

**APPENDIX 1**

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| <b>2.4 REFERENCE NO - 20/505059/FULL</b>  |  |   |
| <b>APPLICATION PROPOSAL</b>   |  |   |
| Retention of existing chalet bungalow with amended residential curtilage and erection of 10 dwellings (7 x three bedrooms and 3 x four bedrooms) with associated access, parking, amenity, and landscaping  |  |   |
| <b>ADDRESS</b> Willow Trees 111 High Street Newington Sittingbourne Kent ME9 7JJ  |  |   |
| <b>RECOMMENDATION</b> Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.  |  |   |
| <b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  |  |   |
| The proposed development would provide additional market housing market adjacent to a settlement identified on the settlement strategy as a tier 4 settlement. Due to the Council's lack of 5-year housing supply the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh any limited harm. |  |   |
| <b>REASON FOR REFERRAL TO COMMITTEE</b>   |  |   |
| Newington Parish Council Objection, and called in by Councillor Horton  |  |   |
| <b>WARD</b> Hartlip, Newington<br>And Upchurch  | <b>PARISH/TOWN</b><br>Newington          | <b>COUNCIL</b>  |
|   |  | <b>APPLICANT</b> UK Land Investors Ltd<br><b>AGENT</b> DHA Planning |
| <b>DECISION DUE DATE</b><br>09/04/21  | <b>PUBLICITY EXPIRY DATE</b><br>25/10/22 | <b>CASE OFFICER</b><br>Corinna Griffiths                            |

**Planning History**

SW/80/0329

CAR PORT

Approved pre 1990 Decision Date: 07.05.1980

**1. DESCRIPTION OF SITE**

- 1.1 The application site comprises an existing chalet bungalow within an unmanaged area of land containing orchard fruit trees, which are classified as BAP Priority Habitat. The plot is approximately 0.75 hectares in area.
- 1.2 The site is situated to the north of the High Street (A2) in Newington. Part of the site is within the settlement boundary (the existing dwelling and land to front/south of the dwelling). The remainder of the site is outside the settlement boundary, and therefore within the open countryside.
- 1.3 To the east and west of the site are single residential dwellings; to the north is a new housing development known as 'Watling Place' off Merton Drive, including a SANG

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(suitable alternative natural green space) which the application site adjoins. To the south is the A2; beyond this are residential dwellings.

- 1.4 In terms of boundary treatments, the southern frontage with the A2 comprises a dense evergreen tree belt and existing driveway to Willow Trees. The northern boundary comprises a row of poplar trees and scrub and has views to the SANG and new housing estate to the north. The western boundary borders a house and the retained chalet bungalow.
- 1.5 To the east of the site is Public Footpath ZR59, which runs from the A2 and links to a wider network of public rights of way, and acts as a pedestrian link to the A2 from the SANG and housing estate at Watling Place. The boundary between the site and PROW is a dilapidated low-level post and wire fence.
- 1.6 The site is at a lower land level than the A2, as the site slopes south to north from the High Street, before levelling off approximately 30m into the site. There is an initially drop of approximately 2.5m to the north of the southern site boundary, which gradually lowers to approximately 5m in comparison to the A2.

**2. PROPOSAL**

- 2.1 The application proposals are for the retention of the existing chalet bungalow (Willow Trees) with amended residential curtilage, and for the erection of 10 dwellings (7no. three bedroomed dwellings and 3no. four bedroomed dwellings), with associated access, parking, amenity, and landscaping.
- 2.2 The existing dwelling in the south-western part of the site would be retained, with the extent of residential curtilage associated with the dwelling being amended as part of these proposals. The remainder of the site would be a development of 10 new dwellings, and associated access, parking, amenity and landscaping, to be situated in the south-east and northern parts of the site.
- 2.3 To the east of the existing dwelling, 2no. two storey detached dwellings are proposed comprising plots 1 and 2. The access road would wrap around these plots and lead to the north of the site where the proposals comprise a detached two storey dwelling (plot 10), and two rows of three storey terraced dwellings (plots 3-9). Plots 1 and 2 would front onto the internal access road, whereas plot 10 would front onto the internal access road and public right of way to the east; plots 3-9 to the northern part of the site would front onto the pedestrian footpath, and the SANG beyond the northern site boundary.
- 2.4 The proposed external materials palette includes brick, render and boarding under slate roofs, with integrated photovoltaic slates in the interests of delivering renewable energy technology to the proposals.
- 2.5 The existing vehicular access would be retained for the existing chalet bungalow, and a new vehicular access is proposed off the High Street (A2). The access road would serve the proposed 10no. residential dwellings, with a turning head in the northern half of the site.

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- 2.6 The proposals include two pedestrian connection points to the existing PROW, and the boundary between the site and the PROW will consist of low-level planting.
- 2.7 Plots 1, 2 and 10 are 4-bedroom dwellings which will have three parking spaces per dwelling. Plots 3-9 are 3-bedroom dwellings which will have two parking spaces per dwelling, in an allocated parking courts. Each dwelling will have an EV charging point, and three visitor parking spaces are proposed which will each have an EV charging point.
- 2.8 The existing frontage tree screen will be retained except for trees removed to allow for the creation of the new vehicular access and junction. The areas of site to be retained as an enhanced orchard area as shown in hatched green on drawing number 22/08/04 Rev G and is located within the garden of the retained dwelling, and to the south of the access road.
- 2.9 The application proposal originally sought the demolition of the existing dwelling and erection of 20 dwellings. The proposal was amended during the application process to the current proposal which seeks the retention of the existing bungalow, and erection of 10 dwellings.

**3. SUMMARY INFORMATION**

|                              | <b>Existing</b>       | <b>Proposed</b>                              | <b>Change (+/-)</b> |
|------------------------------|-----------------------|--|---------------------|
| Site Area (ha)               | 0.75 ha               | 0.75 ha                                      | None                |
| Approximate Ridge Height (m) |                       |  |                     |
| Approximate Eaves Height (m) |                       |  |                     |
| No. of Storeys               | 1 ½ (chalet bungalow) | 3 (chalet bungalow; 2 storeys and 3 storeys) | + 1 ½               |
| Parking Spaces               |                       | 26 spaces (new development)                  | + 26                |
| No. of Residential Units     | 1                     | 11   | + 10                |
| No. of Affordable Units      | 0                     | 0  | none                |

**4. PLANNING CONSTRAINTS**

- 4.1 Part of the site is within the settlement boundary (existing dwelling and land to front/south of the dwelling). The remainder of the site is outside the settlement boundary, and therefore within the open countryside.
- 4.2 Potential Archaeological Importance
- 4.3 Public footpath ZR59 is adjacent to the proposed development along the eastern boundary.
- 4.4 The site is adjacent to the Newington AQMA, and the proposed vehicular access connects to the AQMA.

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**5. POLICY AND CONSIDERATIONS**

5.1 National Planning Policy Guidance (NPPF) and National Planning Policy Guidance (NPPG).

5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:

ST 1 – (Delivering sustainable development in Swale); ST 3 – (The Swale settlement strategy), CP 3 – (Delivering a wide choice of high-quality homes), CP 4 – (Requiring good design), CP 7 (Conserving and enhancing the natural environment – providing for green infrastructure), CP 8 – (Conserving and enhancing the historic environment), DM 3 – (The rural economy), DM 6 – (Managing transport demand and impact), DM 7 – (Vehicle parking), DM 8 – (Affordable housing), DM 14 – (General development criteria), DM 17 – (Open space, sports and recreation provision), DM 19 – (Sustainable design and construction), DM 21 – (Water, flooding and drainage), DM 28 – (Biodiversity and geological conservation), DM 29 – (Woodlands, trees and hedges),

5.3 Supplementary Planning Guidance (SPG):

- Swale Landscape Character and Biodiversity Appraisal SPD
- Swale Borough Council Parking Standards Supplementary Planning Document (SPD).

**6. LOCAL REPRESENTATIONS**

6.1 24 objections have been received. A summary of the points raised in the objections is set out below:

- Outside established village boundary. Would harm the character, appearance, and intrinsic amenity value of the countryside.
- Newington has exceeded its housing allocation.
- Increased traffic and congestion along busy A2 corridor
- Increased air pollution, harmful impact on air quality and health.
- The A2 between Rainham and Key Street roundabout goes through 3 Air Quality Management Zones (Rainham, Newington and Keycol Hill).
- There would be a harmful cumulative impact on air quality. The application should be refused, similar to the Pond Farm appeal/.
- New junction close to existing junction onto A2 from Eden Meadows, and close to pedestrian refuge resulting in a highways safety issue.
- Public transport connections within Newington are poor and infrequent.

