

APPENDIX 4

2.5 REFERENCE NO - 21/502609/OUT		
APPLICATION PROPOSAL		
Outline application for the erection of up to 10no. residential dwellings with associated landscaping, road layout and parking. (Access being sought).		
ADDRESS Land To The East Of Lynsted Lane, Lynsted, Kent, ME9 9QN		
RECOMMENDATION		
Grant planning permission subject to an additional plan (showing works to Lynsted Lane, further Highways comments) the conditions listed below and the signing of a suitably worded Section 106 agreement to secure the required mitigation.		
Authority is also sought to amend the wording of the Section 106 agreement and the wording of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposal will provide residential accommodation, at a time when the Council does not currently have five years of housing land supply. The delivery of this scheme (subject to conditions and the appropriate S106 Agreement being signed) would be consistent with the broad aims of the NPPF and its presumption in favour of sustainable development.		
The applicants have agreed the total amount of s106 contribution being sought by the Council.		
REASON FOR REFERRAL TO COMMITTEE		
Lynsted and Kingsdown Parish Council and Teynham Parish Council have both objected to the proposal		
WARD Teynham And Lynsted	PARISH/TOWN COUNCIL: Lynsted with Kingsdown	APPLICANT Eden Real Estate Group Ltd And FPC Income And Growth PLC AGENT ECE Planning Limited
DECISION DUE DATE EOT 25 February 2022	PUBLICITY EXPIRY DATE 05/10/21	

Planning History

No Planning history associated with this site.

Of interest is the outline application on Land South of London Road, namely:

19/505036/OUT

Outline application for the erection of up to 86no. residential dwellings, including 50% affordable housing (Access being Sought), as amended by drawings received 28th May 2020 and further amended by drawings information and drawings received 18/11/2020 and 26/01/2021.

Decision: Not yet determined

APPENDIX 4**1. DESCRIPTION OF SITE**

- 1.1 The site comprises a long rectangular piece of vacant agricultural land to the east of Lynsted Lane. The site displays an attractive rural character which distinguishes it from the busier, more urban character of the A2 London Road, which runs through the centre of Teynham.
- 1.2 The western boundary of the site is framed by a tall hedgerow that extends upwards from a simple earth bank to the road. Directly opposite the hedgerow, on the other side of Lynsted Lane, there is a line of buildings which are varied in appearance. They are all attractive in character, with the majority dating from the mid to late C19. This group of C19 ribbon-form development does not contain any listed buildings, but at its approximate centre, contains a chapel and an associated former Sunday School building: this building displays a particularly strong and distinctive architectural character. Although not listed or in a Conservation Area, these buildings arguably have some heritage value.
- 1.3 The land levels on both sides of Lynsted Lane are elevated above the road itself (the site sits at between 18.63m – 18.75m AOD whilst the adjoining stretch of Lynsted Lane is 18.03m AOD) with the houses all being set back to some degree from the footway running along that side of the lane. The gardens slope upwards from the edge of the footway and/or the properties are accessed by steps up to them, needed to address the change in levels.
- 1.4 The combination of this topography with an architecturally pleasing and distinctive character, helps to retain some of the village character of Teynham. Furthermore, there are a group of listed, and older, buildings on the A2 London Road, including New House Farm (which backs on to the proposed development area (PDA)).
- 1.5 Orchard House forms a distinctive bookend to the group of buildings on Lynsted Lane at its southernmost end, where it sits on ground slightly elevated above the buildings to its north. There are attractive views of this building together with the roofscape of buildings to its north, across the open land from the rear of buildings fronting onto the A2 London Road
- 1.6 The site is not subject to, or adjoining, a local or national landscape designation.
- 1.7 The site is in close proximity to the village centre of Teynham and is approximately the following walking distances from a number of amenities:
 - A 1-minute walk from the centre of Teynham, a well-served high street with pubs, shops (including a Co-Op), take-aways, a veterinary practice and bus stops
 - An 8-minute walk to Teynham Parochial C of E Primary School
 - A 12-minute walk to Teynham Train Station

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- A 1-minute walk to Teynham Doctors Surgery on London Road
- A 2-minute walk to Teynham Playing Fields

2. PROPOSAL

2.1 Outline Planning Consent is sought for up to 10 x residential units with associated landscaping and parking. All matters are reserved apart from access.

2.2 An illustrative plan has been provided to demonstrate how 10 residential units could be accommodated on site, taking in orientation, private garden amenity, footprint, landscaping, and car parking spaces.

2.3 The illustrative plan shows an indicative housing mix as follows:

- 4No. 4 bed/7 person houses
- 1No. 2 bed/4 person houses
- 1No. 3 bed/5 person houses
- 4No. 3 bed/5 person houses

2.4 The submission includes the following illustrative car parking arrangement :

- 20 car parking spaces for the 10 residential units (2 for each dwelling)
- 2 would be visitor spaces
- 3 would be for existing residents of Lynsted Lane to remove on-street parking and help with the traffic flow
- There would be 1 electric charging point per dwelling.

2.5 The access arrangements would comprise

- A new vehicular access point would be created along the western boundary;
- Part of the hedgerow (forecast to be approximately 45m – 50m but may be less depending on the precise location of tree stems) would be lost to accommodate this new access point; but
- Additional planting (approximately 55m) will be provided to the remaining hedgerow
- Use of the footpath to the north east of the site, past the F J Williams joinery workshop, connecting the site to A2(London Road) Teynham.

2.6 The illustrative plans include a strategic landscaping plan, which include:

- A 5m buffer of trees and shrubs along the northern boundary of the site.
- A communal open area on the north western part of the site, framed by single species native hedge
- Strategic trees located throughout the site
- A mixed native hedge along the southern boundary, four rows deep
- A mixed native hedge (Hawthorn, Spindle, Yew, and Hazel) along the eastern boundary, four rows deep.
- Four lockable gates (two along the northern boundary and two along the southern boundary).

APPENDIX 4**3. PLANNING CONSTRAINTS**

- 3.1 The site is unallocated land in the open countryside.
- 3.2 It is not inside a Conservation Area. However, it does lie on lower ground to the west and south west of the Cellar Hill & Green Street Conservation Area in Teynham, and which is on the national and local heritage at risk registers. The application is approximately 50m metres from the Conservation Area at its closest point. There are, as noted above, three Listed Buildings near the site, along London Road.
- 3.3 Teynham Air Quality Management Area (AQMA) is located just to the north of the site. The minimum separation between the AQMA and the vehicular access to the site is 80m metres.

4. POLICY AND CONSIDERATIONS

- 4.1 Bearing Fruits 2031: The Swale Borough Local Plan 2017: ST1 Delivering sustainable development in Swale; ST2 Development targets for jobs and homes 2014-2031; ST4 Meeting the Local Plan development targets; ST5 The Sittingbourne Area Strategy; CP3 Delivering a wide choice of high quality homes; CP4 Requiring good design; CP6 Community facilities and services to meet local needs; CP8 Conserving and enhancing the historic environment; DM7 Vehicle parking; DM8 Affordable Housing; DM14 General development criteria; DM19 Sustainable design and construction; DM20 Renewable and low carbon energy ; DM21 Water, flooding and drainage; DM24 Landscape; DM28 Biodiversity and geological conservation ; DM29 Woodlands, trees and hedges; Policy DM31 (Agricultural Land) ; DM32 Development involving listed buildings; and DM33 Conservation Areas.
- 4.2 The National Planning Policy Framework (NPPF): Paras 7, 8, 11 (sustainable development); 34 (developer contributions); 67 (identifying land for homes); 73 (maintaining a supply of housing sites); 102 (transport); 127 (achieving well designed places); 165 (sustainable drainage systems); 170 (local and natural environment); 175 (biodiversity).
- 4.3 National Planning Practice Guidance (NPPG): Air quality; Appropriate assessment; Climate change; Consultation and pre decision matters; Determining a planning application; Historic environment; Housing supply and delivery; Natural environment; Noise; Open space, sports and recreation facilities, public rights of way and local green space; Planning obligations; Transport evidence bases in plan making and decision taking; Travel Plans, Transport Assessments and Statements; Use of planning conditions’.
- 4.4 Supplementary Planning Documents: Developer Contributions (2009); Parking Standards (2020); Landscape Character and Biodiversity Appraisal (2011).
- 4.5 According to the Landscape Character and Biodiversity Appraisal (2011), the application site is located inside Lynstead Enclosed Farmlands. The condition of the landscape is good and overall, this landscape area is identified as a moderately sensitive area.

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4.6 There is also the Lynsted Parish Design Statement (2002). This Statement was published in 2002 and refers to policies of the 2000 Swale Local Plan, so is, technically, out of date. It describes the Parish and provides general design guidance for new development both at the village itself and on London Road (Teynham) which is within the Parish. Whilst much of the guidance relates to use of appropriate materials (not engaged here on an outline application) it contains two village specific policies. One is a desire to protect so-called “*sensitive edges*” at London Road and to the east of the village centre. The other is to maintain a “one building deep” pattern of frontage development throughout the village saying;

“Where the dominant pattern in the locality is for houses to be built adjacent to highways, this pattern should be respected.”

