

2.2 REFERENCE NO – 21/505041/OUT		
APPLICATION PROPOSAL		
Outline application for the development of up to 63 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. (Access to Lower Road being sought, all other matters for future consideration)		
ADDRESS Land North Of Lower Road Eastchurch Kent		
RECOMMENDATION – planning permission is Granted subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development would provide additional housing 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 the harm.		
REASON FOR REFERRAL TO COMMITTEE		
Parish Council Objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT New Homes and Land AGENT Carter Jones
DECISION DUE DATE 28/02/2023	PUBLICITY EXPIRY DATE 28/10/2021	CASE OFFICER Alex Jelley

1. RELEVANT PLANNING HISTORY

- 1.1. 19/500887/FULL
Erection of 15 dwellings with associated parking and new road access
Approved 24/12/2020

2. EXECUTIVE SUMMARY

- 2.1. Whilst the site is located outside of the defined boundary of Eastchurch and therefore is located in the countryside, it is well located for housing in respect of future occupants being able to access services and facilities via sustainable travel methods including walking and cycling. Eastchurch is defined as a Rural Local Service Centre by Policy ST3 (Swale settlement strategy) as set out in the Bearing Fruits 2031: The Swale Borough Local Plan 2017. As such it is reasonable for this settlement to provide a tertiary, supportive role in the Council's plans to deliver housing to meet its housing need.
- 2.2. This was recognised in the Council's Strategic Housing Land Availability Assessment (SHLAA), published in 2020 as part of the evidence base for the Local Plan Review. The application site forms part of a larger site, North of Eastchurch (18/063), which has been assessed as 'suitable and deliverable'.
- 2.3. The lack of a five-year housing land supply, and the fact that the Local Plan is out of date carries significant weights in favour of supporting the principle of the development.
- 2.4. The scheme would not conflict with policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.
- 2.5. The proposals meet the requirements of Policies ST6, CP4, CP7, DM24 and DM29 of the Local Plan, as well as the National Planning Policy Framework (NPPF), in so far as they have regard to matters of layout, design and character.

- 2.6. The proposals would not cause substantial harm to landscape character and are therefore in accordance with the requirements of Policies ST6, CP4, CP7, DM24 and DM29, as well as the NPPF, in so far as they have regard to matters of landscape visual impact.
- 2.7. As this is an outline application with only access up for consideration at this stage, much of the detail would come forward as part of subsequent reserved matters applications. However, there is enough information provided at this stage to suggest that the scheme could meet the requirements of Policy DM14 of the Local Plan with respect to living conditions.
- 2.8. The proposals are in accordance with the requirements of Policy DM28 of the Local Plan and the NPPF in so far as it has regard to ecology/biodiversity.
- 2.9. The Climate Change Officer has advised that they have no objection but have asked for an Energy Strategy and Sustainability Strategy to be provided as part of any reserved matters applications. These should not be bolt-on documents but should be driving forces in the formation of that detailed application. On this basis, the scheme is in accordance with DM19 of the Local Plan and the NPPF with respect to sustainability and climate change.
- 2.10. There would be no harm to the significance of any of the identified above-ground heritage assets. The submitted documentation suggests that a Written Scheme of Investigation condition should be attached to any approval. This is considered to be a reasonable approach to take, and necessary to ensure that any unexpected finds are dealt with accordingly. As such, I consider that the statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the associated policies of the NPPF and local plans are passed.
- 2.11. The scheme is capable of meeting the requirements of Policies DM21 and CP7 of the Local Plan with respect to flood risk and drainage, subject to the conditions attached to this approval.
- 2.12. The Council's Agricultural Land consultants were asked for comment on the scheme, and have responded to say that in this instance "*under both National and Local Policy I consider that the loss of agricultural land, in this case, is not a factor which potentially weighs against the scheme in principle*". It is therefore considered that the proposals meet the requirements of Policy DM31 of the Local Plan and the NPPF with respect to agricultural land classification.
- 2.13. The scheme includes a comprehensive planning obligation package including health and school places funding, and contributions towards other identified community facilities and services.
- 2.14. Overall, the application is considered to accord with the Local Plan 2017 and the NPPF subject to the imposition of suitable safeguarding conditions and the successful completion of a Section 106 agreement.

3. DESCRIPTION OF SITE

- 3.1. The site is located on the north-western edge of Eastchurch. It comprises of agricultural land and extends to approximately 7.3ha. It is bound to the north and west by agricultural land, to the east by Dicksons Playing Field, and to the south by residential properties on High Street and Lower Road.

- 3.2. The site is an irregular shape with the main body of the site a semi-circle shape wrapping around the settlement edge. There is a northern extension, perpendicular to the main body of the site, which is required to accommodate the SuDS proposals.
- 3.3. The site is largely devoid of vegetation, with only a small group of trees on the southern edge, adjacent to Lower Road. A public footpath (ZS23) enters the site next to this tree group and crosses the site in a north-westerly direction. The route of this footpath on the ground differs slightly to that shown on the definitive public rights of way map.
- 3.4. The site is on the edge of a residential area, with a footpath network accessible on Lower Road and via Dicksons Playing Field that connects to key local services and facilities in the village. The centre of Eastchurch is within 500m to the east. Adjoining the southern boundary of the site is land that is allocated in the adopted Local Plan for residential development, and which has full planning permission for a development of 15 dwellings, Application 19/500887/FULL.

4. PROPOSAL

- 4.1. This is an outline planning application where the development provides a total of 7.3ha hectares for residential development, providing up to 63 new build dwellings. Matters relating to the appearance, landscaping, layout, and scale are reserved for future consideration, and therefore only the specific access onto Lower Road is considered at this stage. In accordance with Policy DM8 of the Local Plan, the scheme would not deliver any affordable housing on site. The requirement for affordable housing on the Isle of Sheppey is 0%.
- 4.2. The proposals include a balanced mix of dwellings, including flats and detached, semi-detached and terraced houses. These would range from one to four bedrooms in size, with the precise mix determined through subsequent reserved matters applications.
- 4.3. The development density will be approximately 8.6 dwellings per hectare which is very low. However, this is largely as a result of the abundance of open space, landscaping, drainage attenuation, agricultural land and hedgerow planting that is proposed as part of the scheme. When these elements are removed, the density on the developable portion of the site rises to a much more reasonable 22.5 dph – considering the edge of settlement location.