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- Application needs to view in conjunction with other planning applications in Newington.
- Development out of keeping with surrounding character. Overdevelopment for 20 dwellings on plot of a single dwelling.
- Residential amenity harm from overlooking; window distances; and loss of light.
- A large part of the site is considered to be at medium to high risk from surface water flooding. Underground drainage culvert on the site.
- Removing existing vegetation would increase localised flood risk.
- Existing drainage (sewerage) issues in the east end of Newington High Street, existing foul sewerage system is at capacity
- The main railway line in Newington has suffered landslips due to localised flooding problems in Newington
- Loss of bungalows and cottages unacceptable
- Insufficient amenities and infrastructure within Newington.
- Site has high biodiversity value from old orchard trees and being left unmanaged.
- Loss of orchard, being replaced with concrete
- Harm to the Grade II listed building opposite. (Swale BC has previously refused planning to a small development adjacent but ignored this reason when permitting Eden Meadow, a similarly large development in the Councils favour.)
- Any development in this area should be preceded by field based archaeological investigation at the developer's expense.
- Risk of closure of the PROW adjacent to site.
- Covenant on the site to prevent redevelopment

## **7. CONSULTATIONS**

### **7.1 Newington Parish Council objects to the application.**

7.2 The Parish comments dated February 2021; December 2021; and July 2022 have been appended to this report in full. A summary of the objection is provided below:

- Most of the proposed development is outside the defined urban boundary of the village (citation of various appeals for residential development that have been refused).
- This application is against the principles of the Swale local planning authority's development plan and Swale can now demonstrate a 4.8 year housing supply.

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- The site is not included in any of the relevant, more recent, Swale Local Plan, or Local Plan Review evidence gathering, and therefore contrary to adopted policies.
- Proposal would result in negative highway impacts: Increased traffic due to recent permitted schemes within Newington (such as the Persimmon and Eden Meadows development); in cumulative terms, the proposed development has the potential to lead to significant adverse transport and air quality impacts in Newington and that the proposed site access presents a significant highway safety issue due to the inadequate length of the proposed right turn lane.
- Insufficient parking provision
- Highway safety concerns specifically related to the location of the access opposite the vehicular access to Eden Meadows,
- Concerns regarding potential drainage and sewerage issues
- Harm to the landscape as a result of the proposed development being outside of the built-up area boundary,
- Harm to the Air Quality of Newington (citation of various appeals)
- The proposal would not be 'sustainable' development
- The revised plans would result in greater loss of orchard (a priority habitat) than the original submission in 2021.
- Newington Parish Council have commissioned reports to support their objections, including from the University of Kent regarding air quality, and Railton Transport Planning Consultancy Ltd regarding the submitted transport assessment.

**7.3 National Highways – No objection, subject to a condition seeking a Construction Management Plan**

7.4 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M2 and A249. The then Highways England responded to the consultation on the original 20 dwelling proposals on 19 January 2021, recommending 2 conditions: (1: A Grampian condition relating the M2J5; and 2) the need for a Construction Management Plan).

7.5 We have reviewed the updated Transport Statement (dated May 2022) submitted in support of the revised proposals (for 10 dwellings) and note that traffic generation and hence SRN impact will be lower than previously accepted by us as part of the original proposals. As before, we are content to leave the matter of seeking any contributions towards the costs of the A249/A2 KCC Highways led junction improvement to KCC.

7.6 Therefore, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (SRN Road Name(s)), provided that the

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following condition is imposed, (reflecting the DfT Circular 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests). Given that the National Highways RIS M2J5 scheme is now under construction, we have no need to recommend the Grampian Condition. Therefore, the only condition we now recommend is attached to any consent are details of a Construction Management Plan.

- 7.7 **Natural England raise no objection** subject to the appropriate financial contribution being secured (namely £ 275.88 for each dwelling), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site on the coastal Special Protection Areas and Ramsar Sites. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required, and Natural England must be consulted.

An Appropriate Assessment has been carried out Natural England were consulted. Natural England raise no objection to the proposal, subject to securing mitigation (SAMMS Payment).

- 7.8 **Southern Water raise no objection**, subject to an informative regarding foul sewerage and surface water disposal.
- 7.9 **KCC Archaeology – raises no objection. Advises there is potential for significant archaeological remains to occur on this site and to be affected by proposed development, and is satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate.**
- 7.10 “I note that the site is located to the north of the A2 in an area that comprises a bungalow, garden and an attached orchard. The proposed development comprises the retention of the bungalow and the construction of ten dwellings in the orchard area together with access, parking and landscaping.
- 7.11 The application documentation includes an Archaeological Desk based Assessment by SWAT Archaeology (October 2020). The desk based assessment provides a good description and assessment of the archaeological potential of the area, rightly recognising the high potential in Newington for remains of Iron Age and Roman date and moderate potential for Bronze Age remains. SWAT have drawn on their experience of the excavations to the immediate north west of the present site where very significant remains of mainly Iron Age and Roman date were investigated in advance of development.
- 7.12 Although the site lies just to the south of the residential site it is important to consider the topographical aspects of the site, the location and orientation of findings to understand the potential of the present site.

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- 7.13 The archaeology found on the site to the north focuses on a Roman and possibly earlier road that ran from the Medway across the site to join the main Roman road, Watling Street, that runs between London and the Kent coast. Watling Street follows the approximate line of the A2. The archaeology to the north west included a roadside temple, burials and an area of industry set within enclosures adjacent to the branch road. The branch road generally runs in a north west to south east direction and would adjoin Watling Street to the east of the present site. Roman settlement activity and a rich cemetery are known to lie further to the east at this projected junction. Investigations closer to the road on the 99 High Street site found that the area nearest Watling Street was relatively clear of the intense archaeology seen to the north. Furthermore the area immediately north was seen to lie within a deep natural valley that the Roman road turned to follow before heading south east. The Roman archaeology within the valley was deeply buried beneath colluvial deposits. It's likely that the valley extends through the present application site and across and south of the A2.
- 7.14 I note that in the desk study observations made during a walkover are that there is some evidence of a drop from the A2 into the site and some evidence of terracing within the grounds to the adjacent property. How such terracing may have affected archaeological deposits is unknown. The reason for the rise to the road may have resulted from this having been placed on a slight causeway across the valley. The potential impact of development is not known given the uncertainty of potential depths to archaeology on this site.
- 7.15 Given the above I conclude that there is potential for significant archaeological remains to occur on this site which may be affected by the proposed development. Given the layout of the archaeology seen to the north it is unlikely that the intense activity seen there extends into the present site considering the orientation of the roads, the presence of the valley and the investigations undertaken closer to the road adjacent to 99 High Street. However there remains a high potential for significant archaeology to be present on the site and this may be impacted by development groundworks. Archaeological evaluation through trial trenching is needed to better understand the archaeological potential and inform mitigation of the impacts of development
- 7.16 I am satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate.”
- 7.17 A condition is recommend to enable a staged approach to evaluation and mitigation of the site's potential impacts on archaeology” (See condition 3).
- 7.18 **KCC Biodiversity – no objection, subject to conditions**
- 7.19 We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of a biodiversity method statement, ecological enhancements and habitat creation/management plan is included. Suggested wording is provided at the end of this



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document. Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; 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.

