

2.3 REFERENCE NO - 21/504250/FULL		
APPLICATION PROPOSAL		
Section 73 - Application for minor material amendment to condition 2 (to allow alterations to the internal layouts, elevations and materials of Plots 8 and 9) and variation of condition 8 (external finishing materials) pursuant to 18/506573/FULL for - Erection of a pair of semi-detached dwellings as replacement for the dwelling permitted on Plot 8 of planning permission 17/506294 granted on 2nd July 2018, with associated parking and landscaping.		
ADDRESS Scocles Farm Phase 1 Scocles Road Minster-on-sea Sheerness Kent ME12 3RU		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The changes to the approved drawings do not cause significant harm to visual amenities or the setting of the listed building.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council objection		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Mr Michael Withers AGENT Penshurst Planning Ltd
DECISION DUE DATE 29/09/21		PUBLICITY EXPIRY DATE 16/09/21

Planning History

21/504219/FULL

Section 73 - Application for minor material amendment to approved plans conditions 1 and 2 (to allow alterations to the internal layouts, elevations and materials of plots 1-7) pursuant to 20/505833/FULL for - Section 73 - Application for Minor Material Amendment to approved plans condition 2 (amendments to plot 1, including raising ridge height, removal of hip end and erection of 4no. dormer windows to garage roof, changes to garage door and additional window in rear elevation of garage, and site layout plan, replacing parking barns with open parking spaces) and Variation of condition 21 (to remove reference to parking barn) pursuant to 17/506294/FULL for - demolition of existing agricultural buildings and erection of 8 no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.

Pending Consideration Decision Date:

20/505833/FULL

Section 73 - Application for Minor Material Amendment to approved plans condition 2 (amendments to plot 1, including raising ridge height, removal of hip end and erection of 4no. dormer windows to garage roof, changes to garage door and additional window in rear elevation of garage, and site layout plan, replacing parking barns with open parking spaces) and Variation of condition 21 (to remove reference to parking barn) pursuant to 17/506294/FULL for - demolition of existing agricultural buildings and erection of 8 no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.

Approved Decision Date: 12.02.2021

20/505633/SUB

Submission of details pursuant to condition 5 (archaeology), condition 6 (contaminated land assessment) and condition 13 (closure report) of application 17/506294/FULL.

Approved Decision Date: 01.02.2021

20/505190/NMAMD

Non Material Amendment Being alterations to garage of Plot 1 and replacement of parking barns (Plots 2-7) with open parking and enhanced landscaping. Please see covering letter for more details. Subject to 17/506294/FULL

Withdrawn

20/504638/SUB

Submission of Details to Discharge Condition 3 (Construction Method Statement) Condition 4 (Precautionary Ecological Mitigation and Enhancement Strategy) Condition 5 (Archaeology) Condition 6 (Contaminated Land Assessment) Condition 7 (Maintenance and Management of Any SUDS Features) Condition 8 (Materials) Condition 9 (Hard and Soft Landscaping) Condition 13 (Closure Report) and Condition 19 (Road Layouts) Subject to 18/506573/FULL Pending Consideration

19/504508/SUB

Submission of details application pursuant to Conditions 5 (archaeology), 8 (external finishing), 9 (Landscaping), & 19 (Roads, footways, paths, streetlighting) of application 17/506294/FULL.

Split – part permitted, part refused Decision Date: 04.12.2019

19/502293/SUB

Submission of details in relation to condition 4 (Ecology), condition 6 (Contamination) and condition 7 (Scheme for long term maintenance and management of SUDS and site drainage) in relation to planning permission 17/506294/FULL and 18/506573/FULL.

Split – part permitted, part refused Decision Date: 08.07.2019

18/506573/FULL

Erection of a pair of semi-detached dwellings as replacement for the dwelling permitted on Plot 8 of planning permission 17/506294 granted on 2nd July 2018, with associated parking and landscaping.

Approved Decision Date: 07.03.2019

18/504780/SUB

Submission of Details to Discharge Condition 3 (Construction Method Statement) and Condition 4 (Ecological Mitigation Strategy) Subject to 17/506294/FULL.

Split – part permitted, part refused Decision Date: 29.10.2018

17/506294/FULL

Demolition of existing agricultural buildings and erection of 8no. three and four bedroom detached and semi-detached dwellings with associated garages, parking, landscaping and improvement of existing vehicular access.

Approved Decision Date: 02.07.2018

SW/12/1311

Redevelopment of existing redundant farm building including elements of demolition - redevelopment proposals to provide mixed residential development for a total of 19 No. Mixed dwellings of 2 storey and single storey construction together with their associated garages and parking barns and improvement of existing vehicular access.