5. PLANNING CONSTRAINTS

- None

6. POLICY AND OTHER CONSIDERATIONS

Bearing Fruits 2031: The Swale Borough Local Plan 2017 Policies

- ST 1** Delivering sustainable development in Swale
- ST 2** Development targets for jobs and homes 2014- 2031
- ST 3** The Swale settlement strategy
- ST 6** The Isle of Sheppey area strategy
- CP 2** Promoting sustainable transport
- CP 3** Delivering a wide choice of high quality homes
- CP 4** Requiring good design
- CP 5** Health and wellbeing
- CP 6** Community facilities and services to meet local needs
- CP 8** Conserving and enhancing the historic environment
- 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 18** Local Green Spaces
- DM 19** Sustainable design and construction
- DM 20** Renewable and low carbon energy
- DM 21** Water, flooding and drainage
- DM 24** Landscape
- DM 28** Biodiversity and geological conservation
- DM 29** Woodlands and Trees
- DM 31** Agricultural Land
- DM 32** Development involving listed buildings
- DM 34** Scheduled monuments and archaeological sites

Supplementary Planning Documents

- Developer Contributions (2009)
- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Swale Landscape Assessment (2019)

7. LOCAL REPRESENTATIONS

- 7.1. Letters were sent to neighbouring occupiers, a notice was published in the press and a site notice placed in the vicinity. 55 letters of objection received from local residents:
- Loss of orchards/agricultural land
 - Highways impact
 - Lack of services
 - Environmental impact
 - Air quality
 - Residential amenity
 - Design/character
 - Density
 - Pollution
- 7.2. Eastchurch Parish Council Object to the proposal on the following grounds: -
- Design/Character
 - Lack of infrastructure and services
 - Loss of agricultural land
 - Landscape impact
 - Overdevelopment of Eastchurch
 - Biodiversity impact
 - Highways impact
- 7.3. The Swale Footpath Group raised no objection to the scheme.

8. CONSULTATION RESPONSES

KCC Highways: No objection subject to conditions and Section 106 contributions as follows:

1. *Submission of a Construction Management Plan before the commencement of any development on site to include the following:*

- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
2. Provision and permanent retention of the vehicle parking spaces and/or garages in accordance with details to be submitted to and approved by the Local Planning Authority prior to the use of the site commencing.
 3. Provision of Electric Vehicle charging points in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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>
 4. Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
 5. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
 6. Completion of the off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD01 Rev C and 205448-A02 Rev G and the off-site footway works approved by planning consent 18/500887/FULL prior to the use of the site commencing, provided that have been constructed. In the event that the footway approved by planning consent 18/500887/FULL has not been constructed, the alternative off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD02 and 205448-A05 shall be completed prior to the use of the site commencing.
 7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.
 8. Completion of the following works between a dwelling and the adopted highway prior to first occupation of the dwelling:
 - (a) Footways and/or footpaths, with the exception of the wearing course;
 - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).
 9. Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.2metres above carriageway level within the splays, prior to the use of the site commencing.

Southern Water: No objection.

KCC Flood and Drainage: No objection subject to conditions as follows:

1. *No development shall take place until the details required by Condition 1 (assumed to be reserved matters condition for layout) shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm can be accommodated within the proposed development layout.*
Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.
2. *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 dated August 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate equivalent of 10.6l/s 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.

3. *No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.*
Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

KCC Ecology: No objection subject conditions as follows:

1. *With the first reserve matters application, 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.

2. *With the first reserve matters application, a precautionary mitigation strategy will be produced in alignment with the recommendations in sections 4.20 to 4.26 within the Preliminary Ecological Appraisal (The Ecology Partnership July 2020). The measures will be carried out in accordance with the approved strategy thereafter.*
3. *Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include a native species-only landscaping scheme and measures in section 4.28 of the Preliminary Ecological Appraisal (The Ecology Partnership July 2020). The approved details will be implemented and thereafter retained.*

Drainage Board: No objection.

NHS: No objection subject to financial contributions towards the refurbishment, reconfiguration and/or extension of Sheerness Health Centre and/or Dr S J Witts Practice and/or St Georges Medical Centre and/or The Om Medical Centre and/or Sheppey Healthy Living Centre and/or towards new practice premises development in the area being secured by Section 106 contributions required to mitigate impact.

KCC Developer Contributions: No objection subject to Section 106 contributions towards Special Education Needs, secondary education, community learning, the youth service, the library service, social care and waste being secured to mitigate impact.

Natural England: No objection subject to Section 106 contribution required to mitigate impact of the proposal in adherence to the North Kent Strategic Access Management and Monitoring Strategy

KCC Public Rights of Way: No objection subject to a Section 106 contribution of £6900 towards the provision of a 6.5m kit bridge to provide access from the proposed development to the northern section of PF ZS23.

Historic England: No objection.

Climate Change Officer: No objection subject to conditions requiring the submission of a Sustainability Strategy and Energy Strategy.

Environment Agency: No objection.

Kent Police: No objection a condition relating to Secured By Design principles.

SBC Conservation: No objection. Request further information to be provided at REM stage re Orchards and connectivity to adjacent open space.

9. APPRAISAL

- 9.1. The main matters for consideration as part of this application are:
 - Principle
 - Loss of Agricultural Land
 - Landscape
 - Design and Character
 - Living Conditions
 - Highways

- Biodiversity
- Water, Flooding and Drainage
- Sustainable Design and Construction
- Contamination
- Heritage
- Archaeology
- Developer Contributions

Principle

- 9.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 9.3. Paragraph 10 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental and to achieve sustainable gains these should be sought jointly and simultaneously through the planning system.
- 9.4. The mechanism for applying the presumption in favour of sustainable development is set out in paragraph 11 and states that for decision-taking this means:
- “c) approving development proposals that accord with the Development Plan without delay; and,
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting 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; 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.”*
- 9.5. Assessing the development against the development plan and specifically policies ST1, ST3 and ST5 of the Local Plan because the site falls outside of defined confines of Newington (or indeed any of the other settlements covered by ST 1) and as such the proposal conflicts with the Local Plan 2017.
- 9.6. When considering the Bearing Fruits Local Plan, the Inspector imposed a five-year period for reviewing the Plan, to ensure that it remained up to date and commensurate with national policy. That time period has passed, and the plan is therefore ‘out of date’.
- 9.7. Furthermore, the Council can only demonstrate a 4.83-year supply of housing and as such cannot demonstrate a 5 year supply.
- 9.8. In accordance with footnote 8 to paragraph 11 of the NPPF, its relevant policies for the supply of housing cannot be considered up-to-date, and the ‘Tilted Balance’ should apply to decision making.
- 9.9. This does not, however, lead to an automatic assumption that planning permission should be granted for residential development in locations that would otherwise have conflicted with Development Plan policies.
- 9.10. Rather in situations where the Development Plan policies have failed to secure a sufficient housing, the NPPF seeks to ensure that the ‘presumption in favour of sustainable development’ is duly applied.

- 9.11. If the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, then planning permission should still be refused.
- 9.12. Paragraph 80 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless there are special circumstances, to promote sustainable development in rural areas.
- 9.13. Whilst the site is located outside of the defined boundary of Eastchurch and therefore is in the countryside, it is well located for housing in respect of future occupants being able to access services and facilities via sustainable travel methods including walking and cycling.
- 9.14. Eastchurch is defined as a Rural Local Service Centre by Policy ST3 (Swale settlement strategy). As such it is reasonable for this settlement to provide a tertiary, supportive role in the Council's plans to deliver housing to meet its housing need.
- 9.15. This was recognised in the Council's Strategic Housing Land Availability Assessment (SHLAA), published in 2020 as part of the evidence base for the Local Plan Review. The application site forms part of a larger site, North of Eastchurch (18/063), which has been assessed as 'suitable and deliverable'.