**7.20 KCC Developer Contributions request the following contributions towards infrastructure, and a condition seeking high-speed broadband connections:**

|                            | Per 'applicable' flat | Per 'applicable' House (x10) | Total      | Project   |
|----------------------------|-----------------------|------------------------------|------------|---|
| <b>Primary Education</b>   | £1,700.00             | £6,800.00                    | £68,000.00 | Towards the construction costs of a new Primary School  |
| <b>Secondary Education</b> | £1,294.00             | £5,176.00                    | £51,760.00 | Towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1 |
| <b>Secondary Land</b>      | £658.93               | £2,635.73                    | £26,357.30 | 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 age-restricted dwellings.

|                           | Per Dwelling (x10) | Total     | Project  |
|---------------------------|--------------------|-----------|--|
| <b>Community Learning</b> | £16.42             | £164.20   | Contributions requested towards additional equipment and resources at Sittingbourne Adult Education Centre   |
| <b>Youth Service</b>      | £65.50             | £655.00   | Contributions requested towards additional resources for the Youth service in Sittingbourne  |
| <b>Library Bookstock</b>  | £55.45             | £554.50   | Contributions requested towards additional services, resources, and stock at Sittingbourne Library   |
| <b>Social Care</b>        | £146.88            | £1,468.80 | Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough. |

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|              | All Homes built as <b>Wheelchair Accessible &amp; Adaptable Dwellings</b> in accordance with Building Regs Part M 4 (2) |           |  |
| <b>Waste</b> | £183.67   | £1,836.70 | Towards additional capacity at the HWRC & WTS in Sittingbourne |

**7.21 KCC Flood and Water Management raise no objection subject to conditions**

7.22 14/06/22: Kent County Council as Lead Local Flood Authority have reviewed the amended FRA and drainage strategy and although major changes within the layout have been made the Drainage strategy ultimately remains unchanged. Therefore, we have no further comment to make on this proposal and would refer you to our previous response dated 12 February 2021 and the conditions contained therein

7.23 12/02/21: Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment prepared by Lustre Consulting dated October 2020 and agree in principle to the proposed development. The proposals seek to utilise a piped network draining into orchard planting with rain gardens prior to discharging at 2l/s into an existing land drain. We note that the exact location, size and condition of the land drain pipe that the proposed drainage is to connect to is to be confirmed during detailed design. Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.

**7.24 KCC Highways raise no objection, subject to conditions, and a Section 106 contribution towards Key Street highway improvements to the value of £14,400.**

7.25 15/09/22: I note the amended drawing that has been submitted since my previous response to show the swept path analysis of the maximum size refuse vehicle manoeuvring through the development, and I am satisfied that this does not alter my views on the proposals. Consequently, I can confirm that I adhere to the recommendation made in my response dated 15<sup>th</sup> July 2022

7.26 15/07/22: I am satisfied that the amendments have addressed the points that I had raised in my last response, as the labelling has been clarified with regard to the 5.5m wide junction, and the footway has been extended into the development in order to provide a route into the shared space. I would adhere to my previous comments regarding the acceptability of the off-site highway works and traffic impact on the local highway network, and therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

7.27 15/06/22: *Traffic Impact*: You will be aware from my previous consultation response that I had raised no objection on behalf of the Highway Authority to the proposed development at that time, and I note that the scheme has now been reduced in scale by half to provide just 10 dwellings. Given that the number of the vehicle movements generated by 20 dwellings was considered acceptable when looking at the capacity of

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the highway network, I remain satisfied that the smaller scheme proposed would not alter that view. As before, the development would still be expected to contribute towards the recovery of the HIF money awarded to Kent County Council for carrying out highway capacity improvements to Key Street roundabout, as was stipulated by the Department for Communities and Local Government. However, the value would also be reduced from had been requested previously, and the Highway Authority will now seek a contribution of £14,400 based on the recovery formula being applied to planning proposals.

- 7.28 As previously advised, due to that junction being overcapacity at present and unable to accommodate the impact from cumulative development, the occupation of dwellings on applications being consented is being held back until the contract for the highway improvement scheme has been awarded. Should the Local Planning Authority be minded granting planning approval, a Grampian condition will need to be imposed to restrict occupations until that trigger has been reached.
- 7.29 *Proposed Site Access Junction:* I have no objection to the revised site access location and accept that the original Stage 1 Road Safety Audit that was carried out can still be applicable to this revision. Whilst the swept path analysis for the refuse vehicle shown on drawing T-05 Rev P1 does indicate that it would take up the full width of the junction within the access road, it is appreciated that the limited number of dwellings served and infrequent visits by the refuse vehicle would not give rise for concern, as there would be sufficient capacity within the filter lane to accommodate a waiting car clear of obstructing the refuse vehicle.
- 7.30 For clarity, the labelling on the submitted drawings should be amended to correct the width specified for the access road, as it states 4.8m instead of the 5.5m the access has been drawn to.
- 7.31 In addition, the footways leading into the site should continue further around the radii than has been shown, so that they deposit users into the shared space beyond the rumble strip/ramp transition, rather than within the carriageway and too close to the junction.
- 7.32 *Development Layout:* It is assumed that the applicant still intends to not offer the development for adoption by the Highway Authority, and it will remain in private management. I will therefore not comment on the internal layout but would ask that the refuse vehicle swept path analysis is clearly demonstrated to ensure that the vehicle can manoeuvre through the site and turn around within it. Unfortunately, the drawing that has been submitted to show this, drawing number T-01 Rev P1, does not appear to include the analysis as intended.
- 7.33 **KCC Public Rights of Way raise no objection, subject to a contribution of £8625 to improvements to Public Footpath ZR59 (to provide a 1.2m wide all weather surface).**

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- 7.34 Public footpath ZR59 is adjacent to the proposed development. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed. The existence of the right of way is a material consideration. Should consent be granted, the development will impact upon the public use, enjoyment and amenity of the Public Right of Way.
- 7.35 The amended application appears to be much improved from the original application. As identified in the Design and Access Statement the footpath is narrow and uninviting. Removing the dilapidated fence and creating a more open aspect will improve public enjoyment and use of the path.
- 7.36 Should you be minded granting consent for the revised proposal I would request the following S106 developer contributions are sought in respect of the development as they are considered to be:
- necessary to make the development acceptable in planning terms,
  - directly related to the development; and
  - fairly and reasonably related in scale and kind to the development.
- 7.37 A sum of £8 625 is requested to provide a 1.2 metre wide all-weather surface to address the increased use of Public Footpath ZR59 to access the wider community and countryside. This contribution should be available when 50% of dwellings are occupied. Kent County Council request the opportunity to comment on the draft section 106 agreement. Please advise this department directly when the decision has been made to ensure the proposed works/ improvements can be co-ordinated in a timely manner.
- 7.38 **Kent Police request a condition regarding secure design.**
- 7.39 **MKIP Environmental Health raise no objection subject to conditions; and securing air quality mitigation (damage cost and additional mitigation measures) via a S.106 agreement.**
- 7.40 08/09/22: Environmental Health have reviewed the recently amended air quality mitigation statement which it is deemed acceptable in principle. However, to ensure what is being offered will be delivered there are still some unknowns. If residents choose to not use either the discounted travel tickets or ebike vouchers, then what is the alternative for this money to be spent. In addition, there is limited information available about the discounted tickets. I think it would be sensible to add a condition (or via S.106) to ensure what is being proposed will be delivered. Therefore, I support the statement however would like a condition (or clause within the S.106) imposed to ensure not only that the mitigation measures are delivered, but information on how they will be managed and what alternatives are being considered if tickets are not used. This could possibly also be written into the agreement.
- 7.41 23/06/22: I have reviewed the amended AQA completed by Ensafé 23<sup>rd</sup> May 2022 for the development that has now reduced in size from 20 to 10 dwellings. The method for the model verification process is acceptable.

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- 7.42 The consultant has shown committed development flows in the modelled scenarios. The cumulative impacts seem lower when compared to other AQAs for this area which could be due to the approach taken or data inputs. Appendix D includes a sensitivity analysis which provides a worst-case scenario by emitting the future Emission Factors to the model. Scenario 2 on page 66 include committed development with two receptors sites continuing exceed the AQO (R13 and R14) and with R13 to R18 showing moderate to slight impacts. I have reviewed various AQA's for this area, which have also taken the conservative approach, but these have shown substantial cumulative impacts for most or all receptor sites.
- 7.43 It seems some relevant Rainham sites have not been included, as only one is showing (page 42). Can this please be checked by MBC planning to ensure all relevant development sites have been included?
- 7.44 I am glad to see the consultant has provided two assessments with and without emission factors, as this shows how significant they can be when applying them and provide insight between the two, when considering impacts. Various factors could influence behaviour changes such as the Covid pandemic or economic changes which may show a decline in vehicle improvements. Therefore, it is essential to show both scenarios.
- 7.45 Objections have been raised in other applications by Environmental Health (EH) relating to the cumulative impact to the Air Quality Management Areas/ nearby receptors (Newington and Keycol Hill). Following recent discussions, we have asked for further information to aid our consideration of these applications and for applicants to provide the following:
- A breakdown of how the damage cost calculation to be provided for Air Quality mitigation would be spent. It is advised that the money would be put towards encouraging the use of Public Transport. For example, the provision of rail ticket, bus tickets etc.
  - EH need more attention to be spent on quantification of benefits i.e., for a mode shift or reduction in trip rates as part of this.
  - Proportionate mitigation measures above the provision of the damage cost calculation should be considered and should not include policy required provisions i.e., car charging units.
- 7.46 It is important that the Council can be assured that the development individually and cumulatively would not result in exceedance of prescribed AQOs. It is hoped in breaking down the specific mitigation delivered by the damage cost calculation, and hopefully its positive promotion of public transport, that it will provide a clear picture as to the solutions to the cumulative impacts in Newington.
- 7.47 Recommendation: The applicant has provided an amended air quality mitigation statement completed by Ensaf (23<sup>rd</sup> May 2022) which breaks down how the damage cost that would be spent. I would recommend this is reviewed to provide additional

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mitigation keeping in mind there are potential cumulative impacts that need to be accounted for.

