

2.2 REFERENCE NO: 24/500439/HYBRID		
PROPOSAL: Hybrid application comprising of: Outline application (with all matters reserved except for access) for erection of 5no. self/custom-build dwellings. Full planning application for creation of access and erection of 1no. dwelling with associated parking and annexe above car-port.		
SITE LOCATION: Land adjacent to Halke Cottage, Brogdale Road, Faversham, Kent, ME13 8XZ		
RECOMMENDATION: Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE: Minor		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to Ospringe Parish Council's objection to the application.		
Case Officer: Luke Simpson		
WARD: East Downs	PARISH/TOWN COUNCIL: Ospringe	APPLICANT: Mr Trevor Wells AGENT: OSG Architecture
DATE REGISTERED: 31/01/2024		TARGET DATE: 10/04/2024
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: -		
<ul style="list-style-type: none"> • Site Location Plan and Existing Site Plan (23-1404-001 A) • Site Plan (23-1404 – 010 D) • Application Demarcation (23-1404 – 011 B) • Proposed Demolition and Existing Elevations (23-1404 – 012 A) • Street Scenes (23-1404 – 013 A) • Plot 01 – Proposed Floor Plans & Elevations (23-1404 – 100 B) • Plot 01 – Car Port and Annex – Proposed Floor Plans & Elevations (23-1404 – 101 C) • Plot 02 - Proposed Floor Plans and Elevations (23-1404 – 110 B) • Plot 03 - Proposed Floor Plans and Elevations (23-1404 – 120 B) • Plot 04 - Proposed Floor Plans and Elevations (23-1404 – 130 C) • Typical Double Garage Plans and Elevations (23-1404 – 140 A) • Access Plan (12703/2100 P5) 		

The full suite of documents submitted pursuant to the above application are available via the link below: -

<https://pa.midkent.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site forms a 0.685 Hectare area of land situated to the west of Brogdale Road, approximately 500m to the south-west of the Faversham settlement boundary. The site is currently used as a paddock for keeping horses, but also includes part of the residential curtilage of the dwelling known as Halke Cottage, which sits at its northern end. To the north of the site are 4 residential properties situated within spacious plots, to the east is Brogdale Road with a development site beyond where 310 dwellings are currently being constructed, and which is allocated within the Local Plan for mixed use development (known as Perry Court Farm). To the south lies the M2 Motorway with agricultural land beyond and the rural hamlet of Brogdale, and to the west lies agricultural land.
- 1.2 The eastern roadside boundary of the site is planted with a dense belt of trees and vegetation, which provides good levels of screening from Brogdale Road, and this area of vegetation sits outside of the application site, so would not be affected by the proposed development. Another belt of mature trees sits along the southern boundary of the site, which prevents medium and long-range views from the road bridge that crosses the M2 and further south. With regard to the M2 itself, as it occupies lower ground, there are no views available into the site from passing vehicles. Views into the site from the agricultural fields to the west are more open as this boundary is occupied by a lower-level hedgerow, however due to its enclosed nature and use as an equestrian paddock it does not share the same agricultural characteristics as the adjacent fields to the west.
- 1.3 In terms of connectivity, whilst the site is divorced from Faversham slightly, Brogdale Road has a pedestrian footpath that links the site to the new residential development to the east and to London Road 800m to the north, which provides bus stops. Faversham Railway Station and Faversham Town Centre are also only 1.6km away to the north.
- 1.4 The site is accessed directly off of Brogdale Road via a shared driveway situated at its north-eastern corner, which also serves Halke Cottage. Halke Cottage along with part of its existing garden area, including outbuildings are to be retained.
- 1.5 The Site is not subject to any policy, environmental or landscape designations. The Kent Downs AONB is located 0.5km to the southwest and on the southern side of the M20 motorway. It is also situated entirely within Flood Zone 1.

2. PLANNING HISTORY

- 2.1 There is no planning history associated with this site.

3. PROPOSED DEVELOPMENT

- 3.1 This is a hybrid planning application that seeks outline consent with all matters except for access reserved for the construction of 5 self/custom-build dwellings, and full consent for the creation of an access and the construction of 1 open-market dwelling with associated parking and a car-port with an annexe above (identified as plot 1 on the proposed site plan).
- 3.2 The proposal seeks to widen the existing access to Halke Cottage in order to enable the retention of its existing private driveway and to enable large service vehicles to enter the site and newly proposed dwellings from the south and north. It is also proposed to construct a continuation of the access that runs in a south westerly direction through the site, which each of the new properties would be served by.
- 3.3 Whilst the layout and detailed design of the 5 self/custom building units are reserved matters, the preliminary site plan indicates that these would be laid out in a linear fashion, running along the western side of the new internal site access. All of these units are set within relatively large plots that incorporate generously sized private amenity areas and a combination of hardstanding's and car ports/garages to provide a minimum of 3 parking spaces per unit.
- 3.4 The proposed open market dwelling (unit 1), for which full consent is sought, is the nearest unit to the access, and sits just to the south-west of Halke Cottage. It takes the form of a detached, two-storey dwelling featuring a jerkinhead roof and a single-storey lean-to projecting from its north-east facing flank elevation. It measures 15.02m in width by 8.53m in depth and 9.11m in height, with an eaves height of 4.86m, and the submitted plans show that it would be constructed with clay roof tiles and mainly brickwork elevations with white composite window units, stone cills, an Oak and frame and clay roof porch, and white weatherboarding for the lean-to element.
- 3.5 The dwelling would accommodate a living room, kitchen/dining room, utility, bathroom and study at ground floor level and 4 bedrooms (one with en-suite) and a bathroom at first floor level. It would also be served by a large private garden area to the rear, a double by car barn with annexe accommodation in the roof space, and a private hardstanding large enough to accommodate 2 cars to the front/side.
- 3.6 The car barn building measures 8.0m in width by 6.51m in depth and 6.14m in height and features a dual-pitched roof with two pitched dormers to the front and an external staircase leading from a side entrance to the garden. It would also be constructed with clay roof tiles and brickwork elevations with white composite window units.