- 9.16. The suitability conclusions are as follows:

"The site is not subject to any high-level constraints and is adjacent to an existing built-up area boundary. Much of the site is within a reasonable walking distance of the services and facilities offered in Eastchurch village. These include a convenience store, a GP's surgery and a primary school. There is also a public house, a church and a village hall. There are employment opportunities in the area, with the prisons to the south, holiday parks to the northeast and the services and facilities within the village itself. Many essential day to day services can be met in the area, although the full range requires travel into Minster, Sheerness and beyond. There is no train station here but a fairly regular bus service towards the town, with connections available beyond. As such, the site is considered to be in a sustainable location which is suitable for residential development."

- 9.17. The considerations above are a reasonable account of what is available within the immediate vicinity and thus apply to this application as much as they did to the wider site under consideration at that time.
- 9.18. The lack of a five-year housing land supply, and the fact that the Local Plan is out of date carries significant weights in favour of supporting the principle of the development, subject to other relevant planning considerations discussed in detail below.

Loss of Agricultural Land

- 9.19. Policy DM 31 of the Local Plan seeks to protect the most high-grade agricultural land from development pressures. It states the following:

"Development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries."

Development on best and most versatile agricultural land (specifically Grades 1, 2 and 3a) will not be permitted unless:

- 1. The site is allocated for development by the Local Plan; or*
- 2. There is no alternative site on land of a lower grade than 3a or that use of land of a lower grade would significantly and demonstrably work against the achievement of sustainable development; and*

3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high-quality agricultural land.”

- 9.20. Paragraph 174 (b) under the NPPF 2021) states that *“Planning policies and decisions should contribute to and enhance the natural and local environment by: recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land and of trees and woodland”*.
- 9.21. The application includes an Agricultural Land Classification report by RPS, which provides an assessment of the effects of the proposals on agricultural land quality and soil resources.
- 9.22. It concludes that the site is mostly made up of lower quality Subgrade 3b land (58%), with a smaller area of Subgrade 3a land (42%). It points out that some of the higher-grade land would be retained as an orchard.
- 9.23. Natural England guidance for consultation with Local Authorities identifies the threshold of such land that would be considered significant:

“In accordance with Town and Country Planning (Development Management Procedure) (England) Order 2015 (schedule 4(y)), the LPA must consult Natural England on:

- *The loss of not less than 20ha of grades 1, 2 or 3a agricultural land which is for the time being used for agricultural purposes;*
- *The loss of less than 20ha of grades 1, 2 or 3a agricultural land which is for the time being used for agricultural purposes, in circumstances in which the development is likely to lead to a further loss agricultural land amounting cumulatively to 20ha or more.”*

- 9.24. As the scheme would involve the loss of less than 20ha of Grade 3a (as the only portion of the land on site referred to in this test), it is considered that the proposals would meet this requirement.
- 9.25. With respect to the test identified in Policy DM31 of the Local Plan, as set out above, there is a great deal of similarly graded, or indeed higher graded, land within the surrounding area. The loss of this site would therefore have no discernible impact on the availability of good quality agricultural land.
- 9.26. The Council’s agricultural land consultants were asked for comment on the scheme and have responded to say that in this instance *“under both National and Local Policy I consider that the loss of agricultural land, in this case, is not a factor which potentially weighs against the scheme in principle”*.

It is therefore considered that the proposals meet the requirements of Policy DM31 of the Local Plan and the NPPF with respect to agricultural land classification.

Landscape

- 9.27. Policy CP4 of the Local Plan requires all developments to have a suitable impact on their surroundings, promoting and reinforces local distinctiveness and protecting local landscape characteristics.
- 9.28. Policy ST6 seeks to provide housing in locations where the role and character of the Isle of Sheppey is maintained / enhanced and where the character, appearance and setting of the towns, the surrounding landscape, and heritage assets are protected and enhanced.
- 9.29. Policy CP7 seeks to ensure that development comes forward in a manner that conserves and where possible enhances the Borough’s natural environment. Policy DM24 looks to

restrict development where it would have a negative impact on valued landscapes. Policy DM29 provides protection for existing woodlands, trees and hedges.

- 9.30. The applicant has been submitted a Parameter Plan (showing the broad location of different types of development within the site), an indicative Layout (though this would not form an approved document, it does indicate how the developers see the scheme coming forward), and most importantly a Landscape Visual Appraisal (LVIA) with supporting appendices.
- 9.31. The site is identified as being within National Character Area (“NCA”) 81 – Greater Thames Estuary, and in North Sheppey Local Character Area (“LCA”) with respect to the county level designation, and LCA 16 Minster and Warden Farmlands as per the Swale Landscape Character and Biodiversity Appraisal.
- 9.32. The baseline position is considered to poor, with intrusive land uses, lost hedgerows and trees and a weak ecological network. The above designations suggest that land here should be restored where possible, with the creation of a more cohesive landscape framework that reduces the influence of urban development.
- 9.33. The LVIA notes that the site is not located within any national or local designations. It concludes its review of the baseline by affording the site an overall medium value. The Swale Landscape Sensitivity Assessment (“SLSA”) identifies the site, as part of a wider portion of land, as having a moderate-high sensitivity. The SLSA suggests that any new development should be landscape-led in design and should seek all opportunities for green infrastructure provision so as to improve upon the status quo and mitigate any negative impact.
- 9.34. There is no evidence available, either through consideration of the adopted landscape related SPDs or the character guides referred to above, or from my visit to the site, that would suggest that the medium value is incorrect or that the moderate-high sensitivity referenced above does not apply to this site.
- 9.35. The proposals would involve the loss of open arable fields, and as such a degree of loss of the open character of the setting of Eastchurch. As set out within the LVIA, however, this has already been eroded through the loss of field boundaries and hedgerows from the late 20th Century. The proposals would, conversely provide additional hedgerow and tree planting in a manner that would recreate those lost field boundaries and buffer the site from longer views.
- 9.36. The LVIA suggests that the site has a low-medium susceptibility to change. This leads to a consideration that the sensitivity of this site (rather than the wider portion of land referred to at Paragraph 9.41 above) to change is low-medium. Given the nature of the proposed development, the magnitude of change is initially considered to be medium-high adverse. Landscaping impacts at year 1 reduce this to moderate adverse. The 15-year assessment is neutral impact, once the various mitigation measures have matured.
- 9.37. In terms of visual impact, the LVIA considers a host of viewpoints and sets out the following:
- *“People using Lower Road (Vps A & B) – initially moderate adverse reducing to minor adverse.*
 - *People using Footpath 23 (Vps C & D) – initially overall effect will be major/moderate adverse reducing to overall effect of moderate adverse.*
 - *People using Footpath 23 (Vp E) – initially minor adverse changing to moderate beneficial.*

- *People visiting Dickson's Field (Vp F) - initially moderate adverse reducing to minor adverse in summer months.*
- *People using Footpath 24 (Vp G) neutral initially and long term.*
- *People using Footpath 24 (Vps H & I) - initially moderate adverse reducing to neutral/beneficial.*
- *People using Plough Lane (Vps J & K) - initially moderate/minor adverse reducing to neutral/beneficial."*

- 9.38. The above views are identified in Appendix 2 of the LVIA. It is considered that they represent a thorough analysis of the key points from which the development would be appraised.
- 9.39. Having considered the submission and visited the site, it is considered that the LVIA thoroughly considers the baseline position, the impact of the proposed development on landscape character, and the impact of the proposals from a visual amenity perspective. The mitigation measures proposed will inevitably take some time to mature but would lead to an appropriate form of development that does not have a material negative impact on either the landscape character of the surrounding area or the visual amenity of those residing in it or visiting it for recreation.
- 9.40. It will be essential to ensure that the Reserved Matters application(s) come forward with a suitable level of information in relation to design, layout, and landscaping – but control over the development will be retained by the Council in this respect.
- 9.41. As such it is considered that the proposals would not cause substantial harm to landscape character and are therefore in accordance with the requirements of Policies ST6, CP4, CP7, DM24 and DM29, as well as the NPPF, in so far as they have regard to matters of landscape visual impact.