APPENDIX 4**5. LOCAL REPRESENTATIONS**

5.1 Letters of objection from 60 separate addresses have been received, each raising a number of concerns, which have been summarised below:

- The proposal is dangerous and inappropriate as to highway conditions, scale, location and threatens coalescence.
- The proposal would fracture the essential rural and historic patterns of development in Lynsted with Kingsdown Parish as defined in SPG (Lynsted with Kingsdown Parish Design Statement, adopted by SBC) and is contrary to this planning document.
- The proposal is also inappropriate for its cumulative impact on AQMA5.
- It is not an allocated site
- Lynsted Lane suffers from excessive traffic and cannot absorb more
- Safety for children as footpath is not continuous
- The proposal site is immediately adjacent to three listed buildings dating from the 18th Century: numbers 70,72 and 74 London Road. The settings of these important heritage buildings would inevitably be severely damaged,
- The proposal site is just part of a much larger area intended by the applicant for housing in the future.
- The objection letter from KCC Highways to a housing proposal on the opposite side of Lynsted Lane (19/505036) highlights the inadequacy of the Lynsted Lane's ability to accommodate more traffic
- Inadequate traffic and parking surveys
- The proposed access point is dangerous
- In Fig 7 of the Design and Access Statement, dated 12/5/21, it shows two existing access points from the site to Lynsted Lane. These have never existed; the reason being the height of the bank at these points ranges from over 3' to over 5' making any access either by vehicle or foot impossible.
- The loss of a very attractive hedgerow and wildlife with it
- The site is on higher ground than the existing houses giving an overlooked feeling to the houses in Lynsted Lane.
- Within SBC's own agricultural land classification review 2011/133/9414, land to the south of the A2 it rated the land to be Grade 1 and almost all grade 2. Therefore, any development would result in loss of good agricultural land at a time when the use of good agricultural land is paramount.
- The application should be refused on grounds of prematurity
- Will set a precedent

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- Pressure on local infrastructure
 - Lynsted Lane, by reason of its restricted width, poor alignment, and sub-standard junction with London Road
 - Road Safety Audit Data is not correct
 - To use the school holidays to carry out traffic flow surveys is not a fair reflection of traffic levels
 - The proposed priority system would only seek to increase the danger levels to both pedestrians and cars, as would decreasing the width of the road. In reality, there just is not the room on the Lane to achieve what the applicant requires to ensure safe ingress and egress, plus maintaining safe passage for all traffic and pedestrians in the area.
- 5.2 The owner of the adjacent joinery business (F J Williams) has also objected, on the following grounds:
- Large articulated lorries and delivery vehicles would provide health and safety issues if people were able to use their yard/driveway as a pedestrian route into the centre.
 - There are also industrial waste skips, dipping tanks and external material stacked stores, providing the opportunity for theft, if they could not lock the gates at night.
 - They have also referenced clause 15 of the Highway Act section 119 where a public right of way shall not pass-through commercial areas where privacy, safety and security are an issue -of which there would be all three
- 5.3 In addition to the neighbours' concerns, CPRE have written in, objecting to the scheme on the following grounds:
- The five-year land supply is more favourable than it has been.
 - The proposal falls foul of emerging policy A01 [NB: This was a policy in the regulation 19 plan previously produced and as the Council has now decided to go back to the Regulation 18 stage, this policy is no longer relevant.]
 - The traffic survey is inadequate
 - Extra parking would produce disproportionate problems to the lower part of Lynsted Lane and the junction with the A2.
 - The proposal threatens to lead to an increase the coalescence of the community along the A2, Vigo and Batteries to the south and eastward to the Conservation Area of Cellar which has its own distinct identity and concentration of listed buildings.
 - It would intrude on listed buildings 42, 52 and 54-56 London Road
 - Is contrary to the Lynsted Parish Design Statement
 - A coherent approach to air quality and traffic mitigation measures is required

APPENDIX 4**6. CONSULTATIONS**

- 6.1 Lynsted with Kingsdown Parish Council: “As the proposal currently stands, this is an application from ECE Planning for approval of access associated with a plot for up to ten homes. But the applicants have made clear this is only the northern section of a larger plot they are promoting, in response to Swale Borough Council’s Local Plan Review, for 40-50 homes in total stretching southwards along the margin of Lynsted Lane from New House Farmhouse at the corner of Lynsted Lane/A2 to Fir Tree Cottage (355 metres South of the A2). The below map refers, and the application must therefore be determined in this context.
- 6.2 The site is not included in the current Local Plan (Bearing Fruits) nor is it part of the Regulation 19 Draft Local Plan. For that reason alone, the proposal should be rejected on grounds of prematurity. The developers cannot argue that the Draft Local Plan has not delivered until it has failed. It is therefore not appropriate to bring forward significant proposals when the formal Local Plan is still under review.
- 6.3 Our specific objections are itemised below.
- 6.4 1. Highways: The KCC Highways judgement on planning application 19/505036/OUT for the site immediately opposite this proposal is equally applicable here. KCC concluded: *“I would still recommend that the application be refused on the following highway grounds:*
- a) *Lynsted Lane by reason of its restricted width, poor alignment and sub-standard junction with London Road is considered unsuitable to serve as a means of access to the proposed development.*
 - b) *The existing road network in the vicinity of the site has insufficient capacity to accommodate the material increase in traffic likely to be generated by the proposed development.*
 - c) *The proposed development will increase traffic on a highway lacking adequate footways with consequent additional hazards to all users of the road.”*

The developers’ traffic ‘survey’ is wholly inadequate, relying on monitoring for parked cars on just two days during Covid lockdown - Tuesday 23rd February and Sunday, 28th February. The pattern of obstructions on Lynsted Lane varies throughout each day. At best, the A2 end of Lynsted Lane has poor lines of sight, made worse by being effectively single file most of the time. The entrance to the development, set just 65 metres south of the A2, will add further levels of complexity and danger to road-users and pedestrians alike. Having an entry-point so close to an already complex and congested junction with the A2 is dangerous. With the lack of car parking in Teynham/Lynsted, many residents park throughout the day for visits to the Co-operative Stores, Post Office, Pharmacy, Doctor, Dentist, Veterinary Practice etc. In addition to parking on the road at the bottom of Lynsted Lane, residents and visitors also park in, and/or use as a turning point, the car park of The George Public House. That pub is up

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for sale and any new owner may not tolerate this practice, thereby exacerbating the problem. The image below is a typical representation of traffic on Lynsted Lane near to the proposed access road into the new development.

2. Setting: Lynsted Lane at the A2 junction is physically limited by two listed buildings - The George Public House and 74 London Road. Because the lane is so narrow, the junction is a clear danger to pedestrians without any alternative means of approaching the services on the London Road, most particularly for wheelchairs and pushchairs. The lack of safe pedestrian access along this stretch also means that “active travel” options for the proposal, even for the short distance of 65 metres between the development and the A2, cannot be achieved. The proposal site also backs directly onto three listed buildings that would lose their historic setting and openness to the south of the A2 - namely 70, 72 and 74 London Road (all Grade II). The Site will also intrude on nearby listed buildings on the south of the A2 - namely, 42, 52, 54-56 London Road.
 3. AQMA5: The proposed site is adjacent to AQMA5 and would add seriously to congestion along this narrow lane, onto the junction with the A2 without any possibility of mitigation. A ‘citizen science’ survey on the A2 London Road in this area gives continuous measurements of four harmful pollutants identified by Government. That data measure bands of Very High and High pollution exceedances that diffusion tubes fail to capture. Air pollution is a matter of major concern and continuing research demonstrates its adverse impact. NPPF Guidance obliges SBC, when looking at development proposals, to make sure pollution inputs are reduced. In AQMA5, any significant housing development will inject additional traffic pollution.
- 6.5
4. Coalescence: This proposal, taken together with the larger site, threatens coalescence between the A2, as far as Vigo and Batteries to the south and eastward towards the Conservation Area of Cellar Hill that has its own distinct identity and concentration of Listed Buildings. This coalescence is contrary to the recommendations in the report commissioned by SBC and published in January 2021 which identified an “Important Local Countryside Gap” between the Parishes of Teynham and Lynsted.
 5. Inconsistent with NPPF: The proposal is not compliant with the policies in the NPPF, including the importance of using Lower Grade land first, rather than BMV land. The proposed site is greenfield and rural, which would have a disproportionate impact on the make-up, size, and geography of the Parish. See Defra map below which shows the site coloured blue.
 6. Contrary to SPG: This proposal conflicts with adopted Supplementary Planning Guidance - the Lynsted Parish Design Statement. In particular, the important historic pattern of development along the A2 and its rural lanes at “one building deep” leading to the identification of a Sensitive Edge immediately behind homes in Lynsted with Kingsdown Parish on the south side of the A2.
- 6.6 In view of the representations above, the Parish Council recommends that this application be REJECTED.”