4. CONSULTATION

- 4.1 One round of consultation has been 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 newspapers due to the proposals potential to impact a public right of way that runs along the southern boundary of the site. Full details of representations are available online.

- 4.2 Two letter of representation has been received in relation to the consultation, including from the Swale Footpaths Group. Neither of these letters object or support the proposed development, but the following concerns are raised: -

Comment	Report reference
The impact of lights from vehicles leaving the site may cause glare to the occupiers of the neighbouring property known as Weydale	Living conditions are addressed within Section 7.6 of this report.
It is appreciated that the application makes reference to the public footpath that runs along the southern boundary of the site.	The potential impact of the development on the adjacent Public Right of Way is addressed within Section 7.5 of this report

- 4.3 Ospringe Parish Council has objected to the proposed development with the following concerns being raised:

- The application site lies outside of the settlement boundary and as such, the proposal would result in the unjustified development of the countryside,
- The proposal is and would appear over-intensive, with the density far higher than the site can accommodate,
- The proposed mix of dwelling units does not reflect the local housing need,
- The proposal would have a detrimental impact upon the living conditions of Halke Cottage by virtue of proximity and overlooking,
- The proposed access is unsatisfactory and too constrained for the number of dwellings proposed,
- Insufficient space is provided for parking and on-site manoeuvring for large vehicles, which would result in the creation of potential traffic hazards on Brogdale Road.
- The proposed access does not provide sufficient visibility in a northerly direction directly along Brogdale Road.

5. REPRESENTATIONS

- 5.1 **Urban Design Officer** – Supportive of the proposed development. The design is responsive to the context of the site, with sufficient separation between dwellings. The variation in design and height of the new dwellings results in an interesting scheme. It is recommended that materials and landscaping details are conditioned and that boundary treatments will need to be carefully considered.
- 5.2 **KCC Biodiversity Officer** – No objection subject to conditions to secure the implementation of recommendations set out within the Ecological Impact

Assessment, an Environmental Management Plan, the purchasing of Biodiversity Net Gain credits, a Habitat Management and Monitoring Plan, on-site biodiversity enhancements and lighting plans.

- 5.3 **Environmental Protection** – No objections subject to a watching brief condition that would require the applicant to submit assessment and remediation details in the event of contaminated land being uncovered, and a condition to ensure that the recommendations set out within the Noise Assessment are implemented.
- 5.4 **KCC Highways** – No objection subject to conditions to secure a Construction Management Plan, the implementation of parking & vehicle turning spaces, EV charging facilities and cycle storage, and the visibility spays shown on the submitted plans.
- 5.5 **KCC Flood and Water Management** – The application falls outside of KCC's remit for providing comments as statutory consultee
- 5.6 **KCC Minerals & Waste** – The County Council has no land-won minerals or waste management capacity safeguarding objections or comments to make regarding this particular application.
- 5.7 **Natural England** – No objection subject to securing appropriate mitigation for recreational pressure impacts on European Habitat Sites.
- 5.8 **KCC Public Rights of Way** – I have no objection against the proposed development; However, a developer contribution amount to the sum of £6500 is requested to provide a 100-metre length, 2-metre wide, all-weather surface around the development to enhance the experience of Public Footpath ZF16. This will provide an improved connection to Public Footpath ZF18, encouraging residents and the public to use the surrounding footpath network to travel into town.
- 5.9 **KCC Development Investment** – The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services. These impacts would require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

6. DEVELOPMENT PLAN POLICIES

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

- ST 1 Delivering sustainable development in Swale
- ST 3 The Swale settlement strategy
- CP 2 Promoting sustainable transport
- CP 3 Delivering a wide choice of high-quality homes
- CP 4 Requiring good design
- DM 6 Managing transport demand and impact
- DM 7 Vehicle parking
- DM 14 General development criteria
- DM 19 Sustainable design and construction

- DM 20 Renewable and low carbon energy
- DM 21 Water, flooding, and drainage
- DM 24 Landscape
- DM 28 Biodiversity and geological conservation
- DM 29 Woodlands and Trees
- DM 31 Agricultural Land

6.2 Supplementary Planning Documents

- Swale Borough Council Parking Standards (May 2020) SPD
- Developer Contributions SPD (2009)

7. ASSESSMENT

7.1 This application is reported to the Committee because the recommendation is contrary to the considerations of Ospringe Parish Council. For the proposal that has been submitted, the committee is recommended to carefully consider the following main points:

- Principle of development
- Landscape and Visual
- Transport and Highways
- Living Conditions
- Ecology
- Flood Risk, Drainage and Surface Water
- Contamination
- Sustainability / Energy
- Developer contributions

7.2 Principle of development

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 site lies outside of the built-up area boundary of Faversham, and within the countryside setting as designated by Policy ST3 of the Swale Borough Local Plan, which sets out that in such locations 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.

7.2.3 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.