- 7.48 21/04/21: Requested an updated air quality assessment to assess the air quality impacts from increased traffic flow on both receptor sites along the A2 within and between Newington and Keycol Hill; the cumulative impact needs to be reconsidered to consider transboundary effects; and to provide details of a scheme of mitigation beyond the value of the damage cost. Outlined an objection to the application due to insufficient air quality information.
- 7.49 Regarding other Environmental Health considerations, the comments raise no objection to contamination issues subject to a condition seeking the submission of a phase 1 contaminated land assessment. The comments request other the following other conditions; construction and environmental health statement; construction hours condition; EV charging; and low NOx gas boilers.
- 7.50 **SBC Affordable Housing Manager raises no objection, and no affordable housing is sought.** The Affordable Housing Manager notes that this application now proposes a reduction of delivering 20 new build homes to 10. Therefore, affordable housing policy DM8 no longer applies as this is below the 11-dwelling threshold, and there is no longer a requirement to provide affordable homes on this site
- 7.51 **SBC Greenspaces Manager raises no objection, subject to a contribution of £593 per dwelling towards Formal Sport and £446 per dwelling towards Open Space.**
- 7.52 Limited opportunity to provide open space on site although pleased to see the retention of most of the frontage tree screen and linkage to the SANG on the adjacent development.
- 7.53 Confirm what open space is included within the development will not be transferred to the Council and as such alternative method of management and maintenance needs to be found. I also confirm that we would seek a contribution toward off site enhancement/increase in capacity of both Formal Sports and Play/Fitness facilities within Newington Recreation Ground as identified in the Swale Open Spaces and Play Area Strategy 2018-22. Formal Sport - £593.00 per dwelling and Play/Fitness - £446.00 per dwelling

**8. APPRAISAL****Principle of Development**

- 8.1 Part of the application site comprising the existing dwelling, and land adjacent to the dwelling are situated within the built-up area boundary of the settlement of Newington. The remainder of the site adjoins the built-up area boundary and is therefore located just outside the built-up area boundary. The proposed new residential dwellings would be situated outside the defined boundary. Policy ST 3 of the Local Planning Authority sets out the Swale Settlement Strategy. The policy indicates that the primary focus for

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development is Sittingbourne, with Faversham and Sheerness forming secondary areas for growth.

8.2 Rural Local Services Centres are identified by policy ST 3 as a tertiary focuses for growth. Newington forms one of the Rural Local Service Centres and is therefore relatively high on the settlement strategy. As the majority of the site (and proposed new residential development) lies outside of the built-up area boundary it is considered to be located in the open countryside.

8.3 Paragraphs 11 and 73 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to meet its full, objectively assessed needs (OAN) for housing and other uses. The Council should annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer.

8.4 The latest published position within the 'Statement of Housing Land Supply 2020/21 Swale Borough Council June 2022', identifies that the Council is meeting 105% of its requirement. As a result, the Council has a 4.8 Housing Land Supply. As a result, the Council cannot demonstrate a 5 year supply a presumption in favour of sustainable development must be applied under paragraph 11 of the NPPF.

8.5 Paragraph 11 of the NPPF states that in making decisions planning authorities should apply a presumption in favour of sustainable development. In regard to decision meeting this means:

*'(c) approving development proposals that accord with an up-to-date development plan without delay; or*

*(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>8</sup>, granting permission unless:*

*(i) the application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*

*(ii) 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.*

8.6 Footnote 7 of the NPPF identifies areas defined as 'areas of particular importance'. The application site is not bound by any constraint which would place the site in an 'area of particular importance'. The site would therefore fall to be considered under, Paragraph 11(d)(ii). The proposal will therefore be assessed as to if the proposal represents sustainable development.

8.7 Paragraph 8 of the National Planning Policy Framework (2021) states that:

*'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually*

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*supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)'.*

- 8.8 (a) **an economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.9 The proposed development would consist of residential development and would not incorporate direct commercial/economic benefits.
- 8.10 The provision of residential housing does generate passive economic benefits as additional population can see additional spending in local centres. The development would have some short-term benefits related to the employment generated throughout the construction process. The provision of jobs and require spending in the locality because of development would see short term economic benefit.
- 8.11 The proposal would not have a direct economic impact through the creation of an employment unit, but some moderate weight would be attached to the economic benefits of the economic role.
- 8.12 (b) **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- 8.13 The proposal would provide additional housing to the Borough. As the council cannot demonstrate a 5-year supply, a buffer would be required on top of the identified need. As such there is an identified shortage of housing. The provision of 10 market houses would contribute to the provision of housing for present and future generations.
- 8.14 The application site is within a 10minute walk from Newington train station and shops and services along Newington High Street. The Manual for Streets guidance indicates that:
- 8.15 'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot...Mfs encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily need is within walking distance of most residents'.
- 8.16 The access to the wider countryside and to services would be within sustainable walking distance. The proposal would provide two pedestrian connection points to the existing PROW (ZR59) which runs along the eastern boundary; and would secure a contribution to improvements to Public Footpath ZR59 (to provide a 1.2m wide all-weather surface). As such the proposals would help integrate the new dwellings within the existing settlement of Newington and help provide improved links to the SANG to the north of the



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site, and wider network of public footpaths. The proposal would provide a degree of support for the communities' health, social, and cultural wellbeing.

- 8.17 The proposal would be considered to provide significant social benefits in considering the site's overall social objectives.
- 8.18 (c) **an environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.19 Policy ST 3 of the Swale Local Plan indicates that development will not be permitted on sites which are in the open countryside and outside of the defined built-up area. The policy does state such development would only be allowed if supported by national policy and would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 8.20 The application site is located just outside of the built-up area boundary of Newington. The site is not located within a designated landscape area either nationally or locally. However, the site is located within an area which does sit outside of the defined boundary of the built-up area of Newington.
- 8.21 The site is situated to the north of the High Street (A2), and the site is on a lower land level than the High Street (A2). The impact to the landscape will be considered below. However, it is noted that the proposal would have limited impact due to the retention of existing mature tree planting along the southern and northern site boundaries; and the proposal would effectively be an infill development with existing residential development to the east and west of the site.
- 8.22 As above, the proposal would be located within the recommended 10-minute walking distance to local services and amenities including food shops and pharmacies. The site is also within reasonable walking distance to the railway station which would provide wider access to other facilities in Kent. The proposal would also provide improved pedestrian links in the area. The location and improved services would reduce the overall reliance on the car to meet day to day needs.
- 8.23 While some bus and rail services may be considered limited by third parties, the services would be available within walkable distances. The presence of these services for a rural area does increase the sustainability of the site as the settlement does benefit from transport services. As such, the site is not wholly isolated from existing infrastructure.
- 8.24 The proposal would be considered to have a moderate weight in meeting an environmental objective.

