

PLANNING COMMITTEE – 25 MAY 2023**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 22/505735/REM			
APPLICATION PROPOSAL Approval of Reserved Matters of appearance, landscaping, layout and scale for erection of 50 dwellinghouses pursuant to application 17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved), as amended by drawings received 31/05/2017.			
ADDRESS Land at Manor Farm, Chestnut Street, Borden, Kent, ME10 1YU			
RECOMMENDATION Grant subject to conditions with delegated authority to amend the wording of conditions as may reasonably be required.			
SUMMARY OF REASONS FOR RECOMMENDATION: Site is allocated for residential development in Bearing Fruits 2031: The Swale Borough Local Plan 2017 (Policy A21) and proposal is in accordance with national and local planning policy.			
REASON FOR REFERRAL TO COMMITTEE Borden Parish Council objection			
WARD Borden and Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Abbey Development Ltd AGENT CMYK	
DECISION DUE DATE 09/03/23	PUBLICITY EXPIRY DATE 17/04/23	CASE OFFICER Carly Stoddart	

Relevant Planning History

22/503060/SUB

Submission of details pursuant to condition 23 (Archaeology) of application 17/500727/OUT.
Pending Consideration

21/504812/REM

Approval of Reserved Matters of appearance, landscaping, layout and scale for erection of 50 dwellinghouses pursuant to application 17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved).

Appeal

17/500727/OUT

Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved), as amended by drawings received 31/05/2017
Approved Decision Date: 20.12.2019

Relevant Appeal History

21/504812/REM

Approval of Reserved Matters of appearance, landscaping, layout and scale for erection of 50 dwellinghouses pursuant to application 17/500727/OUT - Outline application for residential development for up to 50 dwellings with access off Chestnut Street (All others matters reserved).

Pending Consideration

Relevant Planning History for adjacent Land at Wises Lane, Borden, ME10 1GD

22/504937/REM

Approval of Reserved Matters (appearance, landscaping, layout and scale) for Phase 1B, 2A, 2B and 2C for the erection of 209no. dwellings including affordable, together with associated access, landscaping, equipped play, drainage, infrastructure and earthworks, pursuant to 17/505711/HYBRID - Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS

Awaiting determination

17/505711/HYBRID

Hybrid planning application with outline planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS. For clarity - the total number of dwellings proposed across the site is up to 675

Granted on Appeal on the 29 April 2021

1. DESCRIPTION OF SITE

- 1.1 The site consists of a triangular shaped field which is located alongside the old A249, Chestnut Street, close to the Key Street Roundabout which is located to the north. It is understood that the application site originally formed an orchard which has since been removed and appears to have been fallow for some time.

- 1.2 Further, and to the north of the site lies the main A2 Key Street which continues to the east towards Sittingbourne town centre as London Road. To the west of the site there is a sizeable electricity substation and fallow land; to the immediate north situated on land between the application site and A2 are existing residential dwellings. There are further residential dwellings adjacent to the site to the east at Cherry Fields and Dental Close. To the south there is a field which forms part of the Wises Lane development.
- 1.3 The site slopes down significantly from east to west. The lowest part of the site is to the northwest corner which is approx. 26.5m AODN (Above Ordnance Datum Newlyn – Sea level). The highest part of the site is to the southwestern corner at approx. 37.3 AODN.
- 1.4 Two public rights of way (PROW) are located within or adjacent to the site. Footpath ZR118 runs northeast/southwest along the eastern boundary of the site and would not be directly affected by the proposal. Footpath ZR117 runs northwest/southeast within the site, connecting to footpath ZR118 to the southeast and emerging on to Chestnut Street to the northwest. Running across the site, footpath ZR117 would be affected by the proposal.

2. PROPOSAL

- 2.1 This is an application seeking approval of reserved matters of appearance, landscaping, layout and scale for 50 dwellinghouses pursuant to outline planning permission, 17/5000727/OUT for residential development for up to 50 dwellings with access off Chestnut Street (all other matters reserved).
- 2.2 This application is a resubmission of a previous application for reserved matters (21/504812/REM – set out in the history above) that was written up for refusal under delegated authority. However, an appeal was submitted against non-determination on 15 December 2022, slightly before a decision notice was issued 23 December 2022.
- 2.3 The Planning Inspectorate have accepted the appeal as valid and therefore the appeal is proceeding on the basis of non-determination.
- 2.4 However, the reasons for refusal that were drafted and included on the decision notice are relevant as that is the decision the Council would have made if they had been in the position to do so. The reasons for refusal were drafted as follows:
 - The proposed development, by reason of its inappropriate layout, would result in poor quality private and public amenity space, insufficient parking, and a significant reduction in the quality of the environment for users of the existing public right of way ZR117, whilst also failing to provide an adequate landscaping scheme. The poor layout would mean that the requirements of the Local Plan policy A21 to deliver an integrated landscape strategy consider and the creation of a new attractive urban edge to Sittingbourne, with substandard landscaping to achieve the integration of development in a fashion that minimises its impact upon the separation of Sittingbourne with Bobbing, have not been met. Therefore, the proposal fails to comply with policies A21, CP3, CP4, DM14 and DM29 of the Local Plan (217-2031) and paragraphs 7, 8, 11, 126, 131 and 135 of the NPPF (2021).
 - The absence of an agreed scheme of archaeological mitigation would result in a development that would not achieve acceptable mitigation of adverse archaeological effects and is, therefore, contrary to the provisions of the NPPF and policy DM34 of the Local Plan (2017-2031).

- Insufficient information has been provided to demonstrate that adequate sustainable design and construction measures would be secured in the final development, resulting in an unsustainable that fails to comply with Local Plan policy DM19 and paragraphs 7, 8, 11 and 174 of the NPPF.
- 2.5 To address the drafted reasons for refusals, the current submission includes a revised layout which allows for further parking and inclusion of car ports in place of garages, open space and a revised route for the footpath ZR117. A Landscape and Ecological Management Plan, and details of sustainable construction and energy efficiency in the form of an Energy Statement have also been submitted. Details regarding archaeology have been submitted pursuant to condition 23 of the outline planning permission.
- 2.6 Access was approved by the outline planning permission. It would be a newly created vehicular and pedestrian access from Chestnut Street located closer to the western corner of the site.
- 2.7 The existing vegetation buffer to the northwest boundary along Chestnut Street, which is located outside of the site area would be retained.
- 2.8 Open space would be located at the entrance of the site to both sides of the access road and a wider area of open space along the entire length of the western boundary compared to the previous reserved matters scheme. A further area of open space would be located to the north in a similar location of a similar size (approx. 587 sqm) to the previous reserved matters application.
- 2.9 The existing footpath ZR117 would be diverted and located within the open space proposed along the western boundary, still allowing for connection to Chestnut Street and footpath ZR118.
- 2.10 The access road within the site would create a loop with dwellings located along the northern boundary of the site and within a central 'island' fronting the road. To the eastern side of the site, the dwellings are proposed to be either fronting the road or to have side elevations, all with windows fronting the road. To the western side of the site where dwellings are adjacent to the road, they are orientated to have side elevations fronting the road.
- 2.11 There are a mix of dwelling types and sizes proposed which is set out in the table below and provides a comparison against the previous reserved matters application.

Current Proposal	Previous Reserved Matters Application
1-bed properties x 2 (both maisonettes)	None
2-bed properties x 16 (all houses)	2-bed properties x 16 (2 of which were to be affordable bungalows and the remainder houses)
3-bed properties x 24 (3 of which are to be affordable bungalows and a further 2 affordable houses)	3-bed properties x 21 (all houses and 3 to be affordable)
4-bed properties x 8 (all houses)	4-bed properties x 11 (all houses)

	5-bed properties x 2 (all houses)
Total: 50	Total: 50

2.12 Parking would be provided for each dwelling either as driveway spaces and/or car ports. There would be a total of 136 spaces within the site for the occupiers and 11 visitor spaces.

