

REPORT SUMMARY

2.5 REFERENCE NO - 14/501647/OUT		
APPLICATION PROPOSAL Demolition of existing building. Outline planning application for re-development of the site for 12 detached dwellings with appearance, landscaping and scale reserved.		
ADDRESS Southlands Rook Lane Bobbing Sittingbourne Kent ME9 8NL		
RECOMMENDATION Delegate to officers to approve the application subject to ecological, arboricultural and ground water protection matters being resolved including the comments of Natural England (deadline for comments 17/7/15), and the agreement of an appropriate legal agreement to secure developer contributions.		
SUMMARY OF REASONS FOR RECOMMENDATION The lack of a 5 year housing land supply is to be afforded significant weight in my opinion. Given the lack of any significant harm arising from the proposal and its wider acceptability in terms of economic, social and environmental considerations, it is my opinion that the proposal constitutes sustainable development therefore outline planning permission should be granted.		
REASON FOR REFERRAL TO COMMITTEE Bobbing Parish Council objects.		
WARD Grove	PARISH COUNCIL Bobbing	APPLICANT Kent And Medway NHS Social Care Partnership Trust AGENT Mr David Stewart
DECISION DUE DATE 20/11/14	PUBLICITY EXPIRY DATE 20/11/14	OFFICER SITE VISIT DATE 22/10/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
SW/99/0116	Relocation of generator, demolition of redundant buildings.	Approved.
SW/03/0227	Single storey extension.	Approved.
SW/03/0826	Non illuminated entrance sign.	Approved.
SW/03/0755	New vehicle access road and 45 vehicle parking spaces.	Approved.
SW/04/1580	Alterations to provide 24 bed unit and clinic facilities for Swale elderly people	Approved.
TP/07/0103	To remove dead wood and reduce 2 branches by 50% to secondary branching	Approved.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site forms part of the former Keycol Hospital which has partially been redeveloped into a housing estate. The existing single storey building was built in 1990 to provide residential care for dementia sufferers who could no longer reside at home.

The residential element was closed some 8 years ago. Since then the building has been used as a day centre for dementia assessment serving Sittingbourne and the surrounding area. It provided a range of functions such as one on one and group counselling and assessment, memory clinics and similar services. It took GP referrals and also accepted self-referrals. Its closure in October 2013 resulted from a reorganisation of service provision in the Swale area with the services provided elsewhere such as the Memorial Hospital.

- 1.02 The application site is located between the Rooks View housing estate development to the south and east and Demelza House to the north. Further to the south is a Southern Water depot. Beyond this are open agricultural fields.
- 1.03 The site is relatively flat and has an existing vehicle access onto Rook Lane which in turn leads to the A2. The site has a number of large trees protected by a tree preservation order.

2.0 PROPOSAL

- 2.01 This is an application for outline planning permission for the demolition of the existing building and the erection of 12 detached dwellings with access and layout being determined at this stage. Appearance, landscaping and scale are reserved matters to be dealt with later.
- 2.02 The submitted layout shows the dwellings located around the periphery of the site with the exception of plot 9 which is located in the centre of the site.
- 2.03 The application forms state that foul sewage would be disposed of by mains sewer and surface water to be disposed of by sustainable drainage system. Each dwelling would have 4-5 bedrooms, with the exception of plot 1 which would be a three bedroom dwelling. The submitted layout shows a garage and two car parking spaces for each dwelling. The existing vehicle access would be resurfaced to provide a clearly defined footpath on the south western side. The new road surface will accommodate a 5m road width and a 2m footway along the south west side. This continues into the site to provide access into the centre of the site where a turning head will provide space for the turning of service and emergency vehicles. Four of the houses would be accessed off a private drive leading from the main access. Each dwelling would meet level 4 of the code for sustainable homes.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	00.71	00.71	0
Approximate Ridge Height (m)	5	Na	na
Approximate Eaves Height (m)	2.5	Na	na
Approximate Depth (m)	55	Na	na
Approximate Width (m)	45	Na	na
No. of Storeys	1	2/3	+1
Net Floor Area	1696	1684	-12
Parking Spaces	47	26	-21
No. of Residential Units	0	12	+12
No. of Affordable Units	na	na	na

