

2.2 REFERENCE NO – 20/505921/OUT			
APPLICATION PROPOSAL: Outline application for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. All detailed matters are reserved for subsequent approval except for access to Highfield Road.			
ADDRESS: Land at Highfield Road, Minster-on-sea, Kent			
RECOMMENDATION: Grant subject to conditions and a suitably worded Section 106 agreement, and with authority to amend conditions and s106 clauses as may reasonably be required.			
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is considered to be a sustainable form of development, making a modest contribution to the housing supply. Whilst it is notable that the site is within an important countryside gap, it is considered that the scheme has sought to minimize the impacts and it is notable that the Council is unable to demonstrate a five-year housing supply. The provision of open space and a community orchard are considered benefits of the scheme. Notwithstanding this, it is considered that the parameter plans allow for a high-quality scheme to be delivered and suitable conditions and obligations are recommended so as to ensure the impacts of the development are appropriately mitigated. On balance, the proposal is considered to be acceptable and is recommended for approval.			
REASON FOR REFERRAL TO COMMITTEE: Councillor call in			
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL	APPLICANT New Homes and Land AGENT JB Planning	
DECISION DUE DATE 06/04/21	PUBLICITY EXPIRY DATE 29/09/21	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/502685/FULL	Erection of a stable block with change of use of agricultural land for horse recreation. Together with alteration of current access gate.	Approved	20.08.2018

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies a total area of 1.47 hectares, split roughly in half with the northern half intended to provide new residential accommodation and the remaining consisting of open landscaping and a proposed orchard.
- 1.2 The site is located on Highfield Road which forms a steep hill measuring 32.60 AOD at the access point, rising to the west (full details of the land levels can be found on drawing 14378/20). The street is characterised by primarily detached residential dwellings of varying sizes. The access point to the site is located near to the top of the hill. The site itself is located behind the residential properties of Numbers 31, 33, 35, 37, and 47 Highfield Road, with properties at 37 and 47 Highfield Road sitting either side of the access point.
- 1.3 Oasis Academy on the Isle of Sheppey is located east of the application site. To the south of the site is further grazing paddocks and a covered reservoir.

- 1.4 The site was granted consent for the erection of a stable block and the change of use of agricultural land for horse recreation. Horses were observed when the site visit was undertaken. The application form states that the site is *'Part of a residential garden and grazing paddocks'*.

PROPOSAL

- 1.5 The proposal seeks outline planning consent, all matters reserved aside from access, for a total of 16 units. The scheme also includes approximately 0.7ha of open space including public open space and a community orchard.
- 1.6 The application proposes a maximum of 50 car parking spaces to serve the residential units and visitor car parking space, which shall include blue badge parking and electric vehicle charging points. The scheme shall also be served by cycle parking facilities.
- 1.7 The proposal includes a parameter plan which along with the location of development, also sets the heights. The maximum heights range of 7m-9m and depending on location shall be a maximum of 1.5 or 2 storeys. The final scale and massing of the buildings shall be subject to further consideration at detailed design stage should consent be granted.
- 1.8 The proposal also includes all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works.

2.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	1.47ha	14.7ha	No change
Approximate Ridge Height (m)	0	Max. 9m	+9m
Approximate Eaves Height (m)	0	Not yet determined	Not yet determined
Approximate Depth (m)	0	Not yet determined	Not yet determined
Approximate Width (m)	0	Not yet determined	Not yet determined
No. of Storeys	0	1.5-2 storeys	1.5-2 storeys
Parking Spaces	0	50	+50
No. of Residential Units	0	16	+16
No. of Affordable Units	0	0	No change

3.0 PLANNING CONSTRAINTS

- Adjacent to, but outside, the built-up settlement boundary
- Area of High Landscape Value (Swale Level) is approximately 0.3m to the north of the site (DM24)
- Within the Important Local Countryside Gap (DM25)
- Flood Zone 1 (low flood risk)

4.0 POLICY AND OTHER CONSIDERATIONS

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permissions to be determined in accordance with the development plan unless material considerations indicate otherwise. As such, the following are relevant:

- National Planning Policy Framework (NPPF) and associated national planning guidance documents.
- Bearing Fruits 2031: The Swale Borough Local Plan 2017
- Swale Landscape Character and Biodiversity Appraisal SPD (2011)
- Parking Standards SPD (2020)
- Planting on New Developments: A Guide for Developers
- Air Quality Technical Guidance (2019)
- Guidance for complying with the climate change planning condition to reduce operational carbon of new dwellings in Swale by 50%

4.2 The relevant policies are listed under each section below.

5.0 LOCAL REPRESENTATIONS

	COMMENTS RECEIVED	OFFICER RESPONSE
Residential Objections Number received: 9	<ol style="list-style-type: none"> 1. Concerns with the impact on highway safety and traffic flow 2. Concern with impact from parking on Highfield Road affecting movement on the street. 3. Social Infrastructure will be unable to support the additional residents 4. Concern with carbon emissions from the proposal 5. Questions have been raised in respect to the pumping station and where it will pump water to. 6. The proposed application is shown to be outside of the built-up area boundary and as such is not part of the adopted Local Plan. 7. There is a concern that vehicular accidents may occur during the construction process. 8. Concern is raised that this proposal may give rise to other connecting development. 9. Loss of green field and natural wild life habitat. 	<ol style="list-style-type: none"> 1. The application is supported by a Transport Assessment and KCC Highways have been consulted. The impact is considered to be acceptable. More details on the highway impacts can be found within the assessment section of this report. 2. The illustrative plan shows sufficient parking for each residential property and visitor parking fully contained within the site and there should be no need for vehicles to park on Highfield Road. The specific parking provision will be agreed at the reserved matters stage if this application is approved. 3. If consented, it is recommended that financial contributions are secured for provisions such as school and healthcare. These are detailed within the heads of terms. 4. A condition is recommended requiring a reduction against building regulations in line with the Council's guidance on carbon emissions. 5. The pumping station [see southern water comments]. Southern Water have been consulted on the application and it is understood that the applicant has also been in direct discussion to address concerns raised. Southern Water have reviewed the proposal and raised no objection.

	<p>10. The land should remain as green belt.</p> <p>11. The site should be kept for use as a grazing field for private use.</p> <p>12. The loss of my privacy to the rear of Highfield Road</p>	<p>6. This is addressed within the 'Principle' section of the assessment section of the report.</p> <p>7. It is recommended that a condition requiring a construction method statement be imposed should consent be granted.</p> <p>8. Consideration must only be given to the proposed development and speculative future development is not a material planning consideration. Notwithstanding this, the proposal includes an area of open space and an orchard which prevents urbanisation of the southern portion of the site, restricting the built form to the northern end adjacent to the existing properties and therefore would not form a natural extension to any further development beyond the redline boundary.</p> <p>9. The application is supported by an ecological appraisal with further information requested by condition. A condition is also recommended securing a biodiversity net gain.</p> <p>10. The site is not classified as being green belt (though it is within the defined Important Countryside Gap) in accordance with the NPPF</p> <p>11. The current use of the site is for private use only and offers a very limited provision for grazing horses. The benefits of the proposed scheme are considered to demonstrably outweigh the loss of the grazing and shelter for horses.</p> <p>12. The parameter plan includes a planting buffer to the rear of the properties on Highfield Road, it is recommended that a condition be attached that prohibits the inclusion of windows at first floor overlooking the gardens of Highfield Road and full details of the design and layout shall come forward at reserved matters stage which will allow further assessment of any overlooking impacts. The recommended conditions also include the requirement for a statement addressing the impact on privacy to be submitted. This will ensure that the future design takes account of privacy requirements. It is considered that the proposal will safeguard the privacy of residential properties.</p>
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Residential Support	N/A	N/A
Number received: 0		

6.0 CONSULTATION RESPONSES

Internal

	COMMENTS RECEIVED	OFFICER RESPONSE
Environmental Health	<p><i>Contamination</i> There is no contaminated land history at the site or close to the boundary of the site.</p> <p><i>Air Quality</i> Air quality at the Halfway Road is showing some exceedances in our NO2 diffusion tubes. However, due to the size and location of the site no additional air quality conditions have been included.</p> <p><i>Noise</i> Adjacent to the development site is the Oasis Academy which should be considered as part of the application. A noise assessment has been completed by Cass Alen issued on the 11th of Nov 2021. The report provides a comprehensive assessment and review of the current noise levels at the development site. The details in the report are in accordance with current guidelines. The report identifies the existing noise sources predominantly from the school, as well as a phone mast and generator. The assessment has shown that addition acoustic upgrades are not required relative to the monitored noise levels at the site which is acceptable.</p> <p>A number of recommended conditions have also been included</p>	<p>The conditions have been included in the recommended conditions list</p>
Greenspaces Manager	<p>The planned quantity of greenspace appears adequate for the number of dwellings, more than meeting the standards that we seek to achieve allied to new development and while we would generally prefer a central usable greenspace the location maintains a building line and appropriate buffer to the urban area.</p> <p>The detailed planning will provide opportunity to ensure a reasonable level of</p>	<p>The comments are duly noted, and the recommended contributions have been included in the Heads of Terms to be secured in the S106.</p>

