

2.5 REFERENCE NO - 21/505769/FULL		
APPLICATION PROPOSAL Erection of 7 no. detached dwellings comprising of 5 no. four bedroom dwellings, 1 no. three bedroom bungalow, 1 no. two bedroom bungalow and 4 no. garages and 2 no. car ports, as well as access, parking and infrastructure.		
ADDRESS Land South Of Chequers Road Minster-on-sea Kent ME12 3SH		
RECOMMENDATION Grant subject to conditions and SAMMS payment		
SUMMARY OF REASONS FOR RECOMMENDATION The site lies in a suitable location for residential development, as demonstrated by the appeal decision at the site allowed under application 20/500400/OUT. Following amendments, the proposed scheme will not cause harm to visual or residential amenities and the access arrangements are acceptable.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Richard Alderson AGENT DHA Planning
DECISION DUE DATE 04/01/22		PUBLICITY EXPIRY DATE 25/04/22

Planning History

20/500400/OUT

Outline Application with access matters sought for the erection of up to 5 no. dwellings on the land to the south of Chequers Road, Minster-on-Sea. (All other matters reserved for future consideration.). Appeal made against non-determination and Appeal Allowed Decision Date: 19.11.2020

1. DESCRIPTION OF SITE

- 1.1 The application site is located to the south of Chequers Road and is approximately 0.4 hectares in size. It is roughly triangular in shape and is currently undeveloped, greenfield land. The site slopes gradually from north to south. Access to the site is provided from Chequers Road via a track that runs along the north eastern boundary of the site.
- 1.2 The site lies adjacent to the built up area boundary of Minster (the built up area boundary runs along the northern boundary of the site), and as such, is considered to lie in open countryside.
- 1.3 The site is immediately south of the development of nine houses approved under application 16/505623/FULL. To the west are residential properties situated along Elm Lane, to the south is open countryside and to the east is Danedale Stables. Planning permission for the erection of five detached bungalows at Danedale Stables was granted by Members in February 2022 (reference 21/505878/FULL).

- 1.4 Outline permission was sought at this site under application 20/500400/OUT, for the erection of up to five dwellings. The officers recommendation was to approve the application when it was reported to planning committee. However Members deferred the application for a site meeting, and the applicant then submitted an appeal against non-determination. The appeal was allowed, and the Inspector found the site would have good pedestrian access to shops and services, and whilst the site is in the open countryside, the limited harm arising from the proposal in respect of its potential impact on the landscape would not significantly and demonstrably outweigh the benefits of the scheme, taking into account that the Council cannot currently demonstrate a 5 year housing supply. A copy of the appeal decision is attached as an appendix to this report.

2. PROPOSAL

- 2.1 This application seeks full planning permission for the erection of seven detached properties at the site. Five two storey properties are proposed along the southern boundary of the site, with two bungalows proposed in the northern corner of the site. The ridge height of the two storey dwellings ranges from 8.7m to 9m, and are of a mixture of designs, with both hipped and gable roofs. All of the two storey houses will feature living accommodation and a garage/car port at ground floor with four bedrooms on the first floor.
- 2.2 Plots 6 and 7 are both bungalows. Plot 6 is an L-shaped bungalow that will have three bedrooms, whilst plot 7 is the smallest unit proposed, and will have two bedrooms and an attached garage. Proposed external materials are red brick, timber weatherboarding, cream render, and slate roof tiles. Each property will have a suitably-sized rear garden.
- 2.3 The existing access to the site will be utilised. Plans have been provided showing the access can provide the necessary sight lines extending up Chequers Road. Pedestrian access to the site is achieved by the footpath provided as part of the adjacent residential development to the north. A shared access road running across the centre of the site will provide vehicle and pedestrian access to the proposed dwellings. Parking will be provided to the front of the buildings/within car ports at a rate of 3 per dwelling at plots 1, 2, 3, 4, 5 and 6, and 2 per dwelling at plot 7 (in addition to the garages at plots 3, 4, 5 and 7) with two visitor parking spaces being provided on the access road.
- 2.4 The application originally sought permission for nine properties, however I raised concerns regarding the density of the scheme and scale of the dwelling at plot 1, the impact this would have upon visual and residential amenities, and the scheme was amended to reduce the number of units by two, creating more space between properties and an area of soft landscaping to the north of the internal access road. Plot 1 was also amended, providing a separate car port which reduced the width of the dwelling.

