

PLANNING COMMITTEE – 10 FEBRUARY 2022**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 21/501908/REM		
APPLICATION PROPOSAL Approval of Reserved Matters for 62 dwellings (appearance, landscaping, layout and scale being sought), pursuant of 16/508117/OUT.		
ADDRESS The Slips Scocles Road Minster-on-sea Kent ME12 3SN		
RECOMMENDATION Grant subject to the conditions below.		
SUMMARY OF REASONS FOR RECOMMENDATION The reserved matters would be in accordance with the terms of the outline planning permission and the appearance, landscaping, layout and scale of the residential scheme is acceptable and in accordance with the requirements of the Local Plan.		
REASON FOR REFERRAL TO COMMITTEE Parish Council Objection		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Matthew Homes Limited AGENT Thrive Architects
DECISION DUE DATE 17/01/22 – Further Extension of Time to be agreed with agent.		PUBLICITY EXPIRY DATE 03/01/22

Planning History

16/508117/OUT

Outline application (with access being sought) for up to 62 dwellings including details of vehicular access

Approved Decision Date: 14.08.2018 – The decision notice is appended to this report.

21/503348/SUB

Submission of details pursuant to conditions 23 and 24 (Biodiversity Mitigation and Enhancement Plan) in relation to planning permission 16/508117/OUT.

Pending Consideration

21/503878/SUB

Submission of details pursuant to condition 14 (i) (archaeological field evaluation works) of application 16/508117/OUT (part discharge).

Approved Decision Date: 27.07.2021

21/504305/REM

Approval of Reserved Matters for 62 dwellings (appearance, landscaping, layout and scale being sought), pursuant of 16/508117/OUT (see Covering Letter, dated 12/08/2021).

Pending Consideration

1. DESCRIPTION OF SITE

- 1.1 The application site measures 2.778 hectares in area and is comprised of undeveloped land. Scocles Road bounds the western edge of the site with Elm Lane running adjacent to the southern boundary of the site. A row of detached houses and bungalows front onto Scocles Road and lie on the opposite side of the application site. To the north are predominately detached and semi-detached bungalows and houses fronting onto Drake Avenue. To the east lies land used for the grazing of horses whilst agricultural fields lie further to the south. The Thistle Hill housing estate lies to the southwest of the application site.
- 1.2 There are no distinct level changes on the site, although the land does slope gently to the south. The site sits approximately 15 metres Above Ordnance Datum (AOD). Well established planting is located along the southern and eastern boundaries of the site. The site also includes a limited number of low grade trees.
- 1.3 A public footpath (ZS6) crosses the application in the north eastern corner. This footpath links the application site to Scocles Road, Nelson Avenue, Drake Avenue and Elm Lane. An open water ditch is located along the eastern boundary of the site which connects into a ditch running along Elm Lane.

2. PROPOSAL

- 2.1 As set out above, outline planning permission for up to 62 dwellings was granted on 14th August 2018 and the decision notice is appended. The access to the site also benefits from planning permission and therefore this application now seeks approval of the matters reserved – appearance, landscaping, layout and scale - for 62 dwellings.
- 2.2 In respect of the height of the dwellings, 51 are proposed to be two storey in height with the remaining 11 dwellings at 2.5 storey. The dwellings are provided in the form of detached, semi-detached and terraces made up of three units.
- 2.3 The dwellings are proposed to be provided as per the following mix:
 - 3 bed - 34
 - 4 bed - 28
- 2.4 The design approach for the dwellings follows a relatively traditional style with brick, weather boarded and rendered elevations sitting beneath tiled pitched roofs. The roofs are provided in a variety of styles including barn hips, and side and front facing gables. The proposal includes a variety of house types and architectural features including brick detailing above the windows, projecting bay windows, canopies and staggered elevations.

- 2.5 In terms of vehicular access, this is provided via two access points taken directly from Scocles Road. Access was considered in detail as part of the outline planning application and as a result of planning permission being granted, benefits from this consent. Six of the proposed properties would also take their access directly from Scocles Road.
- 2.6 The public footpath (ZS6) which passes through the north-eastern part of the site is retained and will sit adjacent to a piece of open space. A number of dwellings would face the public footpath. In addition to this piece of open space, a small pond is retained towards the north eastern part of the development. A drainage pond is proposed to sit within an additional piece of open space in the south western corner of the site. Two drainage ditches are also retained on the northern boundary. A foul water pumping station is proposed in the southern part of the development with a height of 2.1m.
- 2.7 Existing planting along the southern boundary of the site (in the form of a substantial largely native species hedge), adjacent to Elm Lane will be retained in addition to planting along the eastern boundary of the site. The scheme proposes a range of planting in the form of trees, shrubs and grassland of various varieties.

3. PLANNING CONSTRAINTS

- 3.1 Potential Archaeological Importance – a relevant condition is imposed on the planning permission, which is appended to the report.

4. POLICY AND CONSIDERATIONS

- 4.1 Policies ST 1 Delivering sustainable development in Swale; ST 2 Development targets for jobs and homes 2014-2031; ST 3 The Swale settlement strategy; ST 4 Meeting the Local Plan development targets; ST 6 The Isle of Sheppey area strategy; CP 3 Delivering a wide choice of high quality homes; CP 4 Requiring good design; CP 7 Conserving and enhancing the natural environment - providing for green infrastructure; A 21 Smaller allocations as extensions to settlements; DM 6 Managing transport demand and impact; DM 7 Vehicle parking; DM 8 Affordable housing; DM 14 General development criteria; DM 17 Open space, sports and recreation provision; DM 21 Water, flooding and drainage; DM 28 Biodiversity and geological conservation; and DM29 (Woodlands, trees and hedges).

Policy A 21, as referred to above, includes specific reference to this site, and states the following:

- *“Maintain and enhance boundary vegetation.*
- *Undertake ecological assessments to determine interest and mitigation necessary.*
- *Consider widening of Scocles Road frontage across the site.*
- *Consider a proportion of plots for self-builders.*
- *Potential contribution to A2500 Lower Road improvements, health and primary school provision”*

- 4.2 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.3 National Planning Practice Guidance (NPPG): Consultation and pre-decision matters; Design: process and tools; Natural environment; Open space, sports and recreation facilities, public rights of way and local green space; Use of planning conditions.
- 4.4 Supplementary Planning Documents (SPD): Parking Standards (2020).

5. LOCAL REPRESENTATIONS

- 5.1 The application has been publicised via a site notice, press advert and neighbour notification letters. In response, 11 letters of objection were received. I also note that 3 letters of objection have been posted on the file relating to the outline planning permission (ref 16/508117/OUT) close to the timeframe when the public consultation was being undertaken on this current application (1 of these respondents has also commented on the reserved matters). Therefore I am of the view that these 3 letters are likely to be responses to this reserved matters application being advertised and have included the concerns raised in these letters in the following summary:
- Roads adjacent to the site and in the surrounding areas cannot support any additional housing due to capacity issues and the restrictive widths of the carriageways;
 - The development will give rise to highway safety concerns;
 - The lack of footpaths in the surrounding area create a safety issue for pedestrians;
 - The developers have purchased a property in Nelson Avenue to create an access into land 'North East of Nelson Avenue' with no regard for highway safety [n.b. this would appear to relate to a planning application on a separate site, submitted under ref. 21/502256/OUT and which is currently undetermined];
 - The site includes a number of protected species, trees and hedgerows;
 - The site has an existing barn inhabited by bats – this was reported to the Council but no action was taken. A building which has bats within it is unable to be removed;
 - The soft landscaping proposals will not in any way replace or negate the removal of the trees and hedgerows which are critical for both the well-being of existing residents and the wildlife that inhabits them;
 - The developers have no regard for the wildlife living on the site;
 - The proposals will lead to the death of animals;
 - Brownfield sites / alternative sites should be considered in the first instance;
 - The development will give rise to a loss of privacy, loss of light and overshadowing;
 - The infrastructure – education, healthcare, shops, highways - is unable to cope;