Approved Decision Date: 05.01.2015 Unimplemented

1. DESCRIPTION OF SITE

- 1.1 The application site consists of land that previously formed the southern half of the property known as Scocles Farm, which is situated on Scocles Road, Minster. It is bordered to the south and west by the housing development at Thistle Hill, to the north by the other half of the farm (with Scocles Court (which is Grade II listed) beyond), and to the east by Scocles Road beyond which lies open farmland. Application 19/504831/FULL granted permission for the erection of eleven dwellings on land immediately north of the site in June 2021. This permission has not yet been implemented, and will form phase 2 of the Scocles Farm development.
- 1.2 The site previously housed large, modern, open-sided storage barns, with further brick-built agricultural buildings on the land to the north. The farm ceased operation a number of years ago and the land lay dormant.
- 1.3 Application 17/506294/FULL granted permission for the erection of 8 dwellings on the site. Application 18/506573/FULL was subsequently submitted to amend the approved scheme, providing a pair of semi-detached houses on plot 1 instead of a single detached dwelling, taking the total number of dwellings on the site from 8 to 9. Both these permissions have been implemented and the 9 dwellings are complete. A minor material amendment application was submitted (ref. 20/505833/FULL) to remove the proposed car barns on the site and make changes to plot 1, including the conversion of the garage roof to habitable space. Whilst the dwellings are completed, the boundary fence line is currently under construction, as is the footpath along Scocles Road and to the side of Plot 1.
- 1.4 A number of submission of details applications have been submitted to discharge conditions on both applications. All conditions on 17/506294/FULL have been discharged, whilst there are still some outstanding conditions on 18/506573/FULL, which are currently seeking discharge under 20/504638/SUB.

2. PROPOSAL

- 2.1 This application seeks permission to vary conditions (2) and (8) on application 18/506573/FULL –

2) No development shall take place other than in accordance with the following drawings (all prefixed 17.35.SK): 34Q, 100B, 101B, 102, and 104.

Reason: For the avoidance of doubt.

8) No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. These details shall include timber external doors and high-specification timber or composite windows for plots 1 and 8. The development shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and preserving the special architectural or historic interest and setting of the nearby listed building.

- 2.2 This application has been submitted to seek retrospective planning permission for various changes to the internal layout, exterior and finishing materials of the development. These changes are set out in detail below:

Internal alterations and changes to position of doors and windows

- 2.3 The ground floor layout has been reconfigured for Plots 8 and 9 with the lounge and kitchen/dining areas having been transposed, including removal of the corner window to the living room in the front elevation. The size and location of the dwellings remain as approved.
- 2.4 The former side window to the kitchen has been removed and relocated to the rear elevation to serve the living room. The rear canopy has not been built. At first floor, the layout is largely as approved, although the corner window to bedroom 3 and the side window to bedroom 1 have been removed and the window to the landing in the front elevation has been increased in size.

Windows, doors and detailing

- 2.5 All windows in the development are white UPVC rather than the woodgrain effect Irish Oak windows which were approved. They are also less ornate in design.
- 2.6 The front door types originally approved for the plots were the Solidor 'Stafford' finished in woodgrain effect Irish Oak. However, since the window finish was not in woodgrain effect Irish Oak, a different door design (in black) was used from the Solidor composite door range.

Porch details

- 2.7 The porch canopies have also been simplified and comprise sloping tiled roof with a boarded gable front.

Materials

- 2.8 Chesham Red Multi Stock brick has been used on the elevations of Plots 8 and 9 instead of a brick plinth with white render above. Hardieplank cladding in colour 'Sailcloth' has been used on the upper floors of both plots instead of the approved tile hanging.

Other Matters

- 2.9 During the course of this application, it became clear that the approved soft landscaping scheme at the site had not been implemented. The fence line along Scocles Road was also constructed in the wrong position and the footpath to the side of plot 1 had not been provided. These matters were raised with the applicant, who has since carried out the soft landscaping at the site, began relocating the fence line to the correct position and has confirmed that the footpath along Plot 1 will be constructed. I visited the site prior to reporting this application to Planning Committee and can confirm that soft landscaping has been implemented at the site, and the works to the relocated fence line are almost complete. The footpath along Scocles Road is under construction and works to the footpath to the side of Plot 1 have not yet begun, but the fence line to the side of Plot 1 has been relocated to create space for the footpath. I will ensure that our Planning Enforcement team monitor these works to ensure compliance.
- 2.10 Members will note that another application at the site (21/504219/FULL) is being reported to this committee. This is because the development has taken place under the umbrella of two planning permissions – 17/506294 which permitted 8 dwellings on the site, and then 18/506573 which permitted 2 dwellings to be constructed on plot 8. The changes sought span all 9 dwellings as constructed and therefore relate to both the permissions above – hence why a separate application to vary each permission has been necessary. However in practical terms, the effect of the changes is the same in

both applications – that external changes have been made to the design and finish of the dwellings as built..

