

2.2 REFERENCE NO - 21/505544/FULL		
APPLICATION PROPOSAL		
Revision to extant planning permission SW/96/0620 for the demolition of 1 bungalow and garage and the erection of 6 no. houses, garages and parking. Widening of Washley Hill, provision of a pedestrian footpath from Hearts Delight Road, closure of existing vehicular access and provision of new, relocated access, along with wildlife enhancements AS AMENDED BY DRAWINGS RECEIVED ON 9 TH FEB 2022 and 10 TH MARCH 2022		
ADDRESS Hillyfield Hearts Delight Borden Sittingbourne Kent ME9 8HX		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The principle of the development has been established and an extant permission is in place on the site. The proposal will provide the immediate delivery of previously approved 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) would be consistent with the broad aims of the NPPF.		
REASON FOR REFERRAL TO COMMITTEE		
Borden Parish Council have objected to the proposal and Cllr Baldock requested the application be considered by Members.		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Hillyfield Development Ltd AGENT Alpha Design Studio Limited
DECISION DUE DATE 15/12/21	PUBLICITY EXPIRY DATE 04/03/22	OFFICER SITE VISIT DATE

PLANNING HISTORY

SW/96/0620 Renewal of permission SW/91/802 for the demolition of x1 bungalow and garage and the erection of x6 houses, garages and parking APPROVED 24.09.1996

SW/91/802 Renewal of planning permission SW/86/502 for the demolition of existing bungalow and outbuildings and development of 6 detached houses with garages APPROVED 26.09.1991

SW/86/502 Demolition of existing bungalow and outbuildings and development of 6 detached houses with garages APPROVED 09.09.1986

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located to the southwest of Sittingbourne off Washley Hill, a narrow lane which serves a number of other residential properties, to the east of Hearts Delight in the village of Borden.
- 1.02 The site itself, and the surrounding properties along Washey Hill, lie on raised ground from Hearts Delight and level out to the east.

- 1.03 Washley Hill currently provides vehicular access to 5 properties to the north and continues on to join Starvecre Lane and joins a private access road to the south which leads to Willbridge House.
- 1.04 The site is located just outside of Borden built up area boundary and is within the defined countryside however, opposite the road and to the west of the site (within the built-up area boundary) are numerous substantial detached residential properties of varying designs and styles which characterise the area.
- 1.05 Hearts Delight the road upon which the access road enters onto Washey Hill is a designated rural lane and whilst residential properties line the west of it, prior to the open countryside to the south, the east side is characterised by established vegetation.
- 1.06 The site contains the unoccupied Hillyfield bungalow and its associated garage and outbuildings. The site is largely open to the east towards the open countryside, but tall established vegetation contains the site on the other boundaries. The site is unkept with low level vegetation and slopes down towards the west of the site and Hearts Delight.
- 1.07 Public footpath ZR 140 runs from Washley Hill east and connects to Starveacre Lane towards Sittingbourne and Tunstall

2.0 PROPOSAL

- 2.01 The application proposes a revised layout and design to that approved under extant planning application reference SW/96/0620 approved on 26th September 1996 which was for the demolition of 1no. bungalow and garage and the erection of 6 no. houses, garages and parking
- 2.02 All of the planning conditions for this previous planning approval (SW/96/0620) for 6 no. houses were discharged, and work commenced on site to a sufficient degree that this permission has been implemented and remains extant (previously confirmed by the Council in 2004).
- 2.03 This application is also for the demolition of the existing bungalow and garage on the site and the erection of 6 no. houses, associated garages and parking.
- 2.04 Following the submission of the original proposal and the initial consultation period amended plans were received which in summary included:
- All houses being reduced in scale
 - Additional information relating to the volumes of the permitted scheme and proposed scheme which demonstrates that the current submitted scheme has a total development volume that is LESS than the approved scheme. The overall volume of the scheme falls from 3954.72m³ (with size of houses all being 659.12m³) to 3826.79m³(with size of houses ranging from 571.7m³ to 674.26m³) an overall reduction of 127.93m³)
 - Amended landscaping / planting details throughout the site with additional screening to the east of the site
 - Close boarded fences to the perimeter of the site have been replaced with hedging and 1.2m high post and rail fencing.
 - First floor balconies to Plots 2 & 3 removed
- 2.05 Sustainable measures are to be included within the build and these are:

- Air source heat pumps.
 - Photovoltaic panels on the roof.
 - Large areas of glazing to allow for high levels of natural light.
 - All principle living spaces are orientated to maximise solar gain, natural light and passive solar heat gain.
 - A whole-house ventilation and heat recovery system to minimise ventilation heat losses.
 - 100% energy efficient lighting.
 - Water efficient fittings.
 - Low energy appliances.
 - Sustainable construction methods including high specification insulation.
 - Rainwater harvesting for maintaining the landscaping.
 - Natural sedum flat roofs which: aid thermal efficiency in the colder weather; reduce the amount of rainwater surface runoff; enable carbon dioxide capture; and provide ecological benefits.
 - Electrical Vehicle Charging (EVC) points for all of the dwellings.
- 2.06 Additionally, Washley Hill, is to be widened to provide a new pedestrian footpath along the south side to join to Hearts Delight. The agent provided reasoning for the location of the footpath stating *“positioned there as that was where the previous approval had the footpath, but if it were to be on the other side the footpath would just go up Washley Hill and terminate at the garage of High Banks House and then people would then have to walk across the access to Highbanks House’s garage (with a slight, albeit minimal risk) and then along the actual road (with a higher risk) to get to the public footpath and for walkers wanting to enter into the application site. By locating the path on the south side, we provide a footpath all the way up the road and then round the corner at the top and into the application site, which also provides safe an easy access to the public footpath... we positioned the footpath within their land ownership.”*
- 2.07 The existing vehicular access to the property located on Washley Hill is to be closed and a new, relocated access, provided further south along the roadway.
- 2.08 Additional landscaping, ecological enhancements and biodiversity measures such as a wildflower area, brash piles, bird and bat boxes are to be provided.
- 2.09 The application was submitted with the additional information below:
- **Tree Protection Plan**
 - **Material finishes** are described as:
Sedum Roofs with gravel edging over a single ply membrane, Wienerberger Smeed Dean London Stock and The Bespoke Brick Company Cinder Coal white bricks Anthracite aluminium doors, windows and garage doors Anthracite aluminium soffits, fascias and trims White K-Rend Silicone Scraped Textured render Bradstone Natural Granite Paving Graphite Grey 600 x 600mm for patio/terraces Brett Omega Flow Burnt Oak Permeable block paving with bull nose paver edging
 - **Arboricultural report** and **Impact Assessment Report**: this considered a total of 10 Individual trees, 2 Tree groups, 3 Hedges and 1 Woodlands currently on the site and provided details of significant trees including an assessment of their condition. The report is concerned with the impact the development may have on nearby trees and also the effect retained trees may have on the development. Its purpose is to enable potential impacts and constraints presented by the trees and inform their designs for any potential development. Root protection areas, a

consideration of the impact on natural light to the dwellings from the existing and growing trees was highlighted as was the need to take into account the growth of the trees.

- **Preliminary Ecological Appraisal** recommended survey work that should be
- completed and given the findings an Ecological Impact Assessment report should be produced to support the planning application.
- The subsequent **Ecological Impact Assessment** included avoidance measures and identified mitigation, compensation and enhancement measures that would improve the ecological importance of the site for priority habitats and species and deliver a biodiversity net gain. The on-site hedgerows and adjacent woodland were assessed as being of local ecological importance, no notable plants were recorded on site, on-site habitats are unlikely to support significant populations of any one particular invertebrate species, but the site is assumed to be of 'local' importance for slow worms. Also, the site was considered to be of negligible importance for common and widespread bird species and hazel dormice were unlikely to be present. It concludes that the proposed development, with its incorporated mitigation and enhancements (if effectively implemented) and the contribution to the North Kent SAMMS, will not have any residual adverse long term ecological effects that could operate in combination with other developments in the wider area.
- **Reptile Report:** concluded that despite the habitat being suitable for other species none were recorded and as an estimated 'low' population of slow worm was recorded during the survey, given that only one adult slow worm was recorded, the site was considered to be of 'local' importance for reptiles.
- **Bat Report:** Original study in 2021 found evidence of bat droppings however once analysed by University of Warwick due to the age they were unable to analyse the sample. A bat emergence/re-entry survey of the bungalow was undertaken between July and August 2021 and no bats were recorded emerging from or re-entering the building. The other buildings were judged to have 'negligible' suitability for roosting bats and so no emergence/re-entry survey was recommended or undertaken. Foraging and activity during each survey visit was assessed as being very low.
- **Badger Report:** Found presence of a main breeding badger set on and around the site boundary and two other setts in the surrounding area which likely belong to the same badger clan. The survey results also indicate that the site is not currently used extensively by badgers for foraging, but this does not rule out potential use of on-site foraging by badgers. The report concluded that a licence to interfere with a badger sett will need to be obtained from Natural England prior to any works being undertaken within 30m of Sett A. If the development cannot remain outside of a 10m buffer measured from the outermost sett entrances, the licence will also need to cover partial closure of Sett A entrances.
- **Archaeological Watching Brief:** these details were submitted and approved under the extant permission SW/96/620 and set out the method of construction and the monitoring and recording of the site by the archaeological team as the construction progresses.
- **Transport Statement:** noted the extant permission and retained pre application advice from KCC Highways it concluded that the proposal will not result in significant detrimental impacts in traffic and transport terms and therefore there are no sound transport-based objections to the proposals.
- **Drainage Statement:** States that the foul drainage for this development will be connected into the existing Southern Water foul sewer to the north-west of the site to which they have already confirmed there is sufficient capacity. The majority of surface water runoff will be attenuated in permeable pavement systems in the access road and driveway areas, which will temporarily 'hold up'

surface water volumes then discharge to a number of deep bored soakaways located at the north of the site. The surface water runoff generated from the existing access road will be entirely captured in a proposed ACO channel drain and discharged to a separate deep bored soakaway provided specifically for this area. This will represent a significant improvement to the existing situation and will prevent any flooding in this area (Hearts Delight) Therefore they conclude the risk of flooding from this development is considered to be low.

- **Design and Access Statement** was submitted with the original scheme and an updated version submitted following the amendments and sets out the changes to the proposal including reduction in the scale and size of the houses, removal of balconies, increase in amount landscaping and other additional information. Additionally, it explains the proposals in terms of the design concept in relation to the site specific conditions and the local design vernacular, the use of energy efficient measures in the properties inc orientation of the properties to achieve solar gain, sedum roofs, air source heat pumps, photovoltaic panels and a heat recovery system. Details of altered vehicular and additional pedestrian access measures are explained access
- **Planning Statement** set out the site and its surroundings and explained the national and local relevant policy concluding that with a layout and scale that largely reflects the extant permission and the revised modern design, sustainable credentials, and biodiversity gains this is an acceptable development that accords with local and national policy.
- **Construction Management Plan**
- **Review of Ground conditions and Road-side bank stability:** the report identified the roadside bank being typically 3m in height with the shape of the bank obscured by existing and established vegetation it observes that the bank is steeper at the toe of the bank than at the top. Few signs of instability on the site were noted. Machine dug trial pits were dug behind the crest of the bank with Hearts Delight and 1 behind the crest of Washey Hill bank to understand the geological profile. The report provides guidance and recommended measures to ensure the stability of the bank addressing the sewers and drainage strategy, floor slabs, foundations and roads and hard standings. Based on the findings the report concludes that the Hearts Delight bank be left as it is subject to the retention of the existing vegetation and provision of an exclusion zone to prevent surcharge loading by plant, equipment, exacerbated soils or materials. The Washey Hill boundary should be reprofiled to a slope of 1 Vertical on 3 Horizontal to ensure the long-term stability of the area.