	<p>biodiversity and habitat improvements can be achieved.</p> <p>The Council would not adopt the open space provision and as such appropriate arrangements should be made for its future management and maintenance.</p> <p>We would seek contributions toward increasing capacity of local off site play and formal sport provision as identified in the Open Space and Play Strategy 2018-2022 at a level of £593.00 per dwelling toward formal sport and £446.00 per dwelling toward play provision.</p>	
Affordable Housing Enablement Manager	As this application is for a development of homes on the Isle of Sheppey (Minister) in accordance with affordable housing policy DM8 there is no requirement to provide affordable homes here and I further I note from the application documents that the developer has chosen to not provide any either.	Noted

External

	COMMENTS RECEIVED	OFFICER RESPONSE
Southern Water	Advised no objection subject to condition. Further information is provided in the response letter for the benefit of the applicant	The conditions have been included in the recommended conditions list and the additional information is included as an informative.
KCC Ecology	Due to the need for the application to contribute to the North Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application. Conditions recommended	An appropriate assessment has been carried out, the SAMMS tariff is included in the recommended heads of terms and the conditions requested are also included.
Natural England	Requests that a contribution be secured in respect of the SAMMS Tariff and notes that no objection is raised following receipt of the appropriate assessment.	The obligation is included in the Heads of Terms.
Kent Police	Requests that a number of measures are provided within the scheme.	A condition relating to secure by design has been included and the applicant will be required to address the points raised by Kent Police accordingly. The full list shall be provided as an informative so that the applicant is aware of the specific requirements.

Lower Medway IDB	<p>In order to avoid conflict between the planning process and the Board's regulatory regime and consenting process please be aware of the following:</p> <ul style="list-style-type: none"> • I note that the applicant intends to discharge surface water to a sewer. I recommend that you satisfy yourselves that this proposal is in line with the drainage hierarchy (as per best practice) and is viable in this location. • I am not aware of any riparian owned/maintained watercourses within or adjacent to the site boundary. However, this should be confirmed by the applicant. If the proposals do involve the alteration of a watercourse, consent would be required under the Land Drainage Act 1991 (and Byelaw 4). <p>Whilst the consenting process as set out under the Land Drainage Act 1991 and the aforementioned Bye laws are separate from planning, the ability to implement a planning permission may be dependent on the granting of these consents. As such I strongly recommend that the required consent is sought prior to determination of the planning application.</p>	Southern Water have been consulted and are satisfied with the information provided to date. The applicant will need to comply with any further legislative requirements outside any necessary planning requirements.
KCC Highways and Transportation	<p>KCC Highways raise the following comments in relation to the proposed access for this application:</p> <ul style="list-style-type: none"> • I am satisfied that the level of vehicular activity associated with the proposed development of 19 dwellings, would not be considered to have a significant impact on the highway network. • The proposed access road to the site is wide enough for two vehicles to safely pass one another and the access design complies with the requirements set out within Kent Design Guide. It is also noted that the proposed access is similar in scale to other nearby junctions and is what we would expect for a housing development of this size. • I am pleased to note that a pedestrian footway has been provided, which will link the site with the existing footway on Highfield Road. • Tracking has been provided for a large refuse vehicle and I am satisfied that the site would be able to accommodate appropriate access for service and emergency vehicles. 	Noted. The requested conditions have been included in the recommended conditions list.

	<ul style="list-style-type: none"> • Visibility splays of 2.4m x 43m in both directions have been shown on the proposed site access drawing, which are acceptable. <p>It is appreciated that the detailed layout, including parking provision, will need to be assessed through a subsequent reserved matters application, as access is the only matter being sought at this time for approval. When further plans are submitted, they should also include adequate parking provision for number 37 Highfield Road. This will ensure vehicles do not need to reverse off the driveway, which will be reduced in order to form the access road for this development.</p> <p>Confirmed no objection subject to condition.</p>	
KCC Archaeology	The proposed development lies in an area where archaeological remains could potentially be found and affected by the groundworks for the new development. Iron Age and Roman remains have previously been found nearby on the Oasis Academy site. As such, conditions have been recommended.	The requested conditions have been included in the recommended conditions list.
KCC Developer Contributions	A number of contributions and conditions have been sought.	The conditions have been included in the recommended conditions list. The contributions sought have been included in the heads of terms. It is noted that the response is valid for 3 months and was received on 19 January 2021. The KCC Officer confirmed on the 16/12/2021 that they remain applicable; however. Updated figures will need to be sought for the purposes of finalising the S106.
KCC Flood and Water Management	No objection subject to condition	The requested conditions have been included in the recommended conditions list.

7.0 APPRAISAL

7.1 The main planning considerations are as follows:

- Principle
- Important Countryside Gap
- Density
- Design/Visual Impact

- Landscaping and Wider Impacts
- Housing
- Residential Amenity
- Highways/Transport
- Biodiversity
- Archaeology
- Flood Risk/Drainage
- Environmental Matters (including Noise, Air quality and Contamination)
- Sustainability / Energy
- The Conservation of Habitats and Species Regulations 2017
- Other (including Legal Agreement)

Principle of Development

- 7.2 The application site is predominantly located adjacent to, but outside, the built-up area boundary of Halfway, with only the narrow strip of land between numbers 37 and 47, Highfield Road located within the built-up area boundary. The proposal involves the removal of the existing dilapidated structures which are currently used for the purpose of horse grazing.
- 7.3 Policy ST1 of the Local Plan seeks to deliver sustainable development that accords with the settlement strategy for the Borough. The Council's spatial strategy is set out in Policy ST3 which identifies a hierarchy of 5 types of settlement. The site is not designated under ST4 (meeting Local Plan development targets).
- 7.4 The site is classified as open countryside and therefore Policy ST3(5) is relevant. The policy directs refusal of new development proposals unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 7.5 The site falls within the 'West Sheppey Triangle' area as it forms part of the Sheerness, Queenborough, Rushenden, Minster and Halfway areas. The West Sheppey Triangle is a Tier 3 'other Urban Centre' settlement in Swale's settlement hierarchy. Policy ST6 is relevant as it sets out the Council's objectives for this part of the Borough.
- 7.6 Paragraph 80 of the Framework seeks to avoid the development of isolated homes in the countryside unless one or more of the criteria listed within the paragraph are met. Moreover, paragraph 119 of the Framework seeks to ensure planning decisions promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 7.7 Being adjacent to the built-up settlement of Halfway, the site does not represent an isolated countryside location in the truest of forms and this was also the view taken by the Inspector in appeal reference W/4001086 (paragraph 7), which relates to an outline planning permission for 17 units at the nearby site on Bartletts Close (planning reference 19/503810/OUT). The sustainability of that site was considered by the Inspector in the aforementioned appeal decision – which is appended - at Paragraphs 8 and 9. To that end, the Inspector made reference to the ability for future residents to access amenity facilities and services in the area noting that access to services, facilities and employment could be accessed via public transport and that residents would not be reliant on private vehicles.

- 7.8 The application site being considered here is slightly further from the amenities and services referenced in the appeal. However, it is still considered that future residents would have reasonable access to amenities and facilities via both walking and cycling as well as reasonable public transport links. The site is also closer than the appeal scheme to a number of the shops and community facilities in the locality. The Transport Statement submitted in support of the application further sets out which of the local amenities can be accessed by sustainable means of travel. On balance, the site is considered to be a reasonably sustainable location for development of housing.
- 7.9 Notwithstanding this, the Council is currently unable to demonstrate a five-year housing land supply. Instead, the Council currently has a land supply equivalent to 4.6 years. As such, Paragraph 11 of the NPPF is relevant. Paragraph 11 introduces the tilted balance in favour of granting consent whereby policies are out of date. It should also be noted that the site falls within 6km of the Swale Special Protection Area (SPA) and Ramsar sites which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). This is classified as a habitat site as per footnote 7 of Paragraph 11 in accordance with Paragraph 181 of the NPPF. As such, Paragraph 11d(i) applies in this instance.
- 7.10 Paragraph 182 of the NPPF makes clear that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 7.11 To mitigate the impacts, the payment of the standard Strategic Access Management and Monitoring Strategy (SAMMS) tariff would be required. The agent has confirmed that they agree to the imposition of this obligation. Moreover, due to a recent court judgement, (*People Over Wind v Coillte Teoranta*, ref. C-323/17), the Court of Justice of the European Union ruled that the payment of the SAMMS tariff does not on its own screen the development out of the need to provide an Appropriate Assessment (AA) to determine whether there would be an adverse impact upon the protected sites. An AA has been undertaken for the site and issued to Natural England. The AA did not highlight any issue with the scheme subject to the SAMMS tariff being secured. Natural England have confirmed that they raise no objection following receipt of the AA. There would therefore be no clear reason for refusing the development proposed due to its siting within 6km of the Swale Special Protection Area (SPA) and Ramsar sites
- 7.12 Whilst the above is noted in regard to the application of Paragraph 11, the applicant has set out in the supporting documents what they consider to be the benefits of the scheme that should weigh in the balance of determination. These are set out below with officer comments in italics against each:
- Social Objectives: Delivery of housing which makes an important contribution to the housing supply shortfall. *The application site makes a modest contribution to the housing shortfall to which significant weight is attached. The application does not propose any affordable housing which would have further weighted in favour of the social benefits of the scheme.*
 - Economic Objectives: Provision of jobs during construction and future occupants would contribute to the viability of local shops and services. *The jobs during construction would be temporary and therefore limited weight is applied. Moderate weight is attached to the future contribution to local shops and services given the fact that the application is for 16 units which will only ever result in a limited contribution.*
 - Environmental Objectives: Opportunity for future residents to benefit from sustainable transport methods; provision of public open space, communal orchard and informal

play; enhance biodiversity through extensive landscaping; and use of sustainable construction methods and additional provision of features such as electric vehicle charging point. *Moderate weight is given to the provision of sustainable elements of the proposal and the provision of open space and biodiversity enhancement.*

- 7.13 Whilst the proposal does result in development outside the built-up area of Halfway, taking account of the fact that the site is considered to be in a reasonably sustainable location, the fact that the scheme offers some benefits including a modest contribution to the housing shortfall and noting the outcome of the nearby appeal; on balance, the proposal is considered acceptable in principle.

