

PLANNING COMMITTEE – 6 AUGUST 2024**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 23/505783/FULL		
PROPOSAL Subdivision of existing first floor flat to create 2no. flats, including erection of a first floor side extension with 2 no. dormers and rear roof extension with associated external staircase. Demolition of existing lean-to and pergola, and erection of a single storey side extension to provide public house snack bar.		
SITE LOCATION Dickens Inn, Fourth Avenue, Eastchurch, Kent, ME12 4EW		
RECOMMENDATION Delegate to the Head of Planning to refuse planning permission		
APPLICATION TYPE Minor		
REASON FOR REFERRAL TO COMMITTEE Eastchurch Parish Council support the application.		
Case Officer Megan Harris		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr & Mrs B Trask AGENT Refine Architecture
DATE REGISTERED 26/01/24	TARGET DATE 22/03/24	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted Supporting Statement Revision A dated May 2024 (uploaded on 22/05/24) All representations received The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S60BTFTYKZR00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The site is located on the south-western side of Fourth Avenue by the junction with Warden Road, which is in the northern part of Eastchurch on the Isle of Sheppey. The site contains a

public house, which occupies the ground floor, with a residential flat provided within the roof space above. There is a snack bar on the eastern side of the building, which operates in association with the public house and includes a covered seating area for customers.

- 1.2 The land associated with the application site (included within the blue-line boundary) to the south side of the public house includes a car park, pond and open space with outdoor seating for customers. There is also an empty plot of land to the south west of the Dickens Inn (also within the applicant's ownership) which recently gained consent for the erection of four holiday lets – as referenced in the Planning History section below.
- 1.3 The adjoining land to the north and west of the Dickens Inn is used for caravan parks and holiday lets, with sporadic residential development located to the east and south along Warden Road. Warden Road is formally designated as a rural lane defined by policy DM 26 of the Local Plan.
- 1.4 The site lies outside any built up area boundary and is therefore considered to lie in open countryside. It is within a holiday park area, as defined by policy DM 4 of the Local Plan.

2. PLANNING HISTORY

- 2.1 **23/504769/FULL** – Planning permission granted on 19.12.2023 for 'Erection of 4no. semi-detached holiday cottages with solar panels, associated access, parking and amenity spaces.'
- 2.2 **21/504668/FULL** – Planning permission refused on 12.11.2021 for 'Erection of 6no. holiday let cottages, with associated access, parking and landscaping.' Application also dismissed on appeal.
- 2.3 **SW/14/0284** – Planning permission granted on 25.04.2014 for 'Erection of a timber sectional building for use as snack bar.'

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for the subdivision of the existing first floor flat to create two flats, including the erection of a first floor side extension on the western side of the building with two dormer windows and rear roof extension with associated external staircase.
- 3.2 The proposed first floor side extension will be situated above an area of existing flat roof and will have a depth of 11m and a width of 3.8m. It will have a pitched roof that matches the eaves and ridge height of the main roof on the building, and will contain two dormer windows, one each in the front and rear elevations, which match the scale and design of the existing dormer windows on the property.
- 3.3 A rear roof extension is also proposed to the northern roof slope to facilitate the creation of independent access to the two flats via an external staircase. The design of this rear roof extension was altered during the course of the application to address design concerns. Initially a flat roof extension was proposed, however this was changed to a dual pitched roof design.

- 3.4 Internally, the extensions will facilitate the creation of a one bedroom flat and two bedroom flat, both with open plan kitchen and living areas, resulting in an uplift of one residential dwelling at the site.
- 3.5 The application also proposes the demolition of the existing lean-to structure and pergola located on the eastern side of the property, which currently contains the snack bar, and replacement with a single storey side extension. The extension will have a depth of 8.4m and a width of 6m and will feature a monopitch roof with an eaves height of 2.3m and a maximum height of 3.9m. The extension will be divided internally to provide a snack bar with a seating area and kitchen.