3.0 PLANNING CONSTRAINTS

None

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) The National Planning Policy Framework (NPPF) The National Planning Policy Framework (NPPF): Paras 8 (three dimensions of sustainable development), 9, 10 (presumption in favour of sustainable development), 11, 12 (core planning principles), 105 (sustainable transport) 78, 79, 80 (delivering a wide choice of high quality homes), 130, 134 (good design), 174 (conserving and enhancing the natural environment); 180,187 (decision taking), 38, 47, 48 (determining applications)

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017
Policy ST1 Delivering sustainable development in Swale

Policy ST3 The Swale settlement strategy
Policy CP3 Delivering a wide choice of high-quality homes
Policy CP4 Requiring good design
Policy CP7 Conserving and enhancing the natural environment
Policy DM7 Vehicle parking
Policy DM14 General development criteria
Policy DM19 Sustainable design and construction
Policy DM21 Water, flooding and drainage
Policy DM26 Rural lanes
DM28 Biodiversity and geological conservation
DM29 Woodland, trees and hedges

Supplementary Planning Guidance (SPG) entitled “Parking Standards”. The recommendation for a 4 or 5-bedroom house in a rural location is 3+ parking space with 0.2 spaces per property as visitor parking. The recommended dimensions for a two-car garage are 6 metres wide and 7 metres deep.

5.0 LOCAL REPRESENTATIONS

5.1 Following the initial consultation 13 objections were received from local residents (mostly who live opposite the proposed site) and their comments are summarised below.

- Considered the description of the application was not clear
- Considered the 1996 planning approval has not commenced
- Considered the principle of the development therefore actually relates back to 1986 and Council policy, in particular planning policy has changed dramatically during this period. This previous design should not have any impact on the consideration of the latest proposals.
- Plot 2 and Plot 3 are approximately 12 metres from Hearts Delight. All of the windows to the rear elevation would overlook the opposite properties - Bellami, Brierley, Glencroft, Oakleigh, Hemsbey House
- Plots 2 and 3 have moved closer to existing residents and the site layout has moved substantially
- House designs are very different from those originally approved
- Proposal would lead to egregious and offensive observation down onto those residents
- Those currently living in houses do not have the right to a view, but good practice is that any new development should not overlook others
- The houses are larger than those previously approved
- The new house designs have a higher number of windows and glazing and access to the flat roofs on the first floor
- Large, glazed areas overlooking Hearts Delight and Washley Hill expose current residents far more than the pitched roofs in the original proposal

- The site layout has been moved substantially, moving all properties closer to Washley Hill
- Due to the existing gradient of the site, the proposed houses are at an elevated position all of the windows to ground, and first floor would overlook the living spaces and bedrooms of existing family homes.
- Extensive glazing on the rear of the properties would accentuate loss of privacy
- Roof gardens would create a raised platform overlooking the surrounding properties
- Two storey, flat roofed houses with large areas of fenestration and white textured rendering are more appropriate fronting a coastal road than a narrow rural lane
- Design of these properties is not in keeping of the local area which are mainly red brick and clay tiled roofs
- Box like appearance using economical materials
- Lack of screening from Hearts Delight or Washley Hill.
- Claims environmental benefits, but any new houses built - be they the original or the new proposal – would have to meet the same high current standards - approaching passivhaus standards. There is thus no environmental benefit to the new proposal
- Two trees would remain (sycamores) along rear boundary of site with Hearts Delight and would provide no visual protection during the winter months
- Hearts Delight is a designated rural lane. The houses would be a prominent and intrusive addition to the lane, and would have a negative impact on the rural street scene
- The character and materials in Hearts Delight are dominated by a palette of clay tiled pitched roofs, and red brick elevations. The introduction of the proposed London stock brick, combined with a white render - would be completely at odds with this rural setting.
- Redesigned scheme has parking for 3 vehicles and suggests approx. 8100 vehicle movements per year from the scheme
- The widening of Washey Hil is inadequate and will create dangerous and problematic vehicle and pedestrian conflict
- Washley Hill is also used as a "pull in" for vehicles, will also lead to added to further safety issues within this area as there are regular near misses at this point and there is also a build-up of road stones, soil and gravel that collects along Hearts Delight particularly on the corner of Washley Hill making this an unsafe area
- Traffic survey should be carried out on Heart Delight due to it being a “rat run”