Design and layout

- 9.42. Policy CP4 of the Local Plan requires all developments to achieve high quality design, appropriate to its surroundings, that creates attractive places, promotes, and reinforces local distinctiveness and strengthens sense of places.
- 9.43. Policy ST6 seeks to provide housing in locations where the role and character of the Isle of Sheppey is maintained / enhanced and where the character, appearance and setting of the towns heritage assets are protected and enhanced.
- 9.44. Policy CP7 seeks to ensure that development comes forward in a manner that conserves and where possible enhances the Borough's natural environment. Policy DM24 looks to restrict development where it would have a negative impact on valued landscapes. Policy DM29 provides protection for existing woodlands, trees and hedges.
- 9.45. The Government at paragraph 127 (a) – (d) of the revised NPPF attach great importance to the design of built development. It goes on to advise that planning decisions should ensure that development will function well and add quality of the overall area; not just for the short term but over the life time of a development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; are sympathetic to local character and history, including the built environment and landscape setting, while not discouraging appropriate innovation and change; establish or maintain a strong sense of place, using the arrangements of streets, space, building types and materials to create attractive, welcoming and distinctive places to live, work and visit.

- 9.46. The National Design Guide illustrates how well-designed places that are beautiful, enduring and successful can be achieved in practice. It forms part of the Government's collection of planning practice guidance and should be read alongside the separate planning practice guidance on design process and tools.
- 9.47. Though matters relating to layout and design and reserved matters and would be dealt with at any subsequent reserved matters application, the overall impact of the proposals on the surrounding area is a material consideration at this stage of the process, as it speaks to the heart of the proposals.
- 9.48. As such, the application has been submitted with several relevant documents associated with the layout and visual impact of the scheme. These include a Parameter Plan (showing the broad location of different types of development within the site), a Planning Statement, a Design and Access Statement, an indicative Layout (though this would not form an approved document, it does indicate how the developers see the scheme coming forward).
- 9.49. Having reviewed the submitted detail, it is considered that the Parameter Plan would form a sensible basis for future Reserved Matters application, appropriately sub-dividing the site into specific land uses. The residential components would be focussed in a broad semi-circle to the centre of the south along the southern boundary. The existing Recreation Ground to the east would be augmented with additional landscaping and a community orchard/garden.
- 9.50. New woodland to the west would soften the impact of the development when approaching Eastchurch from that direction. New hedgerow planting to the northeast would have a similar impact in that direction.
- 9.51. The topography of the site is such that the surface water would drainage to the north, hence the position of the attenuation pond within the northwest projection.
- 9.52. Kent Police have responded without objection but have asked for a Secured By Design condition to ensure that the Reserved Matters application is accompanied by sufficient detail. This is considered to be a reasonable request, and one that will ensure the scheme meets the policy requirements in this regard.
- 9.53. Finally, it is proposed that the residential parcels would have a max ridge height of 8.5m, limiting them to 2 storey properties. Given the local vernacular and landscape considerations (set out below), this seems to be an appropriate constraint for this site.
- 9.54. Further detail on layout, design, materials and so on will necessarily be provided as part of future Reserved Matters applications. This ensures the retention of control on such matters lies with the Council, and officer's can exert their judgement when those applications are submitted.
- 9.55. As a result, it is considered that the proposals meet the requirements of Policies ST6, CP4, CP7, DM24 and DM29, as well as the NPPF, in so far as they have regard to matters of layout, design and character.

Living conditions

- 9.56. Policy DM14 of the local plan states (inter-alia) that developments should cause no significant harm to amenity or other sensitive uses.
- 9.57. Though the concerns of the Parish Council and neighbours are noted, it is considered that the indicative layout provided suggests that a scheme could be brought forward on the site,

for the number of dwellings proposed, that would not cause material harm with respect to overlooking, loss of sunlight, overbearance, air quality or other amenity considerations.

- 9.58. Moreover, the indicative layout demonstrates that the quantum of development proposed within the red line area would not lead to a cramped form of development that could not provide sufficient outdoor amenity space for each of the dwellings proposed.
- 9.59. As this is an Outline application with only access up for consideration at this stage, much of the detail would come forward as part of subsequent reserved matters applications. However, there is enough information provided at this stage to suggest that the scheme could meet the requirements of Policy DM14 of the Local Plan.

Highways

- 9.60. This application is an Outline proposal, though the applicants have asked for the access from Lower Road to be considered at this stage. As such they have provided detailed information in relation to the form the access will take from Lower Road, as well as a detailed assessment of the proposals on the wider highways network.
- 9.61. The application as submitted included a Transport Assessment, a Proposes Site Access Plan, and commentary within the Design and Access Statement and Planning Statement relating to highways matters. Transport Assessment Addendums and Proposed Site Access Rev C Plans were submitted more recently in response to the initial round of consultation – particularly that from KCC Highways and National Highways.
- 9.62. KCC Highways responded to the scheme by raising no objection, whilst requiring the imposition of several conditions and S.106 contributions, as set out above.
- 9.63. They noted the following:

The submitted documents consisted of drawings 205448-PD02 “Proposed Site Access General Arrangement & Visibility”, 205448-PD01 Rev C “Proposed Site Access General Arrangement & Visibility” and a Transport Assessment Addendum dated June 2022. Within the TA addendum, further drawings 205448-A02 Rev G “Proposed Site Access Simple Junction General Arrangement & Visibility” and 205448-A05 “Proposed Site Access General Arrangement & Visibility Without Neighbouring Development” were also included.

These documents have been submitted to address the comments made in my last response, and I note that the amended site access drawings 205448-PD01 Rev C and 205448-A02 Rev G do now feature the proposed footway and are consistent with how this had been shown on related drawings. I consider that these amendments clarify the footway provision and has removed any ambiguity.

Drawings 205448-PD02 and 205448-A05 are new drawings that indicate the access arrangements as per revised drawings 205448-PD01 Rev C and 205448-A02 Rev G, but include the additional footway and crossing of High Street. These drawings were requested in my previous response in order to show the additional footway linkages this development would be expected to provide in the event that the adjacent development consented under planning reference 18/500887/FULL has not already provided the connection to the existing footway network. I am therefore satisfied that the full extent of off-site highway works required to provide adequate pedestrian routes in either scenario are specified and can be secured by planning conditions.