4. CONSULTATION

- 4.1 Three rounds of consultation with neighbours and the Parish Council has been undertaken, due to a change to the description to more accurately describe the development and an alteration for the rear roof extension. A site notice was also displayed at the site. No comments from neighbours have been received.
- 4.2 Eastchurch Parish Council support the application for the following reasons:

Comment	Report reference
The site is sustainably located.	See paragraphs 7.4 – 7.15
The proposal doesn't affect the landscape of the area.	See paragraphs 7.22 – 7.26
The development will not have any impact upon the character and appearance of the local area.	See paragraphs 7.22 – 7.26
The access is suitably designed.	See paragraph 7.36
There is a suitable level of parking.	See paragraph 7.37

5. REPRESENTATIONS

- 5.1 **Mid Kent Environmental Health** – Recommend an informative is imposed relating to the Mid Kent Environmental Code of Practice to control any noise and dust arising from the construction phase and also suggest a condition requiring the submission of a noise assessment and scheme of insulation due to the location of the proposed flat above a pub.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

- ST 1** Delivering sustainable development
- ST 3** The Swale settlement strategy
- ST 6** The Isle of Sheppey area strategy
- CP 1** Building a strong, competitive economy
- CP 2** Promoting sustainable transport
- CP 3** Delivering a wide choice of high quality homes
- CP 4** Good design
- CP 7** Conserving and enhancing the natural environment
- DM 3** The rural economy
- DM 4** New holiday parks or extensions to existing parks
- DM 6** Managing transport demand and impact
- DM 7** Vehicle parking
- DM 12** Dwellings for rural workers
- DM 14** General development criteria
- DM 16** Alterations and extensions
- DM 19** Sustainable design and construction
- DM 26** Rural Lanes
- DM 28** Biodiversity and geological conservation

6.2 **Supplementary Planning Guidance/Documents**

Supplementary Planning Document - Swale Parking Standards
Nationally Described Space Standards

7. ASSESSMENT

7.1 This application is reported to the planning committee because the recommendation to refuse the application conflicts with a written representation received from Eastchurch Parish Council who support the proposal. Considering the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- The Principle of Development
- Character and Appearance
- Transport and Highways
- SPA Payment
- Ecology

7.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.

7.3 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.

Principle of Development: Creation of an additional residential unit

Swale Settlement Strategy

- 7.4 Policy ST1 of the Local Plan requires that all development proposals will accord with the Local Plan settlement strategy.
- 7.5 Local Plan Policy ST3 sets out the Council's settlement strategy, which at Part 5 states the following: *"At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities."*
- 7.6 The site is located outside of any built-up area boundary. The nearest settlement is Eastchurch, which is located approximately 1km to the south-west. There is a clear and extensive separation of the site and surrounding caravan / holiday park from the settlement area of Eastchurch, including intervening agricultural fields.
- 7.7 Paragraph 4.3.20 of the Local Plan, which supports Policy ST3, identifies Eastchurch as a rural local service centre. The supporting text description of Eastchurch states *"The village serves the needs of local residents, but also the nearby prisons and holiday population. Its open and elevated position within the surrounding landscape and less accessible location to the main centres of population, limit opportunities to minor development aimed at meeting local needs."*
- 7.8 The proposed subdivision of the existing flat on site would result in an intensification of the existing residential use on the site. Although this would only result in one additional dwelling, the site is in a remote countryside location and characterised by the adjoining holiday / caravan park and surrounding rural landscape. As such, the additional dwelling unit would erode the intrinsic values of the countryside location contrary to Swale's settlement strategy as set out in Policy ST3.
- 7.9 Chapter 5 of the NPPF deals with the delivery of a sufficient supply of homes in the UK. Paragraph 83 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Officers consider that the proposal would not enhance the vitality of the rural community and, as such, the proposal is not supported by this part of the NPPF.
- 7.10 The proposal therefore fails to accord with Local Plan Policies ST1 and ST3 and is not supported by national planning policy. The principle of the creation of a new dwelling unit is therefore not supported by the Development Plan.