- Proposed alterations to the bank along Hearts Delight should be finished with edging along the roadside to protect the bank from being eroded leading to potholes and other added dangers to an already dangerous road
- The soil on the south-eastern side of Hearts Delight is held in place by the tree roots within it.
- The bank will be very vulnerable to spillage onto Hearts Delight, as the new proposal requires many trees to be removed, leaving only 2 deciduous trees (T16 and T17).
- Homes proposed would be sited away from the collapsing bank. In contrast, houses sited in accord with layout proposed in 1986 would cause less collapse of the bank into the road.
- Road modification drawings do not indicate the location of the entrance and exit to Highbanks
- House which is approx. 7.7 metres from the Washley Hill - Hearts Delight junction
- Bellmouth onto Hearts Delight is inadequate- it should be wide enough for a refuse lorry and car to pass
- The whole length of Washley Hill should be the 5.5-meter width to allow safe passing for two vehicles plus a raised footpath.
- Passing points are unworkable with refuse lorries
- Footpath should be located on the Highbanks House side of Washey Hill as they need more protection from traffic than the hedging on the Hillyfields bank side.
- As there is maintenance to be carried out on hedgerows of Highbanks House on a regular basis the footpath (on the northern side) will provide some protection for this task
- The introduction of 12 additional vehicles would create an unsafe environment.
- Water run-off from the properties and road modifications will increase the water volume hence increasing the current problems during heavy rain
- The scheme unsalable if not built to current standards which negates the implied threat that the houses would be built to 2001 building control standards
- There are no additional statutory benefits in the proposed scheme
- Most of the other non-mandatory sustainability measures listed could just as easily be applied to the original dwellings.

Following the initial consultation period amended drawings were received and re consultation resulted in 8 responses from local residents and whilst many repeated their original comments additional comments are summarised below:

- None of the drawings show the entrance to Highbanks House

- The changes to the previous proposals, however, are negligible
- Can see no changes that ameliorate the objections previously made.
- Whilst the balconies now seem to have been omitted, fundamentally the design is not in keeping with the original approved by the council
- The provision of a sustainable energy efficient development is not dependent upon such significant changes to the original plans, and these could be adapted internally to provide a 'modern open plan and flexible living aspiration'.
- The plans do not conform to Policy DM26 and plans significantly harm the character of the rural lane
- This development sits between two conservation areas
- The site will no longer be of a 'contained nature' when the trees and hedging fronting Washley Hill and Hearts Delight are removed to form the new sloping banks
- The construction management plan proposes starting work at 6.30 and finishing at 18.00 this is inconsiderate to existing residents
- Traffic management, this is actually very critical as there is nowhere to wait on Hearts Delight if vehicles are trying to make deliveries so they must be able to access the site immediately and not wait on Hearts Delight

5.2 **Swale Footpaths Group** noted the proximity of public footpath ZR140 and concluded it would appear it would not be affected.

6.0 CONSULTATIONS

6.01 **Borden Parish Council:**

- a. The property design is not in keeping with the local area (white render, flat roof) particularly the affect it will have on the neighbouring conservation area.
- b. Property design has potential intrude on neighbouring houses i.e. the flat roof encouraging occupant use overlooking neighbours
- c. Access to the main highway is of concern with potentially 42 traffic movements
- d. Structure of the site boundary adjacent to Hearts Delight is of concern through future erosion, potential to increase flooding and appearance of the fence.
- e. Increase in original approved planning application which drastically affects the existing byway and requiring greater width and improvements

6.02 Following amendments in Feb 2022 they commented in addition to the comments above that:

The proposed improvements to Washley Hill would be unsafe and not up to standard. It should have a footpath on the north side thus serving directly both local footpaths and have a 5.5m wide carriageway.

The existing badger sett and foraging area needs protecting from this development. The Badger Report expires at the end of February 2022.

6.03 **Natural England** was satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site through payment of the SAMMS.

- 6.04 **KCC Flood and Water Management** as the Lead Flood Authority considered they were satisfied that the proposal to deal with surface water generated from the development via infiltration does not increase the risk of flooding. They requested a catchment plan which clearly details the impermeable area used within the hydraulic analysis (0.117Ha) to confirm this as correct is provided and that has been done.
- 6.05 After amendments were received in Feb 2022, they were satisfied that the principles proposed for dealing with surface water, namely infiltration to ground via deep bore soakaways, do not increase the risk of flooding to or from the development site. They stated have received further information from the applicant's consultant where the position of the deep bore soakaway to the northeast of plot 2 has been amended such that it achieves the required 10m exclusion zone from property and this removes the concern they previously expressed in advisories.
- 6.06 **KCC Economic Development** did request a developer contribution however this is an extant scheme and below the threshold by which we require developer contributions, so none are payable in this instance.
- 6.07 **KCC Highways** commented that they appreciated that the principle of that scale of housing development has been established and the approved scheme can still proceed. The new application would not increase the number of dwellings that would be provided on the site, so would not give rise to additional traffic over and above what the extant approval can legitimately generate on the existing local highway network. As such, the expected traffic impact from the current application is considered acceptable as an extant scenario and noting that the proposed highway improvements to Washley Hill would provide the same junction arrangement and geometry onto Hearts Delight as has been approved through applications SW/86/0502 and SW/91/0802, and would still be constructed through the full implementation of SW/96/0620.
- 6.08 Whilst not indicated on the previously approved applications, more technical information has been submitted with the current application to demonstrate that the proposed highway works to Washley Hill would accommodate the appropriate visibility sightlines for the speed limit on Hearts Delight. In addition, swept path analysis has been provided to show that the refuse vehicle and fire appliance can access the site and manoeuvre within it in order to enter and exit in a forward gear. The widening of Washley Hill does comply with the design standards for a road serving in excess of the number of dwellings that will be accessed from it, and the creation of a footway along it will allow pedestrians to avoid sharing the carriageway space with vehicles, an improvement on the current situation for existing users. The widening will enable two vehicles to pass one another at the top and bottom of Washley Hill, with intervisibility provided over the length of it.
- 6.09 The parking provision is in accordance with the Borough Council's adopted parking standards, including the commitment to provide EV charging for each dwelling.
- 6.10 They raised no objection to the proposal subject to the conditions requiring further details of the CMP, highway condition survey, retention of parking, cycling and EV charging facilities, and completion of highway works. They provided no further comments following the submission of amendments in February 2022.
- 6.11 **KCC Biodiversity Officer** supported the scheme subject to conditions which required an Ecological Mitigation and Management Plan, a Landscape and Ecological Management Plan to ensure the ecological features are created,

successfully established, and appropriately managed in the long-term, a Biodiversity Monitoring Strategy and a lighting design scheme sensitive to bats.