3. PLANNING CONSTRAINTS

3.1 The site is allocated for housing within the Swale Borough Local Plan 2017 at Policy A21. This policy sets out the following requirements:

- Any planning application for development proposals on these sites will need to have considered the possibility of archaeological remains being on site.
- Financial contributions include those towards primary education, health and junction improvements at Key Street A249/A2.
- Through an integrated landscape strategy consider: The creation of a new attractive urban edge to Sittingbourne, with substantial landscaping to achieve the integration of development in a fashion that minimises its impact upon the separation of Sittingbourne with Bobbing.
- The assessment and, where possible, the retention of remaining orchard trees (a UK BAP priority habitat).
- Determine such matters as the presence of protected species, whilst retention of habitat as far as possible and mitigation will secure a net gain in biodiversity.

3.2 Site of archaeological interest

3.3 Public Right of Way ZR117

4. POLICY AND CONSIDERATIONS

4.1 The Development Plan for the area comprises the Bearing Fruits 2031: The Swale Local Plan 2017 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan)

ST1	Sustainable Development
ST2	Development Targets for Homes
ST3	The Swale Settlement Strategy
ST5	Sittingbourne Area Strategy
CP3	Delivering High Quality Housing
CP4	Requiring Good Design
CP7	Conserving and Enhancing the Natural Environment
A21	Smaller Allocation Sites as Extensions to Settlements
DM6	Transport Demand and Impact

DM7	Vehicle Parking
DM8	Affordable Housing
DM14	General Development Criteria
DM17	Open Space Provision
DM19	Sustainable Design and Construction
DM21	Drainage / Flood Risk
DM24	Landscape
DM28	Biodiversity
DM29	Woodlands, Trees and Hedges
DM34	Scheduled Monuments and Archaeological Sites

Supplementary Planning Guidance (SPG)

Parking Standards, 2020

Swale's Landscape Character and Biodiversity Appraisal, 2011

5. LOCAL REPRESENTATIONS

5.1 The application has been advertised on site and in the press and individual neighbour notification letters have been sent to 79 owners and occupiers of neighbouring properties. To date, 9 letters from 8 individuals have been received raising the following objections:

- Poorly positioned development which links to over-populated areas.
- Loss of greenfield site.
- Ill thought-out development.
- Inappropriate density.
- Adverse impact on existing infrastructure and services including schools, doctors, dentists, electricity.
- Water issues – shortages and flooding which would cause subsidence of footpath.
- Need land for diverse food production.
- Ecological mitigation is not adequate – therefore negative impact on wildlife, particularly badgers, whose population is being squeezed out and depleted. Impact on other wildlife - newts, frogs, lizards, snakes, slow worms, bats, little owls, buzzards, skylarks, marsh harrier, butterflies and dormice.
- Loss of trees.
- Flower meadow should be included.
- Reduction in green space since 2017.
- No play space.
- Increased traffic.

- Will exacerbate existing highway safety issue.
- Increased parking problems.
- Overshadowing.
- Overlooking – Loss of privacy.
- Overbearing impact.
- Security risk to existing property.
- Increased noise impact.
- Impact on quality of life and mental health.
- No regard to former use as dump
- What is the mitigation for damage to air quality?
- Should use solar panels

5.2 Borden Parish Council 17/04/2023

5.3 Object to the proposal due to the style of dwellings being changed from bungalows to two-storey; the access road causing major problems with Chestnut Street – prefer a left turn only; impact on services such as local schools, doctors, hospital and other community services; existing footpaths running through the site should be protected; loss of land to local wildlife; badger activity identified in the area in a survey commissioned by Borden Parish Council and carried out by Wildlife Management Consultancy; and due to a lack of visitor spaces with 8 shown rather than 10.

5.4 Borden Wildlife Group – 10/04/2023

5.5 Object to the proposal as it does not offer adequate mitigation for the negative impact on wildlife. Badgers reliant on the area for survival are being subjected to applications and decisions that will not protect or support them. Development will be closer than is legally allowed to one particular sett. Should be protected by law. Described by a leading expert as a magnificent major sett. Development pushes badgers out of their environment with fewer suitable locations to move to.

5.6 Ponds with Great Crested and Common Smooth Newts and frogs were allowed to dry up. The habitat no longer supported their presence. The entire site was mown prior to ecology report so habitat no longer supported reptiles.

5.7 Local badger groups were not consulted. New residents will need to understand badgers have a right to continue their lives without damaging intrusion. Attempts to keep them out of gardens is unacceptable. Badgers that stay won't be guided. Likely to cause conflict between residents and badgers and those residents trying to the survival of badgers.

5.8 Providing mitigation for hedgehogs shows a lack of understanding of the area. There is a healthy population of hedgehogs in the area. It is advisable not to construct hedgehog areas on site. Housing development must sufficiently accommodate badgers.

- 5.9 Priority should be to replenish ponds as wildlife ponds. The comments that the site has little ecological value is inevitable given the manner in which it was mown and strimmed. Butterfly and moth experts should have been asked to examine the habitat before it was cut down given Fiery Clearwing Moth having been identified locally. Annual butterfly counts at Manor Farm noted the same species as the previous year with notable absence of Clouded Yellows and Jersey Tiger Moths. Numbers have depleted due to the site being mown. Also, fewer bees, dragonflies and other insects. Spiders have not been investigated.
- 5.10 Birds of prey such as a barn owl, buzzards, kestrels, hobbies and red kite have been seen hunting at Manor Farm. These species need open ground with healthy populations of small mammals and rodents. Housing development will result in insufficient open ground. Manor Farm should be purchased to mitigate against the harm caused by the Stockbury roundabout construction.
- 5.11 Bat boxes and swift boxes is a box ticking exercise. These mitigation proposals are not appropriate to interfere with an area already evolved with a balance of population of species and the proposals are to degrade habitat. Little restraint is imposed on housebuyers and they often pave, gravel or astroturf over lawns. The use of strimmers, mowers, loppers and chemicals leave little natural or wild areas and cats seek out and dominate areas set aside for wildlife. Noise, light and air pollution would be detrimental to all wildlife.
- 5.12 These matters are addressed in the relevant sections of the report.

6. CONSULTATIONS

- 6.1 The following consultation responses comprise the latest comments received on the amended scheme. Consultation responses are available to view in full online. Where conditions are requested, they are indicated.
- 6.2 Environment Agency - 29/12/2022 & 04/04/2023
- 6.3 No detailed comments other than providing advice with regard to infiltration. This advice can be included as an informative.
- 6.4 Natural England - 11/04/2023
- 6.5 No objection - Satisfied that if mitigation measures are appropriately secured there will be no adverse impact on the North Kent Special Protection Area (SPA) from recreational pressure.
- 6.6 National Highways – 20/12/2022 & 04/04/2023
- No objection – Content that there will not be any material impact on the Strategi Road Network (SRN)
- 6.7 Kent Police – 19/12/2022& 17/04/2023
- 6.8 No objection - Conditions requested to comply with Secure by Design guidance.
- 6.9 Southern Water – 17/04/2023

No objection to the proposal. Advice provided with regard to the need for an application to be made to Southern Water for connection to public foul sewer and the siting of soakaways which would be included as an informative.