Sustainability of the Location

- 7.11 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.
- 7.12 Policy CP2 of the Local Plan seeks to locate development in areas which minimise the need to travel and to facilitate sustainable transport.
- 7.13 As established above, the site is located outside any built-up area boundary, and therefore falls within the lowest, least acceptable tier of the settlement hierarchy, as set out by Local Plan policy ST 3.
- 7.14 The site is located approximately 1km (as the crow flies) from the built-up area of Eastchurch. There are some facilities within Eastchurch, including a church, primary school, doctor's surgery, convenience stores and pubs. However, it is considered that residents would need to travel outside of the area to access a larger variety of services and facilities. Public transport links in Eastchurch are only comprised of limited bus links to Sheerness. To access Eastchurch, future occupants would be required to walk approximately 1.6km from the site, along Warden Road. There are no footpaths along the majority of Warden Road, which is largely unlit. Due to this, it is extremely likely that future occupiers of the new flat would predominantly use a private car for their day-to-day activities due to the difficulty in safely accessing the facilities and transport links in Eastchurch on foot or by sustainable travel methods. Policy CP 2 of the Local Plan seeks to minimise the need to travel and promote use of sustainable transport. As future residents would rely to a considerable extent on the private car to access services and facilities, the scheme would be contrary to this policy.
- 7.15 As such, the distant location of the site from services and facilities makes this an unsustainable location. It is therefore not considered suitable for a new dwelling and with particular regard to minimising travel and promoting sustainable travel options it is found to be contrary to policies CP 2 and ST 3 of the Local Plan which seeks, amongst other matters, to support the aims of sustainable development, and adhere to the Council's settlement strategy.

Dwellings for Rural Workers

- 7.16 Both the Local Plan and the NPPF make clear that to promote sustainable development in rural areas, new isolated homes should be avoided, except in special circumstances, such as to meet an essential need for a rural worker to live permanently at or near their place of work in the countryside.
- 7.17 Policy DM 12 of the Local Plan (which relates to dwellings for rural workers) states that:

“Planning permission will be granted for new, permanent, rural worker dwellings in the countryside, subject to:

- 1. There being a clearly established, existing, essential need for the proper functioning of the enterprise for a full-time worker to be readily available at most times;*
- 2. There being no suitable existing dwelling available nearby or in a nearby settlement;*

3. The location, scale and design of the dwelling maintaining or enhancing landscape and countryside character; and

4. The siting of the dwelling should, firstly, explore whether there are suitable buildings available for conversion at the enterprise, or secondly, in the case of a demonstrated need for a new building, that it is located as close as possible to existing buildings on previously developed land at the enterprise, or if this is not possible, within the immediate locality on an acceptable site.”

7.18 In this case, the supporting statement provided by the agent during the course of the application sets out that new flat will be occupied by the applicant’s grandchildren, and they will assist the applicants in the day-to-day operation of the pub. Given the rural location of the site and the stated link of the new dwelling to the operation of the pub, policy DM12 is relevant to this case. It is not considered, however, that this link amounts to an exceptional circumstance. It is common for an operator of a public house to live on site, however officers disagree that this justifies the need for an additional dwelling to be located on site. The operation of a pub is also not considered to require all workers to be readily available on site due to the nature of the business, and as such the proposed occupation of the new flat by the applicant’s grandchildren is not considered to weigh in favour of the development in regard to Local Plan policy DM12.

Conclusion on Principle of creation of a new dwelling unit

7.19 The provision of a new flat in an unsustainable location such as this conflicts with Local Plan policies ST 1, ST 3 and CP 2 as set out in the above paragraph, and there are no exceptional circumstances that would outweigh this harm. Furthermore, the support offered by policy DM12 for the provision of dwellings in rural areas is not considered to apply in this instance. Therefore, the principle of the new dwelling unit is unacceptable.

Principle of Development: Extensions to existing public house

7.20 Local Plan Policy ST6 sets out the Council’s strategy for the Isle of Sheppey. It states at Part 2 that development should support the existing tourism offer or assist its modernisation and diversification into new markets, including eco-tourism. Policy DM3 supports the sustainable growth and expansion of business and enterprise in the rural area.

7.21 The proposed side extension will regenerate the existing snack bar part of the public house and will support the ongoing function of the pub. As such, it is in general accordance with policies ST 6 and DM 3 of the Local Plan, which supports the sustainable growth and expansion of business and enterprise in the rural area. The principle of this aspect of the development is therefore considered to be acceptable.