- 6.12 Following the amendments in Feb 2022 they commented that the proposed amendments are unlikely to have significantly different impacts on biodiversity than the original proposal, they did however note that the Construction Management plan did not refer to the protection referenced in their initial response.
- 6.13 **KCC Public Rights of Way Officer** Had no objection to the application, noted footpath ZR140 and welcomed the proposed footway on Washey Hill included were a number of informatives which have been added.
- 6.14 **SBC Environmental Protection Team Leader** had no objections to the application. Requested a condition be attached to ensure the electric vehicle charging points will be installed and conditions were recommended to minimise any noise and dust impacts resulting from the demolition and construction phases.
- 6.15 **SBC Conservation and Design Officer** Commented that although the proposed development has the potential to affect the setting of the heritage assets mentioned above, in conservation terms, due to the distance and intervisibility between the heritage assets and the site, he considered that the proposal would not significantly affect the setting of the heritage assets.
- 6.16 Furthermore, the principle of a residential development of the proposed six houses on the site was accepted by way of a previous extant planning approval. The proposed development is for similar development but instead of traditional pitched roofs with contemporary styled development with flat roofs. It is therefore unlikely that the changes to the design would be an issue with regard to the setting of the heritage assets.
- 6.17 He considered that the overall quality of the scheme represents a high quality of a well-designed contemporary styled development which would contribute to the varied building styles within the village. The proposed dwellings have been sited well within the site and will barely be visible from most of the surrounding area. This aspect would be complemented by site being surrounded extensively by trees and shrubbery which would be retained and enhanced as part of the proposals. These provisions would in his view be sufficient to mitigate any visual impact which might be caused.
- 6.18 He concluded that the proposal would have a neutral impact and would cause no harm on the character and appearance of the conservation areas and their setting and the setting of listed buildings.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 The application has been supported by a significant number of drawings, assessments, and reports. These include the following:
Application Form and Notices; Existing Site and Site Location Plans; Proposed Site Plan, Tree Survey Plan, Tree Protection Plan, Arboricultural Report, Archaeology Watching Brief, Material Finishes, Planning Statement, Arboricultural Impact Assessment, Ecological Preliminary Appraisal, Badger report, Bat report, Ecological Impact Assessment, Reptile Report, Transport Statement, Design and Access Statement, Massing Images, Constraints Plan, Hard Landscaping Plan, Proposed Plans and Elevations (Houses 1-6) Planning Statement, Site Sections, Drainage

Statement, Outline Construction Plan, Planting Plan, Proposed Catchment Plan, Ground Conditions and Bank Stability Report.

8.0 APPRAISAL

Principle of Development

- 8.01 The principle of a residential development of six houses on this site has been previously established. The history of approvals for housing on this site culminates in planning permission reference SW/96/0620 which is extant and could be completed at any time. All the planning conditions were discharged, and work commenced on site (with excavation of foundations and pouring of the concrete for the foundation to the garage for plot 6 prior to the expiry of the permission) This constituted implementation of the permission and the position remains that this approval could be completed at any point.
- 8.02 However, whilst the principle of residential development on this site has been established, the proposal before Members is of a different design style and must be considered in its current form and policy context.
- 8.03 The application explains that the purpose of this application is , given the passage of time, to require a more up to date design and build approach for the dwellings already approved.

Visual Impact

- 8.04 I note the comments by local residents that they consider the scheme will be highly visible, particularly from Hearts Delight. The concern being that the raised position of the site (approx. 3-4m above Hearts Delight) will result in the proposed dwellings being unduly prominent. The existing and proposed landscaping will provide some screening however the siting, orientation and massing of the dwellings will also be important.
- 8.05 The layout of the proposal is based largely on the previously approved scheme, and it remains the case that the site can comfortably accommodate 6 dwellings. I note all properties are in somewhat revised positions, with 3 dwellings being located further into the site, (Plots 4, 5 and 6) to provide more rear garden amenity space and three, (Plots 1,2 & 3) to varying degrees further towards the boundaries, though I consider none is to such a degree as to not be acceptable now. I note Plots 1 and 2 result in being the most altered positions and further towards the boundary of the site however Plot 1 remains in excess of 21m across Washley Hill from Highbanks House to the north. Additionally Plot 2 although approx. 6m forward is still in excess of 35m from the front of properties on Heart Delight both with the rear gardens remaining to the boundary.
- 8.06 The submission provides massing views and site sections, so it is possible to compare that previously approved and the new proposal. These show that the proposed scheme does not present an increase in the height of any dwelling from that previously approved. It can also be shown that the contours within the site are utilised in relation to the siting of the properties to facilitate this. The massing volumes show that the scale of the new designs are similar and overall less than those previously approved. There are a number of other calculations that can be done to compare the size of the previously approved dwellings and those proposed here. The footprint for the houses is marginally less but once the larger garages are included the total is marginally more and the overall floor space figure, including the

first-floor amounts to a marginal approx 35sqm increase per house. As such I do not consider this to be a significant amount to warrant a view that the proposal will result in over development of the site or a significant increase in what had previously been considered acceptable.