4.0 PLANNING CONSTRAINTS

- 4.01 The trees on the site are mature and are protected by Tree Preservation Order TP/00/1. They are mostly located around the periphery of the site. The site is located within the countryside and strategic gap, the site has archaeological potential, and Rook Lane is a rural lane as defined by the Proposals Map of the Swale Borough Local Plan 2008. The site is located within a ground water source protection zone. To the north of the site (but not in the immediate vicinity) are located the Swale Site of Special Scientific Interest, Special Protection Area and Ramsar sites.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).

- 5.01 The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, delivering a wide choice of quality homes, requiring good design, promoting healthy communities, conserving and enhancing the natural environment, and sustainable drainage systems.
- 5.02 There are three dimensions to sustainable development: economic, social and environmental. Gains in each should be sought simultaneously. There is a presumption in favour of sustainable development which is considered to be a golden thread running through plan making and decision taking. Amongst the 12 core planning principles are requirements to recognise the intrinsic character and beauty of the countryside and reuse brownfield land.
- 5.03 The NPPF attaches significant weight to economic growth to create jobs and prosperity. Regarding housing the NPPF requires a significant boost in housing supply and states Councils should “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%”. Paragraph 49 states that housing supply policies should be considered out of date if the Council cannot demonstrate a five year supply of deliverable housing sites.
- 5.04 Paragraph 55 states “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances”.
- 5.05 Paragraph 56 attaches great importance to design which should contribute positively to making places better for people. Permission should be refused for development of poor design. Paragraph 70 requires planning decisions to guard against the unnecessary loss of valued community facilities and services.
- 5.06 Paragraph 109 requires the planning system to; contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing gains where possible; prevent new development from contributing to or being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil or water pollution and remediating and mitigating contaminated land where appropriate.

Paragraph 111 encourages the use of brownfield land. Paragraph 118 requires Council's to aim to conserve and enhance biodiversity and apply numerous principles including; incorporating biodiversity in developments; giving Special Protection Areas and Ramsar sites the same protection as European sites.

- 5.07 Paragraph 121 requires decisions to ensure a site is suitable for its new use taking account of pollution from previous uses and mitigation, and impacts on the natural environment arising from remediation. Adequate site investigation information should be presented. Paragraph 128 makes clear archaeology can be considered a heritage asset and should be assessed appropriately.
- 5.08 National policy linked to the NPPF entitled House of Commons: Written Statement (HCWS161) on Sustainable Drainage Systems states that to protect people and property from flood risk, sustainable drainage systems should be provided in new major development wherever it is appropriate. Similarly, Written Statement HCWS488 states "Local Planning authorities should only impose local parking standards for residential and non-residential development where there is clear and compelling justification that it is necessary to manage their local road network."

The Swale Borough Local Plan 2008.

