequent (in clarifying this aspect to Highways England, Demelza have stated 4-6 events per year) such as to not give rise to disturbance for more than a few days a year, which I do not consider to be significant. Conditions below restricts the number of events that can be held on the land (unless otherwise agreed by the Council) and therefore provides confidence that the frequency of events will not increase without proper consideration of the impacts.
- 8.31 In terms of the amenity of future occupiers, the private residential units will have a suitable level of amenity space with the gardens meeting the Council's 10m requirements and being of a sufficient size/form to provide adequate amenity space for future residents. The nurses' accommodation will also have a communal amenity area separate from the residential part of the site, which is considered to provide suitable amenity for the future occupiers of this accommodation.

Highways

- 8.32 Significant local concern has been raised in respect of traffic and congestion, highway safety, new access would not be suitable, insufficient parking provision. The application proposals include a new access from Keycol Hill (A2) to the residential part of the site, the realignment of Rook Lane, and stopping up of the existing Rook Lane / Keycol Hill junction to vehicles.
- 8.33 The previous scheme was approved, subject to highway improvement works at the Rook Lane / Keycol Hill (A2) junction to improve access to and from the A2 quicker, easier, and safer. As set out within the supporting documents, it has become clear during the detailed technical work that it would not be possible to deliver the approved off-site highway works and proposed access as third-party land would be required. As such, the applicants have reconsidered how to provide a suitable access to the site, which is sought under this application.
- 8.34 KCC Highways have provided comments on the suitability of the proposed new access and realignment of Rook Lane; *'The proposed realignment of Rook Lane and its junction onto the A2 is considered as before to facilitate an improvement to the existing highway environment, as it will remove pedestrian activity from walking along the narrow*

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carriageway, and provide a junction that meets current design standards, including visibility sight lines beyond those previously achievable by positioning the junction further away from the brow of Keycol Hill. Furthermore, KCC Highways note that the realignment of Rook Lane has been designed to a 25mph target speed, and that it is proposed to introduce a 30mph speed limit along Rook Lane which are considered to be appropriate for the new residential setting of the road.

- 8.35 KCC Highways comments have also considered the location of visitor spaces to ensure they are evenly placed within the site, and provide spaces to cater for visitors and deliveries along the realigned section of Rook Lane. The re-aligned Rook Lane will also have waiting restrictions to prevent obstruction to traffic flows and forward visibility. Therefore it is considered that the proposed new access and realignment of Rook Lane are acceptable in highways terms.
- 8.36 In terms of traffic generation and vehicle movements the updated information has considered the additional 10 dwellings and revised housing mix as part of the calculations. KCC Highways have advised that *'the additional 10 dwellings are likely to generate an increase of 5 vehicle movements in the AM peak hour and 4 during the PM peak hour. That increase is not considered to affect the capacity of the A2/Rook Lane junction in its upgraded form, which previous modelling had shown would be operating at a Ratio to Flow Capacity of 0.292, well within the accepted maximum limit of 0.85'*.
- 8.37 With regard to the Key Street/A249 roundabout to the east, KCC Highways have outlined that the trip distribution would suggest that the Key Street/A249 roundabout would experience an additional 3 movements in each of the AM and PM peak hours. KCC Highways have requested a contribution (of £14,400) towards the HIF recovery funding associated with the planned highway improvements at this junction to accommodate traffic growth.
- 8.38 National Highways have set out that as the proposed 30 dwellings are generally smaller than the previously permitted 20 dwellings that the development will have no greater impact on the Strategic Road Network (SRN) than the existing permitted development. Consequently, National Highways have advised given that the 2018 permission, for planning application assessment purposes, forms part of the M2J5 baseline evidence, and hence has been allowed for in the current capacity of M2J5, it is not necessary to require the otherwise currently applied M2J5 Grampian condition that restricts occupations until the M2J5 improvement scheme is open to traffic.
- 8.39 With regard to parking, the Parking Standards SPD provides advisory guidance in respect of car parking provision and recommends parking for rural locations as follows; 2 spaces per unit for 1 & 2 bed houses; 3+ spaces per unit for 3 bed houses; and 3+ spaces per unit for 4+ bed houses. The guidance also seeks 0.2 spaces per unit for visitor parking. The parking provision would comply with these requirements, and parking would either be provided on plot including surface parking spaces and within open car ports, or within small parking courtyards. The level of parking provision and siting of parking spaces for the residential dwellings, combined with the waiting

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restrictions along the re-aligned Rook Lane will ensure that parking demand is adequately catered for.