- 8.07 The site remains contained by established vegetation and the proposed Landscape/Planting Plan shows this is to be reinforced. Native hedgerow planting is proposed along all boundaries and an additional 20 trees within the site, and an area of wildflowers and grasses will be provided along the southern boundary. This together with the sedum roofs and the brick and wooden panelling will provide a softening contrast to the contemporary design of the dwellings. However, it will not be to a degree that will “screen” the site completely or separate it from the other nearby residential properties in the area.
- 8.08 The design differs quite considerably to that previously approved originally in 1986 and in the subsequent renewals until 1996. However also designs, trends, styles, residents’ requirements and environmental considerations also have changed. I note the local objections to the contemporary design however there is an eclectic mix of properties, of differing ages, in the immediate vicinity of the site, in size, design and materials and many have been extended and changed over time. It would therefore be difficult to characterise the area into one specific style and I would consider the proposal has included elements of design and materials to make it familiar to the area. For example the use of render, large areas of glazing and wooden detailing and thus complies with Policy DM14 which requires development to “*Reflect the positive characteristics and features of the site and locality*”.
- 8.09 The previously approved dwellings were also detached 4-bedroom houses, all of the same design, with the majority of the accommodation on the ground floor, including 2 bedrooms with a further 2 bedrooms in the roof space. Natural light was provided to these rooms via roof lights. The new scheme dwellings also have the majority of the accommodation on the ground floor including 1 bedroom with en-suite and the remaining 3 bedrooms on the first floor and the houses vary in size from 571m³ to 674m³(including garages) These houses would therefore be of a size to be commensurate with those in the locality.
- 8.10 I am advised by SBC Conservation Officer that “*overall quality of the scheme represents a high quality of a well-designed contemporary styled development which would contribute to the varied building styles within the village*” and this would comply with Policy CP4 which states “*All development proposals will be of a high quality design that is appropriate to its surroundings*” and Policy DM14 which requires development to “*Be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location*”
- 8.11 He concluded that the proposal would have a neutral impact and would cause no harm on the character and appearance of the conservation areas and their setting and the setting of listed buildings.
- 8.12 I am content that given the mix of styles and ages of properties in the vicinity and the use of a range of materials found locally in conjunction with the landscape screening and limited visibility of the site I consider the design accords with national and local policy.

Residential Amenity

- 8.13 I note the comments from local residents regarding the concern that the proposal will result in loss of privacy and overlooking into their properties.
- 8.14 The orientation of plot 1, ensures the first-floor rear of the property does not directly overlook Highbanks House to the north and plot 2 and plot 3 have 1 first floor bedroom window facing towards Hearts Delight. Plots 4, 5 and 6 are a greater distance away. I note the site is raised however the likely level of overlooking for those opposite given the level of vegetation and the level of separation from other properties is sufficient that the ground floor glazing whilst providing natural light to the houses would not be at the expense of their amenity. I also note from the site section drawings and the landscape plan which demonstrate and that the change to the outlook for the residents the houses on Hearts Delight would be minimal.
I am satisfied that the separation distance of the proposed dwellings away from the boundaries of the Hillyfield site, the intervening established and proposed vegetation and the width of the road and the distance from the properties in Hearts Delight, which are set back from the road would be sufficient to overcome this concern.
- 8.15 Furthermore, I note the references to access to “roof gardens” and the perceived resultant invasion of privacy is referenced by a number of local residents however whilst sedum roofs are proposed they cannot be accessed from the dwellings nor can the other areas of flat roof (note: the first-floor roofs will be covered with photovoltaic solar panels) and these are not additional recreational spaces.
I further note reference to doors and balconies and access onto the roofs however there is no such door access onto the roofs or balconies proposed (now removed from Plots 1 and 2 following initial neighbour comments). Doors including sliding doors are clearly shown on the plans and none are shown on the first floor to access external areas. However, I have included a condition to ensure they and all the areas of flat roof are protected as such and do not become additional amenity areas.
- 8.15 I note the proposed timings within the draft construction Management Plan however I consider 08.00 to 18.00 is a more reasonable time period given the proximity to residents and have included a condition to this effect.

Highways

- 8.16 KCC Highways considered the expected traffic impact from the current application is acceptable given there is no increase in the number of houses and is the same as the extant permission scenario. They noted the proposed highway improvements and have no objection to them.
- 8.17 I note the comments particularly from local residents who consider the bellmouth and proposed access road to be inadequate. However, the suggestions for a much more engineered solution is far in excess than the situation calls for, particularly given the number of vehicles involved here and the likely points of potential conflict.
It is a relatively short distance from the proposed 6 new houses to the first passing point and similarly to the access onto Hearts Delight.
The refuse lorry visits once a week and as Hearts Delight is a rural lane an over engineered access will cause harm to the character of the lane and the area, unnecessarily when in fact careful observant driving will be sufficient. I am advised by KCC engineers that this is an acceptable and safe solution here.

- 8.18 I note a number of local residents have also suggested that the footpath proposed for the south side of Washey Hill be relocated to the north side. However, I do note that this is in the original location of the previously approved footpath and within the applicant's ownership. Additionally, the proposed position provides separation from vehicles all along on Washey Hill to the new houses and with a safer crossing point for walkers who are using the public footpath to the east. Also, the vehicular access for Highbanks House lies on this northern side of Washey Hill and could provide a more dangerous conflict between pedestrians on a footpath and vehicles. I further note KCC Highways have not requested this and have not objected to its location on highway safety or convenience grounds.
- 8.19 Comments relate to the "unsafe" nature of Hearts Delight and the speed and manner in which drivers "cut through" here. However, it is not for this development to be responsible for resolving other drivers' behaviour.
- 8.20 I note local residents refer to the current excess surface water on Hearts Delight and suggest the development will make this worse. However, a surface water drainage system is being proposed for the site and excess surface water from Washey Hill will be entirely captured and discharged to a separate deep bored soakaway provided specifically for this area. This will represent a significant improvement to the existing situation, so any excess water is collected thus preventing it reaching the road and I note KCC as the lead flood Authority accept this and the solution.