- 5.09 Policies SP1, SP2, SP3, SP4, SP5, SP6 and SP7 are strategic level policies setting out the Council's approach to sustainable development, environment, economy, housing, rural communities, transport and utilities and community services and facilities. Development control policies E1 and E19 are general development criteria and design policies that seeks positive, well designed proposals that protect natural and building environments whilst causing no demonstrable harm to residential amenity or other sensitive uses. Policy E6 seeks to protect the quality, character and amenity value of the countryside for its own sake and proposals are only permitted if it meets one of the exceptions listed. Policy E7 seeks to restrict development on sites within strategic and local gaps to prevent settlement coalescence. It states that permission will not be granted for development that would merge settlements, erode rural open and undeveloped character, or prejudice the Council's strategy for redevelopment of urban sites.
- 5.10 E9 seeks to ensure development within the countryside is sympathetic to local landscape character in accordance with the below mentioned SPD, and minimise adverse impacts on landscape character. E10 requires proposals to retain trees as far as possible and provide new planting to maintain the character of the locality. E11 seeks to maintain and enhance the Boroughs biodiversity. E12 provides a hierarchy of protection for sites designated for their importance to biodiversity including, firstly European Sites and Ramsar Sites, and secondly Sites of Special Scientific Interest. E16 requires a proportionate assessment of archaeology on site. B1 seeks the retention of buildings in employment use unless, inter alia, they are inappropriately located for such use and having an unacceptable environmental impact; demonstrated by market testing that there is insufficient demand to justify its retention for employment use; and additionally for residential proposals it should be demonstrated that a mixed use would not be appropriate.
- 5.11 Policy H2 notes permission will be granted for residential development on allocated sites or within built up areas but that outside such areas such development will be restricted in accordance with policies E6 and RC3. Policy RC3 sets out a stringent set of criteria for acceptable rural housing schemes. RC7 protects rural lanes (Rook Lane) from development that would physically or via traffic levels, harm its character. T1 states that proposals will not be permitted that lead to the intensification of an existing

access onto a secondary route unless the access can be improved to an acceptable degree and achieve a high standard of safety through design. T3 requires appropriate vehicle parking to be provided in accordance with adopted Kent County Council standards. T4 requires cyclist and pedestrian safety to be considered along with cycle parking. C1 states that the loss of local community facilities will not be permitted where this would be detrimental to the social well being of the community, unless a suitable equivalent replacement facility is provided. Before agreeing to its loss, evidence will be required that the use is no longer needed and is neither viable nor likely to become viable.

- 5.12 Policy C2 requires developer contributions towards community services and facilities on developments of 10 or more dwellings via an appropriate legal agreement. The preamble to policy C3 sets out that for developments of between 10-19 dwellings the Council will require a financial contribution towards open space provision in the locality as such sites are usually too small to accommodate such on site.

Bearing Fruits 2031: The Swale Borough Local Plan Part 1

- 5.13 The emerging Local Plan has been submitted for examination and so carries some weight. The site is not allocated for development in this emerging Plan. Policy ST1 sets out the Council's strategic approach to securing sustainable development. ST2 sets a housing target for the plan period between 2011-2031 of 10800 houses (540 per annum). ST3 provides a settlement strategy that emphasises development on brownfield land within built up areas and on sites allocated by the Local Plan. It goes on to state that within the countryside development will not normally be permitted unless supported by national policy and it protects the countryside. A series of core policies use the headings within the NPPF and explore the local implications of these topics. CP3 sets the Council's policy for delivering a wide choice of high quality homes which, inter alia, requires densities determined by context, a mix of housing types with emphasis on smaller and larger dwellings, and achieve sustainable and high quality design.
- 5.14 Policy DM6 requires proposals to utilise sustainable transport, demonstrate that intensification of use of an existing access onto a primary route can be done safely, consider cyclists and pedestrians. DM7 required vehicle parking in accordance with KCC standards. Policy DM8 requires that for developments of 10 or more dwellings within 'all other rural areas' affordable housing at 40% is achieved. The size, type and design shall be in accordance with need. DM14 provides general development criteria requiring positive well designed developments that comply with policies and cause no harm to amenity. DM19 requires all housing to achieve code level 3 of the code for sustainable homes. Policy DM21 requires sustainable drainage systems where possible incorporating appropriate discharge rates and protection of receiving watercourses. Policy DM24 requires appropriate consideration of land contamination and groundwater to prevent harm to human health and water.

- 5.15 Policy DM25 seeks to retain important local countryside gaps including between Bobbing and Sittingbourne. DM26 protects rural lanes similar to the existing local plan policy RC7. DM28 sets out that internationally designated wildlife sites such as the Ramsar and Special Protection Area to the north of the application site are afforded the highest level of protection. Policy DM29 requires the retention of trees on development sites as far as possible. DM34 requires appropriate consideration of archaeology.
- 5.16 Supplementary Planning Documents: Swale landscape character and biodiversity appraisal 2011. The guidelines are to restore and create within the Iwade Arable Farmland.