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- 6.7 *In response to the revised plans showing Options 1 and Options 2 of the Public Right of Way:*
- 6.8 “We have reviewed the response from F J Williams, who we understand to be the owners of the land proposed for pedestrian access to the A2 [and which lies between the northern edge of the site and the A2, London Road]. We note the letter from the applicants’ lawyers regarding the public right of way. However, our understanding of the primary purpose of public rights of way is to allow walkers to enjoy access to the open countryside over private land. They are not intended to create the main pedestrian access in and out of a new housing estate because the vehicular access is unsuitable due to lack of pavements.
- 6.9 We understand that the Highways Act 1980 states that a public right of way may not pass through Commercial areas where privacy, safety and security are an issue. This is clearly the case here. As they have explained, they have large articulated lorries delivering at all times with forklifts in their driveway. This is a safety hazard to the public. Who would be responsible in the event of an injury or fatality? Further, they have industrial waste skips, external material stacked stores and dipping tanks which are all accessible externally. This would again be a safety issue, and also a security issue as regards potential theft. We doubt that F J Williams would be able to obtain insurance cover for these risks, certainly not on competitive terms.
- 6.10 We would also suggest, given this pre-existing situation, that the pedestrian access to the London Road for shopping and public transport links etc would not be satisfactory for the residents of the proposed new properties, being an unsuitable route across commercial premises.”
- 6.11 Teynham Parish Council: “Whilst the proposed residential development is within Lynsted with Kingsdown Parish, the increased traffic that it will create may impact upon Teynham Parish. The primary access road for this development is from Lynsted Lane whose restricted junction with the A2 London Road already creates major vehicular access problems. Not only is Lynsted Lane narrow at its junction with a minimal footway, but there is also a multitude of parked vehicles to contend with. Being primarily a rural area, this is problematical to farm vehicles and large lorries. Most of the vehicular parking for the shops, surgeries and businesses along the A2 London Road is in Teynham Parish. Apart from a small car park, managed by Teynham Parish Council, it is mainly on-street parking.
- 6.12 Air quality along the A2 London Road is already poor and it has been declared an Air Quality Management Area (AQMA). Increase delays to traffic at the Lynsted Lane/A2 London Road junction can only make matters worse. Traffic has already been impacted by a residential development of 130 houses east of Station Road, Teynham, whose access road is from the A2 London Road via Station Road. Outline planning permission has also been given to another development of up to 300 dwellings and an employment area on land between Frogal Lane and Orchard View, Lower Road Teynham, whose

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access is again from the A2 London Road. There are also large residential developments west of Faversham and also at Bapchild accessing the A2.

6.13 It concerns this Parish Council that these various developments are being permitted but there does not appear to be an integrated traffic plan to address the related increases in vehicular movements and parking. The present situation can only get far worst.”

6.14 KCC Archaeology: “While there are no known archaeological remains on the site, the area is generally rich in archaeology with multi-period remains of archaeological significance having been found on the Claxfield Farm quarry site to the west of Lynsted Lane and it also lies close to the main Roman road corridor along present A2.

The site lies on Brickearth which in this area has good potential for early prehistoric remains of both Palaeolithic and Mesolithic date. Investigations on nearby sites at Bapchild have highlighted this potential and found remains of both earlier and later Palaeolithic date especially in lower levels of the Brickearth. Archaeological works in connection with the recent quarrying at Claxfield Farm have recorded multi-period remains dating from the Bronze Age, Iron Age, Roman, Medieval, and post medieval periods. The complex remains included a ring ditch being the remains of Bronze Age funerary monument.

The reporting of these works is presently ongoing and is not fully reflected in the Historic Environment Record. The A2 to the north is the route of the main roman road between the coast and London. Elsewhere in Swale the road has been seen to run to the south of the present route and it is possible that it may fall close to the present site. The road itself was attractive for subsequent settlement and other activities such as burial.

I note that archaeology was not considered in the submitted heritage assessment for the site. I would recommend that in any forthcoming permission provision is made for archaeological evaluation and appropriate mitigation that may include preservation of important remains. The evaluation should take place in advance of the submission of a detailed application so that archaeology can be taken account of in final design measures”. (NB: Condition 18 has been imposed to ensure this evaluation takes place and to establish what mitigation measures would be needed).

6.15 The Environmental Protection Team Leader comments as follows: “Looking at the ishare map it seems there is no contaminated land history at the site or close to the boundary of the site.

I have reviewed the Air Quality Assessment prepared by MLM Consulting Engineers Ltd. The consultant has completed a site suitability assessment which is acceptable relative to the size of the development and its proximity to SBCs Air Quality Management area. The assessment has evaluated both the construction and operational phase relative to the impacts of NO₂ and PM on receptors and the AQMA, all of which are acceptable and in line with best practice guidance. As shown in the AQA the air quality results in this area fall below the National Air Quality Objectives, therefore I have no objection in principle to the outline of this application.

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The junction off Lynsted Lane comes directly out onto the A2 which may contribute to further congestion along this route. For this application and number of trips leaving the site the impacts in TS suggest negligible. KCC are reviewing issues relative to the junctions and impact to the road network.

Air Quality

Looking at the site layout there are trees that will be placed along the boundary of the site adjacent to Lynsted Lane. The problem with trees and hedges being so close to a road is that, if not maintained, this relationship can contribute to a canyon effect which can increase air pollution concentrations. However, the trees can also provide some screening from pollution for residents closest to the road. Can the applicant confirm that there is a maintenance plan to ensure the tree canopy is managed to ensure tree growth does not become overgrown (NB: See Condition 19 which secures a tree maintenance plan)?

Separate to the standard measures, I would recommend a welcome pack is provided to new residents to advise sustainable/ alternative travel options (NB: this is secured under Condition 20)

Noise

The front houses [on the illustrative layout] are set back from the road at Lynsted Lane with back gardens closest to the road. Noise from the school could be an issue for residents closest to it. However, the school is on the opposite side of the road and no gardens are aligned with school grounds.

A potential noise source is the joinery workshop to the north of the site. However, a noise assessment was completed for that building through planning permission (19/502088/FULL). In the assessment, points were raised about the doors being open at the workshop to which there would be an adverse effect to receptors. I can see that restricted hours were conditioned on the 04/07/2019 by Environmental Health Officer for 19/502088/FULL. This was to reduce any adverse noise effects and protect the amenity of neighbouring properties. The conditions included a restriction in hours and doors to be kept close. These conditions should still be active and will continue throughout the Lifecycle of workshop. “

6.16 Historic England: No comments received.

6.17 Kent Police: “We confirm that if the requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police, have no objection to its approval:

1. We recommend the use of SBD Homes 2019.
2. Perimeter, boundary, and divisional treatments to be 1.8m in height, including any gates providing a service alleyway to the rear of the building. Gates must also be lockable from both sides and flush to the building line to retain surveillance opportunities. The landscape plan shows lockable maintenance gates, these are

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essential to the development to prevent the creation of areas with limited surveillance, as well as prevent the area being used for fly tipping and disposal of garden waste. We also note the use of post and rail fencing to the side boundary of plots 1, 6, 7 and 10 with an accompanying hedge. If the post and rail fencing is to remain, it should have wire stock-type fencing installed along the lower sections along with thick hedging planted as an added security layer and to prevent/ deter intrusion by pets and other animals. Temporarily fencing should be installed until the hedging is fully established.

3. Parking Inc. visitor. To help address vehicle crime, security should be provided for Motorbikes, Mopeds, Electric bikes and similar. All parking areas must be well lit and have natural surveillance from an active ground floor window i.e., living room or kitchen. SBD or sold secure ground or wall anchors can help provide this. In addition, we request appropriate signage for visitor bays to avoid conflict and misuse.
4. All doorsets including any sliding, folding or patio doors to on the ground floor to meet PAS24:2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS24:2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.
5. Windows on the ground floor or potentially vulnerable e.g., from flat roofs or balconies should also meet PAS24:2016 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. Toughened glass alone is not suitable for security purposes. Windows on side elevations and active windows on the Kent Police: Form No. 3058c rev 12/05
v2C:\Users\46060991\AppData\Local\Microsoft\Windows\INetCache\Content.Outlook\5D15JN1L\DOCO response.doc
6. Corner properties require defensible spaces to avoid desire lines that can cause conflict. This can be achieved via the proposed planting on the landscape strategy plan.
7. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting.
8. New shrubs should be maintained at no higher than 1m unless planted to create a densely planted defensive perimeter treatment. There are many prickly non-toxic, native species that if densely planted with long term management can aid security.
9. If sheds are to be used for cycle storage we advise on the use of ground/ wall SBD or sold secure anchors within the cycle storage area.

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10. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, SBD Homes 2019 states: “18.3 Bollard lighting is purely for wayfinding and can be easily obscured. It does not project sufficient light at the right height making it difficult to recognise facial features and as a result causes an increase in the fear of crime. It should be avoided.” Lighting of all roads including main, side roads, cul de sacs and car parking areas should be to BS5489-1:2020 in accordance with SBD and the British Parking Association (BPA) Park Mark Safer Parking Scheme specifications and standards. Any lack of lighting for unadopted roads is a concern as it will encourage home and vehicle owners to install ad-hoc lighting, likely to cause conflict and light pollution. A professional lighting engineer will be able to design a plan to aid security without risking light pollution, a dual solution is possible.
 11. If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements.
- 6.18 KCC Highways and Transportation – “It is appreciated that the application has been submitted in Outline form, with all matters reserved except for Access. As such, specific comments relating to the indicative layout will be limited but there may be some aspects of the layout that would be relevant, and I will therefore need to highlight these in my response.
- 6.19 The scale of the development is relatively small, and the number of dwellings proposed is significantly lower than would generally require a full transport assessment to be provided. A transport statement has therefore been submitted to reflect this, which does still draw upon the TRICS database to predict the vehicle movements likely to be generated by the development. I am satisfied that the appropriate selection parameters have been used in TRICS to replicate the application site’s location, so the trip rates derived from it can be agreed and these are what the Highway Authority would expect.
- 6.20 These trip rates indicate that the development would generate around 5 vehicle movements in each of the AM and PM peak hours, resulting in an average of one movement on the highway network every 10 minutes. These would be distributed either north or south of the proposed access along Lynsted Lane, meaning that approximately 1 movement routing south through Lynsted, and 4 movements routing north through Teynham. With these being split between arrivals and departures, I would expect these 4 movements along the northern section of Lynsted Lane to consist of around 1 movement southbound and 3 northbound in the AM peak hour. These flows would be reversed for the PM peak hour. Given existing traffic flows are approximately 170 movements an hour during those periods, the 4 movements generated by the

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development would be imperceptible and not considered to have a severe impact under the test set out in the National Planning Policy Framework.