Landscaping/Ecology

- 8.21 A detailed landscaping plan has been submitted with the proposal and an assessment and measures to protect the healthy trees on the site. The scheme provides for reinforcing the boundaries with native hedgerows and providing new hedgerows and additional trees on the site, with the additional benefit of sedum roofs, in line with the aims of Policy DM29. Given the already established vegetation, particularly around the boundaries of the site this will provide a greater gain for wildlife and in landscape value terms.
- 8.22 I note the Ecological Impact Assessment made recommendations for mitigation and enhancements including a wildflower grassland strip, an ecological area brush piles and bird and bat boxes. I am advised by KCC Ecology that these proposed are acceptable. As requested, I have included conditions requiring an Ecological Mitigation and Management Plan, a Landscape and Ecological Management Plan to ensure the ecological features are created, successfully established, and appropriately managed in the long-term, a Biodiversity Monitoring Strategy and a lighting design scheme sensitive to bats. I therefore consider the development will conserve and enhance and extend biodiversity in line with the aims of Policy DM28.
- 8.23 The applicant acknowledges the site is within 6km of the Swale SPA and as the development proposes residential development, financial contributions are required to mitigate increased recreational disturbance on coastal SPA and Ramsar sites (Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring Strategy (SAMMS) and has agreed to pay a SAMMS payment will be at a rate of £253.83 per dwelling.

Other Matters

- 8.24 I note residents suggest that the bank adjacent to Heart Delight is unstable and likely to collapse or crumble due to the proposal. However, no evidence has been provided to support this assertion. In contrast with evidence from trenches dug in Jan 2022

and their own soil bore holes from May 2022 the applicant has instructed geologists to assess the bank and its stability. Their assessment concluded that there were few signs of instability noted on the site. They recommended that Hearts Delight bank be left as it was, in May 2022, subject to the retention of the existing vegetation and the provision of an exclusion zone to prevent surcharge loading by plant, equipment, exacerbated soils or materials. They further recommended that Washley Hill boundary should be reprofiled to a slope of 1Vertical on 3Horizontal to ensure the long-term stability of the area. As such in the absence of any evidence to the contrary I am satisfied the recommendations by Knapp Hicks & Partners Ltd are sufficient to maintain the stability of the bank. I have included a condition to ensure the recommendations of the report are implemented.

- 8.25 Sustainable construction measures are proposed here including air source heat pumps, photovoltaic panels on the roof, maximisation of solar gain, a whole house ventilation system, high levels of glazing, natural sedum roofs, high grade insulation, water and energy efficient lighting and also electric vehicle charging points responding to the aims of policy DM19.
- 8.26 I note there is reference in the objections to the impact of the proposal on the nearby Conservation areas. I concur with the view of the Conservation Officer who considers that they are both sufficient distance from the site and with intervening established landscaping screening and built form that the proposal could not be considered to have an impact.
- 8.27 Hearts Delight is designated as a rural lane and as such is afforded protection. The character of the lane from the south is of open fields and a rural landscape however upon approaching Borden the rural lane status terminates at the entrance to Washley Hill. Opposite the proposed site the density of residential development and the character of the lane changes considerably to the west side as open hard standing and parking areas replace the hedges and open countryside. Given the established vegetation is to be retained along the eastern side of the road and the proposal only requires minimal intervention, at the junction of Washley Hill and Hearts Delight I consider the character of the lane does not suffer significant harm and is retained at this point, in line with policy DM 26.

9.0 CONCLUSION

- 9.01 It remains the case that an extant planning permission exists on this site for the construction of 6 new dwellings and could be built out at any point and this is the fallback position. As such the principle of residential development of this site has been accepted.
- 9.02 This application proposes changes to the approved details in relation to the layout, scale and design of the houses. The layout and scale of the proposal is sufficiently similar to the previously approved scheme to not warrant consideration of refusal and no greater impact would result in terms of visual or residential amenity with the enhanced landscaping plan mitigating this. The contemporary design of the houses reflects the size and materials of properties within the locality and will be built to incorporate sustainable construction techniques. Ecological enhancements will improve the biodiversity of the site and area as a whole. The site is able to be built out quickly and given the Councils lack of a 5-year housing land supply, this site will contribute to this need in the short term. No objections or concerns have been raised by statutory consultees in relation to highway, drainage, ecology, design, conservation or flooding.

I therefore recommend that planning permission be granted subject to the following conditions.

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

This Appropriate Assessment 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.

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. The proposal thus 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 (NE) 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 advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, 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 (NKEPG).

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 (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off-site mitigation is required in this instance.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts

will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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

10.0 RECOMMENDATION – GRANT Subject to the following conditions :

CONDITIONS to include

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

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

- 2) The development hereby permitted shall be carried out in complete accordance with the following approved drawings and documents : 15601/2, 1560-4A,5A, 6A, 7A, 1560-H1-1A, H2-1A, H3-1A, H4-1A, H5-1A, H6-1A5842-LLB-XX-XX-DR-Ab-0002 P01, 5842-LLB-XX-XX-DR-L-0001-S4-P02, A777-0500-010 and material finishes,

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

- 3) Prior to the commencement of work on site full details of measures to ensure the stability of the Hearts Delight and Washey Hill roadside banks shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in Section C “Guidance and recommended Measures” in the Review of Ground Conditions and Roadside Bank Stability at Hillyfield Hearts Delight Borden by Knapp Hicks & Partners Ltd dated 16th May 2022 and will thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the stability of the site

- 4) Prior to the commencement of the development a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details to include the following:
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

Reason: To prevent highway inconvenience

- 5) Prior to the commencement of the development, the off-site highway works shown on drawing PCD423_001 Rev C shall have been carried out in

accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented to the satisfaction of the Local Planning Authority.