6.0 LOCAL REPRESENTATIONS

- 6.01 Eight letters of objection have been received which are summarised as follows;
- Lack of transparency because there are some matters reserved. Submitted plan may not be final plan for site.
 - Two car parking spaces and a garage for each dwelling are inadequate. This will result in parking on the footpath, Rook Lane and Rooks View. These roads are narrow and Rooks View already has parking problems. Pedestrians will have to walk on the road if cars block paths.
 - The sites existing access to Rook Lane and the Rook Lane/A2 junction are unsafe due to narrowness and visibility. There have been near misses in the past. More houses means more traffic. Construction traffic will be a danger at A2 junction. TRICS data is disputed and should be reviewed for accuracy. Most traffic is associated with Demelza House not Southlands. The proposal will not benefit highway safety, rural landscape, character and safety of Rook Lane. Cycle access is dangerous. Ensure road wide enough for dust carts. Parking on Rook Lane may affect emergency vehicle access to Demelza House.
 - Rook Lane has no footpath to the A2 meaning it is dangerous especially at night.
 - No lighting at bus stops. Lighting and a pedestrian crossing to bus stops should be provided.
 - The development should have its own play area to stop children from the development using that in Rooks View.
 - Plot 9 should be removed to allow double drives and more parking.
 - There will be overlooking into existing properties.
 - I don't want the site to be sold on with permission and then further revised applications submitted.
 - Noise and disturbance, density, overlooking, loss of light are problems.
 - The new internal road will be adopted.
 - I would like more detail on the sustainable drainage system.
 - There is no evidence that the development would not affect flora and fauna.
 - A contaminated land assessment should be carried out before the application is considered.
 - There are important on site trees that must be considered.
 - The submission does not show a permitted scheme for 5 dwellings (SW/12/1596 for the construction of 5 x 4 bedroom detached dwellings and associated vehicle parking plus realignment of Rook Lane including new access to mast and new section of roadway to waterworks) near the Mast Telecommunications Depot which should be taken into account.
 - A2/Rook Lane junction improvements should be carried out before further development is considered on Rook Lane.

- Not sustainable development because the existing building would be better used as a special needs school of which there is a shortage in the area.
- Existing site use should be retained or at least an NHS function.
- Extra pressure on school places.
- Planning statement is contradictory.
- Proposal taller than existing which means more overlooking and overshadowing.
- Building works would be noisy at weekends in a rural/residential area.

6.02 Bobbing Parish Council objects on the following summarised grounds;

- Under provision of vehicle parking resulting in on street parking and in neighbouring roads. Rook Lane is too narrow to accommodate parking. On street parking forces pedestrians onto the road. There is a danger to cyclists due to poor visibility and lack of cycle lanes. There is no footpath or lighting along Rook Lane resulting in danger for pedestrians. This needs to be addressed before development is considered. Road access on Rook Lane and the A2 is poor because the road is narrow with poor junction visibility. There have been several accidents and near misses. Traffic queues on the A2 causing noise and pollution for residents. Traffic for Demelza House has increased and the 5 house project on the Southern Water site will increase traffic. Policies T1 and SP6 apply to the A2 junction. S106 money from Rooks View development was never spent on junction improvements.
- The application is contradictory regarding the adoption of the road.
- Surface water drainage- the balance pond for Rooks View would not cope with further development.
- There is a risk of contaminated land due to previous use for medical facility that should be investigated thoroughly before development I considered.
- Application forms wrong in relation to trees as there are large trees on site.
- Lack of transparency due to reserved matters. Intentions should be made clear.

6.03 Fynvola, a charity that specialises in dealing with adults with a learning disability requiring specialised nursing care to the end of life, has written in to express an interest in the site. Its use of the site would fall within the existing use class without building work and traffic equal to the current use. It would provide 16 bedrooms and two respite places, and employ 45 people. Fynvola has made an offer for the building without planning permission being granted. Its offers and negotiations with the vendor are stalled pending the outcome of this application.