Important Countryside Gap

- 7.14 The site is also located in an important countryside gap as defined by Policy DM25. Policy ST6 states that development on the Isle of Sheppey will maintain the individual character and separation of important local countryside gaps between the settlements of Minster, Halfway, Queenborough and Sheerness in accordance with Policy DM25. Policy DM25 goes on to state that planning permission shall be refused whereby the countryside gap between Queenborough, Sheerness, Minster and Halfway would be undermined.
- 7.15 Again, the appeal at Bartletts Close (appeal ref: W/4001086, planning ref: 19/503810/OUT) is relevant here as this scheme also fell within the Important Countryside Gap. On this point, the Inspector noted that the site was ‘visibly contained from the surrounding area and given the residential development close to its boundaries, the development proposal would appear as a natural extension to the existing settlement boundary’ (paragraph 12). The decision goes on to note that there was no evidence before the Inspector in that instance to demonstrate the proposal would result in the coalescence of settlements and goes on to state that ‘the modest scale of the development proposed would have a reasonably cohesive relationship with the adjacent urban area and would maintain the separation of settlements. There would be no significant reduction to the value, landscape setting and beauty of the countryside, such that it would result in significant erosion of the countryside gap’.
- 7.16 The application hereby proposed is of a similar scale to the appeal scheme, the appeal scheme being for 17 units and the current proposal being for a total of 16. The siting of the appeal scheme did however form a natural extension by virtue of the projection of properties on Belgrave Road which extended further than Bartletts Close and in that respect the proposal stands to square off the settlement boundary at that point. The application site does not fill such a natural gap and the proposal does extend beyond the settlement boundary, extending into the countryside. However, when considering the surroundings, it is notable that the built form of Oasis Academy projects further from the residential properties into the countryside compared to the units hereby proposed. Moreover, whilst the proposal would project slightly further, the site forms a similar line of development to the properties on Southdown Road and the site immediately to the west of the application site is a raised reservoir and is therefore not open countryside.
- 7.17 The application also proposes built form on the northern part of the site, with the southern end being given over to landscaping. This helps create a landscaped boundary between the built form and the open countryside ensuring development does not continue to project into the countryside and a separation is maintained. This will be secured via the conditioning of the parameter plans should consent be granted. Later sections of this report go on to consider the wider landscaping impacts which are also relevant here. It is noted that the wider impacts are considered acceptable.

- 7.18 Given the scale of the development, the nature of the surrounding area and impact of the proposal as well as the layout of the parameter plan and taking note of the Inspector's comments on a nearby appeal, it is considered that the proposal will not undermine the character and separation of the settlements and, on balance, the proposal is considered acceptable in this regard.

Density

- 7.19 In respect of density, Policy CP3 (wide choice of high-quality homes) of the Local Plan requires density should be determined by the context and the defining characteristics of the area. This is in line with the NPPF's objectives to make efficient use of land as set out in Chapter 11. Paragraphs 124 and 125 are particularly relevant with paragraph 124 requiring decisions to support development that makes efficient use of land taking account of the requirements in parts a)-e) of the paragraph. The application proposes a total of 16 units. The total site area is 1.47 hectare (ha) but the net developable area is 0.63ha. This results in a density of 25 dwellings per hectare.
- 7.20 The application site provides a substantive area of open space for future residents to use; the illustrative scheme shows that the site layout can configure the units with appropriate spacing and the units will not be crammed; the layout is consistent with the character of the surrounding area; each unit benefits from appropriate amenity standards and swept path analysis has been undertaken to demonstrate vehicular movement will not compromise highways safety. As such, the density of the scheme is considered to be appropriate and ensures efficient use of the land without compromise to the scheme or the character of the surrounding area.

Design / Visual Impact

- 7.21 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 130 lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 7.22 Policy CP4 sets out the requirements for requiring good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 7.23 Policy DM14 of the Local Plan sets out the General Development Criteria for development proposals. This includes a number of requirements including the requirement that proposals be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location; that proposals provide for an integrated landscape strategy that will achieve a high standard landscaping scheme and that proposals reflect the positive characteristics and features of the site and locality.
- 7.24 The applicant has submitted a parameter plan which does establish parameters for the future development and gives an indication of layout. The maximum building height is set at 2 storeys, across the site this shall vary from 7m to the front end of the site nearest the properties on Highfield Road, to 9m across the centre of the site, and 8m to the rear furthest from Highfield Road. The minimum building height is 1.5 storeys (7m ridge height) and this height restriction is located to the rear of the residential properties on

Highfield Road. With a variation of only 2m the differentiation across the site will be limited. However, given the fact that the site consists of 16 units and is set within the context of Halfway, a sense of consistency across the proposed site is considered acceptable.

- 7.25 The built form is concentrated to the northern end of the site with the southern end forming an area of landscaping, consisting of an orchard and public open space. A landscape buffer of at least 1.5m is also proposed to the rear of the properties at Highfield Road.
- 7.26 There is a 3m easement along the western boundary of the site that prohibits development in this area. There is also a proposed drainage and attenuation feature included on the parameter plan which shall be further detailed at reserved matters stage.
- 7.27 The Urban Design Officer has been consulted on the application and raised a number of comments. The applicant has sought to address these, and a revised parameter plan has been submitted. One of the key points that has been raised by the Urban Design Officer is the orientation of the properties with the officer asking that consideration be given to a perimeter block. The applicant has noted that a perimeter block would mean future units would face outwards onto the raised reservoir and this may not give rise to an appropriate outlook from the properties. Moreover, the applicant notes that a perimeter block may not be suitable given the size of the site and the 3m Southern Water easement that runs along the western boundary. However, the applicant has committed to exploring these points further at reserved matters stage and the parameter plan has been updated to give flexibility to this as a potential arrangement. To this end, it is recommended that the applicant engage with the Council prior to the submission of a reserved matters application should outline consent be granted. It is not possible to require the applicant to engage prior to submission; however, this shall be included as an informative to give notice to the applicant that this is recommended.
- 7.28 The applicant has committed to ensuring building frontages open out onto the open space at the rear of the site as requested by the Urban Design Officer. This has been marked up on the parameter plan accordingly and any reserved matters application will be required to be designed in accordance with this requirement.
- 7.29 The proposal is submitted in outline only (with all matters other than access reserved for future consideration) at this stage. A full assessment of the design of the units, the streetscape and other detailed design elements will take place at reserved matters stage. It is recommended that the parameter plan be conditioned as part of any outline consent which shall secure the location of built form, the areas of landscaping/orchard, the maximum heights of the buildings and the planting buffer adjacent to the gardens of the properties on Highfield Road. As per the above, an informative is recommended to encourage the applicant to further engage with the LPA prior to the submission of the reserved matters to allow for further discussions with the Urban Design Officer to be had. Moreover, conditions are also recommended to require full details of landscaping/planting and materials at the appropriate trigger point to ensure the scheme is of a high quality.
- 7.30 Overall, it is considered that the outline scheme has been designed to ensure high quality development is delivered at the future stages of the development. Subject to the imposition of conditions, it is therefore considered that the design is acceptable.