The additional junction modelling that I had requested has been provided in the TA addendum, and this demonstrates that the Lower Road/Eastchurch Road junction would continue to operate within capacity in 2026 with the development. Whilst the 2031 modelling

does show that the Eastchurch Road arm will have just exceeded the accepted RFC value of 0.85 during the AM peak hour without the development, the impact of the development would be minimal and only increase the queue by 0.6 vehicles to a total of 6.8 vehicles. It is considered that the traffic impact would be acceptable and I concur that no perceptible difference in network performance would be noted.

Consequently, I 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.”

- 9.64. The following condition required by KCC Highways could either form a Grampian Condition or a S.106 obligation, as it relates to off site works. In this instance, given the necessity of a S.106 Agreement for other matters, it is considered that it is most appropriately dealt with via legal agreement.

“Completion of the off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD01 Rev C and 205448-A02 Rev G and the off-site footway works approved by planning consent 18/500887/FULL prior to the use of the site commencing, provided that have been constructed. In the event that the footway approved by planning consent 18/500887/FULL has not been constructed, the alternative off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD02 and 205448-A05 shall be completed prior to the use of the site commencing.”

- 9.65. Based on the above, I am content that the scheme would not conflict with policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.

Biodiversity

- 9.66. Paragraph 40 of the Natural Environment and Rural Communities Act, under the heading of ‘duty to conserve biodiversity’ states “every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.”
- 9.67. The Local Plan at Policy DM28 seeks for proposals to conserve, enhance, and extend biodiversity and provide for net gains in biodiversity where possible.
- 9.68. The NPPF at chapter 15 ‘conserving and enhancing the natural environment’ sets out government views on minimising the impacts on biodiversity, providing net gains where possible and contributing to halt the overall decline in biodiversity.
- 9.69. The application includes a Preliminary Ecological Appraisal which sets out the baseline position and recommends some mitigation measures designed to ensure that the scheme can result in a net gain in biodiversity across the site.
- 9.70. As the scheme progresses towards Reserved Matters submission it will be essential to ensure that the required details are provided, and that the biodiversity net gain percentage is calculated in line with policy requirements.
- 9.71. The County Ecologist has responded positively to the submission, raising no objection to it. They have asked for three conditions to be attached to any approval, as set out above. These are considered to meet the tests and will ensure that the scheme contributes positively to the Council’s aims in relation to ecological conservation and enhancement.

Appropriate Assessment

- 9.72. The development includes proposals for new dwellings within the zone of influence (6km) of The Medway Estuary and Marshes Special Protection Area (SPA) and wetland of International Importance under the Ramsar Convention (Ramsar Site). As a result, the Council has a responsibility to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.
- 9.73. A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be considered when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.
- 9.74. Natural England have responded to the scheme with a standard no objection response, requesting SAMMS contributions. As such it is considered that the proposals are in accordance with the requirements of Policy DM28 of the Local Plan and the NPPF in so far as it has regard to ecology/biodiversity.

Flood Risk and Drainage

- 9.75. The Local Plan as Policy DM21 sets out a raft of criteria aimed at preventing or reducing flood risk.
- 9.76. The revised NPPF at chapter 14 sets out government views on how the planning system should take into account the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process.
- 9.77. Local Plan Policy CP7 requires new development to be supported by the timely delivery of green infrastructure, including SuDS.
- 9.78. The NPPF at paragraph eight and elsewhere identifies the provision of infrastructure as part of the economic role as one of the three dimensions of sustainable development.
- 9.79. The PPG under the chapter entitled 'water supply, wastewater and water quality' at paragraph 20 provides advice on the considerations that apply in areas with inadequate wastewater infrastructure. The PPG explains that if there are concerns regarding the capacity of wastewater infrastructure, applicants will be asked to provide information as to how wastewater will be dealt with. The PPG goes on to provide advice on several scenarios regarding the preference to connect to the public sewerage system and the acceptable alternatives.
- 9.80. KCC Flood and Drainage have raised no objection to the scheme, subject to the imposition of conditions. The same is true of Southern Water and the Drainage Board. As such it is considered that the proposed development, with appropriate conditions, would have a suitable approach to flood water, surface water drainage and foul water.
- 9.81. The imposition of the required conditions ensures that the scheme is capable of meeting the requirements of Policies DM21 and CP7 of the Local Plan with respect to flood risk and drainage.

Sustainable Design and Construction

- 9.82. Climate change – Policy DM19 requires developments to address climate change and reduce carbon emissions in new developments. The policy does not include a threshold for

such reductions. However, the Council's Ecological and Climate Change Emergency Action Plan sets out that new housing developments should achieve a minimum 50% reduction in emissions when compared to target rates in the current Building Regulations.

- 9.83. The application is an outline application with only access to be determined at this stage. As such the applicant advises that energy efficiency and other sustainability issues will be dealt with at the detailed design and reserved matters stage. Nonetheless, in the Design and Access Statement the applicant states that the "best practice sustainability will be embraced" - though no details of what best practice is.
- 9.84. The Climate Change Officer has advised that they have no objection but have asked for an Energy Strategy and Sustainability Strategy to be provided as part of any Reserved Matters applications. These should not be bolt-on documents but should be driving forces in the formation of that detailed application.
- 9.85. On this basis the scheme is in accordance with DM19 of the Local Plan and the NPPF with respect to sustainability and climate change.

Heritage

- 9.86. The Council is required by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.87. Policy 32 of the Local Plan sets out the policy background for the protection, preservation, and enhancement of listed buildings. Policy 34 does likewise for archaeological sites.
- 9.88. Chapter 16 sets out government advice on conserving and enhancing the historic environment. Paragraph 195 sets out its guidance where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset. Paragraph 196 advises on development proposals which will lead to less than substantial harm to the significance of a designated heritage asset. The paragraph goes on to say that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. Paragraph 201 informs that not all elements of a conservation area will necessarily contribute to its significance.
- 9.89. The application includes a Historic Environment Appraisal and an Archaeological Desk-Based Assessment. The first of which identifies the following nearby heritage assets:

"The main historic environment consideration engaged by this application is the effect of the proposals on the setting, and significance, of the Grade I listed parish church of All Saints within the centre of the village. Associated with the church to the west is the Grade II listed 19th Century Rectory set behind a densely vegetated boundary to High Street. 2, Warden Road (Grade II) lies to the north of the churchyard. To the south of the crossroads is a Grade II listed memorial to 'The Home of Aviation'. Beyond Eastchurch on rising ground to the northeast is Shurland Hall, a remnant of a much larger 16th Century complex and comprising a scheduled monument, Grade II* listed building and Grade II listed garden walls. It is located at some distance from the Site, c.750m at its closest point."*

- 9.90. It concludes that there is no harm to the significance of any of the identified heritage assets. This view is shared by the Council's Conservation Officer, who has raised no objection to the scheme.