7.0 CONSULTATIONS

7.01 The Head of Service Delivery notes the content of the contaminated land assessment and the requirement for ground investigations. Conditions are recommended regarding contaminated land, pile driving, hours of construction and dust suppression.

7.02 The Council's Climate Change Officer is happy to see that level 4 of the code for sustainable homes is proposed and requires further details in due course.

7.03 The Council's Tree Consultant raises no objection whilst noting that the dwellings are mostly located outside the root protection areas of trees. The loss of the Robinia tree 14U is acceptable because it has a number of structural defects that will lessen its safe useful life expectancy. Conditions regarding a tree protection plan and method statement, and landscaping details are recommended.

7.04 The Council's Green Spaces Manager requests developer contributions of £862 per dwelling totalling £10, 344 towards off site play areas.

- 7.05 Kent Highway Services raises no objection subject to conditions recommended below. Traffic calming features, street lighting, off site highway works, pedestrian safety, and the layout and amount of vehicle parking spaces are appropriate.
- 7.06 Kent County Council requires developer contributions totalling of £57, 225.31 consisting of;
- £28, 331.52 for primary education (towards the Phase 1 of the Regis Manor Primary School expansion)
 - £28, 317.60 for secondary education (towards Phase 2 of the Sittingbourne Community Academy expansion)
 - £576.19 for libraries (supplied to mobile library service covering Bobbing and the Sittingbourne library).
 - A further Swale wheelie bin charge of £75.22 per dwelling totalling £902.64 applies, plus the standard 5% Council monitoring charge.
- 7.07 Kent County Council Ecology has reviewed the ecological information submitted with the application and is generally satisfied with the conclusion that the site is largely unsuitable for protected/notable species. Prior to determination of the application confirmation is required regarding the suitability of trees 14U and 17B to be used by roosting bats and if they are being removed, whether there is a requirement for an emergence survey to be carried out. Lighting must be designed incorporate the recommendations within the submitted report. Breeding bird advice is provided and ecological enhancements are required.
- 7.08 Kent County Council Archaeology considers there to be archaeological potential on the site and recommends a condition requiring a programme of archaeological works.
- 7.09 The Environment Agency objects to the application as the information submitted does not demonstrate that the risk of pollution to controlled waters is acceptable as the site lies in Source Protection Zone 1 (SPZ1), a highly sensitive location for groundwater quality. I have asked the agent to submit information to address the objection of the Environment Agency and seek delegation to resolve this issue.
- 7.10 Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer and requests an informative in this regard. It notes there are no public surface water sewers to serve the development therefore an alternative is required which should not be to the public foul sewer. There is a private water supply pipe within the access of the site.
- 7.11 The Highways Agency, which has subsequently been replaced by Highways England, raises no objection.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The following information has been submitted in support of the application;
- Planning, design and access statement.
 - A phase 1 contamination report.
 - Ecology phase 1 habitat survey.
 - Draft unilateral undertaking for developer contributions and title deed.
 - Tree survey.

9.0 APPRAISAL

9.01 The objections of local residents and the Parish Council are noted. The applicant is legally entitled to submit an outline planning application and subsequently submit further application(s) for approval of reserved matters if they or another party wishes. Vehicle parking, highway safety including pedestrian safety and junction visibility are all considered acceptable by Kent Highway Services as discussed below. There is no requirement for an on site play area but the proposal will secure contributions towards off site play areas in the locality. Appearance and scale are reserved matters therefore it is not possible to fully consider overlooking at this stage because the position of windows is not yet being determined but the layout enables me to consider that the orientation and gaps between properties would not result in harmful overlooking, loss of light, or an overbearing impact. Noise and disturbance during construction will be controlled to reasonable levels by the conditions recommended below. The density is not at odds with the character of the area in my view. Drainage, some elements of ecology and land contamination can be dealt with by condition. The use of the site as a school does not fall to be considered as part of this application. Contribution towards local schools would be secured by legal agreement to mitigate the impact of the development on school capacity.