- 8.40 The Demelza element includes the provision of a large 80 space car park (including disabled spaces) which will help ensure Demelza have sufficient car parking provision, and will take any existing off-spill visitor parking for Demelza off the highway.
- 8.41 The existing Rook Lane junction will be ‘stopped up’ to motor vehicles, including localised narrowing to 2.5m and the provision of bollards to prevent vehicular access beyond Robin Close. The highway works include the relocation of the bus stop at the stopped up junction and extension of the footway along Keycol Hill which will improve pedestrian connectivity. The stopped up junction will still allow pedestrian/cycle access, thus providing accessible links for the area to the bus stop and footpath network.

Ecology, Landscaping and Trees

- 8.42 The site is currently an agricultural field and was, at the time of my site visits, largely empty from the crop having been collected. There are no notable habitat features on the site itself except for the mature trees at the southern boundary with Keycol Hill (and it is noted that the existing balancing pond adjacent to the site which could serve as habitat for reptiles) and therefore little potential for any serious harm to local wildlife. The proposed SUDS pond, and 10m landscape buffer along the eastern and northern site buffers will provide additional habitat potential. This buffer strip will provide substantial new habitat potential for wildlife as well as softening views of the development from the east and the rear of the houses on Keycol Hill.
- 8.43 Members are referred to Biodiversity net gain provision under policy DM24 of the emerging draft plan, which aspires to a 20% net gain in biodiversity for new development. The Council has commenced work on a Local Plan Review and this document was subject to a Borough-wide consultation earlier in 2021. Work on this document is on-going but at an early stage and therefore significant weight cannot be afforded to its policies in the determination of a planning application. Notwithstanding this, the application has been supported by information which demonstrates that a 20% net gain in biodiversity is achievable for this site, and is a positive aspect to the scheme.
- 8.44 The County Ecologist has reviewed the submitted ecological information, and net gain calculations and raise no objections to the development subject to conditions including; Ecological Mitigation Strategy; Habitat Creation Plan and Ecological Enhancement Plan; Detailed Management Plan; and Bat Sensitive lighting Plan.
- 8.45 The application would result in development close to mature line of trees along Keycol Hill, and include the removal of four trees to facilitate the new access onto the A2. The Councils Tree Officer has been consulted, and notes that due to the previous consent (ref: 18/500258/FULL) from an arboricultural perspective the principle of development close to the line of mature trees along Keycol Hill has been accepted. Whilst mature trees are proposed to be removed under this application, the Tree Officer notes it would result in the loss of less trees than 18/500258/FULL which sought tree removal of

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facilitate the off-site highway works. As such, no objection is raised regarding the loss of trees, and conditions are attached to ensure compliance with the arboricultural recommendations and tree protection measures.

- 8.46 The landscaping approach as noted on the master plan, includes the provision of a 10m landscape buffer along the eastern and northern site boundaries, retention of existing trees along Keycol Hill, and provision of soft landscaping throughout the site, including street trees. It is considered that the indicative approach is suitable, subject to full details sought by condition, including the requirement for native species.
- 8.47 With regard to the potential implications for the SPA and the requirements of the Habitat Regulations. As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, situated approximately 2.9km from the closest part of the SPA and as such the Council seeks a mitigation contribution of £253.83 for each new dwelling. The proposal will result in a net gain of 30 dwellings which will result in a financial contribution of £7614.9. The agent has set out that they are willing to agree to paying the contribution once development commences on site. As such the contribution will be secured by either a s106 agreement or unilateral undertaking, rather than an upfront financial contribution. An appropriate assessment is included later in the report, and a copy has been sent to Natural England.