Landscaping and wider visual impacts

- 7.31 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development.
- 7.32 Paragraph 131 sets out that new streets are tree-lined and that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained wherever possible.
- 7.33 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal.
- 7.34 The NPPF further requires development to provide provision and use of community facilities which includes open space. The benefits of open space and recreation are highlighted in paragraph 98 which sets out that access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and can deliver wider benefits for nature and support efforts to address climate change.
- 7.35 Policy DM24 further requires that the value, character, amenity and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed and that the scale, layout, build and landscape design of development will be informed by landscape and visual impact assessment.
- 7.36 Swale's Landscape Character and Biodiversity Appraisal is also relevant as it provides a framework for Development Management decisions on matters of landscape character. The application site lies within Swale's Landscape Character Area 13 (Central Sheppey Farmlands). Some of the key characteristics of the area are described as ridge of London clay rising steeply to north and large-scale open predominantly arable landscape, with infrequent isolated orchards.
- 7.37 Policy DM29 supports the provision of woodlands, orchard trees and hedges, noting that proposals should explore all reasonable opportunities to provide for new woodland orchard, tree and hedge planting at a sufficient scale (with provision made for appropriate long-term management) to maintain and enhance the character of the locality and provide for an attractive living and working environment.
- 7.38 The site is located on the southern edge of Halfway on the north-eastern facing slope of an unnamed ridge. The site is characterised by a rural character and appearance with very limited built form on site to date. The application site is relatively contained by its topography and existing landscaping, becoming more open and exposed towards the southern and western portions of the site. The site is not located within any national or local designations but is, as noted above, within an Important Local Countryside Gap as identified elsewhere in the report (Policy DM25) and lies within Landscape Character Area 13 (Central Sheppey Farmlands), which covers a large area on the Isle of Sheppey and is an area identified as having moderate sensitivity to development with the guidelines seeking to restore and create in this region. The Landscape Character Area (LCA) sets out a number of guidelines for development in this area, including measures such as: Maintain remaining landscape features and look for opportunities to restore or

create a stronger landscape structure (trees, shelterbelts, hedgerows, drains, ponds, traditional orchards and woodlands) within denuded areas and avoid proposals that would be unduly prominent in highly visible locations, such as undeveloped south, east and west facing slopes and limit ribbon development.

- 7.39 The application is supported by a Landscape and Visual Appraisal report along with a subsequent addendum LVIA. These have been submitted to assess the impact of the proposed development in this regard. The report makes an analysis of the sites setting, the potential impacts of development and then describes the impact of the proposal. The report describes how the parameter plans have been designed to set the maximum heights and to ensure built form is located behind the ridge, whereby the development is less visible due to the topography of the area. Moreover, by restricting the development to the northern element of the site, and not extending into the western section of the site, the proposal will not be visible from Furze Hill. The existing vegetation along the southern section of the site is to be maintained and duly enhanced as part of the landscaping scheme to be delivered with the detailed design. This stands to further screen the development from wider views.
- 7.40 It is noted that one of the guidelines in the LCA in respect of development in this area is to restore or create a stronger landscape structure, including provision of traditional orchards. The outline scheme identifies an area for an orchard and is therefore in accordance with the relevant guidelines and a promoted feature in the area.
- 7.41 As part of the LVIA, a Zone of Theoretical Analysis was established and is further detailed in the supporting statement. It should be noted that the analysis is based on a Digital Surface Model (DSM) created from 1m LiDAR data (2017). The analysis therefore accounts for the screening potential of above ground elements such as buildings and vegetation. In some locations visibility is shown on top of the above ground elements and therefore a greater overall area of visibility is presented than would occur for a person at ground level. The analysis does not indicate how much of the building would be visible.
- 7.42 The results of the ZTA show that the proposed development would potentially be visible in longer distance views, most notably those from the north and south of the site. When viewing the proposal from a distance, the development will be set within the backdrop of the existing development in the area. This includes the settlements of Halfway and Minster further to the east. Moreover, additional development at Barton Hill Drive will also be visible and the Oasis Academy is also a prominent feature in the wider landscape.
- 7.43 The proposed development will have an additional impact on the wider landscape by virtue of the introduction of built form whereby none exists currently (aside from the small outbuildings on site which are of such a height and scale to have no impact). The height and location of development has been carefully considered so as to ensure that the impact of the proposal is limited. Moreover, the final layout and massing of the units is not established at this stage and further analysis will be undertaken when the detailed element is worked up. The restrictions imposed via the parameter plan, in terms of heights and the location of the built form reflect the outcome of the LVIA. Moreover, the proposal seeks to introduce additional screening to further mitigate the impact of the proposal. It is recommended that a condition be imposed requiring an LVIA to be submitted at reserved matters stage to ensure that the impacts are no greater than that which has been hereby assessed and to ensure that the detailed design duly accounts for the potential impact.

- 7.44 On balance, it is considered that the proposal is acceptable in this regard and compliant with the relevant policies.

Trees

- 7.45 The application is supported by an Arboricultural report. This shows that there are a total of 17 individual trees, 11 groups and 1 hedgerow which are categorised as follows:

Tree Category	Tree	Group	Hedgerow
A	-	-	-
B	5	5	-
C	10	6	1
U	2	-	-
Totals	17	11	1

- 7.46 At this stage, the scheme is in outline form and therefore the exact siting and layout of the proposed development is not yet established. The arboricultural report notes that all trees in the southern portion of the site will be retained in the areas proposed as open landscaping and the orchard. It is likely that some of the trees in the northern portion of the site will need to be removed to accommodate the development. For instance, T18 is a mature eucalypt in the centre of the site which is roughly 15m in height making it one of the larger trees on site. The tree is not a native species however and therefore its replacement with native planting may stand to enhance the ecological value of the site. The final details of which trees will need to be removed will be explored at reserved matters application stage and the conditions shall be worded to ensure that the development seeks to retain as many of the existing trees as possible.
- 7.47 The proposal will also include a new orchard which will deliver additional tree planting on site. Although not detailed at this stage, it is notable that the illustrative plan shows provision of an addition 21 trees in this area. In line with the NPPF, a condition is proposed which will require any new streets to be tree lined. It is recommended that additional arboricultural assessments and tree protection reports be required at reserved matters stage once the detailed design of the scheme has been established. It is further recommended that a condition be imposed in respect to biodiversity net gain, which should also require additional tree planting along with other biodiversity enhancements. On this basis, it is considered that the arboricultural impacts are acceptable at this stage subject to further information being provided at the relevant next stages.

Housing

- 7.48 The application proposes a total of 16 residential units, 11 of which are 2-bed properties and 5 of which are 3-bed properties. The application proposes no affordable housing or off-site contribution. The quantum of wheelchair units is not specified at this stage; however, this shall be appropriately conditioned to be dealt with at reserved matters stage.

Unit Mix

- 7.49 Paragraph 62 of the NPPF establishes that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Policy CP3 of the Local Plan requires new development to achieve a mix of housing types, reflecting the findings of the current Strategic Housing Market Assessment or similar needs assessment along with meeting the housing requirements

of specific groups, including families, older persons, or disabled and other vulnerable persons.

- 7.50 Figure 5.3.1 in the Local Plan forms the starting point for negotiations on the percentages sought in respect to housing mix. This establishes the following ratio:

Unit Size	Percentage requirement
1 bed	7%
2 bed	36%
3 bed	42%
4+ bed	15%

- 7.51 The application proposes a total of 16 units of which 11 are proposed as 2 beds and 5 are proposed as 3 beds. Whilst the illustrative scheme does not provide any 1 or 4 bed units, the proposal does represent the greatest need by providing a range of 2 and 3 bed units. This is illustrative only at this stage and the final mix shall be established at reserved matters stage. Given the fact that the scheme relates to only 16 units, and it provides units in line with the Council's greatest needs, the illustrative mix is considered acceptable on balance. Should outline permission be granted, it is recommended that a condition be imposed to secure the unit mix.

Affordable Housing

- 7.52 NPPF Paragraph established that the requirement for affordable housing provision should be reflected in planning policy. The Framework goes on to require that affordable housing should be provided on site unless specific circumstances are met (Paragraph 63). Paragraph 65 of the NPPF establishes that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.
- 7.53 In accordance with the NPPF, the local plan sets the requirement for affordable housing across the Council at Policy DM 8 which establishes the requirements for new development proposals of eleven or more dwellings. It establishes that in such schemes or where a need to provide affordable housing has been determined as appropriate, Affordable Housing is required in accordance with Table 7.3.1. The application site is located on the Isle of Sheppey. As such Policy DM8 of the Local Plan does not trigger any affordable housing provision for new development proposals on the Isle of Sheppey.
- 7.54 Paragraph 65 of the NPPF requires 10% of homes to be available for affordable home ownership unless this would exceed the level of affordable housing required in the area. Given that the Local Plan sets the affordable housing requirement at 0%, 10% would therefore exceed the level of affordable housing required in the area and therefore this requirement is not triggered.

Wheelchair Units

- 7.55 Policy CP3 requires developments to meet the housing requirements of specific groups, including housing for disabled and other vulnerable persons. This is in line with paragraphs 62 and 112 of the NPPF.

- 7.56 Planning Practice Guidance makes clear that the provision of appropriate housing for people with disabilities, including specialist and supported housing, is crucial in helping them to live safe and independent lives.
- 7.57 The requirement for appropriate housing for people with disabilities shall be conditioned if consent is granted.