Reason: To ensure highway safety and convenience

- 6) The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The programme shall include monitoring & mitigation details in accordance with the Institute of Air Quality Management (IAQM) Guidance on the Assessment of Dust from Demolition & Construction. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: Residential amenity

- 7) No development shall commence (including site clearance) until an Ecological Mitigation and Management Plan (EMMP) has been submitted to and approved in writing by the Local Planning Authority. The EMMP shall be based on the recommendations in Section 6 and Table 3 (Section 9) of the Ecological Impact Assessment by Lloyd Bore dated 7th October 2021. It shall provide detailed mitigation measures to be carried out on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details. The EMMP shall include the following:
- a) Risk assessment of potentially damaging site clearance and construction activities;
 - b) Extent and location of proposed mitigation measures, shown on appropriate scale maps and plans;
 - c) Identification of 'biodiversity protection zones';
 - d) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during site clearance and construction (may be provided as a set of method statements);
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication;
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
 - i) Use of protective fences, exclusion barriers and warning signs. The approved EMMP shall be adhered to and implemented throughout site clearance and the construction period in accordance with the approved details.

Reason: To ensure that any adverse ecological impacts of development activities are avoided or suitably mitigated.

- 8) No development shall take place, including demolition, ground works and vegetation clearance, until a biodiversity monitoring strategy has been submitted to and approved in writing by, the County Planning Authority. The content of the strategy shall include the following:
- a) Aims and objectives of monitoring to match the stated purpose.

- b) Identification of adequate baseline conditions prior to the start of development.
- c) Appropriate success criteria, thresholds, triggers and targets against which the effectiveness of the various conservation measures being monitored can be judged.
- d) Methods for data gathering and analysis.
- e) Location of monitoring.
- f) Timing and duration of monitoring.
- g) Responsible persons and lines of communication.
- h) Review, and where appropriate, publication of results and outcomes

A report describing the results of monitoring shall be submitted to the Local Planning Authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the Local Planning Authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

Reason: Monitoring is required to ensure that the proposed development delivers the fully functioning biodiversity outcomes set out, firstly, in the planning application and then approved in the planning consent. Monitoring is also required to: a) determine whether any conservation actions have been ineffective, leading to failure (in full or in part) to achieve stated conservation objectives, and b) identify contingencies and/or remedial measures required to ensure that biodiversity outcomes comply with the originally approved scheme.

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

Reason: In the interest of visual amenity.

- 10) No construction activities including demolition shall take place, other than between 0800 to 1800 hours Monday to Friday and 0830 to 1300 hours Saturday, with no working activities on Sunday or Bank Holiday.

Reason: In the interests of the amenities of the area

- 11) No burning of waste or refuse shall take place on site during construction works.

Reason: In the interests of the amenities of the area

- 12) Prior to the occupation of the dwelling the following works between a dwelling and the adopted highway shall be completed:
 - (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).
 - (c) access road

Reason: In the interests of highway safety and convenience

- 13) Prior to the occupation of any dwelling a scheme for the adequate provision of active electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority in accordance with the following:

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.

The approved scheme shall be implemented in full prior to the first occupation of the development hereby approved

Reason: To ensure the provision and retention of electric vehicle charging facilities in the interest of reducing greenhouse gas emissions.

- 14) A Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority prior to the occupation of the development . The content of the LEMP shall include the following.
- a) Description and evaluation of features to be managed;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management;
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions, together with a plan of management compartments;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period;
 - g) Details of the body or organisation responsible for implementation of the plan;
 - h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: Biological communities are constantly changing and require positive management to maintain their conservation value. The implementation of a LEMP will ensure the long-term management of habitats, species and other biodiversity features.

- 15) Prior to the use of the first building, details of a sensitive lighting scheme to avoid impacts to the local bat population and prevention of light pollution shall be submitted to and approved in writing by the Local Planning Authority. These measures shall be based on those outlined in the recommendations of the Ecological Impact Assessment by Lloyd Bore dated 7th October 2021 and the guidance contained in Guidance Note 08/18 Bats and Artificial Lighting in the UK (Bat Conservation Trust and the Institute of Lighting Professionals) and will

thereafter be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.”

Reason: In the interests of protecting

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

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

- 17) The provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing shall be in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To encourage more sustainable modes of transport

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

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

- 19) The flat roof area on the dwellings shall not be used as a balcony or sitting out area and there shall be no other use of the roof area unless for maintenance.

Reason: In order to prevent overlooking and loss of amenity to neighbouring properties. No going on roofs for additional recreational space

- 20) The areas shown on approved drawing 1560/5 Rev A as car parking spaces/garaging shall be kept available for such use at all times and no permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwellings hereby permitted.

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

- 21) Upon completion, no further development, whether permitted by Classes A, B, C, D or H 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) or not, shall be carried out.

Reason: In the interests of the amenities of the area and not to dilute the design quality.

- 22) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and neither dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (as amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability

INFORMATIVES

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.
- Should the temporary closure of the footpath be deemed necessary to ensure public safety during development an application should be made to Kent County Council Public Rights of Way and Access Service. An application will be processed by Kent County Council on the basis that :
 - The closure is paid for by the developer,
 - The duration of the closure is kept to a minimum,
 - Alternative routes will be provided for the duration of the closure,
 - Six weeks notice of the requirement of a closure is given by the developer.

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).

This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.

Councils approach to the application:

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

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

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

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

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