- 7.2.4 The Council cannot currently demonstrate a five-year housing land supply and therefore, on this basis paragraph 11 (d) of the NPPF, the local plan policies most important for determining the application should be considered out-of-date, and that a presumption in favour of sustainable development should apply – meaning that development should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole. Accordingly, in this instance, a ‘tilted balance’ should apply to decision making and a presumption of sustainable development must duly be applied.
- 7.2.5 Notwithstanding the countryside location of the site, its proximity to the settlement of Faversham must be recognised, as should Faversham’s status as a tier 2 Borough Centre that provides a good range of services and amenities as well as good public transport links (as defined within Policy ST3). As previously noted, the settlement boundary of Faversham lies only 210m away and there are pedestrian links already in situ between the site and London Road, which offers public transport routes to other areas of the settlement and beyond, as well as to the Aldi supermarket which lies 550m to the east. Further to this, Faversham Town Centre and Train Station are only 1.6km away to the north. It is therefore considered that it would be difficult to conclude that the site is not in a relatively sustainable position despite its countryside location.
- 7.2.6 The Local Plan policy CP3 requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflects that of the Strategic Housing Market Assessment (SHMA). Notwithstanding this, new evidence has been prepared in the form of the Council’s Housing Market Assessment (HMA) in 2020 (i.e., more recently than the Local Plan), and this demonstrates the most up-to-date evidence on the required housing mix within the district. As such, officers have considered the proposed housing mix against that set out in the HMA, which is as follows:

Tenure - HMA	1 bed	2 bed	3 bed	4 bed
Market Required	7%	32%	46%	15%

- 7.2.7 The mix of housing cannot be fully established given the hybrid nature of the application but, based on the indicative submissions, it appears probable that the development would not align with the preferred housing mix. Notwithstanding this, it is clear from the above that there is a need for housing of all sizes within the Swale Borough. Consequently, although not being the type of housing for which there is the greatest need, it is considered that the provision of larger houses, as indicatively shown, can still be found acceptable in terms of meeting a need, particularly in the context of the housing land supply position of the Borough which is set out further below. From this basis, whilst there is likely to be a conflict with the development plan arising from the proposal not according with the requirements of Policy CP3 of the Swale Borough Local Plan (as well as the Council’s Housing Market Assessment (HMA) 2020), the harm arising in this regard is very limited.

Summary of Principle

7.2.8 The development is proposed in a location that is contrary to the spatial strategy of the adopted development plan and, as will be set out below, it would unavoidably result in some harm to the rural character and appearance of the area. Harm and development plan policy conflict is identified in these respects. However, set out above and as will be considered further below, the site is not considered to be an unsustainable location, and there are a number of positive elements that would arise from the proposal. These will therefore be considered in turn and a judgement of the planning balance will be undertaken at the end of this report.

7.3 Landscape and Visual

7.3.1 The National Planning Policy Framework attaches great importance to the design of the built environment and states that design should contribute positively to making places better for people. The Swale Borough Local Plan reinforces this requirement through Policy CP4, which requires development proposals to be of high-quality design and to be in keeping with the character of the area. Further to this, Policy DM14 of the local plan sets out that development proposals should be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location.

7.3.2 The site contributes to the rural character of the surrounding landscape to the west of Brogdale Road, but this contribution is limited in views from Brogdale Road and other areas of public realm to the south by virtue of the fact that the site is generally well screened by dense ribbons of trees and vegetation that wrap around its eastern and southern boundaries. In addition to this the site benefits from an elevated positioning above the adjacent M2 which lies to the south meaning that the proposal would not be perceived from this busy highway.

7.3.3 Views of the site are possible from the public footpath that runs diagonally across the adjacent field to the west, but the site does not share the same agricultural characteristics as the farmland that lies to the west and beyond due to establishes residential and equestrian uses and more managed appearance. Further to this, the presence of the existing residential properties immediately to the north would ensure that the proposed scheme would not appear as an isolated form of development. It is, however, the case that the proposal would have a noticeable impact on the character of the countryside as viewed from the public right of way. Moreover, the provisions of enclosures and bunds to mitigate noise impacts from nearby noise sources, would also be likely to have an imposing visual impact, albeit it may be that these requirements can also be partially mitigated by soft landscaping.

7.3.4 Faversham Active Travel and East Kent Public Rights of Way sought contributions towards upgrading a footpath than runs around the southern boundary of the site by seeking £6,500 to provide a 100m by 2m wide length of all-weather surface near to the site. It is considered that this enhancement to the public footpath would improve the pedestrian experience in such a way that the impact on views from the right of way would be off-set and compensated for.

Therefore, in this respect and as it is to address a specific matter arising from this permission rather than a generic contribution as has been sought by other consultees, it is considered that the requested contribution would meet the applicable tests and align with the Council's practices in relation to planning obligations.

- 7.3.5 Whilst it is therefore acknowledged that the proposal would unavoidably have some impact upon the localised countryside setting, it would not result in the development of land that is integral to the rural character of the area or appear out of place when viewed within the context of its surroundings.

7.4 **Character and Appearance**

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

- 7.4.2 In terms of detailed design, it must be recognised that only the scale and appearance of the dwelling identified as Plot 1 on the proposed site plan can be considered under this application as these matters for plots 2-6 are reserved matters. The applicant has submitted preliminary drawings that show all of the proposed dwellings as being of a similar scale and sharing a similar aesthetic; however, the main consideration in this instance is how unit 1 relates to Halke Cottage and other existing dwellings along Brogdale Road.