Air Quality

- 8.48 Since the previous application was considered, an Air Quality Management Area has been declared along Keycol Hill and is a material consideration in the current application. The AQMA is approximately 0.6km in length and covers the area between the existing Rook Lane/ Keycol Hill (A2) junction, and the edge of the Key Street roundabout to the east.
- 8.49 Air Quality Assessments and amended updates to this assessment have been provided as part of the application process, to provide further information with regard to cumulative impacts, traffic flows, and to ensure it covers the 30 dwellings proposed. As such, the Environmental Health Officer has set out; *I can confirm the revised AQA has addressed my questions and recommendations raised, as it now includes all relevant traffic flows (i.e., inclusion of Keycol Hill and Rainham traffic flows). In addition, the revised assessment provides the EFT calculations for all 30 dwellings which equates to £20,995, considering the additional 10 dwellings for this assessment. The suggested mitigation options are appropriate and can form part of an agreement to mitigate the effects of the development, which should be secured by the S. 106 agreement.*
- 8.50 It is further noted that due to the size of this development the air quality impacts from the AQA are very low with negligible impact compared to other already committed development sites. As a result, the Environmental Health Officer raises no objection to the current application.

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8.51 The Environmental Health Officer previously objected to the scheme due to lack of information, and concerns regarding the cumulative impacts of development on air quality. The Council has carefully considered whether a refusal reason regarding cumulative impacts would be sustained at appeal, but given the small scale of the development proposed; negligible impact outlined within the AQA; and disproportionate cost of mitigation in relation to the scale of development has concluded that a refusal reason on these grounds should not be pursued. The Environmental Health Officer has advised; *'that a mitigation statement is drawn up and agreed to ensure a pooled contribution for mitigation is achieved separate to this applicant in which the damage cost value from this application can be included'*. The mitigation statement would need to be a strategic piece of work produced by the Council (with agreement by Medway Council) to address suitable mitigation for developments within Swale and along the A2. This would fall outside the application process, but once produced and adopted would be a material consideration in any future applications.

Drainage

8.52 The scheme includes the construction of a SUDS pond in the eastern part of the site. As set out within the submitted D&A and drainage strategy this will be of a significant amenity benefit to the existing residents on Keycol Hill as it will store surface water runoff and prevent it from rushing unobstructed into their rear gardens as it does at present, and also has potential biodiversity benefits. KCC Flood and Water Management and the Environment Agency have raised no objection to the proposed drainage strategy subject to conditions. The continued maintenance and functioning of this pond is secured by conditions set out below.

Sustainable Design and Construction

8.53 The Council has declared a Climate Change and Biodiversity Emergency, and this is a material planning consideration. The supporting information in the planning statement sets out that a fabric first approach has been adopted, combined with Air Source Heat Pumps to provide heating and hot water that could deliver CO₂ reductions by 50%. In addition, each of the dwellings will benefit from an electric vehicle charging point to encourage and provide for the take up of electric vehicles.

8.54 Notwithstanding this, conditions have been incorporated to this application to ensure that the development incorporates sustainable measures. Condition (10) (which relates to achieving at least a 50% reduction in Carbon Emission Rates), Condition (38) is seeking a water consumption rate of no more than 110 litres per person per day in the interests of water conservation and sustainability which is considered reasonable for new developments. A condition requiring details of an electric charging points is included at condition (25).

Developer Contributions and Infrastructure

8.55 The previously approved scheme only sought contributions towards the standard payment towards mitigation of the SPA/SSSI, to enable any profits to fund the Demelza

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development. The previous application is a material consideration in the assessment of the current application, and officers have considered the external viability appraisal.

8.56 Developments of 10 or more dwellings are normally subject to a raft of standard developer contributions towards local services and amenities. In this instance, however, it has been agreed that no contributions will be sought for this scheme so that all of the profits can go towards funding the Demelza development. The only contributions that has been actively sought, is the standard payment towards mitigation of the SPA/SSSI, and the air quality damage cost (which was not a material planning consideration in the previous application).