Archaeology

- 9.91. The Archaeological Desk-Based Assessment states the following:

“The site of land at Eastchurch, Isle of Sheppey, Kent, has been reviewed for its below ground archaeological potential.

In terms of relevant, nationally significant designated heritage assets, no World Heritage Sites, Scheduled Monuments, Historic Wrecks or Historic Battlefields lie within the study site or its immediate vicinity.

The study site is considered likely to have had an archaeological potential for the later prehistoric, Roman, Anglo-Saxon and Medieval periods.

The study site has remained undeveloped open land throughout its documented history. Proposals comprise low density residential development including attenuation and planting.

In view of the perceived archaeological potential, and in line with relevant planning policy and guidance, it is anticipated that the planning authorities archaeological planning advisors will require further archaeological mitigation measures in association with redevelopment impacts. The available information indicates that in accordance with the National Planning Policy Framework (NPPF), and proportionate to the impact of development, these works can follow the granting of planning consent, secured by an appropriate archaeological planning condition.”

- 9.92. Historic England, having been consulted on the application, have raised no objection to the scheme.
- 9.93. The submitted documentation suggests that a Written Scheme of Investigation condition should be attached to any approval. This is a reasonable approach to take, and necessary to ensure that any unexpected finds are dealt with accordingly.
- 9.94. As such I consider that the statutory test in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the associated policies of the NPPF and local plans are passed.

Developer contributions

- 9.95. The following contributions have been identified as reasonable and necessary to mitigate the impacts of the development on the surrounding area / infrastructure –

Requirement	Value	Towards
SAMMS payment	£250.39 per dwelling	North Kent Strategic Access Management and Monitoring Strategy
Public Rights of Way	£6900	kit bridge to provide access to Public Footpath ZS23 and the wider public rights of way network
Special Education Needs	£1051.82 per house and £262.96 per flat	Towards additional SEN provision within Swale
Secondary Education	£1135.00	Towards Highsted & Borden Grammar School expansions
Community Learning	£1,034.46	Contributions requested towards additional resources and classes at Sheerness Adult Education Centre
Youth Service	£4,126.50	Contributions requested towards additional Youth Service resources locally

Library Bookstock	£3,493.35	Contributions requested towards additional services, resources, and stock at Minster Library and the local mobile Library service
Social Care	£9,253.44	Specialist care accommodation, Assistive technology systems, adapting Community facilities, sensory facilities and Changing places in Swale District
Waste	£11,571.21	Towards additional capacity at the HWRC & WTS in Sittingbourne
NHS	£54,432	Towards refurbishment, reconfiguration and/or extension of Sheerness Health Centre and/or Dr Primary Care Team Kent House 81 Station Road Ashford Kent TN23 1PP Email: kmccg.pcestates@nhs.net Page 2 of 3 S J Witts Practice and/or St Georges Medical Centre and/or The Om Medical Centre and/or Sheppey Healthy Living Centre and/or towards new practice premises development in the area
Highways	Completion of the off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD01 Rev C and 205448-A02 Rev G and the off-site footway works approved by planning consent 18/500887/FULL prior to the use of the site commencing, provided that have been constructed. In the event that the footway approved by planning consent 18/500887/FULL has not been constructed, the alternative off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD02 and 205448-A05 shall be completed prior to the use of the site commencing.	
Refuse Bins	1 x 180ltr green refuse bin @ £46.60 per bin 1 x 240ltr blue recycling bin @ £46.60 per bin 1 x 23ltr black food bin @ £10.80 per bin 1 x 5ltr kitchen caddy @ £5.40 per bin Total cost = £109.40 per dwelling x 63 = £6,892.20	

Table 1 – S.106 Heads of Terms

10. These Heads of Terms have been provided to the applicant and agreed upon.

11. FINAL CONCLUSION AND PLANNING BALANCE

11.1. Whilst the site is located outside of the defined boundary of Eastchurch and therefore is located in the countryside, it is well located for housing in respect of future occupants being able to access services and facilities via sustainable travel methods including walking and cycling. This weighs in favour of supporting the principle of the development, subject to other relevant planning considerations.

11.2. It would boost housing supply providing 63 units towards the Council's 5 Year Housing Land Supply. These factors carry significant weight in favour of the scheme.

- 11.3. It is considered that the proposals would cause substantial harm to landscape character and should therefore be refused.
- 11.4. The S106 Agreement for SAMMS contributions and infrastructure costs will mitigate against the impact of the proposals on key services.
- 11.5. In terms of sustainable development, there would be some clear positive social impacts through the provision of housing and affordable housing, and some positive economic impacts through construction and local spending by future occupants.
- 11.6. Overall, the scheme is considered to be fully policy compliant. As the Borough still has not achieved a 5-year housing land supply when considered against the standard method the 'tilted balance' (NPPF Para 11d footnote 8) applies and the conformity with the development plan weighs further in favour of approval.
- 11.7. The findings of Gladman Developments Ltd v SSHCLG & Corby BC & Uttlesford DC [2021] EWCA Civ 104 were that the test of the NPPF can be encompassed under into the decision-making under s70(2) of the TCPA 1990 and s38(6) of the PCPA 2004 in one all-encompassing stage, as here the scheme is assessed as policy compliant and in accordance with the development plan the scheme is recommended for approval.
- 11.8. If members do not take the view that the scheme is policy compliant due to either the quantum of development and/or part of the scheme being outside the built-up area boundary, then this has two consequences. Firstly, as the 'tilted balance' applies in any event Policy ST2 contains a clause that schemes in compliance with National Policy outside the built-up area boundaries are acceptable. Which means that the excess number outside the built-up area boundary is acceptable. Even so means that policies relating to the supply of housing cannot be considered up to date. This include the Eastchurch settlement boundary so this would trigger a presumption in favour of development under NPPF para 11d as the tilted balance has the effect of disapplying the built-up area boundary.
- 11.9. Whatever interpretation is applied the conclusion is the same; either a presumption in favour of the scheme because it is policy compliant or a presumption on favour of the scheme because it is not but with tilted balance then applying as part of the presumption in favour of development.
- 11.10. The size of the scheme is useful in terms of the 5 Year Housing Land Supply, as the 63 units would likely take no more than 18 months to 2 years to complete – resulting in an almost immediate positive impact on supply. Getting the Borough back above 5 years would be a major achievement; placing it back in control over schemes not complying with the local plan. The ability of this and other schemes on this agenda towards regaining a 5-year housing land supply counts strongly in favour of the scheme in the planning balance. This is additional to the assumptions in bearing Fruits and the current 5YHLS which assumed the plan review and decision on the SNRR would come before delivery of this site.
- 11.11. The scheme is assessed and being in conformity with national policy and the local plan. It is recommended that planning permission be granted for the proposal subject to conditions and the completion of a Section 106 agreement.

12. **RECOMMENDATION**

- 12.1. GRANT subject to the conditions as set out below and the signing of a suitably worded s106 agreement to secure the developer contributions as set out below.