- Development will give rise to additional pollution and noise;
- Proposals will give rise to a loss of grazing land;
- The site and its surrounds is currently unable to cope with surface water, therefore additional surface water from this development will add further pressure;
- The development and its impact, including in terms of highway impact, must be considered in the context of the other developments in the local area;
- The hedgerow fronting Scocles Road will have to be greatly reduced to allow access into the site and may be protected by other legislation;
- The site is Grade I agricultural land;
- Due to the variety of properties in the surrounding area, the design of the dwellings as proposed is not in keeping with the character of the area;
- The site is not conveniently located for access to surrounding services and facilities and public transport does not serve the site;
- Objections to the previous application should still be taken into account;
- Neighbours have been overwhelmed by the amount of planning applications and therefore have been unable to take part in the consultation process fully;
- The developers did not want to pay for Lower Road improvements;
- KCC have not requested contributions, which needs to be chased up;
- There has been no traffic survey completed;
- This is an over intensive development for the site;
- There is a strong equestrian community that currently enjoy horse riding in countryside surroundings benefitting the whole community via job creation, tourism and well being;
- Other developments have been refused for severe harm to highway safety, which would be the case here;
- This part of Minster has a rural character which is in jeopardy due to this housing development;
- There are already too many houses along this road;
- Proposals in the 1980s have been refused in this area;

6. CONSULTATIONS

6.1 Minster-on-Sea Parish Council “strongly objects to this proposal on the following grounds:-

- i. *The proposal presents as over- intensive development of the site. It is not in keeping with the semi-rural character and appearance of a part of Minster that is well established.*
- ii. *Transportation issues will result from the development of this site. Access cannot be gained from Elm Lane due to restrictions imposed by the width and character. In addition, Scocles Road will not cope with increased traffic resulting in restricted access to the A2500 to the south.*

Although Kent Highways and Transportation confirmation of the release of its land as a new footway is welcome and there is discussion about the widening of a pinch point along Scocles Road to allow traffic to pass unimpeded in both directions there is no mention of a reduced speed limit or consideration given to the increased adverse impact on traffic and congestion on local roads which will be substantial. Traffic generation levels resulting from this development simply cannot be accommodated on the local roads.

- iii. *Approval contradicts Swale Borough Council's Local Plan policy E1 (General Development Criteria) [this reference is incorrect; as set out above, general development criteria are dealt with at Policy DM14 of the adopted Local Plan] regarding the standards applicable to all development, saying that it should be well sited appropriate in scale, design and appearance with a high standard of landscaping, and have safe pedestrian and vehicular access whilst avoiding unacceptable consequences in highway terms.*

This development scores poorly in sustainability terms as it is not well related to existing services and facilities at Minster and even less well located to more major services at Sheerness and Queenborough.

- Other relevant information: Minster-on-Sea Parish Council must make it clear that in submitting this response, it does so under duress. The current Government restrictions on Covid means that there has been no time to properly consult with the public. To resolve this, more time is required to present any additional information that comes forward.”

6.2 KCC Highways & Transportation – Initially commented as follows:

“As you are aware, the principle of this scale of development and details of its access have already been permitted under outline planning approval 16/508117/OUT, and I understand from my colleagues in the Agreements Team that they are currently processing the associated Section 278 Highway Agreement with the developer for them to carry out the highway improvements that were agreed at that time. You will recall that these elements include the provision of a footway on both sides of Scocles Road to connect the development to the existing footways opposite the development and Harps Avenue, widening of Scocles Road along the site frontage, extending the 30 mph speed

limit to a new gateway feature near its junction with Elm Lane, and the formation of the two new junctions on Scocles Road to serve the application site.

I note that the southern junction shown on the current proposals is not in the same position that was originally indicated on the scheme approved under the outline application. The image below shows the proposed development with the approved location of the southern vehicular access, derived from the Outline planning application position, overlaid:



Whilst this position is different, I am content that it is still suitable, and I am aware that the current S278 submission to the Highway Authority has been based on this revised position. The associated sightlines relocated for the new position will therefore also be secured through that process, and I note that these will be contained within the proposed footway in any case.

In general, the road layout of the development is satisfactory, as the geometry accords with the national and local design standards in terms of roadwidths, footway provision, swept path analysis and speed restraint features. However, further information will need to be submitted to detail street lighting positions, so that these can be assessed with the tree positions. The Site Layout Plan, drawing number SL01 Rev B, and the Soft Landscaping plan MAT23017-11C Sheet 2 indicate 5 No Acer Campestre street trees within the adoptable grass verge opposite plots 1 to 3, and these may impact the street lighting design. In order for the lighting to meet the uniformity design standards for illumination, this may require the trees to be omitted to prevent dark patches within the highway.

Visitor parking is lacking in some areas, so where there are long sections of residential street frontage and the visitor spaces are too remote, it is likely that vehicles will park closer in more inappropriate locations. Given that an on-street visitor provision of 0.2 spaces per dwelling is required, this would equate to 1 space for every 5 dwellings, and it is expected that they should be sensibly located for each group of 5. No such provision has been designed into the layout for the 6 dwellings with direct pedestrian access onto Scocles Road, the northern spine road between plots 1 and 18, or the loop road between

plots 51 to 54 and plots 55 to 59. In the case of plots 1 to 3 and 51 to 53, this may result in vehicles parking close to the junctions with Scocles Road.

Swale Borough Council has now adopted its own parking standards, and I note that these would locate this development within the Suburban criteria where 4 bed dwellings require 3+ parking spaces. The 4 bed units have only been provided with 2 spaces plus a garage, but garages are not counted towards the provision unless in town centre locations with controls to prevent on-street parking.

Similarly, 3 bed dwellings seek 2 to 3 spaces per unit, and I note that plots 39 to 41 only have 1 parking space, excluding their garages.

No details have been provided to confirm cycle parking provision. I note, notwithstanding the above comments, this can be provided within appropriately sized garages. Two different garage lengths have been detailed, and only the 7m length garages would be deemed suitable in accordance with the dimensions specified in the parking standards.

In addition, each dwelling should be provided with an EV Charging unit as required by the adopted parking standards. 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-approvedchargepoint-model-list>

Upon providing the above comments to the agent amended details were submitted and KCC Highways & Transportation were re-consulted. In response the following comments were made:

“As previously advised, it had been noted that the proposed junction positions onto Scocles Road did not adhere to the same positions that had been approved through the Outline planning consent for this development. I can confirm that the amended plans do now accord with the approved junction locations, so I am satisfied that the proposal does comply with the access matters determined by application reference 16/508117/OUT.

Following my previous comments regarding the parking provision, the 4-bed dwellings are now provided with 3 parking spaces each to meet the requirements specified in the Swale Borough Council Parking Standards. Similarly, the provision for the 3-bed dwellings previously known as plots 39 to 41 (now 40 to 42) has also been increased to 2 spaces in order to meet the appropriate requirement.

However, I note that in providing the additional spaces for plots 13, 21, 22, 45 to 47, on-street visitor spaces have been sacrificed to accommodate this, and no replacement visitor spaces created nearby to serve those areas. It is appreciated that two new laybys have been created just inside the Scocles Road junctions, to address my comments regarding provision for the properties there, but other areas closer to the affected plots and where a previously indicted layby outside plot 60 has now also been removed. There is therefore no provision indicated along the lengthy section of spine road between plots 55 and 60, and the east/west spine from plot 41.

Cycle parking details are still required to demonstrate that sufficient provision will be made on the development. As previously advised, only garages measuring 7m in length will be accepted as being able to accommodate cycle storage.

