

2.2 REFERENCE NO – 23/502598/FULL		
PROPOSAL Replacement of existing chain link and concrete post fencing with 2.4-meter-high palisade fence (green in colour).		
SITE LOCATION Chalkpit 1 Highsted Road Sittingbourne Kent ME10 4BE		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Major		
REASON FOR REFERRAL TO COMMITTEE Councillor Bonney has requested that this application be determined by the Planning Committee.		
CASE OFFICER Matt Duigan		
WARD West Downs	PARISH/TOWN COUNCIL Rodmersham	APPLICANT Miss Julie Hadlow AGENT Miss Julie Hadlow, GH Dean and Co.
DATE REGISTERED 07/06/2023	TARGET DATE 06/09/2023	
BACKGROUND PAPERS AND INFORMATION: 23/502598/FULL Replacement of existing chainlink and concrete post fencing with 2.4 meter high palisade fence (green in colour). Chalkpit 1 Highsted Road Sittingbourne Kent ME10 4BE (midkent.gov.uk)		

1. **SITE LOCATION AND DESCRIPTION**

- 1.1. The site is to the east of Highsted Road and is the northern most of three disused chalk quarries. The former quarries are subject to non-statutory designation as Highsted Quarries Local Wildlife Sites. The former quarry is dominated by secondary woodland, with a near continuous woodland canopy present.
- 1.2. Between Highsted Road and the northern most quarry is a fence to prevent access from the road to the disused quarry. The fence is supported by concrete pillars with chain link fence between the pillars and barbed wire to the top. The existing boundary treatment is 2.4m in height.
- 1.3. The fence is set approximately 1m to the east of Highsted Road. Beyond the fence is scrub and trees, extending for approximately 1m beyond the fence, there after the land drops into the former quarry. The former quarry is approximately 12m deep.
- 1.4. While the overall size of the former quarry extends to 5.4Ha, the application relates to the portion of fencing along the side of the quarry adjacent to Highsted Road.

- 1.5. The existing and proposed replacement fence run to the side of Highsted Road, which is designated as a rural Lane. While the site itself is not within an area designated as an Area of High Landscape Value (AHLV), the eastern boundary of the site does adjoin an AHLV. It should be noted the proposed fence is along the western boundary of the site, as such it is set some distance from the AHLV.

2. **PLANNING HISTORY**

- 2.1. None relevant.

3. **PROPOSED DEVELOPMENT**

- 3.1. Planning permission is sought for the replacement of existing chain-link and concrete post fencing with 2.4-metre-high palisade fence (green in color).
- 3.2. The existing fence has failed in many places, due in part to damage from vehicles and it has also been cut in places. The Applicant has advised that at times people have sought to damage the fence to gain unauthorised access to the former quarry.

4. **CONSULTATION**

- 4.1. One round of consultation was undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 4.2. No letters of representation were received from neighbours in response to the consultation.
- 4.3. **Rodmersham Parish Council**:- objected to the application on the following grounds: In summary, Rodmersham Parish Council raised concern over the appearance of the proposed fencing as it would have an industrial appearance. Concern was also raised that the fence would cause harm to valued landscapes, Highsted Road (as a designated rural lane) and a designated Important Local Countryside Gap..
- 4.4. The Ward Cllr (Cllr Bonney) also made representations, raising concern with the appearance of the proposed fence and the need to ensure protected species would not be harmed. While the need to prevent unauthorised access was understood, the Cllr requested that the type of fencing be reconsidered to improve the visual appearance of the replacement fencing.

5. **REPRESENTATIONS**

SBC Conservation: - No objection to the proposal

Mid Kent Environmental Health: - No objection subject to a condition relating to the hours of operation being restricted to protect the amenity of neighbouring occupiers.

KCC Ecology: - No objection to the proposal as the fence does not provide an optimum habitat for dormouse, badger, reptiles, foraging/ communing bats and bat roosts. A condition should be imposed requiring a watching brief to be undertaken during construction works to ensure that the works do not result in a breach of wildlife legislation.

KCC Flood and Water Management: - No objection to the proposal

KCC Highways: - No objection to the proposal

Lower Medway Internal Drainage Board: - No objection to the proposal

Environment Agency: - No objection to the proposal

Natural England: - No objection to the proposal

Southern Water: - No objection, however, it is noted that it is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site

Kent Police: - No objection

6. **DEVELOPMENT PLAN POLICIES**

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

ST 1 Delivering sustainable development in Swale

CP 4 Requiring good design

CP 7 Conserving and enhancing the natural environment

DM 14 General development criteria

DM 24 Conserving and Enhancing Valued Landscapes

DM 25 The separation of settlements - Important Local Countryside Gaps

DM 26 Rural lanes

DM 28 Biodiversity and geological conservation

DM 29 Woodlands, trees, and hedges

7. **ASSESSMENT**

7.1. The main considerations involved in the assessment of the application are:

- Character and appearance
- Trees
- Ecology
- Transport and highways
- Living conditions

7.2. Principle

7.2.1. 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.

7.2.2. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.