3. PLANNING CONSTRAINTS

- 3.1 None

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 59-76 (delivering a sufficient supply of homes); 77-79 (rural housing); 170 (local and natural environment); 175 (biodiversity) and National Planning Practice Guidance (NPPG)
- 4.2 Development Plan: Policies ST3, CP3, CP4, DM7, DM14 and DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017

5. LOCAL REPRESENTATIONS

- 5.1 One objection has been received from a neighbouring property, as summarised below:
- An application was refused at the site which proposed less houses, so how can this application be approved?
 - Surely with the climate crisis we should be looking at planting trees, not building yet more houses.
 - The new houses would overlook the ones that are being built.
 - It will cause even more flooding risks as looking at the site where the new houses are being built during wet spells they looked pretty much underwater already.
 - The site is outside of the built-up area boundary and the site's location within the open countryside would cause demonstrable harm to the value, landscape setting and beauty of the countryside.
 - Each of these recent proposals will set a precedent if allowed to go ahead.

6. CONSULTATIONS

- 6.1 Minster Parish Council object to the application, originally stating the following:

“The proposal lies within the open countryside outside the built-up area where no development is permitted as dictated by the Swale Borough Council Local Plan. The proposal would set a precedent for the proliferation of the same to the detriment of the open countryside. Furthermore, Minster-on-Sea Parish Council reminds all that there is insufficient community infrastructure in this rural locality to warrant this development. Additional observations include the over-intensive nature of the site, insufficient site lines and the adverse impact the proposal will have on the local highway network on what is a dangerously, busy road.”

Once amended plans were provided, the Parish Council were reconsulted and the following comments were provided:

“Notwithstanding the amendments made to the present proposal which do not resolve the issues, Minster-on-Sea Parish Council's previous objection stands i.e. The proposal lies within the open countryside outside the built-up area where no development is permitted as dictated by the Swale Borough Council Local Plan. The proposal would set a precedent for the proliferation of the same to the detriment of the open countryside.

Furthermore, Minster-on-Sea Parish Council reminds all that there is insufficient community infrastructure in this rural locality to warrant this development. Additional observations include the over-intensive nature of the site, insufficient site lines and the adverse impact the proposal will have on the local highway network on what is a dangerously, busy road.”

- 6.2 KCC Highways – Originally noted that development would not likely lead to any significant traffic impacts on the local highway network, and it is recognised that the proposed access would utilise an historic existing access that currently serves the application site. Requested plans showing visibility splays and tracking for a refuse vehicle and noted some minor issues to the internal layout of the development.

Amended plans were provided and through several consultations with KCC Highways, the following comments were provided:

“Plans have now been submitted demonstrating the tracking for an 11.4m refuse vehicle and this is acceptable. Should the LPA be minded to approve this application, this plan should be submitted as part of the application to Kent County Council for a Vehicle Crossover, so that they can ensure the appropriate number of dropped kerbs are installed. I refer to the above planning application and confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no objection on behalf of the local highway authority...”

Conditions requested by KCC Highways have been imposed at the end of this report.

- 6.3 Environmental Health – *“The Phase 1 Desk Study submitted with this application concludes that no elevated concentrations of any contaminants were found and that no further assessments or remedial measures are considered necessary. I concur with this conclusion but recommend the following watching brief condition in the event of any unexpected localised contamination being found during development.”* Also recommends conditions relating to hours of construction, impact pile driving, programme for the suppression of dust and electric vehicle charging points.
- 6.4 KCC Ecology – *“We have reviewed the information submitted with the current application and the photos provided by the applicant to consider if the ecological information submitted with planning application 20/500400/OUT is still valid. The photos show that the site has been regularly managed and therefore it’s unlikely that suitable habitat will have established within the site for protected/notable species since the 2020 Preliminary Ecological Appraisal was carried out. Therefore we are satisfied that an updated ecological report is not required...”* Request conditions relating to an ecological enhancement plan and lighting.
- 6.5 Natural England – The proposal will result in a net increase in residential accommodation, and therefore mitigation is required.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Plans and documents relating to applications 21/505769/FULL and 20/500400/OUT, including the appeal decision.