**Landscape/Visual Impact**

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- 8.25 Policy CP 7 of the Local Plan states that the Council will work with partners and developers to ensure the protection, enhancement and delivery, as appropriate, of the Swale natural assets and green infrastructure network. These include strengthening green infrastructure and biodiversity.
- 8.26 Policy DM 24 of the Local Plan states that the value, character, amenity and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed. The policy is split into parts with part B applying to this site.
- 8.27 The application site is not located within either a national, Kent or local land designation.
- Part B of policy DM 24 relates to non-designated landscapes. It states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to;
1. The minimisation and mitigation of adverse landscape impacts, and
  2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.
- 8.28 In accord with the Swale Landscape Character and Biodiversity Appraisal 2011 the site is located within the Iwade Arable Farmlands landscape designation. The site sits on the edge of this designation due to its proximity to the built area of Newington. The site is at the southern boundary of this character area.
- 8.29 The key characteristics of the area are detailed as being medium-large scale fields, isolated farmsteads and cottages, isolated historic properties and mixed 20<sup>th</sup> century development, valley and hill setting to village of Newington with landmark Church, cereal production has replaced traditional orchards, and fragmentation and extensive loss of hedgerows. The landscape condition is poor. The sensitivity identifies this is a moderately sensitive area. Intermittent, long views are afforded across this landscape of large arable fields. However, the gently undulating topography dispersed tree cover and broken hedgerows, help to provide a general sense of enclosure.
- 8.30 The application site consists of an existing residential dwelling, with unmanaged area of land containing orchard fruit trees within the garden area of the dwelling. Either side of the site to the east and west are residential dwellings, to the south is the High Street (A2) with residential dwellings on the opposite side of the highway, and to the north is an area of open space (SANG) which forms part of a modern residential development at Watling Place.
- 8.31 The site has existing defined boundaries, including a mature evergreen tree belt on the southern boundary, row of poplar trees on the northern boundary, planting and fencing with the neighbour to the west (109 High Street). To the east is a dilapidated low fence between the site and PROW, and beyond this the neighbouring dwelling Ellens Field has a mix of planting and close boarded fencing along its boundary with the PROW. The site

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is therefore visually contained and would be considered as an infill development given the relationship with existing neighbouring residential dwellings.

- 8.32 The proposals include the retention of existing mature planting along the northern boundary with the SANG to the north, and on the southern boundary the mature trees will be retained, except for a section to allow for the new vehicular access into the site.
- 8.33 Immediately to the east of the site is PROW ZR59, the views and user experience of this footpath will change because of the proposed development. The proposals include two new pedestrian access points to the footpath; and provide a contribution to enhance the surface of this footpath (to provide an all-weather surface) which will improve the overall quality of the footpath. In terms of the visual impact sections of existing trees and planting along the eastern boundary will be retained, with additional planting proposed, and a soft boundary comprising low level planting is proposed between the site and PROW.
- 8.34 Any approval would be conditioned to ensure that the proposal would retain existing tree coverage (as identified on the submitted plans), whilst seeking a full detailed landscaping plan.
- 8.35 Given the retention of existing mature planting along the northern and southern site boundaries; and visually contained nature of the site, the proposal would only have a localised impact, rather than longer wider implications to landscape views. The site sits outside of any designated landscape, and it is considered that the proposal would not result in adverse landscape impacts.

**Design/Layout**

- 8.36 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 8.37 Paragraph 130 of the National Planning Policy Framework lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 8.38 Policy CP 4 of the Local Plan sets out the requirements for good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 8.39 Policy DM 14 of the Local Plan sets out a number of General Development Criteria for development proposals. These include a number of requirements that proposals be both

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well sited and of a scale, design, and appearance detail that is sympathetic and appropriate to the location. The criteria also require an integrated landscape strategy that will achieve a high landscaping scheme.

- 8.40 The proposed new dwellings would be situated in the eastern and northern parts of the site. To the east of the existing dwelling, 2 x two storey detached dwellings are proposed comprising plots 1 and 2. The access road would wrap around these plots and lead to the northern part of the site where the proposals comprise a detached two storey dwelling (plot 10), and two rows of three storey terraced dwellings (plots 3-9). Plots 1 and 2 would front onto the internal access road, plot 10 would front onto the internal access road and public right of way to the east, and plots 3-9 in the northern part of the site would front onto a pedestrian footpath, and the SANG beyond the northern site boundary.
- 8.41 Plots 1 and 2 comprise detached dwellings set back from the highway and are consistent with the frontage building line for dwellings to the north of the High Street. These dwellings are largely consistent with the linear form of development evident to the north of the High Street and maintain a lower density form of development in the southern part of the site. The dwellings in the northern part of the site will front onto a pedestrian footpath with existing SANG open space beyond the site boundary, and existing Watling Place development to the north-west and will read as a modern addition to the new residential development. The layout of the scheme has been designed to reduce rear back gardens situated along the site boundaries, notably the northern boundary to ensure the proposals integrate with the wider area, rather than creating a hard inactive boundary.
- 8.42 Overall, the scheme has a density of approximately 14 dwellings per hectare, which is considered to be appropriate for the rural context of the site.
- 8.43 Corner turner units and details side elevations have also been used across the site to ensure overlooking of public spaces and provide interest along the public realm. The enclosure details provided show brick walls for garden spaces adjacent to the public realm, with space for planting would ensure units with the internal public facing rear/side elevations would retain sufficient detailing.
- 8.44 The properties in the wider area do vary in form and the architecture derives interest in the street scenes. Plots 1 and 2 would have a traditional bulk and massing of detached two storey dwellings with hipped and gable roof forms. The plots in the northern part of the site comprise two terraces of three storey dwellings, with gable roof forms with a multiple gable roof composition. The scheme has evolved through discussion with the urban design officer who outlined those three storey dwellings in the northern part of the site would be acceptable, as it links with the modern Watling Place development.
- 8.45 The external materials palette includes brick, render and boarding under slate roofs with integrated photovoltaic slates in delivering renewable energy technology to the scheme. It is considered that the design of the houses compliments the traditional massing with pitched roofs of neighbouring developments but has its own materials identity and colour

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pallet. Full details of the external materials will be secured via condition, to ensure a high-quality finish.

- 8.46 In terms of hard surfacing, the plans show that tarmac would be used for the site access, and the remainder of the access road and parking areas would be a shared surface. To ensure a high-quality fabric across the site details of the surfaces would be secured by condition.
- 8.47 The proposal is considered to provide, subject to condition, a high level of design and layout.

**Highways**

- 8.48 Policy DM 6 of the Local Plan seeks to manage transport demand and impact. Policy DM 7 of the Local Plan provides guidance on parking standards alongside the Swale Borough Council Parking Standards SPD.

- 8.49 Paragraph 111 of the National Planning Policy Framework states that:

*‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe’.*

- 8.50 The revised Transport Statement indicates that the proposal would generate an increase of four vehicle trips in the morning peak hour and an increase of four vehicle trips in the evening peak hour. A total increase of 47 vehicles trips across a 12-hour day could be expected. The KCC Highways Officer advised that the traffic impact for 20 dwellings was acceptable, and the amended proposal for 10 dwellings would also be considered acceptable when looking at the capacity of the highway network. The development would still be expected to contribute towards the recovery of the HIF money awarded to Kent County Council for carrying out highway capacity improvements to Key Street roundabout, as was stipulated by the Department for Communities and Local Government. The requested contribution is £14,400 based on the recovery formula being applied to planning proposals.
- 8.51 The proposal would include a new vehicular access to serve the proposed new 10 residential dwellings. The KCC Highways Officer has reviewed the details of the proposed vehicular access and considered the submitted plans as amended acceptable. The officer commented that whilst the swept path analysis for the refuse vehicle shown on drawing T-05 Rev P1 does indicate that it would take up the full width of the junction within the access road, it is appreciated that the limited number of dwellings served and infrequent visits by the refuse vehicle would not give rise for concern, as there would be sufficient capacity within the filter lane to accommodate a waiting car clear of obstructing the refuse vehicle. The proposal would allow for refuse vehicles to traverse through the site and exiting in a forward gear.
- 8.52 Newington Parish Council and neighbouring objections have raised concerns regarding highway safety, and the Parish Council have commissioned a highways review as part

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of their comments. I have sought further comments from KCC Highways to respond to the additional information and will update members by way of an update.

*Parking*

- 8.53 Regarding parking, the Parking Standards SPD provides recommended guidance in respect of car parking provision and recommends parking for suburban locations as follows; 1 to 2 spaces per unit for 1 & 2 bed houses; 2 to 3 spaces per unit for 3 bed houses; and 3+ spaces per unit for 4+ bed houses. The guidance also seeks 0.2 spaces per unit for visitor parking. The parking provision would comply with these requirements, and parking would either be provided on plot including surface parking spaces and within open car ports, or within private parking courts. The proposal would generate a need for 2 visitor parking spaces. The proposal would exceed the required amount in providing 3 visitor spaces, and the spaces are evenly distributed given the scale of the development.
- 8.54 KCC Highways are satisfied with the degree of parking provided. Visitor spaces exceed the requirements and would allow for parking on site if required. The parking provides a balance between reducing the degree of hardstanding and meeting parking guidance.
- 8.55 Each dwelling will have an EV charging point, and three visitor parking spaces are proposed which will each have an EV charging point. Each dwelling will also have a cycle shed located within the garden, with an electric cycle charge point.