- 6.21 Access to the development is proposed in the form of a simple priority junction onto Lynsted Lane, and the drawings indicate that the visibility sightline requirements can be accommodated within the site frontage and existing highway. I am satisfied that the geometry of the junction is appropriate as it is in accordance with the design standards for this type of junction, and swept path analysis has been undertaken for an 11.4m refuse vehicle to demonstrate that the site can be accessed by service vehicles.
- 6.22 It is noted that parking does take place in the vicinity of the proposed access, but the development proposes compensatory parking spaces within the site to absorb this and allow for the introduction of parking restrictions over a wider extent than at present. This is intended to ease the existing congestion issues through this section of Lynsted Lane and remove some of the parking that obstructs the footway for existing pedestrian use. A parking survey was undertaken to help inform the replacement parking provision, and the transport statement has suggested that 3 compensation spaces would be appropriate, given that some parking could be displaced further south. However, in order to limit the impact that displacement parking to the south could have on the forward visibility restriction around the bend in the road there, I would seek a higher provision. As the scheme is only in Outline at present, and the indicative plan would be the subject of Reserved Matters, the 3 spaces shown do not form part of the detail of the current application, so it may be possible to secure a greater number through negotiation at the detailed stage and subsequent planning conditions.
- 6.23 As described in the submission, parking provision is proposed to accord with the Swale Borough Council adopted standards, including EV charging facilities for each dwelling and cycle storage. These details will need to be considered during any subsequent reserved matters application, but I would provide the following observations on the current indicative plan for information:
- The refuse vehicle will be expected to turn around within the development, so that it can enter and exit in a forward gear. The turning area will need to be provided, and reversing/walking distances kept within the thresholds described in Kent Design Guide for operatives and residents to access bin storage and collection points.
 - Parking spaces for plot 6 require a buffer between them and the carriageway.
- 6.24 *Update comments from KCC Highways officer in response to revised plans:*
- 6.25 You will be aware from my previous consultation response of 26th October 2021 that I no longer had objections to the development proposals and had advised on what planning obligations the Highway Authority would need to be secured if the LPA were to grant planning permission.
- 6.26 Following third party queries raised over the ability of the developer to provide its residents with the footway connection directly to London Road through the existing site

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access, amended drawings have now been submitted to show an alternative connection using a new footway along Lynsted Lane. This would provide a 1.5m wide footway to serve the development and benefit existing residents by completing a continuous off-carriageway route along the full length of Lynsted Lane between Batteries Close and the A2.

- 6.27 This footway would be achieved by formalising the current road narrowing just to the north of the application site with priority shuttle working for vehicular traffic, which is currently operated to some extent now due to vehicles parking in this location and obstructing the free flow of traffic. Formalising this with priority for southbound vehicles would in theory prevent the congestion that exists now from parked vehicles obstructing southbound traffic at this point, and occasionally queuing back to the A2.
- 6.28 The submitted drawings have also been subjected to an independent Road Safety Audit, and this has made two recommendations, although the designer has not responded to these yet and therefore no amendments have been made following the audit. Whilst one recommendation was to include waiting restrictions to prevent parking obstructing the footway, I would note that waiting restrictions had already been proposed in this location and compensatory parking included within the development. That recommendation by the auditor would therefore appear to have been addressed, as they may not have been aware of those proposed waiting restrictions associated with the development.
- 6.29 The audit only raised one other issue, which concerned the remaining carriageway width through the road narrowing, as it is considered too wide for single file traffic. Further narrowing has been recommended to reinforce the priority working and give-way arrangement, and I would consider this appropriate too. In addition, the amended kerbline between the site access junction and the proposed road narrowing has reduced the carriageway width where traffic would be expected to pass one another. This is now too narrow and will need to be set back to accommodate two-way traffic.
- 6.30 I am satisfied that the proposed off-site highway works, when amended to address the points raised above, would provide an acceptable alternative footway link from the development to the A2 and local amenities north of the site.
- 6.31 The additional information provided regarding the rights to use the existing access to the site from the A2 is noted. This suggests that the legal rights would exist for residents of the development to utilise the direct route, so they would not be restricted to walking via Lynsted Lane to access local amenities. I would therefore adhere to my previous recommendation of 26th October 2021, but would seek to secure the additional off-site highway works if necessary, through an additional planning condition, referencing to an amended layout to satisfy the above changes that have been requested to address the Road Safety Audit comments and Highway Authority technical approval requirements.”
- 6.32 Natural England – Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance. Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we

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consider to be ecologically sound. Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).

However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the European Site's conservation objectives and in accordance with the Conservation of Habitats & Species Regulations 2017.

This is because Natural England notes that the recent People Over Wind Ruling by the Court of Justice of the European Union concluded that, when interpreting article 6(3) of the Habitats Directive, it is not appropriate when determining whether or not a plan or project is likely to have a significant effect on a site and requires an appropriate assessment, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site. The ruling also concluded that such measures can however be considered during an appropriate assessment to determine whether a plan or project will have an adverse effect on the integrity of the European site. Your Authority should have regard to this and may wish to seek its own legal advice to fully understand the implications of this ruling in this context.

Natural England advises that it is a matter for your Authority to decide whether an appropriate assessment of this proposal is necessary in light of this ruling. In accordance with the Conservation of Habitats & Species Regulations 2017, Natural England must be consulted on any appropriate assessment your Authority may decide to make.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

[Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland – delete as necessary].

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>.

- 6.33 NHS: As the proposal is below 20 units, the NHS do not seek developer contributions.
- 6.34 KCC Flood Risk Officer - Having reviewed the information submitted KCC as Lead Local Flood Authority are satisfied that the principles proposed for dealing with surface water, namely infiltration to ground, do not increase the risk of flooding and as such have no objection to the application. and recommend that appropriate conditions, with advisories, be applied to secure soakage tests that are compliant with BRE 365 and a

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drainage system modelled using rainfall data in any appropriate modelling or simulation software.

- 6.35 Southern Water - The supporting documents make reference to drainage using Sustainable Drainage Systems (SuDS). Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer.

Where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

We request that should this planning application receive planning approval, an appropriately worded informative is attached to the consent:

- 6.36 KCC Ecology – They have reviewed the ecological information submitted with this outline application and advise that sufficient ecological information has been provided.

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission.

Habitats are present on and around the site that provide opportunities for breeding birds. Any work to vegetation/structures that may provide suitable nesting habitats should be carried out outside of the bird breeding season (March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation/structures need to be removed during the breeding season, mitigation measures need to be implemented during construction. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found, development must cease until after the juveniles have fledged.

Under section 40 of the Natural England and the Commission for Rural Communities ERC Act (2006), and paragraph 175 of the NPPF (2019), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 175 of the NPPF 2019, the implementation of enhancements for biodiversity should be encouraged.

The loss of 30m of species-rich hedgerow, as well as replacement of grassland with dwellings and hard-standing, constitutes a loss in biodiversity. As such, we recommend this loss is compensated for with high-quality landscaping within the development.

Section 11 of the ecology report makes appropriate recommendations to achieve this, including native species planting (hedgerows/trees) and establishment of wildflower

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grassland. Ideally, all of the development's landscaping should consist of native species only and bird/bat bricks should be integrated into the new builds.

To secure the implementation of biodiversity off-setting/enhancements, we advise that a condition is attached to any granted planning permission.

The development includes proposals for new dwellings within the zone of influence (6km) of The Swale Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Medway Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.

A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that 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.

6.37 Waste Management: £1,059 (equating to £105.9 per dwelling) is requested to allow for the provision of the appropriate food, general refuse, and recycle bins required for a development of this scale.

6.38 KCC Minerals: The County Council Minerals and Waste officer had originally objected to the proposal. However, he has now removed the objection for the following reasons:

The applicant has forwarded me an outline Minerals Assessment (MA) that accompanies application 21/503906/EIOUT (Land to The West of Teynham London Road Teynham Kent) prepared by SLR consultants. The red line of this application is not coincident with the application Ref. 21/502609/OUT Outline application for the erection of up to 10no. residential dwellings with associated landscaping, road layout and parking. (Access being sought). However, it does show this area as being a location where historic brickearth extraction has occurred. While there is no direct evidence for this as this MA does not concern itself with this specific area of land, it is reasonable to include it as a strong indicator that any safeguarded mineral in the site has been extracted at some point in the past. In fact, the whole surrounding area is one where intensive past brickearth extraction is evidenced by the MA (see Drawing 'Teynham West Outline Mineral Assessment' -Assessment Areas 05(R4) May 2021). Given the historic nature of 'London Stock' brick manufacture in the Sittingbourne area this is not a surprising finding of the MA for application Ref. 21/503906/EIOUT.

Looking at the land on Google Maps, there does appear to be some evidence of a lowered ground level in the site compared to the site boundaries, especially to the east.