9. CONCLUSION

- 9.1 This application seeks to erect 30 residential dwellings (with associated parking, landscaping, and SUDS pond) as an enabling development to fund erection of a block of staff accommodation, car park, and outdoor event space for Demelza House hospice. The application site lies outside of the built-up area boundary in an area where the erection of housing is contrary to policy. However there is an extant consent for the erection of 20 dwellings as enabling development to fund the Demelza House hospice facilities, which is a material consideration in the determination of this application, and it is considered that the principle of development has been established through this extant consent.
- 9.2 The application has been supported by viability information which has demonstrated that the increase in dwellings numbers (to 30) are required in order to provide a viable scheme. Furthermore, whilst the number of dwellings have been increased the extent of additional floorspace is modest, comprising an 18% increase in the dwelling floorspace, and the siting of development has not extended beyond the parameters set out in the 2018 consent. There is a small increase in the application site (within the blue site boundary) to accommodate additional landscape screening.
- 9.3 The scheme also includes significant highway improvements which will benefit existing residents and the local area, resulting in wider visibility splays and improved pedestrian connections than the previous scheme. Furthermore, as the proposed highway works would not include the parcel of third-party land as with the previous 2018 consent, it is considered that this scheme will be deliverable, and ultimately help provide the much needed Demelza facilities.
- 9.4 Further to the assessment above, it is considered that the development would not be so harmful as to outweigh the benefits to Demelza (i.e. attracting and retaining staff) as to justify refusal of planning permission.
- 9.5 As such, it is recommended that planning permission is granted, subject to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995, and highways improvements as set out in the agreed drawings.

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10. RECOMMENDATION

10.1 GRANT Subject to the following conditions and subject to the completion of a S.106 agreement to secure the scheme as enabling development associated with Demelza Hospice, SAMMS payment of £253.83 per dwelling, Air Quality Damage Cost of £20,995, and highways improvements as set out in the agreed drawings. With delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.

CONDITIONS to include

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

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

2. The development hereby approved shall be carried out in accordance with the following drawings:

Site Location Plan, drawing no. 30021A/01 Rev A

Block Plan, drawing no. 30021A/02 Rev A

Proposed Site Layout Plan, drawing no. 30021A/10 Rev C

Proposed Site Layout Plan, drawing no. 30021A/11 Rev C

Proposed Site Plan/Fire Strategy Plan, , drawing no. 30021A/12 Rev C

Proposed Site Plan/Refuse Collection Strategy Plan, , drawing no. 30021A/13 Rev C

Proposed Site Plan/Parking Strategy Plan, drawing no. 30021A/14 Rev C

Proposed Site Plan/Housing Mix and Tenure, drawing no. 30021A/15 Rev C

Proposed Site Plan/Movement Strategy Plan, drawing no. 30021A/16 Rev C

Proposed Site Plan/Boundary Treatment Plan, drawing no. 30021A/17 Rev C

Proposed Floor Plans and Elevations Plots 1 and 2, drawing no.30021A / 30

Proposed Floor Plans and Elevations Plots 3 and 4, drawing no.30021A / 31

Proposed Floor Plans and Elevations Plots 5, 13 and 16, drawing no.30021A / 32 Rev A

Proposed Floor Plans and Elevations Plots 6 and 7, drawing no.30021A / 33 Rev A

Proposed Floor Plans and Elevations Plots 8 and 25, drawing no.30021A / 34 Rev A

Proposed Floor Plans and Elevations Plots 9 and 23, drawing no.30021A / 35

Proposed Floor Plans and Elevations Plots 14, 15 and 28, drawing no.30021A / 37

Proposed Floor Plans and Elevations Plots 10, 12, 21 and 24, drawing no. 30021A / 36 Rev B

Proposed Floor Plans and Elevations Plots 17 and 26, drawing no. 30021A / 38 A

Proposed Floor Plans and Elevations Plots 18 and 19, drawing no. 30021A / 39 Rev B

Proposed Floor Plans and Elevations Plot 20, drawing no. 30021A / 40 Rev A

Proposed Floor Plans and Elevations Plot 27, drawing no. 30021A / 41

Proposed Floor Plans and Elevations Plot 29 and 30, drawing no. 30021A 42

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Nurse Accommodation Proposed Plan and Elevation, drawing no. 30021A 43
Proposed Floor Plans and Elevations Plot 11, drawing no. 30021A / 45
Proposed Plans and Elevations Double Car Port, drawing no. 30021A / 46
Proposed Plans and Elevations Single Car Port, drawing no. 30021A / 47
Proposed Floor Plans and Elevations Plot 22, drawing no. 30021A / 48
Proposed Street Elevation, drawing no. 30021A / 50 Rev A
Proposed Access Plan, drawing no. ; 15326-H-01 Revision P6
Highways Adoption Plan, drawing no. 15325-H-03
Landscape Proposals, drawing no. JEC/619/100 Rev A

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

Pre-Commencement Conditions

3. The development hereby permitted may not commence until a foul water drainage scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented as approved and completed prior to the development being brought into use.