**Residential Amenity***Existing residential development*

- 8.56 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 8.57 As a rule, a distance of 21m is considered sufficient to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. As noted previously, there are existing residential dwellings adjacent to the site, to the west, north and east.
- 8.58 To the west is 109 Willow Trees, the proposals include the retention of existing chalet bungalow (111 Willow Trees) which is adjacent to the neighbouring dwelling. Therefore, any impact would arise from the plots 3-6 in the northern part of the site. There would be a gap of approximately 11m from the flank wall of plot 3 to the boundary with 109 Willow Trees, and there would be separation distance of approximately 50m between the dwellings. The proposals seek the retention of existing planting along this boundary. It is therefore there is sufficient separation distance and screening to ensure there would be no significant harm to the residential amenity of this neighbouring dwelling.

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- 8.59 To the east is Ellens Field, the neighbouring site is situated to the east of the PROW ZR59. The neighbouring site is situated on a higher land level than the proposal site, and there is an existing close boarded fence and trees/shrubs to the east of the PROW. Plot 10 would be the closest dwelling to this neighbouring property, and there would be a separation distance of approximately 30m to the dwelling, and approximately 15m to an outbuilding. Given the separation distance, difference in land levels, boundary fencing and existing planting that there would be no significant harm to the residential amenity of this neighbouring dwelling.
- 8.60 To the north is the recent Watling Place development, and 52 Watling Place is situated to north-west of the site, and there is a separation distance of approximately 26m between 52 Watling Place and plot 3. The existing poplar trees are to be retained along the northern site boundary, and existing planting to be retained on the western boundary. It is therefore there is sufficient separation distance and screening to ensure there would be no significant harm to the residential amenity of this neighbouring dwelling.
- 8.61 The proposals include the retention of existing chalet bungalow (111 Willow Trees) with new dwellings to the north and west of this dwelling. There would be a suitable separation distance and screening between the dwelling and new properties to ensure no significant harm to the residential amenity of this dwelling.
- 8.62 There would be no significant harmful impact to the residential amenity of neighbouring dwellings on the south side of the A2 due to the separation between the site and High Street (A2).

*Proposed residential development*

- 8.63 The proposed units would have dual aspect views which would allow sufficient outlook and allow natural light to filter into the dwellings. The dwellings have all been plotted to ensure external access to the front of properties to ensure that waste and refuse can be collected without the requirement to bring waste through the internal floor space.
- 8.64 The layout has been designed to achieve rear to rear alignment that would allow 21m which is the recommended distance to ensure sufficient privacy. In the places that a closer relationship exists the orientation and position of the properties reduces the overall impact with 11m achieved between side to rear alignment, or to ensure no first-floor level windows directly overlook a neighbouring property.
- 8.65 The proposed properties would all benefit from sufficient residential amenity space. The site is also located in such a position that access to the countryside is readily available, and with pedestrian connections to an area of open space in the SANG to the north.
- 8.66 Overall, the proposal is considered to preserve existing amenity levels and would result in an acceptable level of amenity for future occupiers. The proposal is considered compliant with local and national policy in regard to amenity.

**Heritage**

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- 8.67 Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets. Policy DM 33 of the Local Plan states that development must setting of the listed building and its special/architectural interest are preserved.
- 8.68 There are no heritage designations within the site or its immediate proximity. However, there is a Grade II listed building to the south-east of the site, Ellens Place (5 & 6 London Road) which is located approximately 75m to the south-east of the application site, on the opposite side of the High Street (A2).
- 8.69 The Councils Conservation Officer has advised that the proposed development on this parcel of land would not materially impact on the setting of the grade II listed Ellens Place. Due to the distance from the proposal site and lack of proper intervisibility provided by vegetation on the boundary of the site along High Street which screens the views of the proposal site, it is considered that there would be no significant harm to the setting of heritage asset.
- 8.70 The proposed development would retain most of the mature vegetation along the front boundary, with the erection of two x two storey detached dwellings in the southern part of the site and situated on a lower land level than the High Street (A2), with the denser form of development a greater distance from the listed building. As such, it is considered that the proposals would not result in harm to the designated heritage asset.

**Ecology and Biodiversity**

- 8.71 Policy DM 28 of the Local Plan states that development proposal will conserve, enhance, and extend biodiversity, and provide net gains in biodiversity where possible.
- 8.72 Paragraph 174 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also advises that opportunities to incorporate biodiversity in and around developments should be encouraged. The application has been supported by an Ecological Assessment.
- 8.73 As set out in the consultation response KCC Biodiversity are satisfied the appropriate level of ecological survey work has been undertaken.
- 8.74 The amended plans (from 20 to 10 dwellings) showed a greater loss of orchard to the original plans, KCC Biodiversity advised that traditional orchard (a priority habitat) is present throughout the site, and therefore mitigation would be required. In response to these comments, updated plans were submitted which demonstrated the areas of site to be retained as an enhanced orchard area, these are shown in hatched green on drawing number 22/08/04 Rev G. The updated comments KCC Biodiversity set out that the proposals now include the area to the west of the access road will be retained/enhanced as an orchard resulting in a retention/creation of at least 0.132ha of orchard within the site. They are satisfied with the proposals ensuring the retained habitat is protected during construction (condition 4); and further details regarding habitat creation and management are sought by condition (condition 13).



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- 8.75 KCC Biodiversity are satisfied with the findings of the ecological assessment and outlined mitigation measures and recommend conditions to secure the following: biodiversity method statement; habitat creation and management plan; and ecological enhancements.
- 8.76 With regard to the potential implications for the SPA and the requirements of the Habitat Regulations. As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, situated approximately 3km from the closest part of the SPA and as such the Council seeks a mitigation contribution of £275.88 for each new dwelling. The proposal will result in a net gain of 10 dwellings which will result in a financial contribution of £2758.80 which will be secured via a S.106 legal agreement. As a result, and appropriate assessment will be undertaken below.

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

- 8.77 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).
- 8.78 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.
- 8.79 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.
- 8.80 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.
- 8.81 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

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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).

- 8.82 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.
- 8.83 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.

**Water, Flooding, and Drainage**

- 8.84 Policy DM 21 of the Local Plan seeks to ensure that development proposals will demonstrate that the most suitable means of drainage will be achieved on the site and Flood Risk Assessments will be provided where a development is at risk of flooding.
- 8.85 The application site is in Flood Zone 1 which is an area at low risk of flooding. A Flood Risk Assessment was provided as part of the application. The risk from rivers and sea was considered negligible.
- 8.86 KCC Drainage outlined they are satisfied that the SUDs design proposed will not increase the risk of flooding and raise no objection subject to further details sought via condition. The submitted details indicate surface water will be addressed by a mix of permeable paving; cellular storage tanks; and surface water will need to be stored on site and released at 2 l/s to the existing land drain along the sites' western boundary, as agreed with the LLFA. These conditions include submission of a detailed surface water drainage scheme; and verification report pertaining to the surface water drainage system. Southern Water raise no objection subject to an informative regarding foul drainage. Therefore, it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.
- 8.87 Newington Parish Council and neighbouring objections have raised concerns regarding localised surface water flooding, and that the site is identified at risk from surface water flooding in the Level 1 Strategic Flood Risk Assessment (SFRA) 2020. Looking at the

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GIS map with this dataset, a small section of site falls within 3.33% AEP (1 in 30-year) and 1% AEP (1 in 100-year), which a larger part of the site falling within 0.1% AEP (1 in 1000-year). These concerns have been raised with KCC Flood and Water Management, who have responded that the risk of the surface water flow path has been considered and raise no objection to the proposed development.

**Sustainability**

8.88 Policy DM 19 of the Local Plan requires that development proposals will include measures to address and adapt to climate change.

8.89 The scheme proposes sustainability measures as outlined in the submitted Design and Access Statement, including high level thermal insulation; air source heat pumps (ASHPs) with photovoltaic supplement to provide space heating and hot water for the development; with photovoltaic roof slates; electric vehicle charging points (1 per dwelling); and electric bike charging points.