6.10 Lower Medway Internal Drainage Board 23/12/2022 & 03/04/2023

Although within the river catchment LM90 that eventually drains into the Lower Medway Internal Drainage Board's District, the proposal relates to infiltration and therefore does not impact on the Board's interest. The application has been comprehensively addressed by KCC Flood and Water Management.

6.11 KCC Ecology – 03/01/2023 & 24/04/2023

6.12 Satisfied no further ecological information is required as part of this application.

6.13 Badgers - application 22/500133/SUB shows badger setts were recorded to the east and south of the site. The main concern is the sett recorded to the east of the site (south of Cherry Trees Road) as the current layout will result in the loss of connectivity for the badgers within the sett to the surrounding area. It is recommended that gardens which back on to the eastern boundary be fenced with close-boarded fencing with steel reinforced concrete gravel boards with pre-cast badger holes. It is also recommended that all garden boundaries adjacent to the footpath have wire mesh dug into the ground at the base of the fence.

6.14 Bats and Reptiles – grass snake is confirmed as being present at the site and two trees for removal have high potential for roosting bats. The recommended mitigation for the grass snake is considered appropriate and it is recommended emergence surveys for bats be carried out to inform the detailed mitigation strategy required by condition 18 of the outline planning permission. A plan detailing the location of the receptor site should also be included in the strategy pursuant to condition 18. The grassland along the western boundary should be managed to provide continuous areas of long vegetation to benefit reptiles. This should be included in an updated management plan required as part of condition 30 of the outline planning permission.

6.15 Ecological Enhancements – Integrates bat and bird boxes, external bat and bird boxes and hedgehog highways will be incorporated into the site.

6.16 KCC Highways – 05/01/2023, 31/03/2023 & 19/04/2023

6.17 The amendments previously requested have been made. These amendments related to the relocation of speed restraint feature shown on the plans to be moved from outside plots 41 and 49 to centrally outside 46 and 45 and to provide 10 visitor spaces distributed evenly throughout the site. Conditions are recommended

6.18 KCC Flood and Water Management – 04/01/2023, 13/04/2023 & 27/04/2023

6.19 No further comments from 04/01/2023 – refer to 21/504812/REM 10 November 2022

6.20 KCC Rights of Way Officer – 17/04/2023

6.21 No objection. Issues related to the diversion of footpath ZR117 have been addressed. E.g. the footpath should be accommodated within the open green corridor. Expect to see details of the PROW to be conditioned

6.22 SBC Footpath Officer – 16/12/2022

6.23 Concerns regarding the impact on footpath ZR117 as uncertain whether the applicant intends to seek any diversion of it, although looks as though none would be required.

6.24 SBC Climate Change/Renewable Energy Officer – 13/12/2022

6.25 Happy with the EV Charging Strategy.

6.26 KCC Minerals and Waste – 13/12/2022

6.27 There are no minerals or waste management capacity safeguarding objections or comments.

7. APPRAISAL

Principle of Development

7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with development plan unless material considerations indicate otherwise.

7.2 The principle of development of the site for residential purposes is accepted by the allocation as set out in Policy A21 of the Local Plan and the grant of outline planning permission under application reference 17/500727/OUT.

7.3 This application considers the detailed matters of layout, appearance, scale and landscaping.

Design and Layout

7.4 The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 of the NPPF is key to achieving well designed places.

7.5 In line with the NPPF, Policies CP4 and DM14 of the Local Plan requires design of the development to be of a high quality that conserves and enhances the natural and/or built environments; is well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. New development should create safe, accessible, attractive places that make safe physical and visual connections within the development itself and its surroundings.

7.6 Whilst layout was a reserved matter, in considering the outline application, an indicative layout was submitted to demonstrate that the quantum of development at 50 dwellings could be accommodated within the site. The Committee Report for the outline application states that, *‘the indicative layout has shown that the site could comfortably accommodate up to fifty dwellings’*.

7.7 The indicative layout drawing submitted as part of the outline application showed a similar road layout to that being considered under this current application for reserved matters. They both show the access from Chestnut Street (as approved as part of the outline planning permission) and a loop road arrangement adjoining a more linear road to the western side of the site adjacent to a linear area of open space.

- 7.8 The main differences between the indicative layout submitted for the outline and this current layout is the distribution of the open space across the site. Within the indicative layout submitted for the outline, there was a greater area of open space proposed to the north-western side of the site adjacent to the existing vegetative buffer along Chestnut Street and a narrower and straighter area of linear open space along the western boundary next to a fairly straight road. Overall, there was slightly more open space shown on the indicative layout for the outline, but if the SUDs area is excluded when looking at useable space, the amount of useable open space shown within the outline layout and the current proposal is approx. 0.33ha and approx. 0.34ha respectively.
- 7.9 The current proposal shows a row of dwellings to the north-western side of the site, flanked either side by open space, with an area adjacent to the access to the site from Chestnut Street and an area of open space to the northern boundary providing separation to another row of dwellings along the north-eastern boundary. This area of open space was located here to help address concerns raised by existing residents during consideration of the outline application.
- 7.10 There is also a difference related to the linear area of open space to the western boundary. The current proposal shows a greater width to the linear area of open space compared to that shown on the indicative layout for the outline.
- 7.11 Whilst it is noted there is slightly less open space shown as part of this current application, the layout shown as part of the outline application submission was indicative and no specific minimum area of open space was secured by condition as part of the outline planning permission and the open space provision remains in broad accordance with the approve parameter plans.
- 7.12 It is also worth noting the differences between this current application and the previous reserved matters.
- 7.13 The layout of the previous reserved matters application showed a much narrower linear area of open space to the western boundary of the site, and smaller areas of open space adjacent to the access and where the existing PROW ZR117 enters the site from Chestnut Street. The layout of the previous reserved matters application showed the PROW route remaining in situ but rather than enjoying a rural feel, the proposal would have resulted in the footpath becoming part of a residential road/street within the development. By trying to maintain the route of the ZR117 footpath, the layout of the previous reserved matters showed the road 'loop' dissected by a road resulting in a smaller road loop and an arbitrary wedge of space with a small number of dwellings located to the western side of that dissecting road.
- 7.14 The current proposal shows footpath ZR117 diverted to run through the linear area of open space as discussed with the PROW officer, to connect through to footpath ZR118. It is agreed by the PROW officer that final details of the footpath such as surfacing should be submitted as a part of a condition. Condition 22 of the outline planning permission requires details to be submitted and approved that show the footpath can be delivered to avoid steep gradients and steps. Should planning permission be approved for this current reserved matters application, it is recommended that a further condition will be added to require details of the exact route and surfacing.
- 7.15 Overall, the areas of open space within the previous reserved matters were smaller and less defined, with no clear function and questionable in terms of useability; and the siting

of the dissecting road along with the dwellings to the western side of it, appeared contrived, making for a more awkward road layout across the site.