Reason: To ensure that the proposed non-mains drainage system does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

4. No development shall take place, including any works of demolition, until a Construction Traffic Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The Local Planning Authority shall consult with National Highways and Kent County Council. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors
 - (ii) loading and unloading of plant and materials
 - (iii) recording the condition of the immediate local highway prior to commencement, and measures to make good any damage attributed to construction traffic
 - (iv) routing and timing of construction traffic
 - (v) wheel washing facilities

Reason: In the interests of the amenities of the area and highway safety and convenience and to ensure that the M2 and A249 Trunk Road 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.

5. No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
 - (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;

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- (ii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (iii) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
- (iv) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
- (v) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (vi) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
- (vii) Phasing of the development

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

6. The developer must advise the Local Planning Authority of the measures which will be undertaken to divert the public sewers and water mains, prior to the commencement of the development.

Reason: To ensure suitable measures are in place to divert public sewers and water mains.

7. Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment undertaken by DHA (March 2021) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site.

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component 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

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form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

8. No development shall take place until an Ecological Mitigation Strategy has been submitted to and approved in writing by the local planning authority. It shall include the following information;
 - Updated Preliminary Ecological Appraisal – if surveys submitted with planning application over 1 year old.
 - Recommended species surveys
 - Overview of mitigation required
 - Detailed methodology to implement mitigation.
 - Timing of the proposed works
 - Details of who will carry them out.

The plan must be implemented as approved.

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

Reason: In the interests of protecting ecology

9. No development shall commence prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising:
 - (ii) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

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

10. No development shall take place until details of the measures to be undertaken to secure compliance with at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended) have been submitted to and approved in writing by the local planning authority. The dwelling(s) hereby approved shall be constructed and tested to achieve the following measure of at least a 50% reduction. The development shall be carried out in accordance with the approved details.

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

Ecology and Biodiversity

11. Prior to any habitat creation works commencing on site a habitat creation plan and ecological enhancement plan must be submitted to and approved in writing by the local planning authority. It shall include the following information;

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- Overview of the habitats to be created
- Detailed methodology of how the habitat will be created/established within the site
- Interim management plan until the management plan required as part of condition X is implemented.
- Details of ecological enhancements features to be incorporated into the open space and built features.

The habitat creation plan and ecological enhancement plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of protecting ecology and habitat creation

12. No occupation of the development shall take place until an Ecological Management Plan has been submitted to and approved in writing by the local planning authority. It shall include the following information;
- Overview of the habitats to be managed
 - Details of the management required for each habitat
 - Timetable to implement the management requirements – capable of being a rolling 5 year management plan
 - Details of any habitat and species monitoring
 - Details of when the management plan will be reviewed.
 - Details of who will be implementing the management and how it will be funded.

The plan must be implemented as approved.

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

Reason: In the interests of protecting ecology

13. No external lighting shall be installed or operated at the site, other than in accordance with details that have first been submitted to and agreed in writing by the Local Planning Authority. These details shall include:
- A site plan showing the area to be lit relative to the surrounding area, indicating parking or access arrangements where appropriate, and highlighting any significant existing or proposed landscape or boundary features.
 - Details of the number, location and height of the lighting columns or other fixtures.
 - The type, number, mounting height and alignment of the luminaries
 - The beam angles and upwards waste light ratio for each light.
 - Lighting design strategy for biodiversity (taking into account Guidance Note 8 Bats and Artificial Lighting' (Bat Conservation Trust and Institute of Lighting Professionals).

Reason: In the interests of visual amenity and the residential amenities of occupiers of nearby dwellings.