8.90 Should Members be minded granting planning permission for the application, details of the sustainable measures for the site, the solar panels could be secured via condition.

**8.91 Air Quality**

8.92 Policy SP 5 of the Local Plan criteria 12 states that development will be consistent with local air quality action plans for Newington High Street and bring forward proposal for mitigation of adverse impacts. Swale Borough Council Air Quality Action Plan (2018 – 2022) sets out local AQAM Measures.

8.93 Policy DM 6 managing transport demand and impact criteria (d) states that:

*“integrate air quality management and environmental quality into the location and design of, and access to, development and, in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas”.*

8.94 Paragraph 186 of the National Planning Policy Framework states that:

*“Planning Policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.*

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8.95 The locally focused measures within the Air Quality Action Plan identify those measures to be introduced into individual AQMAs are those which target:

- Initiatives that inform and protect local residents,
- Smooth traffic flows causing less congestion of all vehicles through the AQMAs,
- Access to cleaner alternative transport for residents and business.

8.96 The plan identifies local focussed measures will be implemented through 'local' measures set out in table 5.2. The table indicates for Newington these would consist of Local school and business travel plans and promoting travel alternatives.

8.97 The Newington Air Quality Management Area (AQMA) is located to the south of the site, and the vehicular access to the site would join the AQMA. The AQMA is located along the A2 High Street Newington. There is also a AQMA at Keycol Hill further on the A2 to the east. Further along the A2 to the west Medway Council has also identified an AQMA on Rainham High Street.

8.98 An Air Quality Assessment was provided by the applicant. The assessment considers the development on an individual and a cumulative basis. In regard to the vehicle emission impact, when assessing the development in isolation would have a negligible impact to air quality with some receptors seeing a moderate impact. The impacts of the development on its own result in a less than a 1% change at existing receptors. The proposed development's impact in isolation would not therefore be considered to have significant harm to human health.

8.99 The Councils Environmental Health Officer raised concerns with the submitted information regarding cumulative impacts and outlined that other sites in Newington were identifying a moderate or substantial impacts when taking into account the cumulative impacts.

8.100 As a result of the cumulative impacts of all committed development and the proposed development an Emissions Mitigation Assessment was undertaken. A damage cost was undertaken including NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The damage cost (without mitigation) associated with the additional vehicle movements associated with the development over a 5-year period was considered to amount to £4077.

8.101 The applicant outlined how the damage cost mitigation of the £4077 would be spent for on-site mitigation. The submitted air quality assessment has set out potential mitigation measures, in the form of welcome packs, travel vouchers for public transport and electric bike vouchers, with the costing being £8,550. The Councils Environmental Health Officer has outlined that the further details of the mitigation measures are sought within the S.106 agreement to ensure the measures are deliverable, and that the contribution is spent appropriately. This will be secured via the section 106 agreement.

8.102 It should be noted that all dwellings would have the provision of an electrical vehicle charging point, but these are not considered as part of the mitigation package. Each

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dwelling will also have a cycle shed located within the garden, with an electric cycle charge point.

8.103 The University of Kent responded to the application as per a request from the Parish Council. The University of Kent does not agree with the conclusion of the Air Quality Assessment considering that the model used in the assessment under predicts the NO<sub>2</sub>. The assessment also considers that the proposed mitigation measures to be vague and weak. The proposal individually is not considered to have an individually a significantly negative impact. The concerns primarily derive from a cumulative impact with other committed development.

8.104 Paragraph 186 of the National Planning Policy Framework does make it clear that opportunities to improve or mitigate impacts should be considered at the plan making stage. The NPPF encourages the need for opportunities to be considered at plan making stage to ensure a strategic approach. Paragraph 186 state individual application is consistent with the local air quality management plan.

8.105 Considering the Environmental Health Officers comments, full details of mitigation measures will be controlled by the S.106 agreement, with indicative measures comprising welcome packs, travel vouchers for public transport and electric bike vouchers, which are considered appropriate given the small scale of development being proposed. The proposal would be considered to meet with the Local Air Quality Management Plan.

8.106 The proposal is considered acceptable in this regard subject to securing of mitigation package.

**Archaeology**

8.107 Part of the application site is located within an area of Archaeological Potential; this comprises land to the north of the High Street (A2) up to approximately 20m into the site. The wider local area has been subject to archaeological finds. The Archaeological assessment submitted outlines there would be high archaeological potential for the Iron Age and Roman periods, moderate potential for the Bronze Age and low potential for all periods. The overall potential for surviving archaeology is therefore considered high and the impact of the proposed development will potentially have a high impact on any potential surviving archaeology should it exist. Therefore, a programme of archaeological works should be considered.

8.108 KCC Archaeology conclude that there is potential for significant archaeological remains to occur on this site and to be affected by proposed development. They are satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate. Given the illustrative layout this could be achieved through design and layout of open space. The evaluation should be timed to be undertaken ahead of any reserved matters application so that archaeological measures can be taken account of in development

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design. A condition is recommend to enable a staged approach to evaluation and mitigation of the site’s potential impacts on archaeology” (See condition 3).

**Developer Contributions**

8.109 Policy CP 6 and IMP 1 seek to deliver infrastructure requirements and other facilities to ensure the needs of the Borough are met.

8.110 Kent County Council have outlined the contributions required in association with the development (Members will note the consultee response from KCC above). The contributions would be put towards primary, secondary, and special education needs. Further contributions would be sought for community learning, youth services, library book stock, social care, and waste.

8.111 Kent County Council Highways have requested a contribution towards the improvements on the Key Street roundabout. The site is located close to this junction in the Borough and would work towards improvement works. Kent County Council Public Rights of Way have requested contribution to improvements to Public Footpath ZR59 (to provide a 1.2m wide all-weather surface).

8.112 The Open Space team have requested a contribution towards the provision of off-site open space and formal sports. Based on the Open Spaces and Play Area Strategy 2018 – 2022 a contribution would likely to be sought on the basis of £593.00 per dwelling on formal sports and £446.00 per dwelling for play and fitness.

8.113 Further, to the above Swale would require contribution towards the provision of wheelie bins of approximately. Administration/monitoring fees, SPA mitigation as referenced above, and Air Quality Damage Cost Calculations will be sought via the S.106 agreement.

8.114 The requested contributions are outlined below:

|   |                   |
|---|-------------------|
| KCC Primary Education (£6800 per house)                 | Total: £68,000.00 |
| KCC Secondary Education (£5176 per house)               | Total: £51,760.00 |
| KCC Secondary Land (£2,635.73 per house)                | Total: £26,357.30 |
| KCC Community Learning (£16.42 per dwelling)            | Total: £164.20    |
| KCC Youth Service (£65.50 per dwelling)                 | Total: £655.00    |
| KCC Library Bookstock (£55.45 per dwelling)             | Total: £554.50    |
| KCC Social Care (£146.88 per dwelling)                  | Total: £1468.80   |
| KCC Waste (£183.67 per dwelling)                        | Total: £1836.70   |
| KCC Highways  | Total: £14,400    |
| KCC PROW  | Total: £8625.00   |
| Air Quality Mitigation (Damage Cost)                    | Total: £4077.00   |
| SBC Formal Sports (£593.00 per dwelling)                | Total: £5930.00   |
| SBC Play (£46.00 per dwelling)                          | Total: £4460.00   |
| SBC refuse/bins £109.40 per dwelling                    | Total: £1094.00   |
| SAMMS £275.88 per dwelling                              | Total: £2758.80   |
| Air Quality Mitigation (Additional mitigation measures) |                   |

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Administration and Monitoring

TBC

**Total:****£192,141.30 (£19,214.13 per dwelling)**

8.115 The contributions would be secured via section 106 agreement and securement of an appropriate monitoring fee.

**Affordable Housing**

8.116 Policy DM 8 of the Local Plan identifies that for development proposals of 11 or more dwellings there will be a need to provide affordable housing. As the proposed development is for a net gain of 10 dwellings, affordable housing would not be required.

**Titled Balance**

8.117 As identified above paragraph 11 plans and decisions should apply a presumption in favour of sustainable development... For decision making this means: ...d) where there are no relevant development plan policies, or the policies which are most important for determining the development are out of date, granting planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii. 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.