3. **PLANNING CONSTRAINTS**

3.1 Potential Archaeological Importance

3.2 Grade II listed Scocles Court lies approximately 50m to the north east of the site.

4. **POLICY AND CONSIDERATIONS**

4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG)

4.2 Development Plan: Policies ST1, ST2, ST3, ST6, CP3, CP4, DM7, DM14, DM19, DM21, DM28 and DM32 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

4.3 Supplementary Planning Guidance (SPG): 'Listed Buildings'

5. **LOCAL REPRESENTATIONS**

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

“Minster-on-Sea Parish Council strongly believes that the original design was more consistent with the character of the area and that it complimented the historic building and setting. This proposal does nothing to conform to the plans as originally submitted.”

6. **CONSULTATIONS**

6.1 Natural England – No comments.

6.2 Environmental Health – *“I have no observation or recommendations to provide in relation to these minor material amendments as they do not alter this department’s original consultation response.”*

6.3 Southern Water – No objections.

6.4 KCC Highways – Development doesn’t meet the criteria to warrant involvement from the Highways Authority.

7. **BACKGROUND PAPERS AND PLANS**

7.1 Plans and documents associated with applications 21/5042150/FULL and 18/506573/FULL.

8. **APPRAISAL**

8.1 This is an application for a minor material amendment to the scheme originally approved under 18/506573/FULL. Government advice states that a minor material amendment is likely to include an amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. The application remains as a development for 2 dwellings to replace the single dwelling previously approved on plot 8, in the same location and of the same scale as previously approved. I am satisfied that the development remains essentially of the same nature as

previously approved as a pair of semi-detached dwellings. The principle of the development has been permitted, and only the impact of the amendments specifically set out in the proposal section above can be considered as part of this application.

- 8.2 The agent has provided a supporting statement setting out that the changes to the approved scheme were implemented at the site for a number of reasons, including supply issues when obtaining materials and a desire for the development to blend in with the adjacent Thistle Hill development. Whilst these are noted, the developer has proceeded to construct the development in a different design and in the full knowledge that it did not conform to the approved plans.
- 8.3 Firstly considering the impact to residential amenity, I note that the dwellings have been constructed to the same scale and positioning as the approved scheme. Several side windows have been removed from the dwellings, and the first floor window in the front elevation serving the landing has been enlarged on both plots. Taking into account the window remains in the same position and is just larger in scale, I do not consider that this change will cause any harmful overlooking of Plot 1 opposite the plots. As such, I do not consider the changes to the external design of the dwellings or materials have any harmful impacts to neighbouring amenities.
- 8.4 The key issue is whether the simplified and plainer elevations of the two dwellings as built are of sufficient design quality and are visually acceptable taking into account the character and appearance of the surrounding area, including the relationship with the listed building to the north. The Council has a statutory duty to have special regard to the desirability of preserving listed buildings, their setting and any features of interest which are present.
- 8.5 In terms of the general character of the area, the development is sited immediately adjacent to modern dwellings constructed as part of the wider Thistle Hill development. Plots 8 and 9 subject to this application are located to the rear of the site and are less visible from Scocles Road than the remainder of the development that is subject to the other related report on this agenda. The existing dwellings immediately to the south and west of the application site have simple and plain elevations. In my opinion, the dwellings subject to this application have a similar appearance to these existing dwellings, although I would suggest that the brick finish to the dwellings on the application site is of superior appearance. Elements of other design features, including first floor cladding and small gable features add further interest to the new dwellings in comparison to those to the south and west.
- 8.6 Whilst the development is, in comparison, undoubtedly of less design quality than the approved scheme, I am of the opinion that the dwellings as constructed are in keeping with and in some ways superior in design and appearance to those immediately surrounding the site and in this respect the development is acceptable.
- 8.7 Turning to the impact on the setting of the listed building, Scocles Court is a Grade II listed farmhouse building dating to the 18th Century, it is accepted that the setting of the building has been heavily eroded by the existing surrounding development, and that the proposed development would further suburbanise the area around the listed building.
- 8.8 These plots are located approximately 50 metres from the listed building, and there is currently intervisibility between the new development and listed building along Scocles Road, albeit that this also includes other surrounding residential development in the background. A high quality residential development to the north of the listed building has been constructed in a rural vernacular. It is also important to note that permission has been granted (19/504831/FULL) for a development of 11 dwellings on the parcel of land

between the application site and the listed building. This includes a barn conversion and a new parking barn in close proximity to the listed building, and the erection of new dwellings which include a number of traditional design features, although I would suggest there are not to the level of detailing that was previously approved on the application site. When this development is built, it is unlikely that intervisibility would exist to any material degree between the application site and the listed building.