Residential Amenity

- 7.58 Paragraph 130(f) of the NPPF requires planning decisions to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.59 Policy DM 14 of the Local Plan requires all development, as appropriate, to cause no significant harm to amenity and other sensitive uses or areas. It also requires developments to ensure impacts on residential amenity are minimised and to mitigate any impacts to an acceptable level in respect of safety, including noise, air quality, tranquillity and transport
- 7.60 The application site is located just over 90m to the nearest rear garden of the properties on Southdown Road. As such, there is no concern in regard to overlooking, loss of amenity from overshadowing or the proposal having an overbearing impact on these properties.
- 7.61 The rear gardens of Numbers 31, 33, 35, 37, and 47 Highfield Road all have rear gardens that abut the application site. Number 47 Highfield is located to the east of the access, the remaining are to the west. As was evident on the site visit, the rear of some of these properties are very exposed to the application site. The parameter plan restricts the development to no more than 1.5 storeys (7m to ridge height) along the boundary of these properties. Moreover, the dwellings on Highfield Road have good sized gardens (typically well over 10 metres in depth) and that therefore a separation of greater than 21 metres between them and the new houses can be achieved, depending on layout. This is in line with the Council's normal approach and will be fully assessed at reserved matters stage to ensure amenity is safeguarded.
- 7.62 A portion of the residential garden of number 37 Highfield Road will be given over to create the new access point. The property maintains a good-sized garden and the loss is not considered to impact on the amenity of this property. The movement of vehicles adjacent to No. 37 is not expected to give rise to an adverse impact as at peak times, the movement is expected to be around 8 vehicles for both the AM peak (08:00-09:00) and the PM peak (17:00-18:00). No 47 will also be adjacent to the access road however the property is separated by the side garden and access road and therefore the impact will be even less.
- 7.63 It is recommended that a condition be imposed stating that no windows shall be included on the first floor of the new units facing onto the residential properties along Highfield Road to ensure the proposal does not give rise to overlooking. Moreover, the parameter plan has been updated to include a 1.5m screening planting strip to create a buffer between the application site and the adjacent properties. This will be secured via conditioning of the parameter plan. Furthermore, it is recommended that a condition be imposed requiring full details of any boundary treatment along this edge to ensure it is of an appropriate height to safeguard overlooking on the ground floor. Due to the distance of the properties and the inclusion of a planting buffer, it is not considered that the proposal will give rise to an overbearing impact.

- 7.64 The built form proposed sits to the south of the properties and therefore there is potential for the development to give rise to overshadowing impacts. This will need to be appropriately assessed at reserved matters stage once the design and location of the proposed units are established. To safeguard amenity, it is recommended that the outline permission include a condition requiring the submission of a daylight, sunlight and overshadowing report demonstrating that the amenity of these residents is unaffected by the proposal.
- 7.65 Details of the amenity of the future units within the proposed site will need to be assessed at reserved matters stage as the exact layout and design of the properties is not to be fixed at this stage.
- 7.66 Overall, it is noted that the proposed separation between new dwellings and the dwellings on Highfield Road will be greater than 21 metres, which is the minimum standard the Council typically requires. To safeguard the adjacent residential properties, it is recommended that conditions be imposed to restrict the location of windows and require the submission of a daylight, sunlight and overshadowing report to demonstrate compliance. With such measures in place, it is considered that the amenity of neighbouring properties will be safeguarded and that the amenity of the future properties shall be duly assessed at reserved matters stage. It is therefore considered that the proposal is acceptable in this regard.

Highways

- 7.67 Paragraph 111 of the NPPF sets out that development should only be refused on highways grounds when an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 92 promotes healthy, inclusive and safe places through a number of measures including ensuring streets are designed to allow easy pedestrian and cycle connections within and between neighbourhoods. This is further emphasised in Paragraph 104.
- 7.68 Policy DM6 sets out the requirements for managing transport demand and impact. The policy requires development proposals involving intensification of any existing access onto a strategic, primary or other route will need to demonstrate that it is of a suitable capacity and safety standard or can be improved to achieve such a standard. Policy DM 7 requires compliance with the Swale Vehicle Parking SPD. The policy further requires cycle parking facilities on new developments to be of an appropriate design and in a convenient, safe, secure and sheltered location.
- 7.69 Policy DM26 directs refusal of applications that either physically, or as a result of traffic levels, significantly harm the character of rural lanes. The road running along the southern boundary is classified as a rural lane.
- 7.70 The application is supported by a Transport Statement, which sets out both the walking catchment and the cycling catchment area. This demonstrates that there are a number of amenities which are accessible within a 25/30-minute radius. The report further assesses the local bus and rail provision, with both Queensborough and Sheerness Station being within 30 minutes from the application site if cycling.
- 7.71 The Transport Statement was submitted based on the original scheme which proposed a total of 19 units. The quantum has since been revised; however, an updated Transport Statement has not been provided. The Statement has assessed the anticipated trip generation based on 19 dwellings and deemed the impact to be nominal and will not

materially impact the surrounding highways. The reduction to 16 units therefore will be even less. This is confirmed in the addendum statement which notes that the vehicle trips during both the AM and PM peak hours is now 8 vehicle trips compared to the previous 10.

- 7.72 There is only one access point allowing entry and exit from the site for both vehicles and pedestrians. The Transport Statement confirms the access point has been designed in accordance with KCC's Manual for Streets. One road forms the main spine to the development which splinters to the base of the development to give access to the public open space and to the six units at the rear. Pavements are proposed for pedestrian movement within the development.
- 7.73 Each property is, according to the illustrative details, served by two car parking spaces. The illustrative scheme also shows the bays as being located as designated parking spaces across the site layout. An additional 10 bays are proposed as visitor bays. The illustrative scheme shows these as being located at the entrance to the site and along the access route throughout. For a rural site, the Parking SPD recommends 2 spaces per unit for 2 beds and 3 spaces per unit for 3 bed properties. In a suburban environment, the SPD sets a lower recommendation at 1-2 spaces per 2 bed and 2-3 spaces per 3 beds. Given the proximity to the suburban area of Halfway, it is recognised that a blended approach is acceptable. As such, the fact that the 3 bed properties are served by 2 car parking spaces each is considered acceptable. Notwithstanding this, the site is served by 10 visitors bays. The SPD recommends 0.2 spaces per unit, which based on 16 units would be 3.2 bays. As such, the site is well served by additional car parking spaces albeit unallocated. The application proposes the provision of an active charging spaces per unit, which accords with the Parking SPD. This shall be secured by condition.
- 7.74 In respect of cycle parking, the SPD requires a minimum of 1 space per bedroom, which the detailed design will need to show.
- 7.75 On balance, the transport impacts and access arrangements are considered acceptable.
- 7.76 As set out above, KCC Highways raise no objection subject to conditions. These are recommended below.

Biodiversity

- 7.77 Policy DM14 requires development to provide for an integrated landscape strategy that will achieve a high standard landscaping scheme that informs the earliest stages of a development proposal. The NPPF further requires development to provide provision and use of community facilities, which includes open space.
- 7.78 Policy CP7 requires developments to conserve and enhance the natural environment. The policy lists the ways in which that shall be achieved and includes the requirement for developments to make the enhancement of biodiversity and landscape as their primary purpose. The policy further requires a net gain in biodiversity in line with the NPPF's requirements. This is further supported by Policy DM 28 which further requires proposals to be accompanied by appropriate surveys undertaken to clarify constraints or requirements that may apply to development. Paragraph 180 of the NPPF sets out the principles by which planning applications should be considered against in respect to habitats and biodiversity.

- 7.79 The application site is located within 6km of the following:
- The Swale (SPA) and Ramsar site, approximately 1.6km south;
 - Medway Estuary & Marshes Special Protection Area (SPA) and Ramsar site, approximately 1.7km south;
 - Thames Estuary & Marshes SPA and Ramsar, approximately 4.7km north-west;
- 7.80 These are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires appropriate steps to be taken to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 7.81 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£253.83 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England, at the time of writing) – these mitigation measures are considered to be ecologically sound.
- 7.82 However, the judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, “it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.” The development therefore cannot be screened out of the need to provide an Appropriate Assessment (AA) solely on the basis of the agreed mitigation measures (SAMMS) and needs to progress to consideration under an AA. An AA has been undertaken and sent to Natural England, who have raised no objection.
- 7.83 The application is also supported by a Preliminary Ecological Appraisal prepared by the Ecology Partnership. This has been undertaken to understand any ecological constraints, any mitigation measures that may be required, any additional survey work that may be required and to identify opportunities for ecological enhancement.
- 7.84 The site primarily consists of horse-grazed fields bordered by scrub. Three small stable buildings were located along the eastern boundary of the site, and an area of mature hawthorn scrub was present within the south-east of the site. Numerous mature and semi-mature scattered trees were present throughout the site. These include horse chestnut, silver birch, ash, pedunculate oak, and sycamore.
- 7.85 The supporting report sets out that whilst the site was considered unsuitable for roosting bats, the habitat was considered suitable to support commuting and foraging bats. The site provides suitable foraging habitat for badgers in the local area. The site is considered to have low potential to support dormice due to the habitats present and the lack of records of dormice in the data searches. The scrub habitat along the edges of the site are linked to the habitat surrounding ponds where GCN have been identified. Most of the site is unsuitable to support reptiles; however, there are records of reptiles in the wider surrounding area as such the site has a low potential for reptiles. The trees, and scrub on site provide suitable nesting habitat for bird and the scrub on site is suitable to support hedgehog.