The earlier submitted Site Layout drawing, SL01 Rev B needs to be updated to reflect the latest amended drawings, as it is not clear what surface treatments are now proposed, particularly in respect to the form of traffic calming measures proposed. Revision B indicates table junctions along the East/West spine road, keeping the maximum distance between features below 60m, but the current SK07 Rev I Highway Design may indicate something different with distances exceeding 60m. These features will be required at 60m to design to a 20mph target speed in accordance with Kent Design Guide.

Street lighting details are still outstanding, as these will need to be assessed against the soft landscaping plans to ensure the two do not compromise one another, as trees will affect the light spread and the required illuminance levels for adoption purposes may not be achieved.”

Upon receipt of the above comments I again liaised with the agent and as a result amended details were provided. I re-consulted KCC Highways & Transportation on this basis and received the following comments:

“Additional on-street parking is noted, and this will provide a better distribution of visitor and unallocated parking around the development in accordance with the adopted standards, which should help reduce the likelihood of vehicles being parked inappropriately. All lengths of street frontage do now include visitor parking at regular intervals on the amended plans, so provision will be located evenly where demand is envisaged.

Further speed restraint measures have been incorporated into the layout, and these appear to comply with the Kent Design Guide requirements of a minimum 60m spacing in order to achieve a 20mph design speed. This has resolved the particular issue that was raised previously regarding lengthy distances of straight carriageways that contained no deflection to limit vehicle speeds appropriately.

Following the request to provide street lighting information, I am satisfied that the drawing now submitted indicates that the position of the proposed trees within the adoptable highway layout should not interfere with the illuminance levels of the carriageway. It is therefore considered that the subsequent Section 38 approval process for adopting the highway will be able to proceed without the likely need to amend any tree positions in order to resolve obstruction of light spread.

Consequently, I would have no objections to the proposals in respect of highway matters subject to the following conditions being attached to any permission granted.” Conditions related to parking spaces to be retained as such; details of electric vehicle charging points; space to be provided for cycle parking; pedestrian visibility splays to be maintained; and works between the dwellings and the highway to be completed.

6.3 KCC Ecology – Initially commented as follows:

“Summary – Additional Information Required.

We have reviewed the ecological information submitted in respect of this application and we advise that additional information is sought prior to determination of the planning application.

- Further surveys along with any necessary mitigation measures for great crested newts;*
- Further surveys along with any necessary mitigation measures for reptiles;*
- Further surveys along with any necessary mitigation measures for bats;*

Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of the planning application. This is in accordance with paragraph 99 of the ODPM 06/2005 which states: “it is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision”.

Amphibians

*We noted from the submitted Updated Ecological Appraisal a recommendation (sections 4.26 and 4.27) to undertake surveys for great crested newt (GCN) since the two waterbodies on site had potential to support this legally protected species. However, we note from our records that a survey of the application site for GCN was undertaken by Native Ecology in 2016 and returned no findings of GCN. It did however return findings of Smooth newt (*Triturus vulgaris*) within WB 1 the on site pond (peak count 29) and WB 2 the water filled ditch on the southern boundary of the application site (peak count 3). We also note that the layout of the proposed development as currently submitted differs in some key respects to that which was granted outline planning permission. From an ecological perspective we especially note that the on site pond (WB1) is proposed to be infilled and built on and that there are no proposals to provide an alternative pond.*

We agree with the recommendations in the Updated Ecological Appraisal that updated surveys for amphibians are therefore required since it is now 5 years since the last surveys and required urgently as the survey season is rapidly approaching its end. The application site lies within an Amber Risk Zone as identified by Natural England and defined as areas that contain main population centres, habitats and dispersal routes for GCN. Development with a significant land take in these zones would be expected to have a high impact on GCN. The approved outline planning applications was not entered into the District Level Licensing scheme (DLL) for GCN which was probably not in operation at the time. However, we understand that retrospective applications will be considered by Natural England but before any site preparation or development has commenced. Developers can, before applying for Planning Permission (and at any stage thereafter), obtain an indication from Natural England of whether their development proposal is eligible to use DLL. Natural England will determine the impact of the proposed development on GCN, assess the cost of addressing the impact through DLL and issue a provisional certificate.

The applicants may therefore wish to consider going down this route and therefore avoiding the need for further surveys for GCN.

However, this still leaves the matter of the fate of the large population of smooth newts on the site. No mitigation measures have been proposed with the current application and the on site pond will be lost to development. Therefore mitigation measures are required to be submitted and agreed before any reserved matters (including the layout and design) are approved.

Reptiles

*The Updated Ecological Appraisal notes the presence of suitable habitats for reptiles on the application site and recommends further surveys (section 4.29) to establish the presence or absence of reptiles and the size of the population(s) if present. From our records we note that a reptile survey of the application site was undertaken by Native Ecology in 2016 and did record a population of slow worm (*Anguis fragilis*). Again we therefore agree that an updated survey for reptiles is required since it is 5 years since the last survey. This survey should be used to estimate the current reptile population(s) on the application site and to inform updated mitigation measures. These mitigation measures are required to be submitted and agreed before any reserved matters (including the layout and design) are approved.*

Bats

The updated Ecological Appraisal recommends (at section 4.14) that further surveys should be undertaken to establish the presence or likely absence of roosting bats within building B1 (the old barn) within the application site which would be demolished under the current submitted proposals. These further surveys should be undertaken and any necessary mitigation measures submitted for approval again before any reserved matters (including the layout and design) are approved.”

Upon providing these comments to the agent, additional details were provided and KCC Ecology were re-consulted. It is important to note that running alongside this reserved matters application is the consideration of conditions 23 (Method Statement for Ecological Mitigation) and 24 (Ecological Design Strategy) of the planning permission which has an impact on the layout being considered. Therefore, the comments in respect of the application to discharge conditions 23 and 24 (under ref 21/503348/SUB) and this reserved matters application were considered concurrently by KCC Ecology who provided the following comments under the relevant sub-headings:

“21/503348/SUB

This revised application is made to discharge conditions 23 and 24 (Biodiversity Mitigation and Enhancement Plan) in relation to planning permission 16/508117/OUT. Following our previous comments (dated 9th July and 3rd September 2021) we met with the applicants ecological consultants Southern Ecological Solutions. We are pleased to advise that following that meeting the submitted Amended Biodiversity Mitigation and Enhancement Plan (September 2021) addresses all of the matters raised in our previous advice.

Therefore, the Amended Biodiversity Mitigation and Enhancement Plan (September 2021) provides a satisfactory basis for the discharge of Conditions 23 and 24 subject to confirmation on the following details:

1. *The Amended BMEP states that: 3.1 The pond will be retained in its current size and location. The pond will be managed and enhanced from its current state in which it is currently overgrown with bullrush. The enhancement will open up the pond to increase the botanical diversity and enable greater utilization of the pond by aquatic invertebrates. The pond cannot be retained in its location due to its current elevated location in the site. I presume that the last sentence is an error and that the pond is being retained in its current position;*
2. *The Amended BMEP states that:*
 - 3.12 *According to current plans, the pond will be retained at its current size. As such the pond will be enhanced to improve its suitability for invertebrates and amphibians including the installation of hibernacula. Chiefly this will be achieved through clearing the overgrown vegetation by hand and planting of suitable aquatic vegetation. The pond will be encircled with newt fencing to ensure the local smooth newt population does not spread to the surrounding area. The newt fencing will be protected with tree protection fencing to avoid unintentional damage.*
 - 3.13 *Clearance of suitable terrestrial habitat will be undertaken using the same methods listed below pertaining to safe mitigation of reptiles, which will mitigate the risk of killing and injury of any smooth newts present.*
 - 3.14 *If the pond enhancements require the pond to be reshaped/ excavated then the pond should be drained down using methods described in Appendix 11*

The timing of any works relating to the pond and the smooth newt population needs to be made absolutely clear. The following therefore needs to be agreed in writing:

- *No works to the pond that may result in the killing or injury of newts (and other amphibians) should take place during the active period for amphibians between March and September inclusive;*
- *The erection of exclusion fencing around the pond should only take place during the breeding period for amphibians between March and June inclusive and when all the amphibians are in the pond or surrounding vegetation. Otherwise there is the risk that amphibians returning to breed in the pond will be excluded from doing so by the exclusion fencing and will be trapped outside the pond and within the construction zone;*
- *The exclusion fencing should be located so that it encompasses surrounding terrestrial habitats and including hibernacula for amphibians so that all the habitat requirements of the amphibians can be met within the fenced and excluded area;*
- *If any amphibians are captured during the trapping and translocation of reptiles, these should be relocated to the pond area to be protected;*

- *The exclusion fencing should be retained and maintained in a good state of repair throughout the whole construction period;*
 - *Once the exclusion fencing is erected and the amphibians are effectively corralled, no works to the pond or adjacent habitat can take place as this would risk the killing or injury of animals which have nowhere to escape to. Therefore, if works to the pond are required these should either be undertaken in the winter preceding the erection of the exclusion fencing or the amphibians will need to be captured and moved to a suitable temporary receptor area.*
3. *We discussed in our recent meeting the need to avoid the pond becoming an 'island' of habitat surrounded by built development. Such isolated areas make populations vulnerable to disease, predation, and critical events e.g. fires, pollution etc. It also prevents the interchange of genes because the breeding population can become genetically isolated. However, the submitted plans do not include the necessary habitat linkages between the pond area and the areas of tussocky grassland that is to be retained around the site boundaries for reptiles. Therefore, we advise that such a linkage should be made. This could for example be achieved by re-arranging/re-orientating parking spaces for units 7,8 and 9 (e.g. so that they are parallel with those opposite for units 10,11 and 12) and thus creating sufficient space to create a 2 metre wide strip of wildflower verge connecting from the pond to the tussocky grassland to the north.*
4. *The Amended BMEP states that: 3.20 The following timeline summarises the sequence of events:*
1. *Reptile Mitigation in the north of site in the below order:*
 - a. *Vegetation clearance (where required) to install fencing etc.*
 - b. *Receptor area setup: including installation of exclusion fencing with Heras fencing and hibernacula;*
 - c. *Translocation of reptiles to receptor area;*
 - d. *Implementation of SUDs drainage followed by boundary habitat enhancement*
 - e. *Destructive Search*
 - f. *Removal of exclusion fencing opening receptor to enhanced boundary habitat*
 - g. *Removal of exclusion fencing (at the end of all construction works)*
 2. *Precautionary Measures for reptiles, hedgehogs and toads: April - September (depending on weather conditions for reptiles).*

Further to our advice above on the timing of operations in relation to impacts on amphibians, we would like to have an agreed timetable for all mitigation measures for all species in the form of a simple table/calendar showing when it is/is not acceptable to undertake certain works.

5. *The Amended BMEP states that: Reptiles*

3.15 Due to the risk of death and/or injury, reptiles will require translocation away from the works area to an in-situ receptor area. To enable works to commence and minimize the handling of reptiles the north-western area of the site, where the reptiles were found, will be isolated from the rest of the site. This will allow work to commence in the rest of the site...

This proposed approach is acceptable given that all the most suitable reptile habitat is within the north-west of the application site. However, it needs to be made clear how this area is to be isolated from the rest of the site. Is this to be achieved by the erection of temporary exclusion fencing?

Subject to the agreement and incorporation of the above amendments into the BMEP, the submitted BMEP is satisfactory for the discharge of Conditions 23 and 24.

21/501908/REM

Further to our advice above, providing that the layout and landscape plans are given a minor amendment to ensure that a habitat strip connection is provided between the retained pond and the retained tussocky grassland margins of the site, then we advise that the submitted details are satisfactory from an ecological perspective to enable the approval of the Reserved Matters."

Further to the above I liaised with the agent who again provided additional details. On this basis I re-consulted with KCC Ecology and again, due to the issues which cross over the application to discharge conditions and this reserved matters application, I have included the combined response below:

"21/503348/SUB Condition Discharge – Sufficient Information

We have reviewed the amended submitted documents in relation to condition 23 and 24 and advise that sufficient information has been provided to discharge these conditions.

We do advise one additional minor amendment to the submitted plans to enable reptiles and amphibians to pass safely between the retained wildlife pond and the wider network of habitat that is to be retained within the proposed development. As currently designed, amphibians and reptiles are at risk from killing by vehicles when crossing the driveway access to the north of the pond on their annual migrations to and from the pond before and after breeding or to find suitable hibernacula for over-wintering as can be seen in the plan extract below. We therefore advise that an amphibian tunnel be created across the entrance to this driveway, linking the pond area to the wider open space network to the north. The company ACO produces a suitable product (<https://www.aco.co.uk/wildlife>) that has been independently tested and found to be effective (<https://www.amphibians.org/news/under-road-tunnels-help-great-crested-newts/> <https://www.froglife.org/2019/02/27/protected-great-crested-newt-populations-expand-due-to-under-road-tunnels/>).



21/501908/REM

Further to our advice above, providing that the layout and landscape plans are given a minor amendment to ensure that an amphibian tunnel connection is provided between the retained pond and the retained tussocky grassland margins of the site, then we advise that the submitted details are satisfactory from an ecological perspective to enable the approval of the Reserved Matters.”

6.4 Lead Local Flood Authority (KCC) – Initially commented as follows:

“We have reviewed the Conceptual Drainage Strategy drawing 21456 - SK01 - Rev G by JPP and the supporting information which proposes to attenuate the surface water prior to discharge to a ditch at 9.7 l/s as approved application 16/508117/OUT and have the following comments.

1. We would expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used:

http://www.kent.gov.uk/__data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

The Ciria SuDS Manual (2015) states that the FEH methods should be the preferred approach for developing runoff estimates within surface water management design (Chapter 24.3). The manual acknowledges that this is dependent upon the access to FEH documentation.

We would recommend a holding objection to the application until the above requested information is provided to support the proposed drainage strategy as using the correct

rainfall data will create additional volumes of surface water for on site attenuation which will require demonstration that this surface water can be accommodated within the site boundaries with the Flood Risk Assessment and calculations updated to include the above.”

Upon providing these comments to the agent amended details were provided and I re-consulted with the Lead Local Flood Authority, who subsequently commented as follows:

“Kent County Council as Lead Local Flood Authority have reviewed the email response from JPP Consulting dated 16 June 2021 and have the following comments:

Although the outline application 16/508117/OUT was approved in line with the FRA by RMB Consultants the rainfall data used shall be as stated in Kent County Councils Drainage and Planning Policy dated November 2019 which is detailed below.

At the detailed design stage The Ciria SuDS Manual (2015) states that the FEH methods should be the preferred approach for developing runoff estimates within surface water management design (Chapter 24.3). The manual acknowledges that this is dependent upon the access to FEH documentation.

The EA report, “Rainfall runoff management for developments” Report SC030219 (2013), mapped the variation of the rainfall depth relationship between FSR and FEH with both return period and duration. For 1 year events, FSR :FEH ratio is greater than 1; however for greater return intervals, the FSR:FEH ratio is generally less than 1 therefore indicating that FSR is under-predicting rainfall depths when compared to FEH for longer duration and greater return interval events.

Our calculation of 26.25 mm/hr was a pragmatic application of the EA report across Kent. It is based on utilising the ratio FSR:FEH for the 100 year 6 hour event, which shows that FSR values are 70 to 90% of FEH values. Taking a precautionary approach we have assessed the ratio as 0.8, therefore applied to average Kent M5-60 value of 21mm/hr produces a rainfall depth of 26.25 mm/hr.

If you do not agree with the calculated FSR value then we recommend either:

(a) utilising FEH; or,

(b) utilising the methodology proposed with “Rainfall runoff management for developments” Report SC030219 (2013) which includes the appropriate FEH rainfall factor.