This strongly suggests that the site no longer has any economic mineral deposits (as

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these have been historically extracted and are now absent). Notwithstanding this, the site is of limited overall area, some 0.5 ha, therefore, the very probable lack of an economically viable brickearth deposit and the small scale of the site in mineral extraction terms is such that the County Council no longer wishes to raise an objection to the application on mineral safeguarding grounds.

- 6.39 Agricultural Specialist: I note that whilst Grade 1 land, the site does not appear to have been in productive agricultural use for many years and extends to less than 0.5 ha.
- 6.40 It has also been identified by the Council as part of a larger site that is potentially suitable for development
- 6.41 It appears unlikely, therefore, that the loss of this small area of agricultural land could be argued to be a significant determining factor in this instance.
- 6.42 Greenspace Manager As detailed in the Swale Open Spaces and Play Area Strategy, we would seek contributions for off-site play area and fitness plus formal sports.

The contributions would be at a level identified in the Strategy:

Formal Sports - £593.00 per dwelling (or £5,930 in total)

Play and Fitness - £446.00 per dwelling (or £4,460 in total)

The play and sports contributions would be allocated to play and formal sport facilities in Lynsted, to increase the capacity and quality of facilities to meet increased demand.

- 6.43 KCC Economic Development: Request developer contributions towards primary education, secondary education, libraries community learning, youth services, social care and waste and an informative regarding broadband connection as set out in the tables overleaf:
-

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	Per 'applicable' flat	Per 'applicable' House (x10)	Total	Project
Primary Education	£1160.50	£4642.00	£46,420.00	Towards Teynham Primary school expansion
Secondary Education	£1,294.00	£5,176.00	£51,760.00	Towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1
Secondary Land	£658.93	£2,635.73	£26,357.33	Towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne

'Applicable' excludes: 1 bed units of less than 56 sqm GIA and any sheltered accommodation – please advise if any such units are proposed?

	Per Dwelling (x10)	Total	Project
Community Learning	£16.42	£164.20	Contributions requested towards additional equipment and resources at Sittingbourne Adult Education Centre
Youth Service	£65.50	£655.00	Contributions requested towards additional resources for the Youth service in Sittingbourne
Library Bookstock	£55.45	£554.50	Contributions requested towards additional services, resources, and stock at Teynham Library
Social Care	£146.88	£1,468.80	Towards Specialist care accommodation in Swale District
All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)			
Waste	£183.67	£1,836.70	Towards additional capacity at the HWRC & WTS in Sittingbourne
Broadband:	<p>Condition: 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.</p> <p>Reason: To provide high quality digital infrastructure in new</p>		

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	developments as required by paragraph 112 NPPF.
<i>Highways</i>	<i>Kent Highway Services will respond separately</i>

7. BACKGROUND PAPERS AND PLANS

- 7.1 The application has been supported by a significant number of drawings, assessments, and reports. These include the following:

Application Form (02/08/21) and Notices; Existing Site and Site Location Plans (20/0922 – 01 J); Proposed Site Plan (20/0922 – 05 Rev P); Landscape and Visual Impact Assessment; Landscape and Visual Impact Appraisal Addendum (30/07/2021); Design and Access Statement; Heritage Statement; Planning Statement; Transport Statement; Road Safety Audit Stage 1 (Amended and Dated 22.11.2021); Aboricultural Report; Landscape Strategy; Ecological Preliminary Appraisal; Sustainability Assessment; Sustainable Surface Water and Drainage Strategy; Topographical Survey; Visibility Splays Sheets 1 and 2; Parking Beat Survey; Refuse Vehicle Tracking; Deeds showing right of way (Annex 2 (official copy) conveyance); Indicative Site Plan 20/0922 – 05 Rev Q; Access Plan 1 49905_5501_001 Rev E; Access Plan 2 49905_5501_001 Rev E; Indicative Footway Improvement Plan 49905_5501_005 A.

8. APPRAISALPrinciple of Development

- 8.1 The site of the proposed residential units does not have any specific allocation in the Local Plan. It is also located outside (but adjoining) the settlement boundary of Teynham. However, the Council cannot currently demonstrate a five-year housing land supply. The current supply is 4.6 years. In this regard, Paragraph 11.d (known as the 'tiled balance') of the NPPF is triggered.
- 8.2 Paragraph 11.d makes it clear that relevant policies relating to the supply of housing should not be considered up to date if the Council cannot demonstrate a five-year supply of deliverable housing sites, and that there should be a presumption in favour of sustainable development, unless:
- “the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed*
or
“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”
(paragraph 11.d.(ii))”.*
- 8.3 This development would bring about a number of benefits that would outweigh any harm. Although the site is outside the settlement boundary, it is very close to the centre

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of Teynham, which is tier 4 (Rural Local Service Centres) on the settlement hierarchy table 4.3.1 in the Local Plan Bearing Fruits. It is a village with a great deal of amenities. Therefore, the delivery of spacious accommodation in a sustainable location responds to the district's housing needs and will contribute to the vitality of the village centre.

- 8.4 The site is in an appropriate and sustainable location with good access to local facilities, transport links and schools, where efficient and effective use should be made of available land. Furthermore, it is also important for Members to note that the Council is currently unable to demonstrate a 5-year housing land supply (it stands at 4.6 years). As a result of this, it is considered that the benefits of addressing this shortfall, upon a site in such close proximity to an existing built-up area boundary, should be given additional weight.

Visual Amenity

- 8.5 As set out above, all matters of detail (other than access) are reserved for future consideration should this application be approved. As such, this is largely an issue to be dealt with at the reserved matters stage. Nevertheless, it is reasonable to conclude that up to 10 dwellings can be accommodated on the site, without a harmful impact on visual amenity or the character of the wider area.
- 8.6 The site is well contained by existing development to the north of the site and mature hedging to the east and along part of the western boundary. There is also residential development on the eastern side of Lynsted Lane, facing the application site.
- 8.7 The applicants submitted a Landscape Visual Impact Assessment (LVIA) as part of the application materials which states that all the external views of the site, long and short distanced, provide only glimpses/partial views into the site. On this basis, the LVIA concludes that the impact of the development would only be moderate once the scheme is built out (and construction phases has finished), and the landscaping scheme has matured.
- 8.8 Except for the view into the site from the A2 (centre of Teynham), I agree with the conclusions of the LVIA and believe that 10 residential dwellings, if set back from the boundary edge, would only have a very modest impact on the surrounding area.
- 8.9 In short, the site area is 0.52 hectares, providing a development density of 19 dwellings per hectare. This is an appropriate density for the site given the character and mix of existing development on adjacent land. The development would make efficient use of land (as required by the NPPF) without resulting in a scheme that would be out of character with the adjacent development.

Impact on Listed Buildings

- 8.10 The indicative plan shows a well-thought-out alternative way of developing the site in a contextually sensitive manner.

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- 8.11 Therefore, I consider the proposed design response to be justified. Moreover, it is amply supported by the submitted Heritage Statement and Landscape and Visual Impact Assessment (LVIA) document.
- 8.12 The Council's Conservation Officer has also confirmed that he agrees with the conclusions of the submitted Heritage Statement which suggest that only a low level of (less than substantial) harm would arise to the heritage assets in the locality (designated and non-designated).
- 8.13 Whilst this application is in outline form, it is a sensitive site, in both heritage and landscape terms, and it is recommended that a development brief for the site which further develops the (appropriate) details shown in the submitted indicative details is secured by condition.

Loss of Agricultural Land

- 8.14 Policy DM31 (Agricultural Land) makes it clear that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries.
- 8.15 It adds that development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:
1. *The site is allocated for development by the Local Plan; or*
 2. *There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*
 3. *The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high-quality agricultural land.*
- 8.16 I note that there have been a number of objections, from neighbours as well as the Parish Councillors, to the loss of this land to housing because it comprises Grade 1 agricultural land.
- 8.17 However, during the course of the application, I sought the advice from the Council's Agricultural land consultant. He advised me that losing this piece of agricultural land is not going to materially undermine the Council's agricultural land supply because the site has not been in productive agricultural use for many years and comprises less than 0.5 ha.
- 8.18 The applicants have also confirmed that the site comprises low value grazing land and has been used as such for some considerable time.
- 8.19 Additionally, I think criterion 2 of policy DM31 is invoked as this site is in a very sustainable location given its close proximity to the village centre and all the public

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transport facilities, which is more sustainable than using a Grade 3b to Grade 5 Agricultural land site elsewhere in the Borough.

Amenity of future occupiers

- 8.20 DM14 of the Local Plan states that all developments should cause no significant harm to the amenities of surrounding uses or area. The detailed scheme for the new dwellings would be secured at the reserved matters stage and this will include the design, form, layout and scale of the dwellings including details such as window/door placement and details of boundary treatments.
- 8.21 Whilst layout and design are among the matters for future consideration, the application shows an illustrative layout which maintains sufficient spacing between proposed dwellings and existing neighbouring properties. It is considered that the site can accommodate 10 dwellings without resulting in a significantly harmful impact upon existing neighbouring dwellings in terms of residential amenity. It should be noted that the separation distances between the proposed houses and those on London Road and on the opposite side of Lynsted Lane are over 20m away which is considered to be sufficient distance to mitigate loss of light, outlook, and privacy.
- 8.22 Regarding future residential amenity, the indicative plans show that the rear garden areas range between 55sqm to 108sqm, and each of the gardens will have a minimum depth of 10m which is considered to be sufficient external amenity space to serve future occupants.
- 8.23 Taking the above into account, it is considered that the development could be designed to avoid unacceptable impacts on neighbours and comply with the above policies.
- 8.24 The Environmental Protection Officer has requested a noise report to assess the noise levels from the adjacent joinery workshop, which was granted planning permission in 2019 under 19/502088/FULL.
- 8.25 My view is that as this proposal is an outline application, the final layout is not yet determined and a noise report will be submitted as part of a Reserved Matters application, the conclusions of which, would help determine the final layout. This will be secured through Condition 15.
- 8.26 Moreover, the joinery building sits in very close proximity to existing residential buildings, closer than the future residential buildings of this scheme, and conditions (8 and 9) were attached to permission 19/502088/FULL which controlled the levels of noise coming from the building. The Environmental Health Officer has reviewed the noise report that accompanied that permission, and the conditions attached, and she is satisfied that the residents of this development would not be impacted by FJ Williams joinery workshop.