- 7.86 The report details the potential impacts of the proposed development on statutory designated sites, offsite ancient woodland/priority habitats, on-site habitats, protected species, and other species. Within this the report sets out a series of recommendations including provision such as bat friendly lighting, lowland deciduous woodland to be suitably buffered from the proposed development, edge habitats are retained and enhanced where possible, and bird boxes to be installed at least 2.5m from ground level, for example.
- 7.87 Moreover, the supporting document goes on to discuss options for ecological enhancements, including measures such as creation of log piles and reptile hibernacula, small holes at the base of any proposed garden fencing to facilitate access to gardens for hedgehogs, and the creation of new high distinctiveness habitats, such as orchards.
- 7.88 The site will also need to ensure a biodiversity net gain. This is recognised in the supporting report, and it is recommended that this be secured by condition if Members are minded to permit the scheme.
- 7.89 The assessment concludes that with the necessary mitigation and compensation measures, there are no significant residual effects on the relevant ecological features.
- 7.90 KCC Ecology and Natural England have both been consulted and raise no objection subject to the necessary restrictions being imposed on the consent.
- 7.91 The application is in outline at this stage; however, the supporting document suggests that the scheme will not have an adverse impact on biodiversity or ecology subject to mitigation. It is recommended that the conditions imposed require further evidence at reserved matters stage and via submission of details applications to demonstrate compliance with the relevant mitigation and enhancement measures. Moreover, it is recommended that the SAMMs tariff also be secured via legal agreement.

Archaeology

- 7.92 Paragraph 194 of the NPPF requires that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 7.93 Policy CP7(8)(d) promotes the expansion of Swale's natural assets and green infrastructure by a number of factors, including contributing to the protection, conservation and management of archaeological assets. Policy DM34 sets out that there will be a preference to preserve important archaeological sites in-situ and to protect their settings and directs refusal of schemes that fail to appropriately mitigate any adverse impacts.
- 7.94 The application is not supported by an archaeological assessment at this stage. The application has been subject to consultation with KKC Archaeologist who have confirmed that the site lies in an area where archaeological remains could potentially be found and affected by the groundworks for the new development. To safeguard any potential archaeological assets, a condition has been recommended.

Flood Risk and Drainage

- 7.95 Policy DM21 of the local plan sets out the requirements for water, flooding and drainage. The policy sets out a series of 10 criteria by which developments should adhere to. The

Local Plan is consistent with the requirements of the NPPF which directs development away from areas of highest flood risk.

- 7.96 Using the Environment Agency flood risk map, it can be seen that the application site is located within Flood Zone 1, meaning it is an area with a low probability of river or sea flooding. Planning Practice Guidance confirms that the aim is to steer new development to Flood Zone 1. In respect of the Flood Risk Vulnerability Classification residential dwellings are classified as 'more vulnerable'. Within Flood Zone 1, Table 3 of the Planning Practice Guidance confirms that 'more vulnerable' uses in Flood Zone 1 are appropriate and an exception test is not required.
- 7.97 As the application site is greater than 1 ha a Flood Risk Assessment (FRA) is required. Such an assessment has been carried out by the applicant and the submission is supported by an FRA. The proposed surface water drainage strategy is set out in paragraphs 1.4.3-1.4.8 and the Foul Water Drainage strategy is set out in 1.4.9-1.4.11 of the FRA. It is noted that foul drainage is dealt with under separate legislation and therefore it is not generally reasonable to impose a foul drainage condition; however, a condition requiring compliance with the flood risk assessment along with conditions relating to surface water drainage are recommended.
- 7.98 KCC Flood and Water Management have been consulted on the proposal and confirm that following the revisions to the FRA to include pumping chamber discharging to a Southern Water sewer at 2l/s they raise no objection to the proposal subject to the imposition of conditions. Southern Water have also been consulted and confirmed that the proposal is acceptable subject to the imposition of conditions.
- 7.99 The principle of residential dwellings in Flood Zone 1 is considered acceptable. The application is supported by the necessary assessments and has been subject to relevant consultation which has found the proposal to be acceptable. If Members are minded to permit the application, the recommended conditions have been set out later in this report.

Environmental Matters

Noise and Vibration

- 7.100 NPPF Paragraph 174 requires planning decisions to contribute to and enhance the natural and local environment. The paragraph requires a number of measures to achieve this including by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of environmental impacts including noise pollution.
- 7.101 Paragraph 185 requires that planning decisions ensure new development is appropriate for its location taking account of the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. The paragraph notes that this includes a requirement to mitigate and reduce to a minimum any potential adverse impacts resulting from noise from new development and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 7.102 Paragraph 187 further states that planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Further stating that existing businesses and facilities should not have unreasonable restrictions placed on them because of development permitted after they were established. Where the operation of an existing business or community facility

could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

7.103 The application is supported by a noise assessment which has been undertaken to establish the suitability of existing noise levels at the site for the proposed development and where required, identify appropriate measures to optimise the acoustic design of the development and achieve appropriate noise levels in habitable areas. The report notes that the noise levels are generally low, with noise sources including noise from birds on site, occasional aircraft, occasional noise from the adjacent school, occasional road traffic on Highfield Road and occasional noise from farming activities in the distance. The report further notes that the noise from the school was most prominent from around 12:00 to 14:00, during the lunch break, as a result of use of the outdoor space and school announcement system. The report finds that the internal noise levels are expected to be compliant with the relevant criteria and the noise levels in gardens and the public open space will comply with the relevant criteria also. There is a small portion of the community orchard which marginally exceeds the criteria due to the phone mast generator.

7.104 Overall, based on the fact that the units, their private amenity space and the majority of the open space provision is expected to comply with the relevant criteria, it is considered that the proposal is acceptable. A condition shall be imposed requiring the units to be delivered in accordance with BS8233/WHO Noise Criteria. Members will have noted above that the Environmental Health Team raise no objection subject to conditions.

Air Quality

7.105 Applications within or likely to impact on Air Quality Management Areas are required by Policy DM 6 to demonstrate that the proposal has integrated air quality management into the design to ensure proposals do not worsen air quality to an unacceptable degree. This is consistent with Paragraph 186 of the NPPF.

7.106 The application site is not located in or near an Air Quality Management Areas and therefore measures discussed in DM6 are not required. Moreover, the Environmental Health team have been consulted on the application and note that air quality at the Halfway Road is showing some exceedances in our NO₂ diffusion tubes. However, due to the size and location of the site no additional air quality conditions have been included. Other conditions, such as a demolition and construction management plan requiring measures such as dust suppression will be imposed which will further reduce air quality impacts.

Contamination

7.107 Paragraph 183 of the NPPF requires sites to ensure they are suitable for the proposed use, including consideration of contamination. Paragraph 184 places the responsibility onto the developer and/or landowner for ensuring the site is safe.

7.108 To ensure the application site is safe for its intended use, it is recommended that the applicant be required to submit a contamination report prior to the commencement of development and a contamination verification report prior to occupation to ensure the works have been carried out in accordance with the approved method statement. It is also recommended that a further condition be imposed to deal with any unexpected contamination that is not foreseen as part of the initial contamination report.

7.109 Members will note the Environmental Protection Team raise no objection to the application subject to the imposition of the recommended conditions.

Waste

7.110 Swept path analysis has been undertaken to demonstrate that refuse vehicles can appropriately serve the development. Should development be approved, it is recommended that conditions be attached to ensure each property is served by appropriate refuse provision.

Sustainability / Energy

7.111 The NPPF supports proposals for improvements to environmental sustainability, placing sustainability at the heart of the framework. Paragraph 152 requires the planning system to support the transition to a low carbon future in a changing climate, including the requirement to help shape places in ways that contribute to radical reductions in greenhouse gas emissions. Paragraph 154 goes on to require new development to reduce greenhouse gas emissions, such as through its location, orientation, and design. This is further iterated in Paragraph 157 which sets out that in determining planning applications, new development should take account of landform, layout, building orientation, massing, and landscaping to minimise energy consumption.

7.112 Policy DM19 of the Local Plan requires development proposals will include measures to address and adapt to climate change. The ways in which this shall be achieved are then further detailed in the policy; including measures such as use of materials and construction techniques which increase energy efficiency and thermal performance; promotion of waste reduction, re-use, recycling and composting; and design of buildings which will be adaptable to change and reuse over the long term and which include features which enable energy efficient ways of living, for example.

7.113 Policy DM21 also requires that new residential development, all homes to be designed to achieve a minimum water efficiency of 110 litres per person per day.

7.114 In addition to the above, the Council has declared a Climate Change and Ecological Emergency and all applications for new housing are expected to demonstrate how they incorporate all reasonable sustainable design and construction measures within the scheme in order to minimise environmental impacts. This can include measures such as electric vehicle charging points (provision of one per dwelling); solar panels; passive energy measures; low NOx boilers as examples. Regarding the dwellings, it is the expectation that a reduction in CO2 emissions of 50% above the requirements of the Building Regulations be achieved.