8. APPRAISAL

Principle of Development

- 8.1 The development site lies adjacent to, but outside the built-up area boundary where policies of rural restraint generally apply. Policy ST3 of the Local Plan states that at locations in the open countryside outside the defined built-up area boundaries, development will not be permitted unless supported by national policy and where 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. The impact of housing development in such locations does, in most circumstances, run contrary to this policy.
- 8.2 Members will be aware that Council cannot currently demonstrate a five-year housing land supply, and that on this basis paragraph 11 (d) of the NPPF advises that the local plan policies most important for determining the application should be considered out-of-date, and that a presumption in favour of sustainable development should apply – meaning that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Para 8 of the NPPF explains that achieving sustainable development comprises three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways.
- 8.3 The recent appeal decision allowed for 5 dwellings at this site (20/500400/OUT) is highly relevant here, and is a material consideration that carries significant weight. In this respect, the following points from the decision are important –
- That in locational terms, despite being outside of the settlement boundary, the site has good access to shops and services.
 - Due to its topography, the development could be visible from surrounding residential properties and from across the wider area. The appeal scheme would therefore have some impact on the character and appearance of the area, but this limited harm could be mitigated.
 - The erection of five dwellings would provide a limited contribution to housing supply, it would nonetheless provide economic and social benefits arising from this contribution.
 - Overall, the harm arising from the appeal scheme would not significantly and demonstrably outweigh the benefits of the proposal, and as such, the proposal would represent sustainable development.
- 8.4 This appeal decision clearly establishes that the principle of residential development on the site is acceptable. Seven dwellings are proposed here, compared to five dwellings granted at appeal under application 20/500400/OUT and the remainder of this report will consider the acceptability of the seven dwellings in further detail, taking into account the fall-back position of the existing permission for a 5-dwelling scheme.

Visual Impact

- 8.5 The proposal will introduce further built form within the site when compared with the appeal scheme. However, views of the site from the more sensitive southern boundary which gives way to open countryside would be very similar to the illustrative development submitted with the outline application. The proposed development is arranged with 5 dwellings on this boundary (as was the outline scheme) and the two additional units would consist of bungalows located on the north side of the plot and adjacent to the new dwellings on Chequers Road. Due to the presence of this new development of nine houses to the north of the site, views of the proposal from Chequers Road will be limited. Views from the west will also be limited due to the properties located along Elm Lane. Immediately east of the site is Danedale Stables, where permission was granted earlier this year under 21/505878/FULL for the erection of five bungalows. To the south lies open countryside, and whilst the site will be clearly viewed from the fields to the south, they will be viewed in the context of surrounding built form, in particular the dwellings to the north. As such, I don't consider the addition of dwellings on the site will cause significant harm to the character and appearance of the countryside.
- 8.6 I consider the development to be of appropriate scale and layout, and the two additional units would not materially affect or harm the wider character or appearance of the area. Through the amendments negotiated, the units on the more sensitive southern boundary are well spaced and appropriate to this edge of settlement boundary.
- 8.7 The amended dwellings are well designed in my opinion and would sit comfortably within the context of the local area. The use of different housing styles is appropriate in my view, and will ensure the development blends in with the varied character of residential development in the surrounding area. The material palette will also be mixed, as shown on the proposed streetscene elevations, and I include a condition below to ensure details of materials are submitted to the Council. The development would incorporate a landscaped area along parts of the north boundary.
- 8.8 As set out in the description of the site, there is a change in land level across the site, which slopes down to the west. Whilst a streetscene plan has been provided showing the five two storey dwellings, no specific finished levels of the development have been provided. I consider full details of the finished site and floor levels should be submitted prior to the commencement of the development to ensure a satisfactory form of development. I impose a condition below securing the submission of these details.

Residential Amenity

- 8.9 The proposed dwellings, would provide a good standard of amenity for future occupants, with generous internal layouts, and garden areas are suitably sized. The five two storey dwellings are set out in a staggered building line along the southern boundary of the site. Due to the gaps of roughly 4.6m between these properties, the staggered positioning will not cause any harmful amenity impacts in my view. The distance of 12.7m between the bungalow at plot 6 and plot 4, the closest two storey dwelling will limit any harmful amenity impacts in my view.