Air Quality Management Area (AQMA)

- 8.27 This development merited an Air Quality Assessment (AQA) due to its close proximity to the Teynham AQMA, and one has been submitted with the application.

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- 8.28 This assessment was reviewed by the Council's Environmental Protection Team who have concluded that the consultant has completed a site suitability assessment which is acceptable relative to the size of the development and its proximity to the AQMA boundary.
- 8.29 The assessment has evaluated both the construction and operational phase relative to the impacts on NO₂ (nitrogen dioxide) and PM₁₀ and PM_{2.5} receptors within the AQMA, all of which are, according to the Environmental Protection officer, acceptable and in line with best practice guidance. The conclusions of the AQA show that the air quality results in this area fall below the National Air Quality Objectives.
- 8.30 The Environmental Protection Officer enquired about the possibility of seeking developer contributions towards sustainable transport measures, but the KCC Highways took the view that, given the small scale of the scheme, this contribution is not required.
- 8.31 The Environmental Protection Officer enquired whether there is a maintenance plan to ensure the tree canopy is managed to ensure tree growth does not become overgrown. As this is an outline application, I think it would be premature to ask for such a plan at this stage, but this is something that can be secured via condition at the Reserved Matters stage.
- 8.32 The Environmental Protection officer has also recommended that a welcome pack is provided to new residents to advise sustainable/ alternative travel options. This will be secured by condition.
- 8.33 In short, this aspect of the proposal complies with National and local planning policies.

Developer Contributions

- 8.34 The use of planning obligations to address the impact of development and ensure they are acceptable in planning terms is well established in legislation and national, regional, and local planning policy. The NPPF and Swale Borough Council's Local Plan both recognise the importance of addressing the impacts of development and having effective mitigation in place to ensure that development can be accommodated sustainably.
- 8.35 The Council is keen to ensure that new development (particularly much-needed housing) continues to be delivered, as detailed in its Local Plan and the emerging Local Plan Review.. The Local Plan and Local Plan Review not only sets out plans for the delivery of development but also provides the basis on which development can be delivered sustainably, and in a way that respects environmental limits and resident's quality of life.
- 8.36 In line with this, the adopted Local Plan (Bearing Fruits) sets out requirements to ensure that new development is delivered sustainably, and the Council's Developer Contributions SPD (2009) details requirements required from new development to mitigate impacts associated with development. The level of contribution is based on up-to-date costs provided by Kent County Council and Swale Borough Council.

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8.37 The total contribution required to mitigate the impacts of this development is **£152,979.13**

8.38 The applicant has agreed to this amount and agreed the following Heads of Terms being included in a Section 106 Agreement attached to any planning permission for the proposed development:

- A contribution of £46,200 towards Teynham Primary School Expansion
- A contribution of £51,760 towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1
- A contribution of £36,357.33 towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne
- A contribution of £10,390 towards play and formal sport facilities in Lynsted
- A contribution of £1,059 towards domestic bins
- A contribution of £164,20 towards Community Learning
- A contribution of £655 towards Youth Services
- A contribution of £554.50 towards Library Bookstock
- A contribution of £1,468.80 towards Social Care
- A contribution of £1,836.70 towards Waste
- £253.36 per residential unit to mitigate impacts on the Special Protection Areas. (Total: £2,533.6)
- Council's monitoring fees to be agreed in due course.

Highways

8.39 Policy DM14 of the local plan requires all development proposals to achieve safe vehicular access, convenient routes and facilities for pedestrians and cyclists, enhanced public transport facilities and services, together with parking and servicing facilities in accordance with the standards set out in Swale Borough Council Parking Standards SPD May 2020. The relevant requirements for this scheme can be found in Appendix A of the SPD, which requires there to be:

- 1 to 2 car parking space per 1- and 2-bedroom houses
- 2 to 3 parking spaces per 3 bed houses
- 3 parking spaces per 4 bed houses

8.40 Based on this indicative housing mix, it would equate to a minimum requirement of 20 residential parking spaces.

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- 8.41 The indicative plans show 25 car parking bays: 20 for the 10 residential units (which satisfies the requirement of the Swale Borough Council Parking Standards May 2020), 2 bays for visitors and 3 bays for the existing residents of Lynsted Lane.
- 8.42 There have been a number of objections to the scheme, on three different highways grounds. One of the reasons for objecting, was the width of the proposed footpath along the western boundary of the site/eastern part of Lynsted Lane, which was considered to be too narrow, raising concerns over pedestrian safety. The KCC Highways also raised the same concerns and had, initially, objected to the proposal for this reason.
- 8.43 In response to these concerns, the applicants submitted revised plans which, not only show an increased pedestrian width (1.2m to 1.5m) along Lynsted lane, but also introduces a direct pedestrian/cycle route from the north-eastern part of the site to the A2 (London Road).
- 8.44 Whilst the applicants do not own this strip of land, they have provided me with copies of the deeds which confirm that the applicant (as landowner of this application site) has a right of access over the land between the application site and the A2 (London Road), running over part of the *F J Williams Joinery* business land. For completeness, I sought a legal opinion from the Council's legal department, who confirmed to me that the owner of the application site does have a right of way over this strip, and this right would extend to future house owners of the land, in perpetuity.
- 8.45 I note that Lynsted and Kingsdown Parish Council and the owner of the joinery business *F J Williams* joinery business have suggested that pedestrian/cycle use of this land would contravene the Highways Act 1980. However, the advice I have received from the KCC Highways and the Council's legal team is that this route is a Private Right of Way, which is different from a Public Right of Way and therefore it falls outside the Highways Act 1980.
- 8.46 I also note that the owners of *F J Williams* expressed concerns that pedestrian use of the land connecting the site with the A2 would result in vehicular/pedestrian conflict and it would impact on the ability of them to run their business, through potential theft to items stored outside.
- 8.47 In response to this, I sought the advice of the KCC Highways and the applicant, respectively. The KCC Highways advise that the level of vehicular movements related to the joinery business is relatively modest and it wouldn't represent a different scenario from people walking through the new housing estate, which he considers to be low risk from a safety perspective.
- 8.48 The applicant confirmed to me that, under the Private Right of Way agreement, the direct access point between the application site and the A2 should not be gated up, locked and closed off.
- 8.49 In short, the KCC Highways Officer is of the view that the two pedestrian accesses (a wider continuous footpath along Lynsted Lane and the direct route to the A2 from the

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northeastern corner of the site) would provide safe access to and from the site and, accordingly, he has removed his earlier objection. For this reason, it is recommended that a condition is imposed that ensures the direct pedestrian route from the north-east corner of the site to the A2 forms part of any reserved matters application, and Members will note condition 1 below.

- 8.50 The neighbours and the Parish Councils also objected to the proposal on two other highways grounds: one, the width of the access point to the site and, two, the possibility of increased congestion levels.
- 8.51 KCC Highways has reviewed the indicative plans and the supporting information, provided by the applicants. They are now satisfied that the geometry of the junction is appropriate because it is in accordance with the design standards for this type of junction and commented that a swept path analysis has been undertaken for an 11.4m refuse vehicle to demonstrate that the site can be accessed by service vehicles.
- 8.52 KCC Highways are also satisfied that the number of trips generated by this proposal is unlikely to put undue strain on the local road network.
- 8.53 Moreover, the prospect of providing 3 parking bays for the residents of Lynsted Lane represents a betterment of the current situation as it will help with the flow of traffic and highways safety (as noted above, this is in addition to the visitor spaces to be provided to serve the development).
- 8.54 The applicants are also proposing to narrow the width of Lynsted Lane to the north of the site, to create a “priority shuttle system for vehicular traffic”. The aim of this alteration to Lynsted Lane is to help prioritise southbound traffic amendment. Presently, cars parking along Lynsted lane reduces the ability of cars to pass one another, causing congestion and queues back to the A2 (London Road). The view of the KCC Highways is that this new alteration would be an improvement on the current situation.
- 8.55 KCC Highways would, however, like to see further amended plans that narrow the part of the road north of the site to ensure that the priority shuttle does work for vehicular traffic (at the time of writing this committee report, they are concerned that the road is not narrow enough to ensure only one car passes at a time). Furthermore, they have also requested that the plan is revised to show an increased width of Lynsted Lane outside the access point, to allow for two cars to pass at any one time. I will update Members at the meeting.
- 8.56 The cycle parking standards for new developments are set out in Appendix E of the SPD and, for residential developments, the standards are:
- “1. *Cycle parking provision should normally be provided within the curtilage of the residential dwelling. Where a garage is provided it should be of a suitable size to accommodate the required cycle parking provision.*
 2. *Parking provision should be provided as a secure communal facility where a suitable alternative is not available.”*

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- 8.57 The indicative layout shows enough space on each residential curtilage to provide secure cycle parking provision. This element of the proposal satisfies the cycle parking criteria.
- 8.58 In summary, subject to conditions being imposed (in the event of approval) that will also secure electric vehicle charging points and a Construction Management Plan, the proposal would result in a policy compliant development.