Full Considerations

- 7.4.3 It is evident from visiting the site that Plot 1 has been informed by the local vernacular of dwellings within the surrounding rural area, and in particular by Halke Cottage and the other residential properties to the north of the site. It displays a general scale and architectural details that are familiar to the existing street-scene through the use of a traditional roof form and natural materials including clay roof tiles, red brick and weatherboarding. These features ensure that the building would be sympathetic to the prevailing character and appearance of the street scene.
- 7.4.4 In terms of layout, there is no definitive pattern of development within this part of Brogdale Road, however, the five dwellings situated to the north of the site are all set back from the highway to some degree, and all have a traditional plot layout with parking at the front and their private amenity spaces at the rear. Accordingly, the situation and layout of Plot 1 is considered to be broadly consistent with the general arrangement of existing properties on the western side of Brogdale Road, and as such it is deemed that it would be perceived as a cohesive addition to the street-scene.

Indicative Proposals

- 7.4.5 The preliminary site plan for the overall development demonstrates that the remaining 5 units (units 2-6) can be comfortably accommodated within the site in such a manner that enables a continuation of the loosely linear and recessed development pattern that has been created by the existing dwellings to the north.

The indicated plot sizes of the proposed dwellings are relatively small when compared to these neighbouring properties, but the layout shows that effective separation can be incorporated between buildings and that space can be provided for a meaningful landscaping scheme. Reflective of this, the Council's Urban Design Officer has confirmed that the proposed layout is responsive to the context of the site, and that it provides opportunities for variation in the design and scale of the individual dwellings, which would enable a visually interesting development.

- 7.4.6 Further to the above, importantly, the submitted plans show that the existing vegetation along the roadside boundary can be retained, which is considered to be important in this case as it provides a valuable source of screening and contributes to the verdant character of this part of Brogdale Road.
- 7.4.7 Overall, it is therefore considered that the proposed development is of an appropriate scale and design, and that it would not have a detrimental impact upon the street-scene of Brogdale Road, or upon the character and appearance of the wider area. It is therefore considered that the proposal accords with policies CP4 or DM14 of the Local Plan and the NPPF.

7.5 Transport and Highways

- 7.5.1 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.”

- 7.5.2 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.”

- 7.5.3 The proposed development scheme would expand the existing entrance to the site from Brogdale Road and re-configure / extend its internal driveway in a north-south direction to provide an access that can serve all of the proposed units. The submitted plans make provision for all of the dwellings to be served by at least 3 on-site parking spaces (to be provided on either hardstanding's to the front of properties or in open fronted car barns), secure cycle stores and electric vehicle charging points.
- 7.5.4 The proposed level of parking provision for all of the units (including plot 1 for which full permission is sought) complies with the Council's Parking Standards SPD, which sets out that 4 and 5-bed dwellings within countryside locations such as this should be provided with at least 3 on-site parking spaces.
- 7.5.5 With regards to potential impact upon the local highway network, the scheme would result in a relatively minor increase in the number of vehicles that use this

section of Brogdale Road, but as this is a full width 2-lane highway it is not anticipated that this associated increase would result in any capacity issues, particularly given the fact that KCC Highways have confirmed that the proposed enlarged access would offer appropriate visibility splays in both directions along the highway.

- 7.5.6 Works to create the new access to the site would have the potential to obstruct traffic along Brogdale Road for a period of time, whilst it is being implemented. For this reason Kent County Council Highways Officers have requested that a condition should be attached to this recommendation that requires the applicant to submit a construction management plan prior to the commencement of works to ensure that there are no undue impacts upon highway safety, as well as local amenities and the local environment.
- 7.5.7 It is also of note that there is a public footpath to the front of the site, which would provide safe pedestrian access to London Road (situated approximately 800m to the north), where there are public transport links to Faversham Town Centre and beyond, as well as to the Aldi supermarket located 550m to the north-east. As such, whilst it is accepted that occupiers of the proposed development would be largely reliant on private vehicle use, there would be opportunities to access essential day-to-day services and amenities on foot and by public transport. Sustainable methods of transport would further be encouraged through the incorporation of designated cycle storage and EV charging points for each dwelling. Moreover, primarily for the reasons set out above, it is considered that it is appropriate to secure enhancements to a public right of way which would also be beneficial in terms of improving accessibility within the locality for occupiers of the site and others.
- 7.5.8 It is therefore considered that the proposal would not create a situation that would result in significant risks to highway safety or the efficient functioning of the local highway network. Accordingly, it is compliant with policies DM7 or DM14 of the Local Plan.

7.6 Living Conditions

- 7.6.1 Policy DM14 advises that development should respect the living conditions of the occupiers of neighbouring properties and uses by ensuring that development does not create loss of sunlight, overshadowing, overlooking or result in excessive noise, activity or vehicular movements or visual intrusion.
- 7.6.2 The proposed development scheme would result in the removal of a large area of garden from the curtilage that is associated with Halke Cottage but, given the generous size of this plot, it is considered that sufficient space would remain to enable its present and future occupiers to continue to enjoy an appropriate level of private amenity provisions.
- 7.6.3 The preliminary proposed site plan shows that all of the dwellings can be comfortably accommodated within the site whilst retaining a suitable degree of separation between each other, and with the existing properties of Halke Cottage and Weydale, to the north. Accordingly, whilst there are locations where

dwellings do sit within close proximity of shared curtilage boundaries, the submitted plans show that potential amenity issues, whether related to enclosure, light or privacy, can be avoided by ensuring that the proposed dwellings are laid out in a considered way and are of an appropriate scale, design and orientation.