We will not accept an unadjusted FSR value of 19.1 mm/hr.

We will lift our holding objection in relation to the Reserved Matters submission provided the Full and Discharge of Conditions submissions adhere to the above.”

The above comments were provided to the agent who provided amended details. I re-consulted with the Lead Local Flood Authority who commented as follows:

“Information has been re-submitted with the correct rainfall data which has shown that the drainage strategy will accommodate the surface water within the proposed attenuation basin prior to discharge into the watercourse.

The matters raised in our earlier consultation response have been addressed. We would therefore recommend that the reserved matters for application 16/508117/OUT may be approved.”

- 6.5 KCC Public Rights of Way – *“Public footpath ZS6 passes through the proposed development. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed.*

The application acknowledges the existence of the footpath and proposes to enhance the whole of the route from Elm Lane to Drake Avenue. I believe that there is a S106 agreement in place in relation to outline application 16/508117/OUT requiring a developer contribution to improvement works to the footpath beyond the site boundaries.”

- 6.6 Southern Water – *“no objections for the above reserved matters application.”* Southern Water make further comments regarding wider network reinforcement and adoption of the foul sewerage infrastructure [n.b. these two matters fall outside the planning process].

- 6.7 KCC Archaeology – *“Thank you for consulting on the above reserved matters application for 62 dwellings at The Slips, Scocles Road, Minster. I provided advice on the outline application recommending the following condition be attached for archaeological evaluation to be followed by measures to preserve or investigate significant remains that may be identified.*

AR5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of

i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

I did advise in my response in 2016 that it would be preferable for the archaeological evaluation to be undertaken in advance of a detailed application in order that any preservation measures, if required, can be more readily accommodated in the design of the scheme. That remains my advice. We have recently received an acceptable WSI for evaluation from RPS Group and I note that this has been recently submitted as 21/503878/SUB and I have written today to advise its approval. I understand that the evaluation is to be undertaken in early August [2021] and the results of this should be used to inform the present application and any modification of the proposed condition that may be appropriate.”

Due to the above comments I subsequently received an update from the agent in respect of the works that had been undertaken as referred to. I re-consulted with KCC Archaeology who commented as follows:

"I can confirm that the work has moved on since the response to the application [as set out above]. Evaluation has been carried out over the majority of the site though the area highlighted (12 and 13) and another area (2 and 10) on the attached plan were not achievable due to ecology constraints and remained to do. An area of further investigation has been agreed and has been undertaken and is going through the reporting process at present I believe.

I am happy that the further trenching awaits the ecology release and am confident that there is not likely to be an issue that prevents agreement of layout now. If the further trenching encounters archaeology it is likely to warrant investigation and recording rather than preservation."

- 6.8 SBC Environmental Protection Team – *"Conditions on the outline permission relating to a requirement for submission of a contaminated land assessment and a code of construction practice remain valid.*

In view of the passage of time since approval of the outline application I must suggest inclusion of the following additional condition" [for electric vehicle charging points].

Further to the above comments I have liaised with the Environmental Protection Team regarding construction hours as no conditions have been attached to the outline planning permission. On this basis, conditions relating to hours of construction, and separately pile driving have been recommended.

- 6.9 SBC Climate Change Officer – *"Generally I am fine with this. The Energy Statement is thorough and gives robust arguments re which technologies to use.*

I note that waste water heat recovery will be used - as far as I aware this is a first in Swale. My only concern is that in both the D and A statement and the Parking Strategy (not really a strategy, just a plan) there is no mention of EV charge points - I would expect one per house with a garage or dedicated parking, and at least 1 per 10 visitor/shared parking spaces as per our Parking SPD.

- 6.10 SBC Greenspaces Manager – Commented that the development provides the required amount of open space but some of it is not 'usable' due to the need to retain boundary vegetation and the areas of small amenity / verge areas. The inclusion of a pond was queried if this did not serve a drainage purpose as it is separated from any biodiversity opportunities. Confirmed acceptance of the soft landscaping details and that the Council would not be adopting the open space and therefore arrangements for future maintenance would be required.

In terms of the play space, it is accepted that this is appropriate on this size of development. Requested some amendments in respect of 'padded' areas to immediately surround play equipment and the bench, to mitigate the wear of these areas and the inclusion of a gate / fence to prevent access by dogs.

Further to the above I liaised with both the Greenspaces Manager on the matter of the retained planting and the impact this had on related 'usable space'. The Greenspaces Manager confirmed that it was recognised that the boundary vegetation is valued and a priority.

I subsequently liaised with the agent regarding the amendments that were sought, details of which have been forthcoming and accord with the Council's Greenspaces Manager's requirements.

- 6.11 Lower Medway Internal Drainage Board (LMIDB) – Initially commented "*We have received applications for Land Drainage Consent for this site, specifically for consent to discharge surface water to a watercourse (Byelaw 3) and for works within 8 metres of the Board adopted watercourse (Byelaw 10) that bounds the site to the east, as shown in drawing SK01 Rev G.*

The Board has reviewed the proposals and is minded to approve the discharge of surface water pending the acceptance of conditions and the payment of a surface water development contribution based on the Board's charging policy (available here: <http://www.medwayidb.co.uk/development/>).

The works within 8 metres of the Board's high priority adopted watercourse LM3A however are not acceptable to the Board under the terms of their Byelaws (<http://www.medwayidb.co.uk/consents/byelaws/>). This is due to the fact that access must always be available to the Board's operatives with heavy machinery to ensure maintenance can be carried to in order for the watercourse to offer effective flood protection to the local area.

I have contacted the agent to request the plans are altered to remove the private drives from the 8m easement on the west side of LM3A. We are happy to discuss to come to a mutually beneficial resolution."

Due to the above comments relating to the private drives within 8m of the adopted watercourse I have liaised with both the agent and the LMIDB. The LMIDB have confirmed to me that the applicant has now been issued with 'a notice of intention to grant consent' which includes a number of conditions. The LMIDB have also confirmed that these have been agreed to with one outstanding condition related to a restrictive covenant being required to be applied to each property within 8m of the watercourse to allow the LMIDB to have rights of access.

- 6.12 Kent Police – Have raised a number of points in respect of surveillance of open space / footpath; separation of cars and pedestrians; boundary treatments; lighting; the play area to be fenced; and the standard of doors and windows. A condition has been recommended related to the development according with 'Secure by Design' guidance.
- 6.13 Environment Agency – No comments to make.

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by the following information: Site Layout Drawings; Elevations; Floorplans; Planning Statement; Arboricultural Impact Assessment and Method Statement; Biodiversity Mitigation and Enhancement Plan; Soft Landscaping

Details; Planting Schedule; Drainage Plans; Energy Statement; Design & Access Statement; Landscape Management and Maintenance Plan.

8. APPRAISAL

Principle of Development

- 8.1 The site benefits from an outline planning permission as set out in the history section above for up to 62 dwellings, granted under reference 16/508117/OUT. The decision notice is appended. This site is also allocated for housing under policy A 21 (Smaller allocations as extensions to settlements) of the adopted Local Plan. As a result of the grant of outline planning permission and the allocation of the site within the adopted Local Plan, the principle of residential development is established.
- 8.2 This application is seeking approval of the reserved matters, namely, appearance, landscaping, layout and scale for 62 dwellings. Due to the outline planning permission allowing for up to 62 dwellings on this site, this proposal is compliant with the terms of the planning permission in respect of unit numbers.
- 8.3 Due to the above position, 'in principle' matters such as the impact of the development upon the highway network, the impact upon services and facilities such as education and healthcare, the payment of developer contributions, the need for a Transport Assessment and the potential for the site to be agricultural land have already been considered acceptable by virtue of the granting of planning permission. Therefore, although these matters have been raised by neighbours and the Parish Council, they are not subject to consideration as part of this reserved matters application.