- 8.10 First floor windows are proposed in the side elevations of the dwellings on plots 1, 2, 3, 4 and 5, serving bathrooms and a secondary windows in a bedroom. I include a condition below to ensure that these windows are obscure glazed to limit overlooking issues.
- 8.11 The closest residential properties are the nine dwellings to the north of the site and Martindale, a two storey property to the west. Plot 7 will be located close to the northern boundary of the site, and the flank wall of the proposed bungalow will lie approximately 11.3m from the closest two storey property to the north. This distance is in line with the 11m minimum distance the Council expects for flank to rear elevations. As such I consider that any overlooking of the proposed bungalow from the dwellings to the north would not be harmful. The impact of the development on the 9 units to the north is limited by the design of plots 6 and 7 as bungalows. All other dwellings proposed here will lie a significant distance from the dwellings to the north and as such I take the view the development will not cause unacceptable harm to the amenity of the occupiers of the nine dwellings to the north.
- 8.12 Plots 6 and 7 will lie roughly 18m from Martindale, the two storey property to the west. Taking into account both the proposed properties will be bungalows and the boundary treatment that can be secured as part of the soft landscaping at the site, I do not consider the proposal will have any harmful impacts to this neighbouring property. The two storey dwellings proposed will be set roughly 35m from Martindale, and as such these properties will not cause harm to the amenity of this neighbouring dwelling in my opinion.

Highways

- 8.13 The development will utilise the existing access at the site. Following the submission of amended plans, appropriate visibility sightlines can be achieved and as such, KCC Highways have no concerns regarding the use of this access upon highway safety. I include conditions below to ensure the pedestrian visibility splays and vehicle visibility splays are provided prior to the occupation of the dwellings and retained. The submitted Transport Technical Note states that the development would be expected to generate around 2 to 3 vehicle movements during the AM and PM peak hours. These expected movements would not be considered likely to lead to any significant traffic impacts on the local highway network. As part of the adjacent housing development to the north of the site, a footpath has been provided along Chequers Road to the west of the access. I believe this will ensure pedestrian access to the site is acceptable from a highway safety perspective.
- 8.14 Regarding parking provision at the site, the recently adopted SBC Vehicle Parking Standards SPD recommends that two parking spaces are provided for a two bedroom house in this location and three parking spaces are provided for three and four bedroom houses in this location. Plots 1, 2, 3, 4, 5 and 6 all require three spaces and each dwelling provides at least three parking spaces on the driveway or within the appropriately sized car port. Plot 7 only requires two parking spaces and these spaces are accommodated on the driveway at the property. Plots 3, 4 and 5 and 7 also have a single garage, which are undersized when compared to the Council's parking standards,

however given there is adequate parking available on the driveways at these properties, I have no concerns in this regard.

- 8.15 In line with the SPD, 0.2 visitor spaces should be provided per dwelling at the site. Two visitor spaces have been provided and as such I am satisfied with this aspect of the proposal.

Landscaping and Ecology

- 8.16 The proposed site plan shows soft landscaping will be incorporated into the site including a larger area of soft landscaping along the northern side of the internal access road. Full details of the hard and soft landscaping at the site are secured through the conditions set out below.
- 8.17 KCC Ecology has no objection subject to the conditions set out below to ensure biodiversity enhancements and an appropriate bat-sensitive lighting scheme within the wider site. These measures are secured via conditions.

Effect on the Swale, Thames and Medway Special Protection Areas

- 8.18 Since this application will result in a net increase in residential accommodation on the site, impacts on the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £253.83 per dwelling. The agent has provided written confirmation that the applicant would be willing to pay this mitigation fee in principle, and this would be secured prior to the grant of planning permission. I have set out an Appropriate Assessment below.

OTHER MATTERS

- 8.19 Although the Parish Council has raised concern regarding lack of community infrastructure to accommodate the development, there is no recourse through the Local Plan or NPPF for infrastructure contributions to be collected for minor developments (defined as 10 or more homes).

9. CONCLUSION

- 9.1 The appeal decision at the site is highly material to the consideration of this application. Although outside of the settlement boundary, the Inspector found the site to be in a sustainable location and suitable for residential development. The scheme proposes two additional units when compared to the outline permission, however these units can be accommodated at the site without causing harm to visual or residential amenity. The proposed access is acceptable and will not cause harm to highway safety and convenience, and no other planning harm is identified. The two dwellings would add in a modest way to the housing stock within the Borough. This benefit of permitting housing development under paragraph 11(d) of the NPPF is not outweighed by any identified

harm that would demonstrably and significantly outweigh such benefits. As such I recommend this application is approved.