Character and Appearance

7.22 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement.

7.23 The site is not located within any protected landscape area and is surrounded by developed land to the north, east and west. The proposal will result in additional built form at the site,

however it is subservient in nature and only marginally increases the footprint of the building when taking into account the existing lean-to will be demolished as part of the development. The proposed first floor side extension will match the roof form of the main roof, including dormer windows, which ensures the extension assimilates well with the existing building.

- 7.24 The design of the rear roof extension was altered during the course of the application to address design concerns. A large rear roof extension was initially proposed to provide access to the two flats, and due to the proposed use of a flat roof on this structure, it would have had the appearance of a large flat roof dormer, which would be incongruous to the appearance of the existing building. Amended plans were provided replacing the flat roof with a dual pitched gable roof extension. Whilst this has increased the bulk of the extension, it is considered to represent an improved design that would compliment the pitched roof forms on the existing roof and pitched roof dormer windows.
- 7.25 Views of the development from Warden Road, a designated rural lane will be possible, however given the development is of a subservient scale that sits comfortably on the existing building, the proposal will not cause any significant harm to the character of the rural lane.
- 7.26 Taking the above into account, in respect of the character and appearance of the proposal the scheme is considered to comply with policies CP 4, DM 14 and DM 26 of the Local Plan and the NPPF and will not give rise to harm to the character and appearance of the site, streetscene and wider countryside.

Living Conditions

Existing residents

- 7.27 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.28 The proposed extensions will lie a minimum of 48m from the closest dwellings to the south, east and west, Sunnymede, Berryfield and 1 Hazeldene Cottages. Due to these separation distances, any impact to amenity at these properties will be limited. To the rear of the site is Copperfield Caravan park, which features a mixture of caravans and brick built chalets. The closest chalets lie approximately 11.5m from the extensions, and taking into account this distance and the orientation of the chalets in relation to the development, it is not envisaged that the development will cause any unacceptable harm to the occupiers of the holiday accommodation through overshadowing or overbearing impacts. There will be additional fenestration in the front, rear and side elevations as a result of the changes to the first floor, however these windows will provide views of the holiday accommodation that are similar to the existing windows.
- 7.29 Planning permission has been granted for the erection of four holiday units to the south west of the site, on land also owned by the applicant. Whilst this permission has not been implemented yet, it remains extant and the impact of the development upon these units must be considered. The proposed extensions will lie a minimum of 28m from the holiday units, and taking into account this distance, it is not envisaged the development will cause any harm to future occupiers of these units.

- 7.30 The development also proposes to extend the commercial floorspace at the site, through the creation of a formal snack bar. Given the existing use of the unit as a pub, the provision of a snack bar which will be ancillary to the pub use is not considered to result in any significant noise and disturbance to neighbours.

Future residents

- 7.31 New development is expected to offer future occupiers a sufficient standard of accommodation. The extended and reconfigured first floor will provide two flats, both of which accord with the Government's national space standards. All habitable rooms are served by windows which will provide adequate outlook, light and ventilation. There will be no private amenity space provided for the new flat, but taking into account the scale of the new flat, it is unlikely that it will be occupied by a family and as such, the lack of amenity space is not of considerable concern here. Furthermore, there are extensive areas of open space available on the wider site and opportunities to access green space in the wider area.
- 7.32 Taking the above into account, the scheme is considered to be acceptable and would not cause any substantial harm to the living conditions of neighbours or future occupiers. As such the proposal is accord with Policy DM 14 of the Local Plan in this regard.

Transport and Highways

- 7.33 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

- 7.34 The NPPF also states that:

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

- 7.35 Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm. SBC Vehicle Parking Standards Supplementary Planning Document (SPD) which is pursuant to Policy DM 7 of Local Plan was adopted by the Council in June 2020 and is a material consideration in the determination of planning applications.
- 7.36 The development will utilise the existing access onto the site from Fourth Avenue. Whilst there will be additional vehicle movements created by the development through the creation of the additional flat, this would be minimal, and as such the proposal will not have any harmful impacts on the wider road network.