Mix of Units

- 8.4 The application proposes the following mix of units:

3 bed - 34

4 bed - 28

- 8.5 Policy CP 3 (Delivering a wide choice of high-quality homes) of the adopted Local Plan sets out the housing needs for the Borough as a whole and subsequently splits the Borough into various Local Market Housing Areas. The supporting text to the policy specifies that in the Borough in general, the greatest need is for 3-bedroom properties, and specifically in Minster, the demand for family housing is greatest and should be encouraged. In terms of both the wider Borough need for 3-bedroom properties, considered along with the more specific localised need I am of the view that the above mix meets the requirement for additional family housing in the area.

Layout

- 8.6 The layout of the development is primarily based around perimeter blocks with dwellings facing onto the streetscene and rear gardens backing onto each other. In a number of instances parking spaces have been provided to the side of dwellings which reduces their impact on the streetscene. The outline planning permission fixed the two access points from Scocles Road from which the internal roads provide access to the dwellings

within the site. The site includes a drainage basin in the south-western corner, a retained pond towards the northern part of the site and an area of open space in the eastern part of the site, which includes an area of 'natural' play. The existing well-established planting located along the southern and eastern boundary is shown as being retained. Based upon the requirements of the outline planning permission and the outward facing dwellings in perimeter blocks, I consider that overall this is an appropriate way to lay out the site.

- 8.7 In terms of the open space, the outline planning permission requires that the details submitted pursuant to the reserved matters include an area equal to 10% to be reserved for public open space. A drawing has been provided which demonstrates how this requirement has been met. Although some of this is linear and close to the margins of the site, I am satisfied that along with the area of open space in the east of the site, which includes the play area, that there is an acceptable variety of open space to cater for different needs and in percentage terms the relevant condition has been complied with. The Council's Greenspaces Manager has also confirmed that the precise details of the play equipment are acceptable. A small pond has also been retained within the central part of the site, which will provide habitat for amphibians whilst at the same time enhancing the visual appearance of this part of the site.
- 8.8 The existing route of a public footpath (ZS6) passes through the north-eastern corner of the site. The footpath has been retained in the proposed layout and passes along the margin of the open space in the eastern part of the site. The KCC Public Rights of Way Officer has been consulted on the application and comments that the development acknowledges the existence of the footpath and references that the S.106 agreement pursuant to the outline planning permission includes a contribution for improvement works to this public footpath (the contribution secured is £13,640).
- 8.9 There is a pumping station located in the southern part of the development (adjacent to the proposed SUDs pond). Having assessed this I am of the view that it is located in one of the less prominent parts of the site and along with the screening provided by the existing planting along the Elm Lane boundary, is also proposed to be screened by further planting. Details have been provided of the elevations, which show the pumping station to be 2.1m high and that it will be finished in brick. On this basis I am of the view that locating it in this part of the development is acceptable.
- 8.10 There was a discussion with the agent regarding connecting the vehicular routes adjacent to units 34 and 36 in the southern / south-eastern part of the site. The agent provided a response to this point, setting out that the intention on the edge of the development was to respond to the rural edge of the scheme, by having less lighting and a less formal appearance than a standard estate road. Having considered the details, I believe this to be a reasonable approach and will allow for these parts of the site to have a more rural character. It is important to note that this relates to two small parts of the site and they are connected by pedestrian routes, as such I consider this part of the layout to be acceptable.
- 8.11 In summary I am of the view that the layout has been well designed and includes a number of good planning principles, particularly in terms of the use of perimeter blocks, dwellings engaging with the streetscene and the rear private amenity spaces backing

onto each other. On this basis and as per the matters discussed above I believe that the layout is acceptable.

Appearance

- 8.12 Condition 27 of the outline planning permission requires a development brief to be submitted in support of the reserved matters application. This document has been provided and shows that the proposal includes a number of different house types with a variety of features, including brickwork detailing above the windows, canopies, projecting bay windows and staggered elevations. In overall terms, the dwellings would in my opinion be described as traditional with brick, render, tile hung and weatherboarded walls sitting beneath pitched tiled roofs. The dwellings in the surrounding area are a mix of styles and therefore I do not believe that there is prevailing design which should be sought to be replicated in this scheme. Having said this regarding the variety of property styles, on the opposite side of Scocles Road, facing the application site lie a row of uniformly designed properties.
- 8.13 Upon receipt of the application it was considered that further work should be carried out in respect of increasing the quality of detailing on the properties. I liaised with the agent on this basis and have received amended details which shows chimneys added to certain units, increased the pitch of the roofs and added hips, lowered the eaves of the roof, introduced exposed rafter feet and increased the use of weatherboarding. In my view the house types in their amended form are acceptable. As this site sits adjacent to open countryside I particularly welcome the introduction of features such as exposed rafter feet, the hipped roofs and the more extensive use of weatherboarding which uplift the design of the properties.
- 8.14 As set out above, facing the site on the opposite side of Scocles Road is a row of properties, a number of which are very similar in appearance and scale. In response, the amount of variety in the appearance of the proposed dwellings which will front onto Scocles Road has been limited. I am of the view that on the basis of the existing uniform appearance of a number of the existing dwellings in the streetscene that this is the appropriate approach to take.
- 8.15 As with any residential scheme, an important aspect in respect of the success of the scheme lies in the careful selection of external finishing materials. In this case, a palette of materials has been put forward which I have assessed. Although I am of the view that the majority of the materials are acceptable, I believe that a higher quality could be achieved particularly in relation to roof tiles. As a result, I have recommended a condition which requires alternative details to be submitted.
- 8.16 In addition to the external finishing materials of the dwellings themselves, the appropriate use of boundary treatments is also of importance in ensuring an acceptable appearance. Upon receipt of the original drawings I was of the view that in the majority of instances, brick walls had been used for boundaries which were visible from public vantage points and therefore more prominent, with close boarded fencing used where private gardens back onto one another. I did however note that there were two locations where I believed the use of close boarding fencing should be altered to a brick wall. I raised this with the agent and have received amended drawings which now show fully

acceptable details. Finally, I do have details in respect of precise hard landscaping details, including the finish of the carriageways and footpaths. As such I have imposed a condition requiring these details. On the basis of the above I am of the view that the appearance of the development is acceptable.

Scale

- 8.17 Condition 27 of the outline planning permission states that the development brief (as referred to in paragraph 8.12 above) will also include details of the maximum and minimum building heights. A drawing has been provided showing that in respect of the newly proposed built form, the garages on the site will be one storey, 11 of the dwellings will be 2 ½ storey with the remaining 51 dwellings 2 stories in height. The height of the dwellings range between approximately 8.6m and 9.9m.
- 8.18 The dwellings in the surrounding area are a mixture of heights, and includes 1, 1 ½ storey and 2 storey units. As referred to above in the discussion regarding the appearance of the development, on the opposite side of Scocles Road facing the application site lies a row of properties predominately two storey in height. This application has responded to this by proposing a row of two storey properties fronting Scocles Road which in my view is a sensible way of approaching this and will create a coherent streetscene.
- 8.19 In respect of the development as a whole, along with the variation in height between the properties, the variation in storey heights will in my opinion provide sufficient visual interest. In overall terms on the basis of the above assessment I am of the view that the scale of the development is acceptable.