Future occupiers

- 7.6.4 Turning to the living conditions of the occupiers of the proposed dwellings, as above, it is noted that it is only Plot 1 for which full planning permission is sought and for which the submitted plans can be fully considered. In this regard, whilst the Council does not have any policies that relate specifically to residential size standards, the dwelling would exceed the minimum internal floorspace requirements that are set out within the governments technical housing standards - nationally described space standards. Moreover, all of their primary habitable rooms would be served by appropriated sized windows that would provide good levels of light and outlook. In addition to this, the dwelling would be served by a suitable sized garden that would provide a degree of privacy, as well as good parking, cycle store and waste provisions. The indicative details of the other dwellings also provide comfort that they will also be able to provide good living conditions for future occupiers.
- 7.6.5 The applicant has submitted a Noise Assessment which details that mechanical ventilation systems will be required to provide adequate internal noise levels whilst also providing ventilation. It is not ideal to require occupiers to have a choice in this regard but, it is considered that this is an established practice that can be found acceptable in this instance. The assessment also details the need for a bund and acoustic fencing at the boundary west and south boundaries of the site. The Council's Environmental Health Officer has advised that this approach is sound, but further details will be required to ensure that the visual impacts of these works will be acceptable. This can be secured by condition.
- 7.6.6 In conclusion, for the reasons detailed above and subject to conditions, the proposed development would provide appropriate living conditions for future occupiers, without resulting in significant harm to the living conditions of the occupiers of existing neighbouring properties. As such, it complies with Local Plan Policy DM14 in respect of amenity impacts.

7.7 Biodiversity and protected habitats

- 7.7.1 Section 40 of the NERC Act (2006), as well as paragraphs 180 and 186 of the NPPF (2023), establish that biodiversity should be maintained and enhanced through the planning system, and that the implementation of measurable net gains for biodiversity (integrated as part of design) should be encouraged. These principles are reinforced at a local level by Policies DM28 and DM30 of the Local Plan which establish that development proposals will apply national planning policy in respect of the preservation, restoration and re-creation of habitats and species, and will be required to provide, where possible a net gain of overall biodiversity.

- 7.7.2 The Government's new Biodiversity Net Gain legislation goes a step further than the above referenced policy requirements as it requires that development proposals must have no adverse impact upon important habitats and that they must create an overall net gain in biodiversity of 10%. However, as the application was submitted prior to the date on which the BNG legislation came into effect, this threshold cannot be applied in this instance.
- 7.7.3 The applicant has submitted a Preliminary Ecological Appraisal in support of their application, which details the results of a site survey that was conducted by a qualified Ecologist. The report states that the site and its surrounding vegetation provides habitat opportunities for commuting and foraging bats, nesting birds, hedgehogs and badgers, but goes on to conclude that subject to the implementation of mitigation measures such as precautionary construction practices, the adoption of a sensitive lighting scheme and only carrying out vegetation removal outside of bird nesting season, the proposed development would be unlikely to result in harm to wildlife.
- 7.7.4 The applicant has also submitted a Baseline Habitat Condition Assessment and a Biodiversity Net Gain Assessment which state that the proposal would result in a 222.6% gain in the biodiversity value of hedgerow units but a 16.36% loss in the biodiversity value of habitat units across the site. As such, it is concluded that 0.55 habitat units will need to be secured in order to achieve a 1% gain in biodiversity value and that these units will be purchased from a 3rd party provided. It is considered that the habitat units will need to be secured through a planning obligation.
- 7.7.5 The Council's Biodiversity Officer has reviewed the application and confirmed that sufficient information has been provided in order for planning permission to be granted. However, it is recommended that a number of conditions should be attached to any permission to secure the implementation of precautionary mitigation measures as detailed within the Ecological Impact Assessment, a Construction & Environment Management Plan, a Biodiversity Net Gain Plan and a Habitat Management & Monitoring Plan to secure on-site biodiversity enhancements and lighting details and restrictions.
- 7.7.6 All of the suggested conditions are considered to be reasonable and appropriate and have therefore been incorporated into this recommendation.
- 7.7.7 Overall, it is therefore deemed that subject to compliance with conditions, the proposed development would deliver habitat enhancements and would not result in harm to local wildlife. It is therefore in accordance with Section 40 of the NERC Act (2006), paragraphs 180 and 186 of the NPPF, Paragraph 5.25 of the Faversham Creek Neighbourhood Plan as well as Policies DM28 and DM30 of the Swale Local Plan.

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

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

- 7.7.9 The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 7.7.10 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.
- 7.7.11 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.
- 7.7.12 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.
- 7.7.13 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.
- 7.7.14 However, the proposed development is of a relatively 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.
- 7.7.15 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.
- 7.7.16 Based on the correspondence with Natural England (via the NKEPG), it is concluded that off site mitigation is required by means of developer contributions at the rate of £328.27 per new dwelling (totalling £1,969.62). This fee will be secured prior to the determination of the application.

- 7.7.17 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 will be 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.
- 7.7.18 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/>).

7.8 Drainage

- 7.8.1 Policy DM21 of the local plan establishes that development proposals should avoid inappropriate development in areas at risk of flooding, and include, where possible, sustainable drainage systems to restrict runoff to an appropriate discharge rate to ensure that surface water is disposed of on site.
- 7.8.2 The application site lies entirely within Flood Zone 1 and therefore is at low risk of flooding. Notwithstanding that, the applicant has submitted a SuDS & Foul Drainage Statement & Management/Maintenance Plan, which sets out that surface water will be drained from the site via ground infiltration systems, including a combination of soakaways, porous paved driveways and access road and coarse granular filled sub-bases, which will prevent flooding even in critical storm events.
- 7.8.3 The report also sets out that as there are no public sewers in the area, foul drainage will be dealt with by package sewage treatment plants which will be located in each of the 6 properties gardens, meaning there will be no additional input into the local sewage network.
- 7.8.4 In view of the above, the proposed development will not increase the risk of flooding within or outside of the site and as such, it complies with policy DM21 of the Swale Local Plan 2017 and NPPF.