- 7.37 The existing parking area to the front of the building will provide parking for the new flat and snack bar. Given the scale of this area, which provides parking for approximately 17 vehicles, the development is not considered to lead to additional parking along Fourth Avenue or Warden Road given the scale of the car park at the site. As a result the proposal complies with policy DM 7 of the Local Plan.

SPA Payment

- 7.38 An Appropriate Assessment is set out below. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development, there is no scope to provide on-site mitigation and therefore off-site mitigation is required by means of developer contributions at the rate of £328.27 per new dwelling. As the development will result in an uplift of one dwelling at the site, only one fee is required. This payment has not been secured due to the recommendation to refuse the application. As such, the proposal would currently fail to mitigate against harm to the SPA and Ramsar sites and would fail to accord with Policies CP7 and DM28 of the Local Plan in this regard.

Ecology

- 7.39 The NPPF and Local Plan policy DM28 requires that development proposals will conserve, enhance and extend biodiversity, provide for net gains in biodiversity where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 7.40 Applications submitted from 2nd April 2024 which propose minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). Whilst this application does amount to minor development, the application was notably submitted in January 2024 and as such, there is no requirement for BNG to be provided as part of the development. Due to the nature of the proposal it would not result in any other ecological impacts. As such, the proposal would comply with policy DM 28 in this regard.

Other Matters

- 7.41 At the recommendation of the Environmental Health team, if permission were to be granted, an informative would be imposed relating to the Mid Kent Environmental Code of Practice, which will mitigate any noise and dust issues from the construction phase. A condition related to the submission of a noise assessment and scheme of insulation would also be imposed to ensure that the activities of the pub and snack bar are not harmful to the new flat to be created on the floor above.

Conclusion

- 7.42 The site is located in the open countryside, in an unsustainable location for new residential development. Future occupiers of the development would be highly reliant on private cars, which is contrary to the general aims of policy CP 2. The agent contends that the development is required in order for the applicant's grandchildren to live at the site and help with the operation of the pub. However, this is not considered to justify the need for an additional dwelling on the site and as such this does not represent an appropriate exception

to the general restriction on new dwellings in unsustainable countryside locations. Whilst the regeneration of the existing snack bar at the site will continue to support the on-going function of the pub, this benefit does not outweigh the harm caused by the provision of a new residential unit in an unsustainable location.

- 7.43 The Council has very recently received an appeal decision at Ufton Court Farm in which an Inspector concluded that the Council did not have a 5 year housing supply. The Council is considering its position on this decision. However, even if this application was to be considered using the “tilted balance” under paragraph 11(d) of the NPPF, the harm arising as set out above would significantly and demonstrably outweigh the benefits associated with the provision of an additional dwelling, and would conflict with the NPPF as a whole.
- 7.44 Furthermore, a SAMMS mitigation fee has not been secured as part of the application in order to address the impact of the additional residential unit on the SPA. On this basis, it is recommended that planning permission be refused.

RECOMMENDATION – Refused for the following reasons:

- (1) The application site lies outside of any defined settlement boundary and in an unsustainable location remote from services and facilities and where policies of rural restraint apply. The proposal would result in an unsustainable development where future occupiers of the new residential unit would be highly reliant on private vehicles. The proposal is therefore contrary to policies ST 1, ST 3, CP 2 and DM 12 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017.
- (2) The proposed development will create potential for recreational disturbance to the Swale Special Protection Area. The application submission does not include an appropriate financial contribution to the Thames, Medway and Swale Strategic Access Management and Monitoring Strategy (SAMMS), or the means of securing such a contribution, and therefore fails to provide adequate mitigation against that potential harm. The development would therefore affect the integrity of this designated European site and would be contrary to the aims of policies ST 1, CP 7, DM 14, and DM 28 of the adopted Swale Borough Local Plan 2017; and paragraphs 180, 181 and 187 of the National Planning Policy Framework.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), December 2023 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.

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

This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

The application site is located within 6km of The Swale / 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).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.

The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.

The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, *"it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site."* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.

However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.

Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwellings are occupied.

Due to the scale of development there is no scope to provide on-site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.

Based on the correspondence with Natural England (via the NKEPG), it is concluded that off site mitigation is required.

In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which has not been secured prior to the determination of this application) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

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