- 7.16 In addition to the abovementioned differences, the current proposal shows the dwellings along to the eastern boundary set further into the site away from the boundary compared to the previous reserved matters layout. This allows for more vegetation to be accommodated along that boundary and takes account of a badger sett known to be sited within the locality.
- 7.17 In terms of assessment of the layout as currently proposed, the approved vehicular and pedestrian access from Chestnut Street is clear. The road loop with some cul-de-sacs branching off to the eastern side allows for a distinct street hierarchy, a legible and easy route around the development with footpath connections between Chestnut Street and footpaths ZR117 and ZR118 being maintain albeit diverted. Pedestrian footways are located throughout the majority of the site with the exception of the small cul-de-sac areas to the east where the space becomes shared.
- 7.18 The layout allows more space for vegetation around the perimeter to be retained and reinforced and for further planting within the site. The open space is of a size and at locations that allow for recreational activity.
- 7.19 Most dwellings, except for two to the eastern side and two to the western side of the site, face the road creating an active frontage to the street scene. This in turn provides natural surveillance creating safer streets. Where the side elevations of the dwellings face the street scene, there are windows in the street facing side elevation to ensure an active frontage. In addition, where boundary treatments to the rear of dwellings present to the street scene, they are proposed as brick walls rather than the close board fencing that is proposed elsewhere across the site.
- 7.20 Drawings have been submitted showing sections through the proposed development and the existing site and proposed finished floor levels. There will be some regrading of land levels to create an appropriate development platform, however, land level changes would be minimal with some areas slightly higher and some areas slightly lower than current levels. Where levels are slightly higher, this is generally towards the middle and bottom of the site (western side).
- 7.21 The proposed dwelling types have changed since the originally submitted outline application. Dwelling types now include maisonettes, two-storey houses and bungalows ranging from 1-bed to 4-bed in size. The previous reserved matters included dwellings up to 5-bed in size and there was a greater number of larger dwellings proposed which is why there was significantly less open space proposed and in part why the application is considered unacceptable.
- 7.22 Condition 5 of the outline planning permission requires dwellings to be no more than 2.5 storeys high across the site and condition 5 requires the dwellings on the northeast corner to be no more than one storey in height. The proposal complies with both conditions.
- 7.23 It is considered that the levels of the site are acceptable especially taking account of the dwelling heights and the proposed landscaping across site and therefore the development can proceed without harm to the character and appearance of the locality.

7.24 In addition, the proposal would provide for good mix of unit size, type and tenure in accordance with Policy CP3 of the Local Plan. The proposal includes mix of bungalows, houses and maisonettes to be 1-bed, 2-bed, 3-bed or 4-bed in size. Five of the total dwellings proposed are to be affordable units in accordance with the s106 of the outline planning permission. The affordable units will be a mix of two 3-bed houses and three 3-bed bungalows.

Architectural design and materials

7.25 The architecture and material palette within the locality, (Key Street, Cherry Fields, Dental Close and Chestnut Street) is mixed. There is consistency within the individual closes of Cherry Fields and Dental Close.

7.26 The palette of materials for the proposal includes a mix of brick, render, tile-hanging and weather-boarding set to an architectural style similar to Dental Close.

7.27 The materials palette for the hardsurfacing within the site includes tarmac for the footpaths and main road loop with block paved areas as speed restraint features. Block paving is also proposed for private driveways and parking areas and paving slabs proposed for pathways within the curtilage of dwellings. The surfacing for the diverted footpath ZR117 is subject to a separate condition included should planning permission be granted.

7.28 The dwellings have been well-planned and the material palette is considered acceptable.

Sustainable Design and Construction

7.29 An Energy report has been submitted as part of the application which sets out the measures to be incorporated into the development to address and adapt to climate change. The measures include product and fabric improvements and photovoltaic (PV) panel systems. Electric vehicle charging points would also be provided for each dwelling and for each visitor space. This is sufficient to address Policy DM19 of the Local Plan and paragraphs 112(e) and 154 of the NPPF. However, a condition is recommended to require the final distribution of PV panels across the site and to ensure the measures are implemented on site. A separate a condition is recommended to ensure the type of electric vehicle chargers for homeowners meet the Office for Low Emission Vehicles Homecharge Scheme (or any subsequent equivalent).

7.30 The layout, scale and appearance of the proposal is considered to address concerns raised in consultation responses during the consideration of previous applications as well as this current application. The proposals follow good urban design practice, with a design that respects its surroundings, topography and forms a legible layout incorporating secure by design principles, provides for amenity, which would result in an attractive and sustainable environment to live. The proposal is considered acceptable and in accordance with Policies A21, CP3, CP4 DM14 and DM19 of the Local Plan and paragraphs 126 and 130 of the NPPF.

Landscape and Visual Impact

7.31 In considering the outline application, it was noted in the assessment of the application and the appraisal section of Committee Report that the application site is not within a designated landscape area and is not noted for its special quality or character.

Furthermore, it was stated that The Swale Landscape Character and Biodiversity Appraisal 2011 (SL&BA) indicates that the landscape is of moderate quality with moderate sensitivity to change. In terms of landscape and visual amenity, the outline application was granted planning permission on this basis and that it was considered that the development would not cause significant harm to the character and appearance of the countryside/landscape and that any harm could be adequately mitigated against through retention and reinforcement of vegetation along the boundaries of the site.

- 7.32 Both Local Plan Policies A21 and DM14 require an integrated landscape strategy to form part of the proposal. The NPPF also sets out at paragraph 174 that planning decisions should protect and enhance valued landscapes and sites of biodiversity and contribute to and enhance the natural and local environment by recognising the intrinsic beauty of the countryside, and the wider benefits from natural capital and ecosystems. The previous reserved matters application would have been refused due to the failure to provide adequate landscape.
- 7.33 Concerns raised in the assessment of the previous reserved matters application related to the choice of trees at the entrance of avenue, being small, short-term tree species and that a larger more native tree would be more appropriate. It was also considered that the space at the entrance accommodating only one line of trees may not be sufficient to create a natural and well-landscaped boundary. It was advised that there should be more space around the boundaries of the site so more structured landscaping could be achieved.
- 7.34 It is important that all new development proposals within the countryside are assessed in the context of their sensitivity to landscape, avoidance of material harm to landscape character and evidence that proactive steps are being taken to strengthen and enhance landscape character and distinctiveness.
- 7.35 The application site is located within the Borden Mixed Farmlands character area as identified by the SL&BA and is allocated for housing development under Policy A21 of the Local Plan. The SL&BA gives guidance on the use of species for new hedges and hedgerow trees and for mixed woodland or other planting.
- 7.36 The site is bound by Chestnut Street and a sizeable electricity substation to the west, residential properties and the A2 to the north, residential properties to the east and the development site of Wises Lane to the south.
- 7.37 The wider landscape is described as rolling topography and an enclosed rural landscape with fragmented hedgerows and intimate small-scale fields. The land within the site rises from west to east and south to north with the northeast corner being the more elevated point of the site. However, the existing vegetation providing screening around all boundaries of the site means it is currently not highly visible from outside of the character area.
- 7.38 The development would take place within an edge-of-settlement context but would extend the built form out into an undeveloped site to the south of existing residential properties along the A2. The southern edge of the existing development is reasonably well contained by virtue of the vegetation. The development would extend the existing edge of the built form and introduce new dwellings into a rural landscape. In this regard it is inevitable that there would be landscape change within the site as the existing field would become a new housing estate. However, when assessing the extent of this

impact, in this instance, the site itself is not 'valued' in terms of its designation and is allocated in the Local Plan for development.