7.9 Contaminated Land

- 7.9.1 The Council's Environmental Protection Officer has confirmed that as the site is not a known area of contamination, no information is required prior to the determination of the application. It is however recommended that any permission should be subject to a watching brief condition that requires details and mitigation to be submit to and approved by the local planning authority in the event of contaminants being found during construction works.

7.10 Sustainability / Energy

- 7.10.1 Policy DM19 (Sustainable Design and Construction Climate change) requires developments to address climate change and reduce carbon emissions through using materials and construction techniques that increase energy efficiency and thermal performance. The policy does not include a threshold for such reductions. However, the Council's Ecological and Climate Change Emergency Action Plan sets out that new housing developments should achieve a minimum 50% reduction in emissions when compared to target rates in the current Building Regulations.
- 7.10.2 The applicant has not submitted details at this stage of how the development will achieve carbon emission reductions, but mindful of the above, a condition has been attached to this recommendation that requires the applicant to provide details of how the proposed dwellings will achieve a 50% reduction in emissions prior to the commencement of development. A condition is also included to ensure that the development meets national water efficiency standards set out within building regulations legislation.
- 7.10.3 In summary, subject to compliance with conditions, adequate measures can be incorporated into the proposed development to address climate change and to ensure compliance with Local Plan Policies DM19 and DM21 and the NPPF.

7.11 Community infrastructure

- 7.11.1 Kent County Council has sought to secure financial contributions from the applicant to mitigate against the impact of the development upon local services and community facilities. However, pre-amble to Policy CP6 of the Local Plan (paragraph 5.5.15) sets out that developer contributions will not be sought for developments of less than 10 dwellings. As such, it is not deemed reasonable or appropriate to require the applicant to enter into a S106 agreement to secure any matters other than the self-build housing, the habitat units, the footpath contribution and, unless otherwise paid, the SAMMS payment.

7.12 Planning Balance & Conclusion

- 7.12.1 The proposed development is situated within the countryside setting and would result in the encroachment of built form into the rural area. It would therefore undoubtedly have an impact upon the rural character and appearance of the local landscape and by virtue of this and the 'countryside' definition of its location, would be in conflict with the spatial strategy set out within Policy ST3 of the Swale Borough Local Plan, and as a result with the development plan when taken as a whole. Moreover, very limited harm would arise from the development not being likely to deliver a mix of housing, contrary to Local Plan Policy CP3.
- 7.12.2 Notwithstanding the above, significant weight must be afforded to the proximity of the site to Faversham and the good range of services, amenities and public transport links that it provides. This would engender social benefits by enabling future occupiers to support local services and satisfy some of their day-to-day needs whilst utilising public and other sustainable modes of transport.

- 7.12.3 It must also be acknowledged that the immediate surrounding area provides several forms of development that are not consistent with a wholly rural location, including the M2 motorway that lies to the south of the site, the Preston Fields development to the east and the neighbouring dwellings to the north. This backdrop of development ensures that the contribution of the site to the countryside setting is somewhat limited, and that the proposal would not be seen as an isolated form of development.
- 7.12.4 A key aspect of the scheme is that it would enable the provision of 6 new dwellings in a relatively sustainable location at a time when the Council is not able to demonstrate a 5-year housing land supply, and it is considered appropriate to afford this significant weight. Significant weight can also be afforded to the benefit arising from the provision of 5 self-build dwellings, particularly given that there is a small provision of such units in the Borough. This provision would need to be secured and it is considered that, in this case, this would be best secured through a planning obligation.
- 7.12.5 Furthermore, some minor economic and environmental benefits would also be derived, such as the economic benefits of construction, which will create local job opportunities and the provision of enhanced wildlife opportunities within the site, although as the scheme partially relies on purchasing off-site biodiversity credits to deliver an overall biodiversity uplift of 1%, the degree of benefit for this last element is moderate by virtue of the fact that it represents a level of provision that is required within the NPPF.
- 7.12.6 In addition to the above, the proposed dwellings (as indicated are of an acceptable scale, design and arrangement when considered within the context of the existing dwellings situated to the north of the site. They would not create a situation that would result in harm to living conditions, or the safe functioning of the local highway network, and no consultee concerns have been raised in respect of flooding / drainage or contamination issues. SAMMS contributions will also mitigate against the impact of the proposals on protected biodiversity sites. As these are standard policy requirements, they cannot offer significant weight in favour of the development when considering its merits against the associated countryside harm.
- 7.12.7 In weighing up the balance, noting the sustainable location of the site, the fact that the development would provide a small but valuable contribution towards the Council's five year housing land supply and would deliver a net gain in biodiversity, as well as some social benefits, it is considered that the approach set out in Paragraph 11d of the NPPF is applicable in this instance, and that the limited harm that would be associated with the encroachment of development into the countryside in this location would be clearly outweighed by the benefits of the proposal. The NPPF therefore indicates that planning permission should be granted.
- 7.12.8 The fundamental approach to the assessment is whether the development accords with the development plan and, if it does not, whether there are any material considerations, such as the NPPF, that justify reaching a different conclusion. The proposed development would be in conflict with the development

plan when taken as a whole by virtue of the fact that it would fail to comply with the spatial strategy set out within Policy ST3 and would unavoidably result in some albeit limited harm to the rural character and appearance of the area; however, for the reasons given above and it is considered that there are other material considerations, including the NPPF, that indicate that permission should be granted.