Landscaping

- 8.20 The site is characterised by the mature hedgerow which sits along much of its western, southern and eastern boundaries. The outline planning permission requires under condition 18 details to be submitted with this reserved matters application of the retention and reinforcement of vegetation along the southern and eastern boundaries of the site. In general terms the layout of the development has included the retention of this existing planting. I do also note the comment that has been received by a neighbour in respect of the removal of the existing boundary planting along the Scocles Road frontage of the site. On the basis that there are two access points onto Scocles Road which benefit from planning permission, which would also require sufficient visibility splays, I am of the view that the removal of this hedgerow has been accepted.
- 8.21 Condition 25 of the outline planning permission requires that this reserved matters application is supported by details of existing planting and how the planting that is to be retained can be done so in a satisfactory manner. These details have been submitted and assessed and considered acceptable. To ensure that the retained planting is appropriately protected, I have recommended a condition requiring the Tree Protection Plan to be adhered to during the construction period.
- 8.22 In respect of the proposed landscaping, after considering the originally submitted details I was of the view that the inclusion of further street trees was not only possible but highly desirable, and I also liaised with the agent regarding amending the details of the

proposed tree species to ensure that any non-native species proposed were amended to native species, in order to provide the maximum biodiversity benefits. As a result, amended landscaping details have been provided which show additional street trees and demonstrate that all the trees (85 in total) are to be native species. I am of the view that this is acceptable and along with the mix of planting that is proposed, in the form of trees, shrubs, hedges, bulbs and various grasses that the proposed landscaping will give rise to both visual and biodiversity benefits. It is also noted that a number of the trees are 'heavy standard' or 'extra heavy standard' which will assist in having a positive visual impact in the short term. In addition, a number of the trees are planted in roadside verges and to ensure that they are able to properly establish and mature have imposed a condition requiring details of root barriers and soil volumes. On the basis of the above discussion, I am of the view that the soft landscaping details are acceptable.

Ecology

- 8.23 As set out in the consultation section above, KCC Ecology have been heavily involved in the application process and have arrived at a position whereby they consider the ecological matters have been acceptably dealt with. The surveys as required have been undertaken and the site layout details have been amended so that a pond has been retained to provide further habitat for a population of amphibians. It is noted that KCC Ecology have agreed to the details subject to a tunnel being provided for these amphibians. This will allow the amphibians to safely navigate their way to the area of tussocky grassland which is being provided in the north of the site. Amended details have now been provided in line with these comments and on the basis of KCC Ecology's detailed assessment I am of the view that these matters have been acceptably dealt with.
- 8.24 It is important to note that a number of biodiversity enhancements have been included as per the details required by condition 24 of the outline planning permission. These include hedgehog highways, bird and bat boxes and hibernacula which will also be included in the development. I note that neighbours have raised concern regarding wildlife, including protected species which inhabit the site, however, I give very significant weight to the comments of KCC Ecology who consider the matters to have been acceptably addressed.

Residential Amenity

- 8.25 Concern has been raised from neighbouring occupiers regarding the impact of the development upon residential amenities, namely loss of privacy, loss of light, overshadowing, pollution and noise. The application site sits to the east of existing properties on Scocles Road and to the south of properties on Drake Avenue, as a result the impact upon residential amenities will need to be carefully considered.
- 8.26 Having assessed the scheme, it is noted that the existing properties on Scocles Road are separated from this development by both the carriageway and the large frontages that a number of these properties benefit from. As a result, the vast majority of these existing and proposed properties are separated by a distance in excess of 30m and therefore will not give rise to any serious harm in respect of the impact upon neighbouring amenities in my view. There is one proposed property, in the north-west

of the application site, which is separated from the existing property on the opposite side of Scocles Road by a distance of approximately 18m. I would consider this arrangement to be wholly typical of a number of streets in the Borough, with properties facing each other on the opposite side of the carriageway, as a result I am of the view that this is acceptable.

8.27 In respect of the existing properties in Drake Avenue, a number of these back onto the site. In terms of the three closest proposed units (plots 9, 10 and 19) to Drake Avenue, it is firstly important to consider that due to their orientation, none of these properties have direct views from habitable room windows towards the rear private amenity space of the closest existing properties. There would be some angled views available, but having assessed the distances these would all be in excess of the 21m minimum separation distance that the Council requires. There are windows in the flank elevation of plots 9 and 10 at first floor level, facing towards the rear gardens and elevations of existing properties in Drake Avenue. However, these two windows are obscure glazed and in any case, are comfortably in excess of the minimum 21m separation distance from the closest existing properties. Therefore they will not in my view give rise to a loss of privacy for occupants of existing properties. There is also a property (known as Wedge Green) which has its amenity space adjacent to the dwelling it serves and also abuts the site. Having also assessed this, there would be parts of the existing garden in excess of 30m from the proposed dwelling(s). As a result I do not believe that the proposal would give rise to any significant harm in respect of loss of privacy, loss of light or overshadowing of existing properties.

8.28 I have also assessed the impact of the development upon the future occupants. In respect of this, the dwellings have been laid out to comply with the Council's minimum requirements for separation distances in this respect (21m rear to rear and 11m flank to rear). There are some very limited instances where the proposed dwellings have been orientated in such a way as the closest proposed dwelling would fall below the minimum rear to rear distance, however, on the basis that this wouldn't be the direct view afforded to the occupants I believe that the impact upon the amenities of future occupants would be acceptable.

8.29 I also note the concern raised regarding additional pollution and noise. Although the type of pollution has not been expanded upon, it is important to note that matters of air quality have already been considered acceptable by virtue of the grant of planning permission. In respect of noise, the outline planning permission includes a condition (11) requiring a Code of Construction Practice. As part of this, details will need to be provided regarding expected noise levels. I have also noted that the outline planning permission does not include a condition restricting construction hours. Having discussed this with the Council's Environmental Protection Team, I have therefore recommended conditions related to hours of construction, and separately hours that pile driving is permissible. On this basis I am of the view that the noise impact of the development will not give rise to significant harm to neighbouring occupiers.

Highways and Parking

8.30 As set out above, the two access points from Scocles Road benefit from detailed consent. However, matters such as the suitability of the internal road network within the

development, the access to the individual properties proposed along Scocles Road and the parking arrangements are to be considered under this reserved matters application.

- 8.31 As set out in the consultation section above, KCC Highways & Transportation have been very heavily involved in the consideration of this scheme and have provided a number of detailed comments. It is important to note that national and local design standards in terms of roadwidths, footway provision, swept path analysis and speed restraint features within the development have been adhered to. In addition, amended details have been provided to demonstrate that the layout accommodates the level of parking as required by the adopted Parking Standards SPD. On this basis I am of the view that these aspects of the development are acceptable.
- 8.32 I also note that the point regarding the lack of footpaths in the area has been raised by neighbours. In respect of this, although they are not issues to be reassessed as part of this reserved matters application, it is of importance that the outline planning permission secures via condition 4 (and 29 and 30) provision of a footway on both sides of Scocles Road to connect the development to the existing footways opposite the development and Harps Avenue; widening of Scocles Road along the site frontage; and extending the 30 mph speed limit to a new gateway feature near its junction with Elm Lane. I consider that these highway works will provide wider benefits in respect of improving pedestrian access in the local area.
- 8.33 As part of this reserved matters application KCC Highways & Transportation have recommended a number of conditions related to parking spaces to be retained as such; details of electric vehicle charging points; space to be provided for cycle parking; pedestrian visibility splays to be maintained; and works between the dwellings and the highway to be completed. The first of these conditions has already been imposed on the outline planning permission (and as such it is not necessary to repeat). I am also of the view that as all the units are houses with reasonable sized gardens that there is ample room for cycle parking and therefore do not believe that further details are required. I have however recommended that the remainder of the conditions be attached to an approval of reserved matters and have included them below. On this basis I am of the view that the highway related elements of the scheme are acceptable.