7.115 The outline scheme is not supported by an energy and sustainability statement at this stage. It is recommended that should consent be granted, such a report be required with the reserved matters application to demonstrate that the layout, orientation, and design has been considered to minimise energy consumption. It is considered that the parameter plans have been designed with sufficient flexibility to ensure that the detailed design can accord with the relevant policies. It is also recommended that a condition be imposed requiring details of the reduction in CO2 emissions beyond the requirements of the Building Regulations. The % reduction will be established at reserved matters stage. It is also recommended that a minimum water efficiency of 110 litres per person per day is also secured by condition.

Other Matters

Legal Agreement

7.116 Regulation 122 of the Community Infrastructure Levy Regulations 2010 states that a S106 planning obligation may only constitute a reason for granting planning permission for the development if the obligation is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. These are statutory tests.

7.117 The NPPF (paragraph 54) states that “local planning authorities should consider whether otherwise unacceptable development could be made acceptable using conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.”

7.118 Pursuant to the consideration within the previous sections of this report, the consultation responses, and in line with the policy context set out above, officers propose to secure planning obligations to appropriately mitigate the impact of this development, which are set out below Heads of Terms:

KCC Developer Contributions

The KCC Developer Contributions Officer has requested the following contributions per dwelling:

- Secondary Education - £4,540.00 per dwelling
- Community Learning - £16.42 per dwelling
- Youth Services – £65.50 per dwelling
- Library Bookstock – £55.45 per dwelling
- Social Care – £146.88 per dwelling

SAMMS Tariff

Given the site’s location within 6 km of the SPA, a payment is required that will fund measures to mitigate the increase in recreational activity on the coast. This is charged at £253.83 per dwelling.

Off-Site Play and Formal Sport Provision

As identified in the Open Space and Play Strategy 2018-2022, a contribution of £593.00 per dwelling toward formal sport and £446.00 per dwelling toward play provision is required.

Orchard and Open Space

The orchard and open space shown on Drawing 1602.002(E) shall be made available for community use prior to first occupation and maintained as a community facility at all times thereafter. The orchard and open space shall be maintained and operated by the developer in perpetuity in accordance with the Landscaping and Ecological Management Plan as required by condition 27.

Monitoring and Legal Fees

The legal agreement shall also secure the Council’s reasonable monitoring, review, legal and professional fees connected to the completion of the legal agreement.

8.0 CONCLUSION

- 8.1 The application site is located in open countryside and in an Important Countryside Gap. As such, policies ordinarily direct refusal of such schemes. However, the proposal is not considered to be isolated development in the countryside and is located in a reasonably sustainable location and the proposal makes a modest contribution to the housing supply, which is an important consideration given the Council's current inability to demonstrate a five-year housing land supply. It is further considered that the countryside gap will not be eroded due to the strong landscaped buffer to the south of the site that shall ensure that impact on the countryside will be minimised.
- 8.2 The final layout and design of the scheme is yet to be determined. However, the outline scheme shall secure a perimeter plan that ensures the scheme delivers two large areas of landscaping, one providing an area of open space and the other providing a new orchard which is considered to be a positive element of the scheme. As is usual, further design work will be required for the reserved matters stage. The landscaping shall also provide biodiversity net gain and shall ensure that biodiversity/ecology on-site is protected and enhanced.
- 8.3 The conditions imposed seek to ensure that an appropriate range of housing types are provided in the scheme, including wheelchair accessible units. Moreover, the conditions seek to ensure high standard accommodation including measures for carbon reduction in line with the Council's guidance. The conditions also seek to ensure privacy of neighbouring properties is maintained and this shall also be further examined at the next stage once the detailed design is known.
- 8.4 The application has taken account of the environmental factors effecting the site and has been found to be acceptable, this has included ensuring that the noise from the adjacent school shall not give rise to adverse noise conditions for future residents. Moreover, the impact of the proposal on the highways has been duly assessed and found to be acceptable with detailed design information to be provided at reserved matters stage.
- 8.5 The proposal is considered to be a sustainable form of development and, as stated above, makes a modest contribution to the housing supply. The impacts of the development have been duly assessed, in consultation with relevant third parties, and found to be acceptable. It is recommended that if consent is granted, appropriate conditions are attached to ensure the detailed design delivers a high-quality scheme. Moreover, further obligations are recommended which shall seek to mitigate the impact of additional residents on infrastructure and on the SPA for instance, and this is detailed in the heads of terms, and it is recommended that this be secured via legal agreement.
- 8.6 On balance, the scheme is considered acceptable and is therefore recommended for approval.

9.0 RECOMMENDATION

GRANT – Subject to a S106 agreement and the following conditions, and with authority to amend conditions and s106 clauses as may reasonably be required.

Conditions List:

Related to outline nature and requirements of the RMA

- (1) Details relating to the layout, scale and appearance of the proposed building(s), and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

- (2) Applications for approval of all reserved matters pursuant to condition (1) must be made not later than the expiration of three (3) years from the date of this permission.

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

- (3) Implementation of a Reserved Matters Approval shall commence no later than two (2) years from the date of the final approval of reserved matters.

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

- (4) The development hereby permitted shall be carried out in accordance with the following approved drawings, documents and mitigation set out within:

Site Location Plan (1602.001 Rev A); Existing Site Plan (1602.004); Proposed Site Access (205427-A0 Rev D); Parameter Plan (1602.002 Rev E); Transport Statement (dated 01/12/2020) and Addendum (dated 19.01.2022); Landscape and Visual Appraisal (dated December 2020) and Addendum (dated January 2022); Planning, Design & Access Statement (dated December 2020) and Addendum (dated January 2022); Preliminary Ecological Appraisal (dated December 2020); Noise Assessment (dated 11/11/21, Ref: RP01-21530-R0); Flood Risk Assessment (dated July 2021, CS/15001).

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

- (5) The development hereby permitted shall consist of no more than 16 residential units (Use Class C3) and the detailed design shall strictly accord with the following Parameter Plan 1602.002(E)

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

- (6) The reserved matters application shall include the following reports along with all other drawings and documents as required for validation purposes:

- Arboricultural Impact Assessment
- Tree Protection Plan
- Tree Survey
- Impact on Privacy Statement
- Design and Access Statement
- Landscaping Design Statement
- Landscaping and Visual Impact Assessment; and
- Energy and Sustainability Statement

Reason: In order that the Council is satisfied with the details of the proposed development and in the interest of proper planning

- (7) An accommodation schedule shall be provided with the reserved matters application. The accommodation schedule shall demonstrate a range of housing types are provided which reflects the findings of the current Strategic Housing Market Assessment or similar needs assessment (or most recent standard) as well as making provision for wheelchair adaptable dwellings and wheelchair user dwellings as part of the housing mix.

Reason: To ensure there is a mix and size of dwellings to meet the future needs of households

- (8) The details submitted pursuant to condition 1 shall show adequate land, reserved for the parking or garaging of cars; suitable storage for cycle parking; and electric vehicle charging provision (in accordance with the currently adopted Kent County Council Vehicle Parking Standards and Swale Parking SPD or most recent relevant standards) which land shall be kept available for this purpose at all times 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 such land (other than the erection of a private garage or garages) or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted. 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: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (9) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels and finished floor levels which shall have been submitted to and approved in writing by the Local Planning Authority as part of the reserved matters application.

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

- (10) With the first reserved matters application, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. This will be in general accordance with the recommendations in section 4.36 of the Preliminary Ecological Appraisal (The Ecology Partnership December 2020) unless otherwise agreed in writing by the Local Planning Authority. The scheme shall achieve a biodiversity net gain of at least 10% against the existing site conditions. The approved details will be implemented and thereafter retained in perpetuity.

Reason: to ensure appropriate ecological protection and enhancement is undertaken along with ensuring that biodiversity gains are delivered for the enhancement and improvements of habitats.

- (11) No habitable windows which permit overlooking of Numbers 31, 33, 35, 37 and 47 Highfield Road shall be included on the first floor of any properties along the boundary with those properties.

Reason: in the interest of safeguarding residential amenity

- (12) The areas shown on drawing 1602.002(E) as Community Orchard and Public Open Space shall be reserved for the general amenity of the area. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area.

- (13) 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

- (14) 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: To safeguard the amenities of neighbouring properties and the area generally

- (15) 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.

Reason: In the interests of residential amenity.

- (16) All removal of trees, hedgerows, shrubs, scrub or tall herbaceous vegetation shall be undertaken between September and February inclusive. If this is not possible then a suitably qualified ecologist shall check the areas concerned immediately prior to the clearance works to ensure that no nesting or nest-building birds are present. If any nesting birds are present then the vegetation shall not be removed until the fledglings have left the nest.

Reason: All wild birds, their nests and young are protected during the nesting period under The Wildlife and Countryside Act 1981.

- (17) 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.

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

- (18) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mb) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

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

- (19) The details submitted pursuant to condition (1) above shall show a community orchard as identified on Drawing 1602.002(E) and shall provide a minimum of 21 trees, in accordance with details to be agreed, and shall be made available for community use in perpetuity.

Reason: to ensure the community benefit is provided and in the interest of biodiversity.

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

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

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

Reason: In the interests of water conservation and sustainability.

- (22) The access details shown on the approved plans (ref 205427-A01 Rev D) shall be completed prior to the commencement of any other works authorised by this permission, the occupation of any buildings hereby approved, the use of the site being commenced, and the access shall thereafter be maintained. A bound surface for the first 5 metres of each access from the edge of the highway shall be used.