Ecology

- 8.59 The NPPF requires new development to minimise impacts on biodiversity and provide net gains, where possible. When determining planning applications, Local Planning Authorities are required to consider whether opportunities to incorporate biodiversity in and around developments have been taken.
- 8.60 Policy DM28 also requires that development proposals will conserve, enhance, and extend biodiversity, provide for net gains in biodiversity, where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 8.61 The loss of 40-50m of species-rich hedgerow (which includes some Damson and Elder trees that are 50% dead/dead), as well as replacement of grassland with dwellings and hard-standing, constitutes a loss in biodiversity, which is why KCC Ecology has recommended that this loss is compensated for with high-quality landscaping within the development.
- 8.62 The Council's Ecologist is satisfied that Section 11 of the ecology report makes the appropriate recommendations to achieve this, including native species planting (hedgerows/trees) and establishment of wildflower grassland. It is recommended that all of the development's landscaping should consist of native species only and bird/bat bricks should be integrated into the new builds. These requirements are secured through Condition 19.
- 8.63 KCC Ecology have also confirmed that Developer Contributions will need to be provided due to the increase in dwellings within the zone of influence of a Special Protection Area, which could, potentially, result in harmful impacts on the SPA and Ramsar sites due to increased recreational disturbance. Natural England have reached the same conclusion. The contribution required, at **£253.360** x per residential unit, amounts to **£2,536**. The applicant has agreed to pay this contribution, which will be secured via a S106 Contribution.
- 8.64 Regarding Biodiversity Net Gain, the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity, where possible. Local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.

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- 8.65 The indicative plans and Arboricultural Impact Assessment both show significant landscape enhancement measures, and a condition will be attached to secure the maximum amount of biodiversity net gain.
- 8.66 Therefore, this aspect of the proposal accords with policy DM28 of the local plan and the NPPF.

Archaeology

- 8.67 The site lies on Brickearth which in this area has good potential for early prehistoric remains of both Palaeolithic and Mesolithic date. Investigations on nearby sites at Bapchild have highlighted this potential and found remains of both earlier and later Palaeolithic date especially in lower levels of the Brickearth. Archaeological works in connection with the recent quarrying at Claxfield Farm have recorded multi-period remains dating from the Bronze Age, Iron Age, Roman, Medieval, and post medieval periods. The complex remains included a ring ditch being the remains of Bronze Age funerary monument.
- 8.68 The reporting of these works is presently ongoing and is not fully reflected in the Historic Environment Record. The A2 to the north is the route of the main roman road between the coast and London. Elsewhere in Swale the road has been seen to run to the south of the present route and it is possible that it may fall close to the present site. The road itself was attractive for subsequent settlement and other activities such as burial.
- 8.69 I note that archaeology was not considered in the submitted heritage assessment for the site. I would recommend that in any forthcoming permission provision is made for archaeological evaluation and appropriate mitigation that may include preservation of important remains. The evaluation should take place in advance of the submission of a detailed application so that archaeology can be taken account of in final design measures. Therefore, KCC Archaeology have advised a condition is attached to the permission that requires the applicants to undertake an archaeological field evaluation prior to the commencement of development.

Open Space

- 8.70 Greenspaces play a vital role in calming urban environments and providing an escape from high population density. They provide opportunities for leisure and exercise with a range of associated health benefits and have an important cooling effect in urban areas. This is particularly important in densely developed urban areas where some residents, who live in flatted accommodation, have limited or no garden space and limited indoor space.
- 8.71 The Local Plan places great emphasis on the value of open spaces and their role in providing a good quality environment. Policies CP7 (Conserving and Enhancing the Natural Environment) requires new development to “protect the integrity of the existing green infrastructure network”.

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8.72 This policy is reinforced by Local Plan Policy DM17 (Open space, sports, and recreation provision) which states that:

“proposals for residential and other developments as appropriate will:

1. Safeguard existing open space, sports pitches and facilities in accordance with national policy, having regard to the Council's open space assessment and strategy and facilities planning mode”

8.73 Policy DM17 also seeks to ensure that new residential developments provide adequate levels of open space and, where that is not feasible, contributions should be provided to improve and increase the capacity of existing spaces.

8.74 The Council's Greenspaces Manager has requested a contribution of £10,390 towards play and formal sport facilities in Lynsted, as identified in the Open Spaces and Play Strategy 2018-2022. The applicants have agreed this contribution and it will be secured by s106 Agreement. Members will also note that the development will include various outdoor areas for the benefit of residents.

Trees

8.75 Landscaping is a reserved matter. An Arboricultural Impact Assessment has been carried out on the application site to assess the quality and value of trees and other significant vegetation; the impact of the development and measures to mitigate against any negative impacts resulting from the development.

8.76 The Arboricultural Impact Assessment, prepared by Tree Ventures, explains that it will be necessary to remove the majority of 1No B category hedge (G17) to allow for visibility splays due to the close proximity to the highway of existing tree stems.

8.77 The assessment also concludes that it will be necessary to remove 2No. C category trees (T4 and T5) and 1No.U category group (G3) to allow the demolition of existing structures.

8.78 However, the assessment states that the following mitigation measures would be put in place:

- *“The landscaping scheme allows for extensive replacement planting including a hedge with specimen tree planting. Replacement planting is likely to provide a denser more bio-diverse screen than the existing hedge.*
- *These trees are not significantly visible from outside of the site and their removal is unlikely to detract from the general amenity value of the area. In addition, there is scope for extensive replacement planting as part of the landscaping scheme.*
- *Also, the applicant has stressed that other trees around the outside of the site, although low category, should be retained where not at risk of causing significant harm and integrated with landscaping proposals to provide successional deadwood and decay habitat”*

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8.79 The Council's Tree Consultant is comfortable that the applicants are taking an approach that would ensure the new access point causes the least harm. He is also of the opinion that the indicative layout and landscaping would provide sufficient replanting space to mitigate/replace the lost length of hedge.

8.80 For these reasons, there are no arboricultural reasons to refuse the outline consent, subject to appropriate conditions.

Minerals and Waste

8.81 The relevant policy of Kent Minerals and Waste Local Plan 3013-30 is DM7 (Safeguarding Mineral Resources) which states that Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding, where it is demonstrated that either:

1. *the mineral is not of economic value or does not exist; or*
2. *that extraction of the mineral would not be viable or practicable; or*
3. *the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
4. *the incompatible development is of a temporary nature that can be completed, and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
5. *material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
6. *it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built-up areas, advertisement applications, reserved matters applications, minor extensions, and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
7. *it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised.*

8.82 The County Council Minerals and Waste Officer has concluded that it is very likely that the site no longer has any economic mineral deposits (as these have been historically extracted and are now absent).

8.83 The applicants also questioned whether, if there were still safeguarded minerals on the site, it would be economically viable to extract them from such a small site, given the likely infrastructure requirements to do so.

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- 8.84 Although there is no letter from a Mineral Extraction company to support this point, the County Council's Minerals and Waste officer takes the view that there would likely be a lack of an economically viable brickearth deposit to make extraction financially a viable prospect.
- 8.85 Therefore, criterion 1 and 2 of policy DM7 are invoked and the proposal is acceptable in Minerals and Waste terms.

Sustainable Drainage System

- 8.86 Policy DM21 (Water, flooding, and drainage) sets out the policy requirements including the need for site specific Drainage Strategies for major development such as this proposal. Criterion 4 of policy DM21 (Water, flooding, and drainage) sets out when considering drainage implications of development proposals will "include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity [by incorporating open features such as ponds, swales and ditches] and amenity and increase the potential for grey water recycling. Drainage strategies (including surface water management schemes) for major developments should be carried out to the satisfaction of the Lead Local Flood Authority".
- 8.87 Criterion 5 sets out that proposals should "integrate drainage measures within the planning and design of the project to ensure that the most sustainable option can be delivered". Paragraph 165 of the NPPF states that "Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate".
- 8.88 Kent County Council Drainage reviewed the submission document, and they are, subject to conditions, satisfied that the method for dealing with surface water, namely Attenuation tanks and soakaways does not increase the risk of flooding. Therefore, the proposal accords with Paragraph 165 of the NPPF and Policy DM21 of the Local Plan.

Sustainable Construction and Climate Change

- 8.89 Policy DM 19 of the Local Plan sets out a range of sustainable design and construction measures that development proposals should, where appropriate, incorporate them into their scheme. Along with the relevant parts of the NPPF, there is a clear requirement within local policy for proposals to demonstrate how this will be achieved.
- 8.90 In addition, the Council has declared a Biodiversity and Climate Change Emergency, and the Council are keen to see the use of renewables within developments
- 8.91 The Council requires a reduction of at least 50% compared to the CO2 emissions standard that would be achieved by a scheme complying with the current Building Regulations, and officers are unlikely to be able to support a scheme that falls short of this level unless a compelling justification has been provided. As this application is for Outline consent, and not full planning permission, a condition will be attached that requires any future development to deliver at least 50% carbon reductions.