12.2. Delegated authority is also sought to amend condition wording and s106 clauses as may reasonably be required.

12.3. S.106 Heads of Terms

Requirement	Value	Towards
SAMMS payment	£250.39 per dwelling	North Kent Strategic Access Management and Monitoring Strategy
Public Rights of Way	£6900	kit bridge to provide access to Public Footpath ZS23 and the wider public rights of way network
Special Education Needs	£1051.82 per house and £262.96 per flat	Towards additional SEN provision within Swale
Secondary Education	£1135.00	Towards Highsted & Borden Grammar School expansions
Community Learning	£1,034.46	Contributions requested towards additional resources and classes at Sheerness Adult Education Centre
Youth Service	£4,126.50	Contributions requested towards additional Youth Service resources locally
Library Bookstock	£3,493.35	Contributions requested towards additional services, resources, and stock at Minster Library and the local mobile Library service
Social Care	£9,253.44 And All Homes to be Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)	Specialist care accommodation, Assistive technology systems, adapting Community facilities, sensory facilities and Changing places in Swale District
Waste	£11,571.21	Towards additional capacity at the HWRC & WTS in Sittingbourne
NHS	£54,432	Towards refurbishment, reconfiguration and/or extension of Sheerness Health Centre and/or Dr Primary Care Team Kent House 81 Station Road Ashford Kent TN23 1PP Email: kmccg.pcestates@nhs.net Page 2 of 3 S J Witts Practice and/or St Georges Medical Centre and/or The Om Medical Centre and/or Sheppey Healthy Living Centre and/or towards new practice premises development in the area
Highways	Completion of the off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD01 Rev C and 205448-A02 Rev G and the off-site footway works approved by planning consent 18/500887/FULL prior to the use of the site commencing, provided that have been constructed. In the event that the	

	footway approved by planning consent 18/500887/FULL has not been constructed, the alternative off-site highway works to provide the footway, bus layby, bus shelter and carriageway realignment as shown on drawings 205448-PD02 and 205448-A05 shall be completed prior to the use of the site commencing.
Refuse Bins	1 x 180ltr green refuse bin @ £46.60 per bin 1 x 240ltr blue recycling bin @ £46.60 per bin 1 x 23ltr black food bin @ £10.80 per bin 1 x 5ltr kitchen caddy @ £5.40 per bin Total cost = £109.40 per dwelling x 63 = £6,892.20

Table 2 – S.106 Heads of Terms

12.4. Conditions**1. Time Limit – Outline Schemes**

The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission in the cases of phases one and two, or nine years in the case of phases three and four; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

2. Time Limit – Reserved Matters

Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years from the granting of planning permission.

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

3. Reserved Matters

- a. Prior to or contemporaneous with the submission of any reserved matters by phase under condition (1) for layout referred to in condition the following shall be submitted to and approved by the local planning authority: finished site levels, proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture
- b. Prior to or contemporaneous with the submission of any reserved matters by phase under condition (1) the following shall be submitted to and approved by the local planning authority: finished site levels: the palette of building materials and elevational designs.
- c. Prior to or contemporaneous with the submission of any reserved matters by phase under condition (1) the following shall be submitted to and approved by the local planning authority: details of both hard and soft landscape works. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials.
- d. Prior to or contemporaneous with the submission of any reserved matters by phase under condition (1) the following shall be submitted to and approved by the local planning authority: Heights above ordnance datum including completion of finished levels.

Reserved matters details of the layout, scale, appearance, and landscaping for the development hereby permitted, shall be submitted to and approved in writing by phase the local planning authority before any development takes place on that phase and the development of that phase shall be carried out as approved.

The submitted reserved matters shall be in accordance with the development parameters approved and listed under condition 4.

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

4. Compliance with Approved Parameter Plans and Design Code

The reserved matters details design shall be in conformity with the design code submitted as part and the application and hereby approved.

The development hereby approved shall be carried out in broad accordance with reserved matters drawings following the parameters as set out in the following approved parameter plans:

- Drwg No. 1600.002 Rev A – Site Location Plan (Received on 21/09/2021)
- Drwg No. 1600.004 Rev B – Parameter Plan (Received on 05/05/2022)
- Drwg No. 205448-PD01 Rev C – Proposed Site Access Plan (Received on 21/07/2022)

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

5. Within Reserved Matters: Biodiversity Lighting Plan

With the first reserve matters application, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: To ensure the scheme suitably mitigates against its impact in relation to biodiversity, in accordance with the requirements of Policy DM28 of the Local Plan and the NPPF

6. Within Reserved Matters: Ecological Mitigation Strategy

With the first reserve matters application, a precautionary mitigation strategy will be produced in alignment with the recommendations in sections 4.20 to 4.26 within the Preliminary Ecological Appraisal (The Ecology Partnership July 2020). The measures will be carried out in accordance with the approved strategy thereafter.

Reason: To ensure the scheme suitably mitigates against its impact in relation to biodiversity, in accordance with the requirements of Policy DM28 of the Local Plan and the NPPF

7. Pre-commencement: Surface Water Drainage Baseline

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

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

8. Pre-commencement: Surface Water Drainage Scheme

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 dated August 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate equivalent of 10.6l/s 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.

9. Pre-commencement: Secured By Design

Prior to the commencement of development a Secured By Design Statement shall have been submitted to and approved in writing by the local planning authority.

There shall be no development other than in accordance with the approved details, which shall be retained on site thereafter.

Reason: To ensure that the application embeds the principles of Secured By Design in accordance with Policy DM14 of the Local Plan and the NPPF.

10. Pre-commencement: Sustainability Strategy

Prior to the commencement of development a Sustainability Strategy shall have been submitted to and approved in writing by the local planning authority.

There shall be no development other than in accordance with the approved details, which shall be retained on site thereafter.

Reason: To ensure that the application delivers the highest levels of sustainability in accordance with Policy DM14 of the Local Plan and the NPPF.

11. Pre-commencement: Renewable Energy Strategy

Prior to the commencement of development a Renewable Energy Strategy shall have been submitted to and approved in writing by the local planning authority.

There shall be no development other than in accordance with the approved details, which shall be retained on site thereafter.

Reason: To ensure that the application explores all viable options for onsite renewable energy provision in accordance with Policy DM14 of the Local Plan and the NPPF.

12. Pre-commencement: Landscape Management and Maintenance

Prior to the commencement of works on any phase, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority

- a. Description and evaluation of features to be managed;
- b. Ecological trends and constraints on site that might influence management;
- c. Aims and objectives of management;
- d. Appropriate management prescriptions for achieving aims and objectives;
- e. Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- f. Details of the body or organisation responsible for implementation of the plan;
- g. Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

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, or ten years for the structural planting along the southern and eastern boundaries, 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 interest of biodiversity and visual amenities. This is a pre-commencement condition as these matters go to the heart of the planning consent.