- 10. RECOMMENDATION** – That planning permission is GRANTED Subject to payment of the SAMMS contribution to mitigate impacts upon the SPA and subject to the following conditions:

CONDITIONS

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21.50.PL100 A, 21.50.PL101 A, 21.50.PL102, 21.50.PL103, 21.50.PL104, 21.50.PL105 A, 21.50.PL106, 21.50.PL107, 21.50.PL15C, 21.50.PL20 E, 21.50.PL21 and T-01 P2.

Reason: In the interests of proper planning and for the avoidance of doubt.

3. The dwellings hereby approved shall be constructed and tested to achieve the following measure:

At least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended);

No development shall take place until details of the measures to be undertaken to secure compliance with this condition have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

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

4. No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

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

5. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan

should include the following, and the approved details shall be adhered to throughout the construction period.

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

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

6. No development shall take place until full details of the proposed site levels and finished floor levels of the development in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the difference in land levels across the site.

7. No development beyond the construction of foundations shall take place until details of the measures to prevent the discharge of surface water onto the highway shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety and convenience.

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

Reason: In the interest of visual amenity.

9. No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. Particular attention should be paid to the boundary treatment and the replacement of lost trees towards the road frontage. The development shall be carried out in accordance with the approved details.

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

10. No dwelling shall be occupied until an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority, demonstrating that it has been designed to ensure there will be minimal light spill on to the site boundaries and the surrounding area. The lighting scheme should follow the recommendations within the Bats and artificial lighting in the UK document produced by the Bat Conservation Trust and Institution of Lighting Professionals.

<https://cdn.bats.org.uk/pdf/Resources/ilp-guidance-note-8-bats-and-artificial-lighting-compressed.pdf?mtime=20181113114229> . The scheme should include a timetable for implementation and the development shall be carried out in accordance with the approved details.

Reason: In the interests of biodiversity.

11. No development beyond the construction of foundation shall take place until an ecological enhancement plan has been submitted to and approved in writing by the Local Planning Authority. The plan must clearly demonstrate what enhancements will be incorporated into the site and where they will be located. The plan must be implemented as approved prior to the first occupation of any dwelling.

Reason: In the interests of biodiversity.

12. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include:

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial 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.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

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

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

Reason: In the interest of residential amenity.

14. No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0900 - 1700 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of residential amenity.

15. Prior to the occupation of the dwellings hereby permitted, details of secure, covered cycle storage for each residential dwelling shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full prior to the first occupation of the development hereby approved.

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

16. The area shown on the submitted layout shown on drawing no. 21.50.PL20E as vehicle parking (including the carports) and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the development hereby approved is first occupied, and shall be retained for the use of the occupiers of, and visitors to, the dwellings, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

17. Prior to the occupation of the dwellings hereby permitted, the electric vehicle charging points shown on drawing no. 21.50.PL20E shall be provided. All Electric Vehicle chargers must be provided to Mode 3 standard (providing up to 7kw). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

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

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

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

Reason: In the interests of highway safety.

19. The first 5 metres of the access shown on drawing no. 21.50.PL20E shall be surfaced in a bound material, and shall not be surfaced in loose stone or gravel.

Reason: To prevent vehicles skidding on loose material on the highway and in the interests of highway safety and convenience.

20. Prior to the occupation of the dwellings hereby permitted, 2metres x 2metres pedestrian visibility splays behind the footway on both sides of the access shall be provided and thereafter maintained with no obstructions over 0.6m above footway level.

Reason: In the interests of highway safety.

21. Prior to the occupation of the dwellings hereby permitted, the visibility splays shown on the submitted plans T-01 P2 shall be provided and thereafter maintained with no obstructions over 0.6m above footway level.

Reason: In the interests of highway safety.

22. 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.

23. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

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

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

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

Reason: In the interests of water conservation and sustainability.

26. The proposed windows in the first floor side elevations of the dwellings hereby approved on plots 1, 2, 3, 4 and 5, serving the bathrooms and bedroom shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level prior to the first use of the development hereby approved. These windows shall subsequently be maintained as such.

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

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

Reason: In the interests of visual amenity.

INFORMATIVES

It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land

is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissions-and-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

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 Medway Estuary and Marshes 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.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, 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 dwellings are 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 by either the SAMMS payment form or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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/>).

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