8.118 Swale Borough Council's Local Plan is out of date and as per footnote 8 of paragraph 11 does not have a 5-year housing supply. The site is also not located in a protected area as identified by paragraph 11. The proposal must be considered in light of the titled balance.

8.119 Part of the proposal site is situated within the defined settlement boundary, and part of the site is located outside the defined settlement boundary. The new residential development is sought in the part of the site outside the defined settlement boundary but lies adjacent to a settlement which has been identified for development. The site is not totally removed from the public transport links. The development would support the provision of pedestrian links to access existing PROW and wider amenities in Newington. The proposal would include a contribution to improve the surfacing of Public Footpath ZR59 (to provide a 1.2m wide all-weather surface).

8.120 The proposal would not result in harm to the designated heritage asset (Grade II listed Ellens Place to the south-west). It is not considered that the proposal would result in landscape harm due to the infill nature of the development, and retention of mature planting at the site boundaries. The site is not isolated as it is located adjacent to existing residential dwellings and recent development at Watling Place. The land is not a designated landscape either nationally or at the local level.

8.121 Further, the proposal would provide additional housing addressing an identified need in the borough.

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8.122 Therefore, it is not considered that there is any identified harm to heritage or landscape. In applying the titled balance, the proposal is considered to tip the balance in favour of approval.

**9. CONCLUSION**

- 9.1 The proposed development would result in new residential development outside the defined settlement boundary of Newington. However, the Local Authority cannot demonstrate a 5-year housing land supply. The titled balance is therefore applicable to the site as is not located within a protected area nor within an identified local level of landscape importance.
- 9.2 The proposal would provide additional housing in the Borough adjacent to a settlement boundary on the development hierarchy strategy. There would be modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents).
- 9.3 The site is locational sustainable, being within walking distance to the facilities and services within Newington, and with walking distance to public transport facilities (bus and train station) that serve Newington. The proposal would be considered to have a moderate weight in meeting an environmental objective.
- 9.4 The proposal would include a contribution to improve the surfacing of Public Footpath ZR59 (to provide a 1.2m wide all-weather surface), which will enhance pedestrian connectivity within Newington.
- 9.5 The proposal is considered on balance acceptable and is recommended for approval.

**10. RECOMMENDATION**

Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.

**CONDITIONS to include**

- 1) The developments to which this permission relates must be begun no 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 developments hereby approved shall be carried out and maintained in accordance with the following approved plans:  
  
Site Location Plan, 22-08-01  
Proposed Colour Site Plan, 22-08-02 D  
Proposed Colour Site Plan, 22/08/03 Rev G  
Proposed Site Plan, 22-08-04 G



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Proposed Plot 1 Plans & Elevations, 22-08-05  
Proposed Plot2 Plans & Elevations, 22-08-06  
Proposed Plots 3-6 Plans, 22-08-07  
Proposed Plots 3-6 Elevations, 22-08-08  
Proposed Plots 7-9 Plans, 22-08-09  
Proposed Plots 7-9 Elevations, 22-08-10,  
Proposed Plot 10 Plans & Elevations, 22-08-11  
Proposed Street Scene, 22-08-12  
Proposed Access Design, 16821 - H-01 Rev P2  
Tree Protection Plan, J20694 Arb TPP B

Reason: For the avoidance of doubt and interest of proper planning.

***Pre-Commencement***

- 3) A) Prior to any development works, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of 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.
- C) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
  - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
  - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

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.

- 4) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations of the Preliminary Ecological Appraisal and Protected Species Report by Greenspace

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Ecological Solutions and shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interest of protected species

- 5) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising a desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

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

- 6) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
  - (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
  - (ii) The loading and unloading and storage of plant and materials on site;
  - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
  - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
  - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
  - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
  - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
  - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
  - (x) Phasing of the development

Reason: In the interests of the amenities of the area

- 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 Flood Risk Assessment prepared by Lustre Consulting dated October

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2020 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 without increase to flood risk on or off-site. 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 form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development

- 8) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways and Kent County Councils Highways). The Construction Management Plan shall 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

The development shall be carried out in accord with the approved Construction Management Plan at all times unless otherwise agreed in writing by the local planning authority (who shall consult National Highways and Kent County Councils Highways).

Reason: In the interests of highway safety, and to ensure that the M2 and A249 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9) Prior to the commencement of the development the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable shall be submitted to and approved in writing by the local planning authority. Should the watching brief indicate remains of interest no development shall take place until details have been provided securing safeguarding measures to ensure

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the preservation of archaeological remains and recording. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the archaeological interest.

- 10) 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.

- 11) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) 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 114 NPPF.

**Prior to above ground level works / specified time scales**

- 12) Prior to reaching slab level on the development hereby approved, details of the solar panels to be implemented on site shall be submitted to and approved in writing by the local planning authority. The solar panels shall be implemented on site prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of sustainability.

- 13) Within 3 months of works commencing an orchard establishment and management plan must be submitted to the LPA for written approval. The plan must include the following:
- Map showing areas of orchard to be enhanced and created
  - Detailed methodology to establish the orchard
  - Overview of the management of the orchard
  - 5 year rolling management plan for the orchard
  - Details of on going monitoring
  - Details of who will carry out the management.

The plan must implemented as approved.

Reason: In the interest of ecological enhancement and habitat creation of the site.

- 14) Within three months of works commencing of the development hereby approved, details of how the development will enhance and manage biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will

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include the inclusion of ecological enhancements for bats, reptiles, and breeding birds through the provision of bat boxes, bird boxes, hibernacula, and native planting. The approved details will be implemented and thereafter retained.

Reason: In the interest of ecological enhancements of the site

- 15) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials, including hard surfaces to be used in the construction of the development hereby approved 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.

- 16) No development beyond the construction of foundations shall take place until full details of both hard landscaping/surfacing and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of any existing and proposed trees, shrubs and other planting, schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, an implementation programme, and details of long-term management. The long-term management details shall include the communal amenity landscape areas and retained fruit trees. 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) 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.

- 18) No development above ground level shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 19) The development shall take place in accordance with the details of the Tree Protection Plan (drawing no. J20694 Arb TPP B) and Arboricultural Method Statements and arboricultural supervision within the Arboricultural Impact

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Assessment and Method Statement Rev C (dated May 2022), and in accordance with the current edition of BS 5837 Trees in Relation to Design, Demolition and Construction. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

**Pre-Occupation**

- 20) 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. No external lighting other than agreed subject to this condition shall be installed on site without the prior consent of the local planning authority.

Reason: In the interests of protected species.

- 21) 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 the suitable modelled operation of the drainage system where the system constructed is different to that 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.

- 22) The areas shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the associated use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

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- 23) Provision of Electric Vehicle charging points as shown on the submitted plans prior to the use of the site commencing. 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-approved-chargepoint-model-list>

Reason: in the interest of air quality

- 24) The approved cycle parking facilities as illustrated on plan 22/08/04 G shall be provided prior to bringing the development into first use and retained thereafter.

Reason: In the interest of sustainable transport.

- 25) Prior to the occupation of any of the units hereby permitted the approved access as show on the approved plans including H-01 Revision P2 shall have been completed and brought into use and maintained as such thereafter.

Reason: In the interest of the local highway network.

- 26) Prior to the occupation of any units as approved by the development hereby approved the completion of the off-site highway works to provide a pedestrian crossing as shown on drawing H-01 Revision P2 shall have been completed and brought into use.

Reason: In the interest of highway safety.

- 27) No dwellings shall be occupied, until the Key Street highway improvement contract has been awarded.

Reason: In the interest of highways capacity

- 28) The development shall be designed to achieve a water consumption rate of no more than 110 liters per person per day, and no 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.

- 29) 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.

- 30) 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

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unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity

**INFORMATIVES**

**National Highways Informative:** The CMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Southern Water: We request that should this planning application receive planning approval, the following informative is attached to the consent: 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.

**KCC PROW:**

- 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.
- In order to ensure public safety during development, the temporary closure of the route may be required. A temporary closure 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.

**Informative for ASBESTOS:**

Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

**KCC Flood and Water Management:**

The proposals seek to utilise a piped network draining into orchard planting with rain gardens prior to discharging at 2l/s into an existing land drain. We note that the exact location, size and condition of the land drain pipe that the proposed drainage is to connect to is to be confirmed



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during detailed design. Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.

**The Council's approach to the application**

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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