7.2.3. The proposal to replace the existing fence with a new fence does not raise issues or objections in principle. However, it should be noted that the NPPF seeks to promote public safety, it is considered that the replacement of the fence given its current condition will mitigate the risk of a member of the public falling into the former quarry.

7.3. Character and appearance

7.3.1. The application site is not located within a designated landscape, while the site is located adjacent to Kent and Swale Level Area of High Landscape Value (AHLV), the fence itself will be located on the opposite side of the site. As part of the evidence base of the emerging Local Plan the boundary of the AHLV was recommended to include the Chalk Pits. However, given the stage at which the emerging plans is, very limited weight can be afforded to this. For non-designated landscapes, the Local Plan seeks to minimise and mitigate adverse landscape impacts. Where adverse landscape impact remains, this impact needs to be weighed up against the social and economic benefits. Further to this, the site is located along a designated rural lane, the Local Plan seeks to avoid significant harm to the character of these lanes.

7.3.2. The application proposes a replacement fence that will stand at the same height as the existing boundary treatment. While it is accepted that the proposed fence will be less visually permeable, its impact upon the wider landscape and rural lane can be suitably mitigated by way of safeguarding conditions requiring the fence to be painted green and details of a landscaping scheme to be submitted.

7.3.3. It is noted that some concern has been raised by the Parish Council in relation to the conflict the Council's Countryside Gap policy (DM 25). This policy seeks to avoid the coalesce of settlements, given that the application proposes a replacement fence, it is considered that this policy is not applicable to the consideration of this application.

7.3.4. Taking the above into account, the proposal is considered to accord with policies DM24 and DM 26 of the Local Plan 2017 and the NPPF.

7.4. Trees

7.4.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside.

7.4.2. The proposal would replace the existing fence in situ and would not require removal of trees of merit. There is scope for planting to the front of the fence to help soften its appearance and integrate the new fence into the verge, this can be secured by way of condition.

7.5. Ecology

7.5.1. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".

7.5.2. In terms of the Local Plan, Policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.

7.5.3. The site is designated as a local wildlife site, with the quarry itself being capable of supporting dormouse, badger, foraging/ commuting bats, trees with medium to high potential for roosting bats and bats. The application has been accompanied by ecological surveys, which set out that a desk study has been undertaken and that the site has been surveyed in accordance with Natural England's guidance.

7.5.4. KCC have been consulted and have reviewed the applicant's appraisal. It is acknowledged that while the area to which the works relate does not constitute optimum habitat a watching brief is required to ensure that the works proposed do not harm protected species. This can be reasonably secured by way of safeguarding condition.

7.5.5. Taking this into account the application is considered to accord with policy DM 28 of the Local Plan 2017 and NPPF.

7.6. Transport and Highways

7.6.1. The proposed fence would not in itself lead to any traffic generation once installed. There will be some construction traffic associated with the proposal, however, this is not considered to have a harmful impact upon the wider highways network. Taking this into account the proposal is considered to accord with policy DM 6 of the Local Plan 2017 and the NPPF.

7.7. Living conditions

Existing residents

7.7.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. There would be the potential for noise during the construction phase (once installed the new fence would not generate any noise of disturbance).

7.7.2. Given the application proposes a replacement fence of the same height as the existing coupled with the distance of separation from adjoining dwellings, any impact of the proposal upon the living conditions of dwellings in terms of loss of light, outlook, privacy, and increased overshadowing is considered to be acceptable.

7.7.3. In terms of the construction phase of development, Environmental Health has recommended that a condition be imposed restricting the hours of operation during construction to avoid any unacceptable noise impact upon nearby dwellings. This can be secured by way of safeguarding conditions.

7.8. Conclusion

7.8.1. The impact of the proposal upon the rural lane and wider landscape can be reasonably mitigated by way of safeguarding conditions. Furthermore, while the site is located within a Local Wildlife site, the area where the fence is located is not considered to be optimum habitat therefore any impact upon ecology can be suitably mitigated by way of safeguarding conditions.

7.8.2. Taking this into account coupled with the public safety benefit the proposal is considered to accord with policies ST1, CP4, CP7, DM14, DM24, DM25, DM26, DM28, and DM29 of the Local Plan 2017 and the NPPF. It is recommended that planning permission for the proposal be granted subject to safeguarding conditions.

CONDITIONS

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

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved details and drawings: Planning Addendum 29/06/2023 (RAL 6005 moss green powder coating), Highsted Chalk Pit 1 Road Side Fencing Plan; Highsted Chalk Pit 1 Site Location Plan, Highsted Chalk Pits 1, 2 and 3; BBF-HR-PF 10; BBF-HR-PF 11; Site Boundary Replacement Fencing Location Plan, Highsted Chalkpit 1 Site Boundary.

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

- 3 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.

- 4 No development beyond the construction of foundations shall take place until full details of soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include 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, and an implementation programme.

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

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

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

- 6 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an Ecological Clerk of Works so that development is observed and protected species are not harmed. The watching brief shall be in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that protected species are not harmed during construction.

INFORMATIVE

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (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.