- 7.39 The current layout shows dwellings set in from the boundaries of the site but particularly to the eastern side to allow space for appropriate, more structured planting as was previously advised to be lacking.
- 7.40 In addition, there was also concern regarding the proximity of the trees within the buffer adjacent to Chestnut Street to plots 41 to 50 to the northern side of the site. It was considered that the limited garden depths may result in the future pressure to prune or fell the trees. The change in dwelling types across the site has allowed for more space within the site and for greater garden depths to those properties to the north-western edge of the site, ensuring the pressure with regard buffer is reduced. A condition is recommended for details of tree protection measures to be submitted and implemented on site during construction.
- 7.41 The linear area of landscaping to the western edge of the site also allows for more meaningful and adequate screening.
- 7.42 The SL&BA provides guidance on the species to be used to help conserve and create. As detailed on the submitted Landscape Proposals drawings, the planting scheme includes a native hedgerow comprising species that are included in the guidance given in the SL&BA as well as on the website for the Royal Horticultural Society. In addition, the area to the entrance of the site allows more space for the planting of trees to create a more attractive arrival to the site and of species that are more structural and also provide opportunities for wildlife.
- 7.43 In terms of the overall visual effects on the landscape character of the site itself and its immediate context, the initial impact of the development would reduce in time when the planting matures. Over time, the scheme would assimilate into the landscape and be adequately screened. In any event, the site will sit alongside the existing built form to the north and to the east albeit separated by landscaping.
- 7.44 In this instance the landscape is not of the type that the NPPF seeks to protect from development in terms of its hierarchy, where paragraph 174 of the NPPF states that protection should be commensurate with status. Visually it is not considered that the proposal would result in any unacceptable harm to the landscape, nor the wider countryside and the scheme can be developed, enabling the proposal to successfully assimilate with its surroundings. The proposal is considered to have addressed the concerns raised with regard to the previous reserved matters application.
- 7.45 Consequently, and subject to a condition requiring further details of lighting, the proposal is considered to be in accordance with Policies A21, CP4, CP7, DM14, DM24 and DM29 of the Local and paragraph 174 of the NPPF.

Living conditions

- 7.46 There are two main considerations in terms of living conditions, firstly the impact of the proposed development on neighbours, and secondly, that of future occupants of the development itself. Policy DM14 of the Local Plan and paragraph 130 of the NPPF relates to the provision and protection of these amenities.

Living conditions of Future Occupiers

- 7.47 The proposed dwellings have been considered against the Technical Housing Standards – Nationally Described Space Standard dated March 2015 (the national standard). All dwellings meet the minimum space standards for the overall floor space for each type and size of dwelling and in any case also show adequate space for furnishings within each unit.
- 7.48 The layout of the development provides sufficient separation between the proposed dwellings within the site and have adhered to condition 5 of the outline planning permission requiring the properties in the northeastern corner to be single storey only.
- 7.49 In terms of private amenity space, there were concerns raised which would have formed part of a reason for refusal for the previous reserved matters in relation to the quality of the outdoor amenity space for plots 45-50. These dwellings were located along the northern boundary of the site. The concern arose due to the limited garden depth, which combined with the proximity to the trees fronting Chestnut Street and the large flank walls of garages, was considered to result in the future occupiers experiencing an undue sense of enclosure and poor outlook.
- 7.50 The current proposal allows for greater garden depths, thereby creating a greater separation distance between the trees fronting Chestnut Street and the rear elevation of the dwellings. In addition, the garages have been changed to car ports and therefore less imposing to the side boundaries of the rear garden space. It is considered that this previous concern has now been overcome and there is no objection in this regard. A condition is recommended to ensure that the car ports remain as car ports to preserve open character and to ensure the space remains for parking and not enclosed for storage purposes.
- 7.51 It is also recommended that permitted development rights be removed by condition to ensure that the development within the rear garden is controlled to ensure any further development does not result in enclosure of the rear amenity space and therefore putting pressure on the potential for encroachment into the buffer and for trees to be pruned.
- 7.52 Refuse storage would be accommodated out of sight within the rear garden areas. The layout has been designed to allow for direct external access from the rear to the front of each dwelling to enable the refuse to be moved to kerbside collection points on refuse collection days without the need to travel internally through the dwelling.

Living conditions of neighbouring occupiers

- 7.53 There are concerns raised by the occupiers of 57 Cherry Fields and 16 Key Street regarding overshadowing and overlooking from the nearest proposed dwelling. These concerns were raised as part of the consultation response for the previous reserved matters application in relation to 56 Cherry Fields and 12 Key Street. It was considered that given that the property closest to 56 Cherry Fields is a bungalow with no windows in the flank elevations and that it is screened by existing mature hedging, there would be no detrimental impact on the amenities of the occupiers of this property.
- 7.54 The situation with regard to the relationship of the development with 57 Cherry Fields is similar, but that the current proposal shows the nearest bungalow to be set in from the eastern boundary significantly in comparison to the previous reserved matters. There would be a separation distance of approx. 19m from the side elevation of the proposed bungalow of plot 33 and the nearest point of the dwelling at 57 Cherry Fields which is

the northwestern corner of that dwelling. Taking this separation distance into account and the siting of 57 Cherry Fields being at an angle to the proposed bungalow of plot 33, it is considered there would be no detrimental impact on the living conditions of the occupiers of 57 Cherry Fields.

- 7.55 In consultation responses as part of the previous reserved matters, the occupiers of 24 Key Street raised concerns that plots 35, 36 and 37, because of their two-storey nature, and because of the elevated land levels, would result in some level of overlooking into the windows and the gardens of 24 Key Street. It was considered by officers at the time that given the significant separation distances (between approx. 38m and 40m), even though the land is elevated, the level of overlooking would not result in detrimental harm.
- 7.56 The previous reserved matters also considered the separation distance between plots 39 and 40 and 12 Key Street at approx. 41m and the land level which is more even would not result in a detrimental impact on the living conditions of the occupiers of 12 Key Street as a result of the development.
- 7.57 The situation is similar with regard to the impact of the current proposal on the occupiers of number 16 Key Street particularly given that the separation distance is approx. 36m.
- 7.58 The proposal for the current application is considered acceptable in terms of its impact upon the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is in accordance with Policy DM14 of the Local Plan and paragraph 130 of the NPPF.

Ecology

- 7.59 The information submitted as part of this application has been considered by KCC Biodiversity Officers as sufficient to inform a decision and no further information is required prior to a decision.
- 7.60 The layout shows some habitat connectivity retained within the site particularly along the western boundary. The submitted Ecological Report detailed there were no sign of badgers within the site. However, as part of application 22/500133/SUB (related to the Wises Lane development) badger setts were recorded to the east and south of the site. In addition, information submitted by consultees as part of application 23/500516/SUB (also related to the Wise Lane development) confirmed presence of badgers along the footpath in the east of the site.
- 7.61 The main concern relates to the sett recorded to the east of the site (south of Cherry Trees Road) as the current layout will result in the loss of connectivity for the badgers within the sett to the surrounding area. Dwellings 28 to 32 are directly adjacent to the area where an active badger sett is present and there is concern that badgers associated with the sett will push through into those gardens or any of the gardens adjacent to the footpath for foraging or commuting to the surrounding area. This may potentially damaging fences/gardens and cause future resident's problems if the badgers create setts within them.
- 7.62 The submitted site plan has been updated and it does demonstrate that a native species hedgerow will be planted along the edge of the hedgerow adjacent to the housing. However, the above concerns are still valid. It is recommended that the gardens which back on to the eastern site boundary be fenced with close board fencing with steel reinforced concrete gravel boards with pre-cast hedgehog holes to minimise the risk of

badger access the gardens. This was previously agreed as part of reserved matters application 21/504812/REM but was not included within the updated mitigation strategy.