- 8.9 It is considered that the development would result in less than substantial harm to the setting of the listed building. When the adjacent development is built, I would suggest that any remaining harm on the setting would be minimal to no harm. Whilst any harm to a heritage asset should be given strong weight in the decision-making process (in accordance with S66 of the TCP Act), I consider the main impact to be the presence of residential built form within the setting of the farmhouse, with a linked issue to this being the detailed design of such built form. The principle of residential built form on this site has already been permitted, and I do not consider the harm caused by the simplification of the design to be sufficient to warrant refusal, taking into account the public benefits of the development in providing new housing. I have reached this view taking into account the distance of the site from the listed building and intervening development permitted.
- 8.10 Whilst the design quality of the development is reduced from that as approved, I do not consider that the development is sufficiently harmful to warrant refusal or capable of being sustained at an appeal – which would inevitably follow if this application was refused.

9. CONCLUSION

- 9.1 The changes to the design of the dwellings does represent a decrease in quality when compared to the approved scheme, however taking into account the surrounding built form in the Thistle Hill development to the south and west, the dwellings do not appear out of character in the streetscene in my view. The impact to the setting of the listed building is not considered to be significantly harmful when taking into account the separation distance and approved development of eleven dwellings between the site and the heritage asset.
- 9.2 As such, I recommend that the application be approved and that a new decision be issued re-stating all of the original planning conditions. A number of conditions are currently seeking discharge under application 20/504638/SUB. The only outstanding matter on this application is the details of the road layouts, and all other conditions seeking discharge have been deemed acceptable by consultees. However, as the application is still pending consideration, as a formality, all outstanding conditions must be included below. These include conditions 2, 3, 4, 5, 6, 7, 11 and 17.

10. **RECOMMENDATION – GRANT** Subject to the following conditions:

CONDITIONS

1. No development shall take place other than in accordance with the following drawings:
17.35-PL-AMD-04 and 17.35-PL4000A.

Reason: For the avoidance of doubt.
2. No development shall take place, including any works of demolition, until a Construction 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. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors;
- ii. Loading and unloading of plant and materials;
- i. Storage of plant and materials used in constructing the development;
- iv. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. Wheel washing facilities;
- vi. Measures to control the emission of dust and dirt during construction; and
- vii. A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

3. No development or other works (including vegetation clearance or demolition) shall take place until a detailed precautionary ecological mitigation and enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. The document must include the following information:

- i. Phase 1 survey (if existing information is over 2 years old)
- ii. Information on species likely to be present within the site
- iii. Detailed species surveys
- iv. Details of mitigation required
- v. Methodology required to implement the mitigation
- vi. Timing of the proposed works
- vii. Details of who will be carrying out the works
- viii. Details of ecological enhancements to be incorporated in to the site
- ix. Map showing the location of the enhancements.

The mitigation and enhancements must subsequently be implemented as detailed within the approved report.

Reason: To minimise potential harm to protected species.

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

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

5. No development shall take place 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:

- a) 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.
- b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited

consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.

- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

- 6. No development shall take place until a scheme for long-term maintenance and management of any SUDS features within the site has been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure the site is properly drained.

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

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

- 8. 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.

- 9. 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.

- 10. 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 - 1900 hours, Saturdays 0730 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- 11. Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report

shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

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

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

13. Before the dwellings hereby approved are first occupied, the footway link shown on drawing 17.35-PL4000A shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of pedestrian and local amenity.

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

Reason: In the interests of residential amenity.

15. 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.

16. 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.

17. 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.

18. 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.

19. The car parking spaces and car barns shown on drawing 17.35-PL4000A shall be kept available at all times for the parking of vehicles and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

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

Reason: In the interests of visual amenity.

INFORMATIVES

- (1) This application only proposes amendments to the external materials, design and internal layout of the properties, and should therefore be read in conjunction with approved application 18/506573/FULL.
- (2) 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/highwayland/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 for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (3) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers, it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

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.