Reasons: In the interests of highway safety.

- (23) The visibility splays shall be provided and maintained strictly in accordance with the details shown on the submitted plans (ref 205427-A01 Rev D) with no

obstructions over 0.9 metres above carriageway level within the splays. They shall be provided in full prior to the use of the site commencing and maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

- (24) The development shall include provision of measures to prevent the discharge of surface water onto the public highway at all times. The development shall not be occupied until such details are operational and the measures shall be maintained thereafter for the lifetime of the development.

Reasons: In the interests of highway safety.

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

Reason: For the benefit of air quality

- (26) No development shall take place, including any works of demolition, until a Demolition/Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide details of:
- a) Routing of construction and delivery vehicles to / from site
 - b) Parking and turning areas for construction and delivery vehicles and site personnel and visitors
 - c) Timing of deliveries
 - d) loading and unloading of plant and materials
 - e) storage of plant and materials used in constructing the development
 - f) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - g) Temporary traffic management / signage
 - h) wheel washing facilities
 - i) measures to control the emission of dust, particulates and dirt during construction
 - j) a scheme for recycling/disposing of waste resulting from demolition and construction works
 - k) Bonfire policy;
 - l) Proposals for monitoring, reporting and mitigation of vibration levels at surrounding residential properties where they are likely to exceed 1mm/s measures peak particle velocity.
 - m) Proposed contact details and method for dealing with complaints from neighbours

The details of the Demolition/Construction Method Statement shall be strictly adhered to throughout the entirety of the demolition and construction period until completion of the development.

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

- (27) No development approved by this permission shall be commenced 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.
 - d) If during development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.
 - e) 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.

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

- (28) Prior to the commencement of the relevant part of the development, an ecological and landscape management plan, including mitigation measures during demolition and construction, long-term design objectives, management responsibilities and maintenance schedules for all landscaped areas, shall be submitted to and approved in writing by the Local Planning Authority.

The submitted report shall include:

- a) Preliminary Ecological Appraisal demonstrating the details of all features of ecological value on the site and setting out measures for their protection during construction works.
- b) Detailed phase II roosting bats' and nesting birds' surveys
- c) A detailed method statement for the removal or long-term management /eradication of invasive species on the site.
- d) Details to protect the established vegetation from any damage that could be caused during demolition and construction. All works should be undertaken by a suitably qualified and experienced specialist contractor and should conform to current industry best practice, i.e. BS 3998: 2010 'Tree Work - Recommendations'. The details should ensure that existing commuting/foraging routes currently utilised by bats and other wildlife are maintained.

- e) If more than one year passes between the most recent bat survey and the commencement of demolition and/or tree works, an update bat survey must be undertaken immediately prior to demolition or tree works by a licensed bat worker. Evidence that the survey has been undertaken shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of demolition and/or tree works.
- f) Details from a suitably qualified ecologist specifying how the landscape features have been developed for biodiversity and ecological enhancement.
- g) Details of management and maintenance regimes to ensure biodiversity and ecology is protected, including a schedule for seasonal maintenance of the landscaping with appropriate support systems and health checking of planting to ensure it is performing as intended;
- h) The mitigation and enhancement should include, but is not limited to, the following:
 - i. Native species
 - ii. Bird and bat sensitive lighting
 - iii. Artificial nesting and roosting sites (including bird and bat boxes)

Evidence that the ecological measures approved have been installed in accordance with the approved details should be submitted to and approved by the local planning authority prior to occupation of the relevant part of the development.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

Reason: To contribute to protecting and enhancing biodiversity, protect aviation and improving the aesthetic value of the development as well as resident's well-being.

- (29) a) No tree works shall take place until methods of work, position of site offices, material storage, compounds, parking and tree protection and impact mitigation measures prior to commencement of the relevant part of the development and the associated clearance work have been agreed in writing by the Local Planning Authority.
- b) Prior to the commencement of any works affecting trees an arboricultural impact assessment shall be submitted to and approved in writing by the Local Planning Authority. The recommended measures for arboricultural management shall be carried out in full and thereafter retained.
- c) All permitted or approved tree work will be carried out in accordance with the British Standard BS3998:2010 (or prevailing standard), an Arboricultural Association Approved Contractor or an ISA Certified Arborist/Tree Worker suitably insured and experienced to carry out the tree works.
- d) All tree works are to be carried out between July and September or November and February. Tree works should also avoid the season for nesting birds.
- e) No tree works shall be undertaken until permission is given, or a programme of recommendations is received in writing as a result of a bat survey conducted by a suitably qualified ecologist.
- f) All tree works and tree surgery works will be carried out prior to the development of the site, and erection of protective fencing.
- g) All protective measures; including fencing, shall be implemented prior to any demolition or construction works and remain in situ and intact throughout the duration of the relevant part of the development. Written approval by the Local

Planning Authority shall be obtained prior to any temporary removal of protective measures during the relevant part of the development period.

h) Should additional tree works other than those identified in the arboricultural impact assessment approved in part (b) above become apparent during the construction process, written consent will be required from the Local Planning Authority prior to these additional works being undertaken.

i) Any trees or plants which form part of the approved landscaping scheme which die within a period of 5 years from the date of planting, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to improve the character and amenities of the area.

- (30) No development beyond the construction of foundations shall take place until details of the external finishing materials, including samples or sample panels, to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed and retained for the lifetime of the development in full accordance with the approved details.

Reason: In order that the Local Planning Authority may be satisfied with the external appearance of the buildings and the development

- (31) 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: To ensure that Secured by Design principles are implemented into the development

- (32) Construction of the development shall not commence until details of the proposed means of surface water drainage have been submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be implemented before the first use of the development hereby permitted.

Reason: In order to prevent pollution of water supplies and to prevent flooding.

- (33) 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. The details shall demonstrate the biodiversity net gains in as per Condition 13. 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, lighting, bollards, street furniture (including waste bins), cycle linkages, wayfinding, permeability of all hard surfaces, materials, use of planting to provide privacy and defensible areas and an implementation programme. All new streets must be tree lined.

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 submitted to and agreed in writing with the Local Planning Authority.

The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs 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.

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

- (34) Prior to the occupation of the dwellings hereby approved, the proposed estate road, footways, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, access, carriage gradients as appropriate, 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 constructed and laid out in a satisfactory manner.

- (35) Upon completion of the works identified in the contaminated land assessment approved under Condition 26, and before any part of the development is occupied, a verification report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

- (36) Full details of a refuse and recycling strategy including collection arrangements for all uses shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the relevant part of the development.

The storage and recycling facilities shall in all respects be constructed in accordance with the approved details, before the relevant part of the development is first occupied and maintained for the lifetime of the development.

Reason: In order that the Council may be satisfied with the details of the proposal

Informative

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

The applicant is strongly encouraged to seek pre-application advice prior to the submission of a reserved matters application for the residential units and site layout. The

applicant is also encouraged to present the reserved matters submission to the Design Review Panel.

Information pursuant to Condition 38 (Secure by Design):

- Cul-de-sacs that are short in length and not “open or leaky” by being linked to other areas by cycle routes or footpaths for example, can be very safe environments where residents can benefit from lower crime.
- As the rear of the area is planned for community use, we recommend vehicle mitigation to reduce Anti-Social motorbike/cycling that can create nuisance, fear of crime and conflict. There are plenty of ways to provide this, bollards, walls, planters or appropriate planting consisting of prickly shrubs, densely planted.
- Boundary Treatments: The perimeter boundary treatment to be a min of 1.8m to provide security, 1.5m with trellis to meet 1.8m is acceptable if preferred.
- Rear gardens and divisional fencing between rear gardens to be a min of 1.8m in height to help provide security and privacy. Front garden areas could benefit from a boundary treatment to reduce the opportunity for desire lines that can cause Fear of Crime, Nuisance and Conflict, particularly corner properties.
- We recommend security is provided for Motorbikes, Mopeds, E bikes and similar. SBD and Sold Secure standard certified Ground or wall anchors can provide this.
- Surveillance over parking should be maximised to minimise vehicle crime. We strongly advise ground floor “active room” windows e.g. lounge or kitchen but not bathroom, hall or bedroom overlooking the parking areas, side elevations should also include active windows.
- To minimise the opportunity for vehicle crime, vehicles should be parked on plot, or in locked garages. Residents should be able to see their vehicle from an “active” window. Car barns can provide a secluded space for criminality and ASB so require careful siting with plenty of natural surveillance.
- Any lighting plan should be approved by a professional lighting engineer e.g. a Member of the ILP or the SLL to help avoid conflict and light pollution that can occur when residents install their own security lighting.
- All external, residential doorsets and any sliding, folding or patio doors to ground floors to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
- Windows on the ground floor or potentially vulnerable e.g. from flat roofs should also meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated as toughened glass alone is not suitable for security purposes.

Council's Approach to the Application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF) 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, further supporting information was required and revisions were required; following which the application was considered acceptable and approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

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

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

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

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

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

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

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

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

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

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

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

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

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.