- 7.63 In addition, it is recommended that all garden boundaries adjacent to the footpath have wire mesh dug into the ground at the base of the fence to stop badgers digging underneath the fences.
- 7.64 The applicant has confirmed they are agreeable to a condition requiring the aforementioned fencing as described above.
- 7.65 The Ecological Report also confirms the presence of grass snake within the site and that at two trees within the site proposed for removal have medium/high potential to be used by roosting bats. Emergence surveys should be carried out to inform the detailed mitigation strategy required as part of condition 18 of the outline planning permission. It is also recommended that an updated walkover survey is required to inform the details submitted pursuant to condition 18.
- 7.66 The ecological enhancement plan has confirmed that integrated bat bricks will be incorporated into the site therefore in the event that bats are roosting within the cherry tree, it is considered that appropriate mitigation can satisfactorily be implemented within the site.
- 7.67 As only 1 grass snake was recorded within the site, the proposed precautionary mitigation is considered appropriate. It is recommended that part of the species rich grassland proposed along the western boundary is managed to provide continuous areas of long vegetation to benefit reptiles. The management plan submitted as part of this application does not demonstrate that this will be implemented as it suggests that the whole area will be cut short each year. This should be updated and submitted pursuant to condition 30 of the outline planning permission.
- 7.68 The mitigation strategy details that a corner of the southern boundary will be used as the receptor site in the event that reptiles are captured during the reptile mitigation. A plan demonstrating the location of the receptor site must be included within the detailed mitigation strategy when it is submitted to discharge condition 18 of the outline planning permission. The plan must clearly demonstrate that the receptor area will be protected and retained during the construction works.
- 7.69 In addition to the integrated bat boxes, the ecological enhancement proposed include integrated bird boxes, external bat and bird boxes and hedgehog highways to be incorporated into the site. A condition is recommended to secure the provision of these ecological enhancement measures on site.
- 7.70 With the inclusion of the suggested conditions and details to be submitted pursuant to conditions 18 and 30 of the outline planning permission, It is considered that that proposal can be implemented without detrimental harm to ecology in accordance with Policies A21, CP7, DM14 and DM28 of the Local Plan and paragraph 174 of the NPPF.

Flooding and Drainage

- 7.71 A Flood Risk Assessment was submitted as part of the outline application setting out the principles for dealing with surface water and Microdrainage Surface Water Drainage Calculations have been submitted and assessed as part of this reserved matters

application having particular regard to Policy DM21 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

- 7.72 The Lead Local Flood Authority are satisfied with the principles proposed for dealing with surface water and that they can be accommodated within the proposed site layout.
- 7.73 However, point out that as of the 10 of May 2022, the Environment Agency's climate change allowances have been updated. As part of this update, revisions have been made to the 'Peak Rainfall Intensity Allowances' that are used in applying climate change percentages to new drainage schemes.
- 7.74 The LLFA would now seek the 'upper end' allowance is designed for both the 30 (3.3%) and 100 (1%) year storm scenarios. This analysis must determine if the impacts of the greater allowance are significant and exacerbate any flood risk. The design of the SUDs scheme therefore, may need to be minimally modified but may also need additional mitigation allowances, for example attenuation features or provision of exceedance routes. This will tie into existing designing for exceedance principles and will be considered as part of the submission of details pursuant to condition 12 of the outline planning permission.
- 7.75 In addition to this, any infiltration into boreholes should be as shallow as possible, always ensure an adequate protective unsaturated zone above the highest seasonal water table and the base of any infiltration feature. Infiltration may only be permitted into clean natural ground. Designs should be in accordance the Building Regulations Approved Document H and be protective of groundwater resources with relevant pollution control mechanisms built in line.
- 7.76 Subject to the discharge of conditions pursuant to the outline planning permission requiring the submission of further details and implementation in respect of a sustainable drainage scheme (conditions 12, 13, 14, 15 and 16), the proposal is considered acceptable and in accordance with Policy A21, DM14, DM20 and DM21 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

Archaeology

- 7.77 One of the drafted reasons for refusal of the previous reserved matters related to an absence of an agreed scheme of archaeological mitigation.
- 7.78 Since the drafting of the reasons for refusal, on-site evaluation has taken place and details have been submitted pursuant to condition 23 of the outline planning permission under reference 22/503060/SUB. A further report was submitted on 1 December 2022. Further mitigation proposals are required in the form of monitoring which would be undertaken whilst the development is carried out. This would be covered by condition 23 of the outline planning permission. The proposal is considered to comply with Policy DM34 of the Local Plan and paragraphs 197, 201, 202 and 205 of the NPPF.

Highways

Access

- 7.79 Access was approved as part of the outline planning permission and therefore the impact on the existing highway network from a development of 50 dwellings is accepted.

- 7.80 The current application consists of a higher proportion of 3 and 4 bed dwellings within the mix than was shown on the illustrative plans previously submitted as part of the outline application. However, the associated Transport Assessment submitted at that time did not make any distinction between the dwelling sizes when considering the traffic generation. The trip rates used in the assessment were derived from the industry standard tool, the TRICS database, which produces average rates for housing developments, rather than based on the proportion of dwellings of a specific size.
- 7.81 The selection parameters used before in the TRICS calculation would still have been applicable with the mix of dwelling now indicated, drawn from the general pool of surveyed developments falling in the “Houses – Privately Owned” category. This is considered robust and likely to represent the worst-case scenario, as the alternative selection categories “Affordable/Local Authority Houses” or, “Mixed Private/Affordable Housing” are recognised as producing lower trip rates than the former. Therefore, there the highway implications from 50 residential dwellings of any number of bedrooms being provided on the site is acceptable. A condition is recommended to ensure pedestrian visibility splays are provided and maintained.

Layout

- 7.82 The highway assessment of the current reserved matters application is therefore limited to the layout of the development itself. A plan showing the extent of the development that will be offered to the Highway Authority for adoption has been submitted. This plan confirms that the roads, footways, and service margins will be offered for adoption as highway and this will therefore be adopted through the Section 38 Agreement process in due course.
- 7.83 Speed restraint features have been included within the design to provide a target speed of 20mph, where carriageway bends are too shallow to encourage lower speeds. The proposed layout features a curvature in the road around property 19 which will help towards a reduction in speed. Initially the speed restraint feature was on the stretch between plots 41 and 49. Following advice from the Highway Authority, this feature has now been repositioned centrally outside plots 46 and 45 away from the bends at each end to help reduce speeds further.
- 7.84 The vehicle tracking provided is sufficient and the layout of the development has been designed to conform with Kent Design Guide specifications in terms of road widths to allow a refuse freighter to pass on bends.

Parking

- 7.85 The development comprises of 2-, 3- and 4-bedroom dwellings whereby each have allocated parking spaces that meet Swale Borough Councils parking standards. For the 4-bedroom dwellings, 3 spaces have been provided by means of 2 spaces with an additional car port.
- 7.86 Visitor spaces are required at a ratio of 0.2 per unit and therefore 10 spaces need to be provided. Initially, the proposal only provided 8. The layout has since been amended to accommodate the required visitor spaces which now totals 11, which are shown to be evenly distributed throughout the development.
- 7.87 A plan showing the provision of electric vehicle charging points for each dwelling and visitor spaces has been submitted which is considered acceptable. However, should

planning permission be granted, a condition is recommended to ensure the type of electric vehicle chargers for homeowners meet the Office for Low Emission Vehicles Homecharge Scheme (or any subsequent equivalent).

- 7.88 In terms of provision for cycling, a condition is recommended to require details of secure cycle storage arrangements for the dwellings.
- 7.89 The proposal is considered to be in accordance with Policies CP2, DM6 and DM7 of the Local Plan, Swale Borough Council Parking Standards and paragraphs 110, 11 and 112 of the NPPF.

Other Matters

- 7.90 The principle of development and the impact of the proposal on infrastructure was considered acceptable when outline planning permission granted. As such, issues of loss of agricultural/greenfield land and the presence of brickearth have already been addressed.
- 7.91 In terms of the impact on services and infrastructure, again this was considered and addressed as part of the outline planning application and is covered by s106 that accompanies the outline planning permission. The s106 secured the provision of 10% (5) of the units to be affordable and contributions towards: off-site highways works, primary and secondary education, NHS healthcare, SPA mitigation, youth services, social care, public footpath improvements, off-site play equipment, libraries and community learning.
- 7.92 Also covered as part of the consideration of the outline planning application was air quality and consideration of the Conservation of Habitats and Species Regulations 2017.
- 7.93 With regard to air quality, it was concluded that there were no reasons to refuse the application on air quality grounds and a pre-commencement condition was included on the outline planning permission (condition 24), to ensure a scheme for quantifying mitigation measures or offsetting schemes to be included in the development.
- 7.94 With regard to the impact on the Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations), it was concluded that subject to mitigation, there will be no adverse effect on the integrity of the SPA.