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8.92 In respect of electric vehicle charging points, the Council's Parking SPD states that for residential uses with on plot parking, each space will have an active charging point, with the remainder to be provided as passive spaces. I have included a condition to ensure that this is provided, and I am of the view that this deals acceptably with this matter.

8.93 On this basis, the proposal accords with the NPPF and policy DM19 of the Local Plan.

Other Matters (responses to point raised by third parties)

8.94 I note that in one of the objection letters it is suggested that the Council's five-year housing land supply "is more favourable than it has been". I can only make my assessment against the current published housing land supply which, at the time of writing this report, is 4.6 years, which is below the required 5 years required.

8.95 One of the representations received states that the proposal falls foul of emerging policy A01 (Teynham Area of Opportunity). It should be noted that this policy has not been through the rigour of an Examination in Public, much less adopted and that the Planning Policy team have raised no objections to the proposal.

8.96 Another response suggested that the traffic survey is inadequate. KCC Highways is satisfied that the information provided is accurate and that the proposal will not result in highways safety issues or significantly increase the congestion levels of Lynsted Lane, and by providing 3 replacement spaces on the site, will improve the current situation.

8.97 It is also suggested that the proposal would lead to a coalescence that the applicants own the neighbouring land which they can develop. The Council does not currently have a five-year housing land supply which means that it currently has to support some form of residential development outside settlement boundaries, and (in such circumstances) it is preferable to direct this type of development as close to a sustainable location as possible: a settlement like Teynham, which is high up on the settlement hierarchy in the local plan.

8.98 Additionally, it is immaterial in this context that the applicant owns other land, as each application is determined on its own merits.

8.99 I note that a representation was made stating that the proposal is contrary to the Lynsted Parish Design Statement. This design statement was written, and adopted, in 2002, significantly pre-dating the NPPF and the local plan, which means only very limited weight can be afforded to it.

9. CONCLUSION

9.1 Although the application site is located outside the built-up area of Teynham, it has good connectivity to local schools and shops, and the wider bus, road, and rail network.

9.2 KCC Highways have indicated that the scheme, subject to conditions, will improve the current highway network situation.

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- 9.3 Whilst this is an application in outline only, an illustrative layout has been prepared to demonstrate how the site could accommodate a sympathetically designed scheme for up to 10 dwellings that would reflect the design characteristics of the local area.
- 9.4 Significant weight also needs to be given to the lack of a five-year housing land supply. For these reasons, I consider that outline planning permission should be granted, subject to the conditions set out below and the signing of a suitably worded Section 106 agreement.

10. RECOMMENDATION

GRANT planning permission subject to the signing of a suitable worded Section 106 agreement, the receipt of the revised Highways Improvements Plan, and the following conditions

- 1) Details relating to the layout, scale and appearance of the proposed buildings, and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced. Details to include reference to the proposed footpath from the north eastern corner of the site to the A2.

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) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning 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) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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:

Existing Site and Site Location Plans (20/0922 – 01 J); Proposed Site Plan (20/0922 – 05 Rev P); Landscape and Visual Impact Assessment; Landscape and Visual Impact Appraisal Addendum (30/07/2021); Design and Access Statement; Heritage Statement; Planning Statement; Transport Statement; Road Safety Audit Stage 1 (Amended and Dated 22.11.2021); Aboricultural Report; Landscape Strategy; Ecological Preliminary Appraisal; Sustainability Assessment; Sustainable Surface Water and Drainage Strategy; Topographical Survey; Visibility Splays Sheets 1 and 2; Parking Beat Survey; Refuse Vehicle Tracking; Deeds showing right of way (Annex 2 (official copy) conveyance); Indicative Site

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Plan 20/0922 – 05 Rev Q; Access Plan 1 49905_5501_001 Rev E; Access Plan 2 49905_5501_001 Rev E; Indicative Footway

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

- 5) 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

- 6) No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

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

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

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they

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

- 9) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system, and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

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

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

- 11) 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;

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- 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, the ecological interests of the area, residential amenity and highway safety and convenience.

- 12) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-

Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenities.

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

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

Reason: In the interests of the amenities of the area, the ecological interests of the area, residential amenity and highway safety and convenience.

- 14) The details submitted pursuant to Condition (1) shall show
 - Dwellings with On-Plot Parking - 1 Active Charging Point* per dwelling
 - Dwellings with unallocated communal parking - 10% Active Charging Spaces with all other spaces to be provided as Passive Charging Spaces
 - Visitor Parking - A minimum of two visitor spaces or 10% of the total visitor provision (whichever is greatest) should be provided with passive charging provisions suitable for future conversion.
 - All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approvedchargepoint-model-list>
 - All gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

Reason: In order to prevent pollution

- 15) The development shall not be designed to achieve a water consumption rate of no

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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 consumption and sustainability.

- 16) The commencement of the development shall not take place until a survey has been carried out to establish background noise levels affecting the site. The survey shall be carried out in accordance with a written protocol, details of which shall be submitted to and approved by the Local Planning Authority before the survey is carried out.

A report giving :-

- (a) the results of the survey,
- (b) the predictions of noise levels,
- (c) details of the design measures that will be used to mitigate against traffic noise, and
- (d) details of the building specifications of the dwellings which will be used to achieve a maximum internal noise level within any of the dwellings of 35dB(A) (Fast) with windows closed, shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development. The approved measures shall be implemented in full prior to the first occupation of any of the buildings hereby permitted

Reason: In the interests of the amenity of occupiers.

- 17) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

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

- 18) The details submitted pursuant to condition (1) above shall demonstrate how the development will offset biodiversity loss and enhance the site's biodiversity value by a minimum of 10% when compared to the pre-development baseline. This will include, but not be limited to, the recommendations in section 11 of the Preliminary Ecological Appraisal (Native Ecology May 2021) and shall consist of native species-only landscaping. The approved details will be implemented and thereafter retained.

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

- 19) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i. archaeological field evaluation works in accordance with a specification and

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written timetable which has been submitted to and approved by the Local Planning Authority; and

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

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

- 20) The details submitted pursuant to Condition (1) shall show a structural landscaping The scheme shall include the long-term treatment, including landscaping, boundary treatment, management responsibilities and maintenance schedules (including tree maintenance). All of the development's landscaping should consist of native species only and bird/bat bricks shall be integrated into the new builds.

The scheme shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: In order to mitigate the visual impact of the proposed development on the setting and of the area to ensure biodiversity enhancement.

- 21) The details submitted pursuant to Condition (1) shall show the provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing, in accordance with details to be agreed by the Local Planning Authority.

Reason: In the interests of amenity and sustainable development.

- 22) The details submitted pursuant to Condition (1) shall show a travel plan which shall include clear objectives and modal split targets, together with a time-bound programme of implementation, monitoring, regular review and update; and be based on the particulars contained within the approved development, shall be submitted to and approved in writing by the local planning authority and thereafter operated in accordance with the agreed details.

Reason: In the interests of Sustainable Development

- 23) The details submitted pursuant to Condition (1) shall show the provision, completion and maintenance of the vehicular and pedestrian accesses shown on the submitted plans prior to the use of the site commencing, in accordance with details to be agreed by the Local Planning Authority.

Reason: In the interests of amenity and sustainable development.

- 24) The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway

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gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority, prior to the commencement of development.

Reason: In the interests of amenity and sustainable development.

- 25) The following works between a dwelling and the adopted highway shall be completed prior to first occupation of the dwelling:
- (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of amenity and sustainable development.

- 26) Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing.

Reason: In the interests of amenity and sustainable development.

- 27) Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Reason: In the interests of amenity and sustainable development.

- 28) The development hereby approved shall not be occupied until an application has been made for a Traffic Regulation Order to provide the waiting restrictions shown on drawings 49905_5501_005 Rev D and the scheme implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of amenity and sustainable development.

- 29) 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, to accord with the principles of policy DM19 of the Local Plan, the NPPF (paragraphs 152 and 154) and the Swale Borough Council Climate and Ecological Emergency Declaration (June 2019) .

- 30) 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.

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Reason: In the interest of visual amenity.

- 31) Upon completion, no further development permitted by Classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out.

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

- 32) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- 33) 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 recourse 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 visual amenity

- 34) 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.

- 35) All hard and soft landscape works shall be carried out in accordance with the details that shall have been approved pursuant to condition (1) above. 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.

- 36) 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. The scheme shall achieve a biodiversity net

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gain of at least 10% against the existing site conditions. The approved details will be implemented and thereafter retained

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

- 37) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant part of the development and shall be implemented in accordance with the approved details prior to occupation.

Prior to occupation of the relevant part of the development a satisfactory Secured by Design inspection must take place. The resulting Secured by Design certificate shall be submitted to and approved by the local planning authority prior to occupation of the relevant part of the development.

Reason: To ensure that Secured by Design principles are implemented into the development

- 38) A development brief for the site, developing the (appropriate) details shown in the submitted indicative details, shall be submitted prior to the submission of the first reserved matters application

Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

INFORMATIVES

- 1) 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 defense 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.
- 2) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 3) 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.
- 4) 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,

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and to balconies, signs, or other structures which project over the highway. Such works also require the approval of the Highway Authority.

- 5) 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.
- 6) 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.
- 7) 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> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
- 8) Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

APPENDIX 4**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.

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.

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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/>).