14. The development shall take place in accordance with the details of the Tree Protection Plan (drawing no. TPP-01) and Arboricultural Method Statements and

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arboricultural supervision within the Arboricultural Report (dated 17th March 2021, amendment dated 26th July 2021), and in accordance with the current edition of BS 5837 Trees in Relation to Design, Demolition and Construction. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

15. No development beyond the construction of foundations shall take place until full details of both hard landscaping/surfacing and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of any existing and proposed trees, shrubs and other planting, schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, an implementation programme, and details of long-term management. The long-term management details shall include the communal amenity landscape areas, event space area, landscape buffer outside the residential gardens along the northern and eastern boundaries, and drainage areas. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

16. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

Water, Drainage and Contamination

17. 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, and 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. This is in line with paragraph 170 of the National Planning Policy Framework.

18. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report,

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pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

19. No drainage systems for the infiltration of surface water to the ground are permitted other than with the written consent of the local planning authority. Any proposals for such systems must be supported by an assessment of the risks to controlled waters. The development shall be carried out in accordance with the approved details.

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

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

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

21. Piling or the use of penetrative methods shall not be carried out 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 proposed development does not harm groundwater resources in line with paragraph 170 of the National Planning Policy Framework.

22. Details setting out measures to ensure the protection of ground water (including public water supply sources) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details

Reason: To protect public underground water supply sources, and vulnerable groundwater resources.

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Highways

23. No dwelling hereby approved shall be occupied until the existing Rook Lane junction with the A2 has been closed to vehicular traffic in a manner to be agreed in writing by the Local Planning Authority, and the proposed new access route onto the A2 and associated speed limit extension as shown on drawing 15326-H-01 Revision P6 has been completed and opened to use for the public.

Reason: In the interests of highway safety and convenience.

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

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

25. No dwelling shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

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

26. No dwelling shall be occupied or the approved use commenced until space has been laid out for cycles to be securely sheltered and stored for that dwelling within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

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

27. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reason: In the interests of highway safety.

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28. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

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

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

30. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

(1) highway drainage, including off-site works,

(2) junction visibility splays,

(3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

31. No dwelling hereby approved shall be occupied until the revised bus stop position and associated shelter indicated on drawing 15326-H-01 Revision P6 has been provided to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and of encouraging sustainable modes of transport.

32. The development hereby approved shall not be occupied until an application has been made for a Traffic Regulation Order to provide the waiting restrictions shown on drawing 15326-H-01 Revision P6 and the scheme implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of highway safety and amenity.

33. All events shall be carried out in accordance with the approved Event Management Plan (dated November 2019) unless otherwise agreed in writing by the Local Planning Authority (who shall consult with Highways England).

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Reason: To ensure that events do not result in avoidable congestion on the A249 Trunk Road and to ensure that the A249 Trunk Road continues 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.

34. The external event space (as shown on drawing 30021A/11 Rev C) shall not be used for more than 10 events in any year unless otherwise agreed in writing by the Local Planning Authority. All Events shall be monitored and evaluated at the end of each calendar year and the Event Management Plan shall be updated accordingly and submitted to and agreed in writing by the Local Planning Authority (who shall consult with National Highways) . The updated Events Management Plan shall be submitted no later than two months after the end of the previous calendar year.

Reason: To ensure that events do not result in avoidable congestion on the A249 Trunk Road and to ensure that the A249 Trunk Road continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety, and in the interest of local amenity.

Other

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

Reason: In the interest of visual amenity.

36. Notwithstanding the details on drawing no. 30021A/17 Rev C no development beyond the construction of foundations shall take place until a detailed site layout drawing at a scale of 1:200 showing the boundary treatments to be used across the site, including details of the bricks and of gaps to allow hedgehogs to pass through the development, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details and in accordance with a programme that shall have been agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and biodiversity.

37. No development above ground level shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

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

Reason: In the interests of water conservation and sustainability.

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. Before the first occupation of the dwellings hereby permitted the window at first floor level on the eastern side elevation of Plot 4 (as shown on drawing no. 30021A / 31) shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

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

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INFORMATIVES

National Highways

The Construction Management Plan MP shall include details (text, maps and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include, but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site; travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Southern Water

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

KCC PROW

No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.

- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.

KCC Highways

All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approvedchargepoint-model-list>

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important

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for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

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

Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

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

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

NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.

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In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 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.