8. CONCLUSION

- 8.1 The proposal is considered to make an effective contribution in meeting the need for homes, in a manner which delivers much needed homes, whilst safeguarding the environment and biodiversity as well as being sympathetic to local character, including the surrounding landscape setting and intrinsic character of its location.
- 8.2 The scheme under this current proposal is considered to be acceptable and would comply with Policies A21, CP2, CP3, CP4, DM6, DM7, DM14, DM19, DM20, DM21, DM24 and DM29 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017; Swale Borough Council Parking Standards, 2020; and paragraphs 110, 111, 112, 126, 130,

162, 167, 169, 174, 197, 201, 202 and 205 of the National Planning Policy Framework 2021.

9. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 6 December 2022

1975/P/110.01	Site Location Plan
1975/P/120.01	Type B, Wilton – Floor Plans
1975/P/120.02	Type B, Wilton – Elevations
1975/P/120.11	Type Si1 – Floor Plans
1975/P/120.12	Type Si1 – Elevations
1975/P/120.21	Type Si2 – Floor Plans
1975/P/120.22	Type Si2 – Elevations 1
1975/P/120.23	Type Si2 – Elevations 2
1975/P/120.24	Type Si2 – Elevations 3
1975/P/120.31	Type A 994 - Floor Plans
1975/P/120.32	Type A 994 – Elevations 1
1975/P/120.33	Type A 994 – Elevations 2
1975/P/120.34	Type A 994 – Elevations 3
1975/P/120.41	Type D Bellingham – Floor Plans
1975/P/120.42	Type D Bellingham – Elevations
1975/P/120.51	Type L Cecil – Floor Plans
1975/P/120.52	Type L Cecil – Elevations
1975/P/120.61	Type Si3 – Floor Plans
1975/P/120.62	Type Si3 – Elevations
1975/P/120.71	Type N Stirling – Floor Plans
1975/P/120.72	Type N Stirling – Elevations 1
1975/P/120.73	Type N Stirling – Elevations 2
1975/P/120.81	Type R Maxwell – Floor Plans
1975/P/120.82	Type R Maxwell - Elevations
1975/P/120.101	Type 3b AFF Bung – Floor Plans
1975/P/120.102	Type 3b AFF Bung – Elevations
1975/P/120.111	Type 3b AFF – Floor Plans
1975/P/120.112	Type 3b AFF – Elevations 1
1975/P/130.01	Maisonettes Floor Plans
1975/P/140.01	Street Scenes 1-3
1975/P/140.02	Street Scenes 4-8
1975/P/140.03	Site Sections AA and BB
1975/P/150.01	Single Car Port Plans and Elevations
1975/P/150.02	Twin Car Port Plans and Elevations
1975/P/150.03	Cranked Car Port and Elevations

Received 9 December 2022

1975/P/130.02 Rev A	Maisonette Elevations
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Received 10 March 2023

ABBEY24111-11A	Landscape Proposals Composite
ABBEY24111-11A	Landscape Proposals, 1 of 2
ABBEY24111-11A	Landscape Proposals, 2 of 2
E20-012-1100 P2	Strategy Site Levels Plan
E20-012-1101 P2	Strategy Site Drainage Plan
E20-012-1150 P2	Tracking Plan – Fire Appliance DB32
E20-012-1151 P2	Tracking Plan – Refuse Phoenix 2 Duo (Clockwise)
E20-012-1152 P2	Tracking Plan – Refuse Phoenix 2 Duo (Anticlockwise)
E20-012-1155 P2	Visibility Splays Plan

Received 30 March 2023

1975/P/110.02 Rev A	Site Layout
1975/P/110.03 Rev A	Boundary Treatment
1975/P/110.04 Rev A	Secure By Design Principles
1975/P/110.05 Rev A	Hard Landscape Finished
1975/P/110.06 Rev A	Waste Strategy
1975/P/110.07 Rev A	Developable Area
1975/P/110.08 Rev A	Adoptable Highway
1975/P/110.09 Rev A	Electric Charging Points Strategy
1975/P/110.10 Rev A	Cycle Storage Strategy
1975/P/110.11 Rev A	Materials Plan

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

- 2 No development shall take place, until an arboricultural method statement to ensure the satisfactory protection of retained trees, hedgerows and vegetation has been submitted to and approved in writing by the Local Planning Authority. The matters to be included within the arboricultural method statement shall include the following:
- I. A specification for the pruning of, or tree surgery to, trees to be retained in order to prevent accidental damage by construction activities.
 - II. The specification of the location, materials and means of construction of temporary protective fencing and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 'Trees in relation to design, demolition and construction' and details of the timing and duration of its erection.
 - III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage.

The development shall thereafter be implemented in accordance with the approved details which shall remain in situ for the duration of the construction activity.

Reason: Required prior to commencement of development to ensure that reasonable measures are being taken to protect trees and hedgerows during construction in line with Policy DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 3 No dwelling shall be occupied until details of the new diverted route of footpath ZR117 has been submitted to and approved in writing by the Local Planning Authority. Details shall include the following:
- The exact alignment of the diverted footpath
 - The width of the footpath which should be a minimum of 2m
 - Surface materials
 - Location and design of signage
 - Compliance with secure by design principles.

The diverted footpath shall be implemented in accordance with the approved details and shall be provided prior to the first occupation of the development herein approved.

Reason: To ensure protection of the public right of way network and access is maintained in accordance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 4 No dwelling shall be occupied until final details of the distribution of photovoltaic panels to be installed on dwellings across the site have been submitted to and approved in writing by the Local Planning Authority. Where a dwelling includes photovoltaic panels, the dwelling shall not be occupied until the photovoltaic panels have been installed in accordance with the approved details. The photovoltaic panels shall thereafter be retained.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 5 No dwelling shall be occupied until the ecological enhancement measures as set out in the Ecological Enhancement Plan at Appendix 3 within the Method Statement for Ecological Mitigation by ACD Environmental, reference ABBEY23423_MSEM_F Revision F, dated 10/03/2023, and at Appendix 3 within the Landscaping Ecological Management Plan by ACD Environmental, reference ABBEY23423_LEMP_F Revision F, dated 10/03/2023 have been implemented on site. The ecological enhancement measures shall thereafter be retained in accordance with the approved details.

Reason: To enhance conditions to encourage biodiversity in accordance with Policies CP4, DM14 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 6 Each dwelling shall not be occupied until the boundary treatment for that dwelling has been provided in accordance with drawing number 1975/P/110.3 Rev A. The boundary treatment shall thereafter be retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 7 Each dwelling shall not be occupied until an electric vehicle charger for that dwelling has been provided in accordance with drawing number 1975/P/110.09 Rev A. Electric vehicle chargers for homeowners within the development herein approved must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection) (or to a subsequent equivalent amending standard). All electric vehicle chargers for visitor spaces shall be provided in accordance with drawing number 1975/P/110.09 Rev A before the space is brought into use. All electric chargers shall thereafter be retained.

Reason: In the interests of sustainability in accordance with paragraph 112e of National Planning Policy Framework 2021.