Drainage

- 8.34 In respect of drainage, Southern Water, the Lead Local Flood Authority (KCC) and the Lower Medway Internal Drainage Board (LMIDB) have been consulted. In terms of foul drainage, a pumping station is proposed in the southern part of the site and Southern Water have raised no objection to the application. Separately, condition 13 of the outline planning permission will be required to be complied with in respect of foul drainage.
- 8.35 In terms of surface water, there are a number of existing ditches on the margins of the site which are being retained, along with a newly created SUDs pond in the south western corner of the development. The Lead Local Flood Authority, as per the consultation section above, have confirmed that the details provided are acceptable. I also welcome the retention of the ditches, along with the drainage pond which will also likely give rise to biodiversity benefits. The LMIDB have also been involved in the application process due to the ditches as mentioned above. Initial comments were

received in respect of some of the private drives in the eastern part of the site being within 8m of the watercourses. This was seen as being unacceptable due to the easement usually required for maintenance. I have continued to liaise with both the LMIDB and the agent on this matter (and there has also been on-going discussions between the LMIDB and the agent separately). As a result of this, the LMIDB have issued a Notice to Grant Consent for these works to take place within 8m of the watercourse. I have been informed that there is one remaining condition for the developer to satisfy before the LMIDB can grant consent for these works, which essentially relates to a restrictive covenant on the conveyance of the shared driveways within 8m of the watercourse. However, this could only be dealt with fully when the properties actually exist. On this basis, I am of the view that there is as sufficient agreement to this as is possible at this point. It is also important to note that the LMIDB's consenting process is separate to the planning process and as such I take the view that this matter is acceptable from the perspective of this reserved matters application.

Sustainability

- 8.36 Condition 22 of the outline planning permission requires this reserved matters application to be supported by details which set out which measures have been taken to ensure that the development incorporates sustainable construction techniques.
- 8.37 The application has been supported by a Energy Statement which in summary concludes that a 50.94% carbon reduction against the Buildings Regs requirement can be achieved. The measures which will be taken to achieve this is via solar PV panels; waste water heat recovery and fabric and building efficiencies. I have consulted with the Council's Climate Change Officer who is of the view that the details are acceptable. In my opinion the details provided are very welcome and go beyond any currently adopted local or national policy, the benefits of which I believe should be given significant weight. To ensure that the development is carried out in accordance with the details as submitted I have recommended a relevant condition.
- 8.38 I also note that the Council's Climate Change Officer has requested a condition requiring the properties have electric vehicle charging points. KCC Highways & Transportation have also made reference to this. As this is a requirement of the Council's adopted Parking Standards SPD I have recommended this condition.

Other Matters

- 8.39 Although a number of the matters included in the neighbour objection letters have been discussed via the appraisal carried out above, of those that remain I comment as follows. Firstly, matters of whether brownfield sites should be developed first and that the site would give rise to a loss of grazing land have all been dealt with on the basis that planning permission has been granted, and as a result the principle of development has been accepted.
- 8.40 In terms of whether objections to the previous application should still be taken into account I comment as follows. Firstly, there have been instances whereby comments submitted in response to this application have been placed upon the file for the outline planning permission. As set out in the 'Local Representations' section above these have been taken into account. However, comments which were made in response to the

outline planning application before its determination would have been assessed at that point. It is also important to note that the outline planning application and this reserved matters application are assessing different elements of the scheme. In terms of neighbours being unable to take part in the consultation process due to the number of applications in the area, it should be noted that the applications have all been advertised, in accordance (and in this particular case in excess of) the Council's statutory requirements. As a result, I conclude that no party has been disadvantaged in being able to provide their views. I also see no obvious reason why this development would unacceptably harm any equestrian related activities on other nearby sites. Finally, I do not believe that historical refusals of planning permission would mean that development should be resisted now, particularly on the basis that planning permission has already been granted and as the site is allocated for housing in the adopted Local Plan.

9. CONCLUSION

- 9.1 Overall, I am of the view that the details submitted demonstrate that the site can accommodate 62 dwellings as approved under the outline planning permission. I believe that the development includes a number of good planning principles in the form of perimeter blocks and dwellings facing onto the street. I also take the view that the design / architectural treatment of the individual dwellings has been amended to a point which means they will make a positive impact upon the local area in general. The details set out how existing structural planting along the southern and eastern boundary will be retained and I am also of the view that the proposed planting within the confines of the site is acceptable.
- 9.2 I do recognise the concerns of the Parish Council and the neighbours that have been raised. However, it is of fundamental importance to note that any comments in respect of the principle of the site coming forward for housing and the impact of this on the highway network, local services and infrastructure in general have already been considered acceptable by virtue of the grant of planning permission.
- 9.3 On the basis of the above, I am of the view that the reserved matters of appearance, landscaping, layout and scale of the development proposed are acceptable.

10. RECOMMENDATION

That reserved matters approval should be GRANTED, subject to the conditions as set out below:

CONDITIONS

- 1) The development hereby approved shall be carried out in accordance with the following approved drawings:

MATT191012 SL.01 E
HT-1102.e B
HT-1102.p B
HT-1148 MID.e A
HT-1148 MID.p A
HT-1148.e C

HT-1148.p C
HT-1319-B-1.e C
HT-1319-B-2.e C
HT-1319-B.p C
HT-1319.e C
HT-1319.p C
HT-1424.e C
HT-1424.p C
HT-1557.e D
HT-1557.p D
HT-966 MID.e A
HT-966 MID.p A
HT-966.e A
HT-966.p A
HT.1136-A.e B
HT.1136-A.p B
HT.1136.e C
HT.1136.p C
SHED.01.pe A
GAR.01.pe C
GAR.02.pe C
MAT23017-11L Sheet 1
MAT23017-11L Sheet 2
MAT23017-11L Sheet 3
MAT23017-11L Sheet 4
MAT23017-20D
2724-D-01
MATT191012 BDML01 E
SUB.01.pe A

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

- 2) Notwithstanding the details shown on drawing MATT191012 BDML01 E no development beyond the construction of foundations shall take place until details of the external finishing materials of the dwellings has been submitted to and agreed in writing by the Local Planning Authority. The details as approved shall thereafter be implemented.

Reason: In the interests of visual amenities.

- 3) Pedestrian visibility splays 2m x 2m with no obstruction over 0.6m 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.

- 4) Before the first occupation of a dwelling the following works between that dwelling 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.

- 5) The development hereby approved shall be carried out in accordance with the Energy Strategy Statement, dated March 2021.

Reason: In the interests of sustainable construction.

- 6) No development beyond the construction of foundations shall take place until details of root barriers and soil volumes for any tree planted within a road side verge has been submitted to and approved in writing by the Local Planning Authority. The details thereafter shall be implemented as approved.

Reason: In the interests of visual amenities and biodiversity.

- 7) Each dwelling shall be provided with 1 electric vehicle charging point and no dwelling shall be occupied until the charging point for that dwelling has been installed. All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 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-approved-chargepoint-model-list>

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

- 8) Prior to the occupation of units 5-12 inclusive, the 'amphibian tunnel', as shown on drawing MAT23017-11L Sheet 2 shall be installed in accordance with the specification as set out in the response from KCC Ecology, dated 13/1/2022.

Reason: In the interest of protected species and biodiversity.

- 9) No development beyond the construction of foundations shall take place until details have been submitted to and approved in writing demonstrating how the development meets the principles of 'secure by design'.

Reason: In the interests of crime reduction and safety.

- 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.

Reasons: In the interests of residential amenity.

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

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

Reasons: In the interests of residential amenity.

- 12) The details as set out in the Landscape Maintenance and Management Plan (dated 31/3/2021) shall be adhered to in perpetuity.

Reason: In the interest of biodiversity and visual amenities.

- 13) No development beyond the construction of foundations shall take place until hard landscaping details (including the finish of the carriageways and footpaths) have been submitted to and approved in writing by the Local Planning Authority. The details thereafter shall be implemented as approved.

Reason: In the interests of crime reduction and safety.

- 14) During the construction period of the development hereby approved, the measures as outlined in the Tree Protection Plan (drawing ref MAT23017-03 Rev B) shall be adhered to.

Reason: In the interest of biodiversity and visual amenities.

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.

In this instance:

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.