13. Pre-Commencement: Biodiversity Net Gain

Development on any phase shall not commence on until there has been a biodiversity gain plan submitted to and approved by the local planning authority for that phase; to demonstrate how the proposal shall contribute to the development achieving a post development biodiversity value with be a minimum of 10% higher than site predevelopment biodiversity value. The calculation shall be in accordance with biodiversity metric 3.1 and based on the biodiversity net gain calculations submitted to Kent County Council Ecology and the local planning authority on the 26th of October 2022. The post development biodiversity value may include off-site biodiversity gain under the control of the applicant and purchased biodiversity credits. This gain shall thereafter be maintained for a minimum period of 30 years in line with the biodiversity gain plan.

The development shall be carried out in full accordance with the approved biodiversity gain plan.

Any off site credits must demonstrate in the biodiversity gain plan

- That it is on land made available by a site provider with sufficient rights to the land;
- That it will be delivered by a specified person or body considered fit and proper to undertake the enhancement works;
- The land will be suitably managed to meet the required enhancement;
- That Work commenced 30 January 2020 or later;
- That the enhancement will be maintained for at least 30 years after the completion of those works;

- That the credit is measured using the most up to date biodiversity metric against a baseline metric assessment;
- That the credit may be allocated to development in accordance with the terms of the conservation covenant or planning obligation;
- That the credit is available to be allocated to this development;
- That it complies with rules on additionality and stacking including on protected sites;
- That it is in England, and;
- Monitoring and reporting for that site over the 30 year period.

Reason: To meet national and local policy on biodiversity net gain. This is a pre-commencement condition as these matters go to the heart of the planning consent.

14. Pre-Commencement Condition: Land Contamination

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- a) site investigation, based on the phase 1 study included in the EIA to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- b) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (a). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- c) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in b. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure the development does create risks to health and safety from contamination.

15. During Construction: Unexpected Land Contamination

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

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

The closure report shall include details of;

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

- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure the development does create risks to health and safety from contamination.

16. Pre-commencement: Construction Environment Management Plan

Prior to the commencement of the development, a Construction Environment Management plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- Hours of working and timing of deliveries
- Report to Planning Committee – 25 January 2023 ITEM 2.2
- An indicative programme for carrying out the works Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off-road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway • Routing of construction and delivery vehicles to / from site, including the number of vehicles
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity. This is a pre-commencement condition as it goes to the heart of this application.

17. Pre-commencement: Construction Logistics Plan

Prior to the commencement of the development, a Construction Logistic Management Plan shall be submitted to and approval in writing by the Local Planning Authority. To include the following:

- a) Routing of construction and delivery vehicles to / from site
- b) Parking and turning areas for construction and delivery vehicles and site personnel

- c) Timing of deliveries
- d) Provision of wheel washing facilities
- e) Temporary traffic management / signage

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity. This is a pre-commencement condition as it goes to the heart of this application.

18. Pre-Occupation: SWDS Verification Report

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

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

19. Pre-Occupation: Parking

Provision and permanent retention of the vehicle parking spaces and/or garages in accordance with details to be submitted to and approved by the Local Planning Authority prior to the use of the site commencing.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

20. Pre-Occupation: EV Charging

Provision of Electric Vehicle charging points in accordance with details to be submitted to and approved in writing by the Local Planning Authority 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 interests of sustainability and to ensure the scheme contributes towards a modal shift towards low-carbon vehicles.

21. Pre-Occupation: Cycle Storage

Provision and permanent retention of secure, covered cycle parking facilities prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: In the interest of amenity and to ensure that the scheme contributes towards a modal shift away from private car usage.

22. Pre-Occupation: Access Delivery

Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

23. In accordance with: roads, footways, etc

The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

There shall be no development other than in accordance with the approved details, which shall be retained thereafter.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity. This is a pre-commencement condition as it goes to the heart of this application.

24. Pre-Occupation: Highways Works

Prior to the first occupation of any dwellings hereby approved, the following works shall have been completed in accordance with adoptable standards:

- a) Footways and/or footpaths, with the exception of the wearing course;
- b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity. This is a pre-commencement condition as it goes to the heart of this application.

25. Pre-Occupation: Visibility Splays

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 1.2metres above carriageway level within the splays, prior to the use of the site commencing, and they shall be retained thereafter.

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity. This is a pre-commencement condition as it goes to the heart of this application.

26. Pre-Occupation: High Speed Broadband

Prior to first occupation of any unit on a phase details by phase 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.

27. Wheelchair Accessible Dwellings

At least 5 of the hereby approved dwellings shall be provided to Part M4(3) standard. The remaining homes should be provided as Part M4(2) standard (accessible and adaptable dwellings).

Reason: To ensure inclusive design.

28. Construction Hours of Working

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

Reason: In the interests of residential amenity.

29. Piling Hours of Working

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

Reason: In the interests of residential amenity.

12.5. Informatives**i. Highways**

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners.

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

Highway Authority. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability.

This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for

the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highwayspermissionsand-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

ii. Public Rights of Way

The applicant will need to apply to divert the path ZR189 through the Town and Country Planning Act 1990, where the existing route will be affected by the development. We advise the applicant to engage directly with KCC PROW for details of this process in order to ensure the diversion and therefore development are completed in a legal and timely manner.

However, the applicant is reminded that the granting of planning consent does not entitle the developer to obstruct PROW and the existing route must be kept open and safe for all users until such time as the Order necessary for its diversion has been confirmed and the new route provided. A temporary closure may be possible; however, this is subject to a suitable alternative route approved by KCC PROW and Access Service in advance. Again, the route should be accommodated within an open green corridor and the route should be carefully designed so that the right of way is safe, secure and attractive to use. KCC PROW and Access Service will need to approve this proposal

- No furniture, fence, barrier or other structure 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 Public Rights of Way, or obstruction of its use, either during or following any approved development without the express consent of the Highway Authority.
- No hedging or shrubs should be planted within 1.5 metres of the edge of the Public Rights of Way.
- Please also make sure that the applicant is made aware that any planning consent given confers no consent or right to close or divert any Public Rights of Way at any time without the express permission of the Highway Authority.
- No Traffic Regulation Orders will be granted by KCC for works that will permanently obstruct the route unless a diversion order has been made and confirmed. If the applicant needs to apply for a temporary traffic regulation order whilst works are undertaken, we would need six weeks' notice to process this.

iii. Code of Development Practice

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expect. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

iv. Surface Water Disposal

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.

- v. **Crime Prevention**
Please note the advice of the police crime prevention design advisor in the detailed design of the scheme.
- vi. **SAMMs**
This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.
- vii. **Sewers**
The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.
- viii. **Broadband**
Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high-speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk
- ix. **SUDS**
The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water
 - should drain directly to the system entering after any pollution prevention methods.
 - No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
 - A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
 - Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.

Given the impermeable nature of the site we will expect for clarification to be provided as part of the detailed design submission as to how surface water from the 'undeveloped areas' is prevented from entering the positively drained network and exceeding its designed capacity. Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water

conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

x. Contaminated Soils

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the

Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

xi. Breeding Birds

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

The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act.

Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present. Ecological Enhancements In alignment with of the National Planning Policy Framework 2021, the implementation of enhancements for biodiversity should be encouraged. The ecology report recommends suitable enhancements, such as hedgehog gaps in closeboard fencing and provision of bird boxes. We also highlight that any landscaping should consist of native species only.