- 7.12.9 The application is, therefore, recommended for approval subject to the conditions set out below and a planning obligation to secure the self-build housing, the off-site biodiversity units, the stated footpath contribution and, unless otherwise paid, the abovementioned SAMMS payment.

CONDITIONS

- 1) The detailed element of the development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this 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) In relation to the part of the planning permission for which outline planning permission is granted (as demarked on plan 23-1404 - 011 Revision B), details relating to the layout, scale and appearance of the proposed buildings (not in the detailed element) and landscaping of the site within that part of the site, shall be submitted to and approved by the Local Planning Authority before any development within that part of the site is commenced.

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

- 3) Application for the approval of reserved matters referred to in Condition (2) above must be made no later than the expiration of three years beginning with the date of the grant of outline planning permission.

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

- 4) The development to which this permission relates must be begun no later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

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

5) The detailed element of the development shall be carried out in accordance with the following approved plans:

- Site Location Plan and Existing Site Plan (23-1404-001 A)
- Site Plan (23-1404 – 010 D)
- Proposed Demolition and Existing Elevations (23-1404 – 012 A)
- Street Scenes (23-1404 – 013 A)
- Plot 01 – Proposed Floor Plans & Elevations (23-1404 – 100 B)
- Plot 01 – Car Port and Annex – Proposed Floor Plans & Elevations (23-1404 – 101 C)
- Access Plan (12703/2100 P5)

Note: for the above drawings, only the information pertaining to Plot 1 and the access to the site are to be approved in detail. All other information is for illustrative purposes only.

Reason: To accord with the terms of the application and in the interest of proper planning.

6) Any application for the approval of the reserved matter of landscaping shall be accompanied with full details of all boundary enclosures and any changes to ground levels (including bunds) that are required to achieve an acceptable living environment within the gardens of the dwellings on plots 3 to 6 (inclusive) hereby approved and a timetable for providing those enclosure and undertaking those works. Subsequently, the approved enclosures shall be provided and the approved works shall be carried out in full accordance with the approved timetable.

Reason: In the interests of ensuring suitable living conditions for future occupiers.

7) Prior to the occupation of each of the dwellings hereby approved, details shall have been submitted to the Local Planning Authority and approved in writing, which shall set out what measures will be taken to ensure that that dwelling incorporates sufficient sustainable construction techniques (such as water conservation and recycling, renewable energy production including the potential inclusion of solar thermal or solar photovoltaic installations, and energy efficiency) to achieve at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations 2013 (as amended). All approved measures shall be installed prior to the first occupation of the dwelling and retained as such in perpetuity.

Reason: In the interest of promoting energy efficiency and sustainable development.

- 8) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwellings (for each phase) shall not be occupied unless the notice for the dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 9) Prior to the occupation of any dwelling hereby approved, that dwelling shall be provided with at least one electric vehicle charging point in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>.

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- 10) Prior to any works occurring above slab level in association with the construction of the dwelling on Plot 1 that is hereby approved, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall have been submitted to and approved in writing by the local planning authority. Subsequently, the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 11) Prior to any works occurring above slab level in association with the construction of the dwelling on Plot 1 that is hereby approved, details of all boundary treatments within the part of site for which full planning permission is hereby granted shall have been submitted to and approved in writing by the local planning authority and the development shall be constructed and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

- 12) Prior to any works occurring above slab level in association with the construction of the dwelling on Plot 1 that is hereby approved, details of all details of hard landscaping works and the species of plants and shrubs to be planted in respect of the part of site for which full planning permission is hereby granted shall have

been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the permitted dwelling.

The submitted details shall include a plant specification, implementation details, a maintenance schedule and a [5] year management plan.

The new soft landscaping shall comprise predominantly of native or near-native species as appropriate.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

- 13) Upon completion of the soft landscaping works set out in condition 12, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within ten 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 the next planting season, unless otherwise agreed.

Reason: To ensure the retention and maintenance of strategic landscaping, in the interests of visual amenity.

- 14) No development shall take place in any phase until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- a) Routing of construction and delivery vehicles to and from the site,
- b) Parking and turning areas for construction and delivery vehicles and site personnel,
- c) Timing of deliveries,
- d) Provision of wheel washing facilities, and
- e) Temporary traffic management / signage.
- f) Loading and unloading of plant and materials

Reason: In the interests of the amenities of the area and highway safety and convenience.

- 15) Before the dwelling shown on Plot 1 on the plans hereby approved is first occupied, the proposed bathroom windows in the first floor north-west facing elevation of that dwelling shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and this window shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such.

Reason: To prevent overlooking of adjoining properties and to safeguard the

privacy of neighbouring occupiers.

- 16) Any application submitted for the approval of reserved matters shall include details of areas for the parking and manoeuvring of vehicles in the development, in accordance with the Council's adopted parking standards. The parking areas shall be provided in accordance with such details as approved prior to the occupation of each dwelling or building to which they relate, and shall be retained as such thereafter.

Reason: To ensure a satisfactory parking arrangement and in the interests of highway safety.

- 17) For the detailed element of the proposal, the area shown on the 'Proposed Site Plan' (23-1404 – 010 D) drawing as car parking space shall be kept available for such use at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling(s) hereby permitted.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- 18) The approved details of the access shall be completed before the commencement of the use of the land or buildings hereby permitted and the sight lines maintained free of all obstruction to visibility above 0.9 metres thereafter;

Reason: In the interests of road safety.