- 8 No dwelling shall be occupied until pedestrian visibility splays of 2metres x 2metres behind the footway on both sides of each access with no obstructions over 0.6m above footway level have been provided. The vision splays shall thereafter be maintained in accordance with the measurements set out in this condition.

Reason: In the interests of highway safety and in compliance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 9 No dwelling shall be occupied until details of the secured, covered cycle storage arrangements for the dwellings, has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the approved cycle storage arrangements for that dwelling are in place and all approved storage arrangements shall thereafter be retained.

Reason: To provide cycle storage facilities of an appropriate design and in a safe and secure location in accordance with Policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 10 The development herein approved shall incorporate the measures set out in the Energy Report by Environmental Economics dated 05 May 2023 to address energy efficiency and climate change and where applicable, the photovoltaic panels required pursuant to condition 4. The development shall not be occupied until a verification report prepared by a suitably qualified professional has been submitted to and approved in writing by the Local Planning Authority confirming that all the approved measures have been implemented.

Reason: To ensure the development delivers energy efficiency measures to address climate change in accordance with Policy DM19 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 11 Each dwelling shall not be occupied until refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, have been provided. All refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 12 Prior to the installation of any external lighting on the site, details of such lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include height, position, external appearance, any shielding, light intensity, colour, spillage (such as light contour or lux level plans showing the existing and proposed levels) together with a report to demonstrate its effect on the landscaping of the site (including an overlay of the proposed lighting onto the site landscaping plans), the rural landscape, nearby residential properties, bats (including reference to the recommendations of the Bat Conservation Trust) and of how this effect has been minimised. Any external lighting shall be implemented in accordance with the approved details.

Reason: In order to limit the impact of the lighting on the landscaping of the site, the surrounding landscape, nearby residents and wildlife and with regard to Policies CP4, DM14 and DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 13 The eastern side boundary to gardens of plots 20, 27, 28, 32, 33 to the eastern side of the site as shown on the site layout plan, drawing number 1975/P/110.02 Rev A, will be fenced with close board fencing with steel reinforced concrete gravel boards with pre-cast hedgehog holes to minimise the risk of badger access the gardens.

Reason: To ensure that reasonable measures are being taken to protect badgers in accordance with DM28 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 14 The sides of the approved carports shall not be enclosed, and no other permanent development shall take place, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending,

revoking or re-enacting that Order). The car port parking spaces shall remain available for parking.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking and for the protection of occupier amenity in accordance with Policies DM14 and DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order with or without modification) no development shall be carried out within Schedule 2, Part 1, Classes A, AA, B, D, E, F and H of that Order unless planning permission has been granted on an application relating thereto.

Reason: To enable the Local Planning Authority to control such development in the interests of visual and neighbouring and occupier amenity in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

INFORMATIVES

- 1 The applicant is reminded that this permission relates to planning permission only and does not constitute approval under any other legislation including Building Regulations. To obtain advice on current Building Regulations the applicant should contact the South Thames Gateway Building Control Partnership at Foord Annex, Eastgate House, High Street, Rochester, Kent ME1 1EW
- 2 It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 3 Please note: No new soakaways should be located within 5 metres of a public or adoptable gravity sewers. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).
Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk
- 4 Approved electric charger models for homeowners 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>
- 5 As part of the application to discharge condition 12 of the outline planning permission 'the detailed drainage design' full hydraulic analysis and the results of constant head testing will need to be supplied.
- 6 The Ecological Enhancements and additional and updated ecological information should be submitted pursuant to the discharge of conditions 18 and 30 of the outline planning permission

The Council's approach to the application

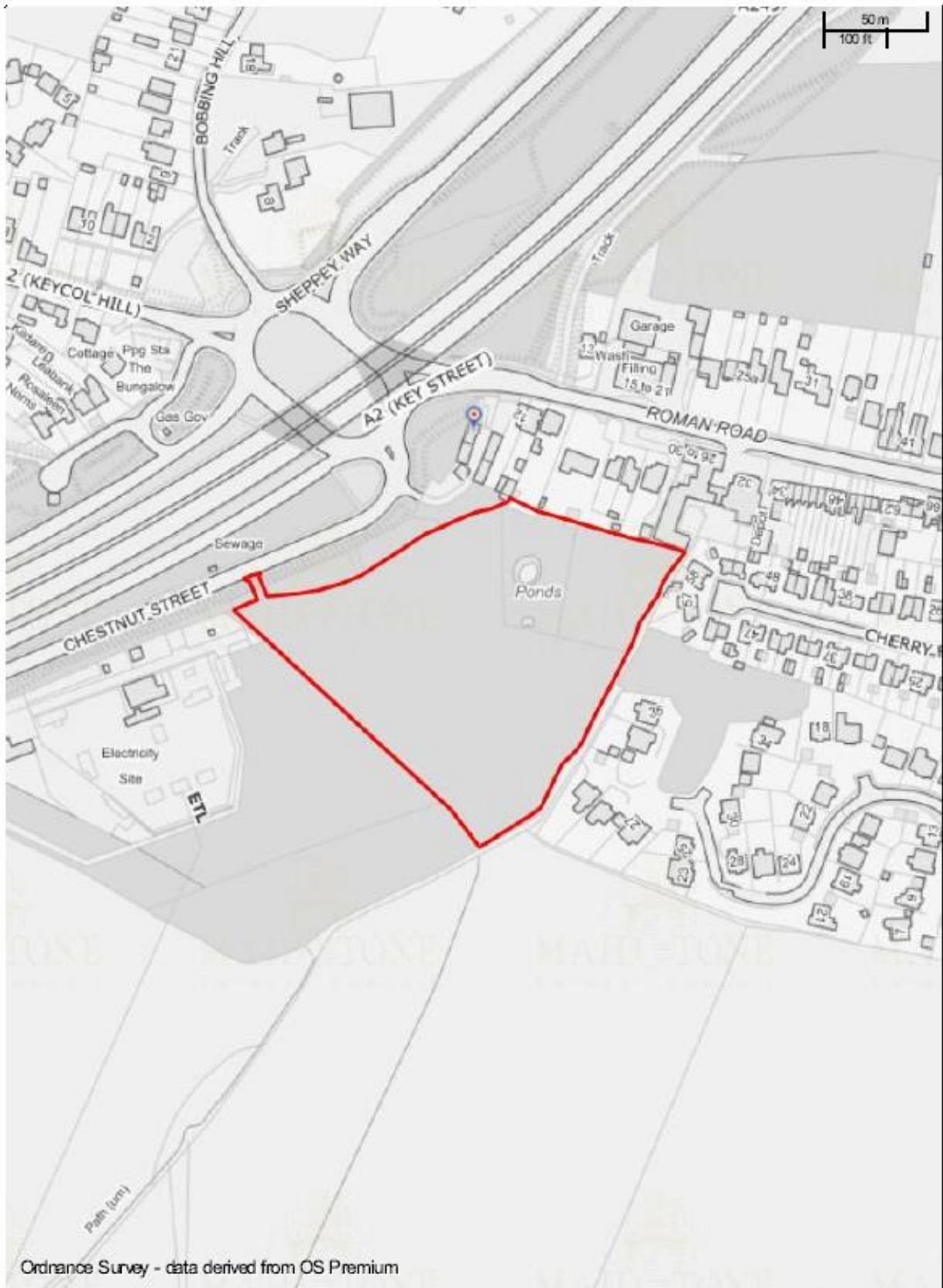
In accordance with paragraph 38 of the National Planning Policy Framework (the NPPF) the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-

application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

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

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



Ordnance Survey - data derived from OS Premium

22/505735/REM - Land At Manor Farm, Chestnut Street, Borden, Kent. ME10 1YU
Scale: 1:2500
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