- 19) No dwelling hereby approved shall be occupied until details of cycle storage for that dwelling has been submitted to and approved in writing by the local planning authority. Subsequently, the approved facilities shall be provided before the first occupation of the dwelling served by that cycle storage and maintained thereafter.

Reason: No such details have been submitted and in the interest of amenity.

- 20) 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 – 1900 hours, Saturdays 0730 – 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.

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

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

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 22) The precautionary mitigation measures detailed within the Ecological Impact Assessment, Native Ecology, November 2023 will be implemented for each phase of the development.

Where a need for additional badger mitigation measures is identified following the pre-works survey, all required surveys and mitigation will be implemented prior to the onset of relevant works, in accordance with wildlife legislation. A copy of the precautionary works method statement will be appended to the CEMP to be implemented under Condition X. Measures will be implemented and maintained for the duration of each phase of works as required.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 23) No development shall take place (including any ground works, site or vegetation clearance) until a construction environment management plan for biodiversity has been submitted to and approved in writing by the local planning authority. The CEMP (biodiversity) shall include the following:
- a) Purpose and objectives for proposed mitigation works during construction;

- b) The identification of biodiversity protection zones and the use of protective fences, exclusion barriers and warning signs;
- c) Detailed design(s) and/or working method(s) necessary to achieve stated objectives
- d) Extent and location of proposed mitigation works shown on appropriate scale maps and plans, with reference to: pollution avoidance measures (noise, dust, lighting and run-off), protection of retained trees and hedgerows, and reference to precautionary measures for breeding birds, badger, reptiles and hedgehog as secured under Condition X;
- e) Timetable for implementation, demonstrating that mitigation works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the mitigation works, including any times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- g) Initial aftercare and reference to a long-term maintenance plan (where relevant);
- h) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 24) No development in any particular phase shall commence until a Biodiversity Gain Plan has been submitted to, and agreed in writing by, the Local Planning Authority, to demonstrate how a 1% net gain in biodiversity will be achieved in accordance with NPPF 2023. The Plan shall align with the Biodiversity Net Gain Assessment: Design Stage, Native Ecology, May 2024 and will be supported by an updated metric calculation to include details of both on and offsite habitats. The Plan will include evidence of an agreement with an offsite provider to provide the additional units required to achieve the 1% net gain.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 25) No development shall commence in any particular phase until a Biodiversity Net Gain Habitat Management and Monitoring Plan has been submitted to, and agreed in writing by, the Local Planning Authority, to demonstrate how a 1% net gain in biodiversity will be achieved in accordance with NPPF 2023. The Plan shall align with the Biodiversity Net Gain Assessment: Design Stage, Native Ecology, May 2024 and will be supported by an updated metric calculation.

The HMMP will include the following:

- A detailed planting specification to include the use of native species in soft landscaping and the avoidance of known non-native invasive species;
- 30-year objectives;
- Management responsibilities and maintenance schedules

The HMMP shall also include details of the legal and funding mechanism(s) by

which the long-term implementation of the Plan will be secured by the developer and the management body(ies) responsible for its delivery with regard. The approved plan will be implemented in accordance with the approved details and thereafter maintained.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 26) Prior to development above slab level of any particular phase a Biodiversity Enhancement Plan illustrating details of how the development will offset biodiversity loss/enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. Building-integrated boxes for bats and birds will be located at the appropriate height and aspect. Boxes for breeding birds will be targeted at S41 priority species / red/amber listed species likely to occur within the vicinity. All boxes included for wildlife will be Woodstone/woodcrete or similar to ensure durability. The approved measures will be implemented and retained thereafter.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 27) Prior to occupation of Plot 1, a lighting design plan for biodiversity will be submitted to and approved in writing by the local planning authority. The plan will be designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23' and will show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on retained vegetation or impact on areas of proposed landscaping and biodiversity enhancement. A Lux contour plan should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments. All lighting shall be installed in accordance with the specifications and locations set out in the plan and be maintained thereafter. During occupation, no additional lighting will be installed without prior written agreement from the Local Planning Authority.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 28) Prior to the occupation of any of the dwellings on Plots 2-6, a lighting plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will be designed in accordance with the Bat Conservation Trust's 'Guidance Note 8: Bats and Artificial Lighting 08/23' and will show how and where external lighting will be installed. The Plan will detail the expected vertical and horizontal light spill in Lux levels, so that it can be clearly demonstrated that areas to be lit will not increase lighting impacts on retained vegetation relative to the current baseline, or impact on areas of proposed landscaping and biodiversity enhancement. The Lux contour plan should incorporate any mitigation measures proposed to reduce impacts from external and internal lighting, including sensitive positioning / recessing of internal lighting, use of cowls, and/or tinted glazing treatments. All lighting shall be installed in

accordance with the specifications and locations set out in the plan and be maintained thereafter. During occupation, no additional lighting will be installed without prior written agreement from the Local Planning Authority.

Reason: In the interests of biodiversity and protected species that may occupy the site.

- 29) Prior to the occupation of any dwelling hereby approved, it shall have been fitted with the noise attenuation measures set out within the Noise Assessment for Planning report (Halsion, January 2024).

Reason: In the interests of ensuring suitable living conditions for future occupiers.

Informatives

- 1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
- 2) With regard to the Public Right of Way situated to the South of the site, no furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority, There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development, Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority, and no trees or shrubs should be planted within 1.5 metres of the public right of way.