Principle of Development

9.02 The Kent County Council Housing Information Audit produced for Swale for 2013/14 shows that the Council currently has a 3.17 year housing land supply. This is important because it demonstrates a significant shortfall in the required 5 year supply. Where a five-year shortfall exists, specific guidance in the NPPF becomes a relevant material consideration. The NPPF states, at paragraph 47, that the local planning authority should use their evidence base to ensure that the local plan meets the full, objectively assessed need for market and affordable housing. Furthermore they should identify specific deliverable sites sufficient to provide five years of housing land with an additional buffer of 5%. If planning authorities cannot identify a 5 year land supply all relevant local planning policies relating to the supply of housing should be considered to be not up-to-date.

9.03 The Council would ordinarily consider residential development within the countryside and strategic gap to be unacceptable. However, the following material considerations indicate otherwise. The proposal would entail the redevelopment of brownfield land which is encouraged in both local and national policy. Furthermore, the Council cannot demonstrate a 5 year housing land supply therefore paragraph 49 of the NPPF applies which states “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.” The Council’s policies relating to housing supply are therefore out of date and the application must be considered in the context of the presumption in favour of sustainable development which is considered below.

9.04 The site is relatively removed from services, facilities and amenities with the nearest shops being the Co-Op’s at Bobbing Services and Newington which are approximately 1 mile from the site. The nearest schools are Bobbing Primary School in Bobbing and Westlands Secondary School within Sittingbourne, as are the nearest doctors and dentists. There is a bus stop on the A2 close to the junction with Rook Lane providing relatively close public transport links.

- 9.05 I do not consider the site to be truly isolated as set out in the NPPF as it is on the outskirts of Sittingbourne and its associated services. The physical site context is that it is bounded on two sides by a housing estate and on a third by Demelza House. Only the north west boundary of the site faces open countryside and this is well screened from the countryside beyond by the retention of the trees protected by the tree preservation order. The proposal is well contained by its surroundings resulting in no significant harm to the character and appearance of the countryside or harm to visual amenity. In my opinion, substantial weight should be given to the lack of a 5 year supply in considering whether the proposal constitutes sustainable development. I believe the policy context weighs in favour of accepting the principle of development.
- 9.06 The principle of development in my opinion is acceptable for these reasons .

Loss of the Southlands Centre

- 9.07 The loss of existing rural facilities is generally resisted in both local and national policy as noted above. However, in this case the services previously provided at Southlands, namely dementia assessment, one to one and group counselling and assessment, and memory clinics and similar services have been relocated elsewhere within Swale as a result of its closure to locations such as Sittingbourne Memorial Hospital which means there would be no harm to the community in terms of service loss. It could also be argued that the services have been located to more accessible sites which benefits patients. It is clear that Southlands formerly served the whole district and was not restricted to the immediate locality. It is noteworthy that the agent has stated the sale of Southlands will facilitate the development and improvement of mental health services in the area.
- 9.08 The application includes some marketing information;

“There is a formal protocol for the marketing of public authority land when it is declared surplus to requirements. It must first be registered on the government's surplus asset register (e-PIMS). This register is accessible to all and is the primary source of information for both the public and private sector on the sale of any public land or building asset. It is also the responsibility of the owner to circulate details to other public agencies and I can confirm that the organisations listed below have been consulted to see if there is demand from other public sector bodies.

The site has remained on the e-PIMS website since the date on which notification has been given. To date no interest from any of the bodies has been received. It should also be recognised that the private sector has direct access to the surplus land register and the placing of Southlands on this register has not elicited a response from this sector either. I should confirm that the site has been on the register since 9 July 2013. Thus the site has been marketed in the primary locations for more than a year.

What has occurred earlier this year is a request from a group called Aspire to place the site on the community asset register. They had not previously expressed a wish to purchase the property to the Health Authority and it is believed that they wanted to attempt to thwart the Trust's attempts to establish an alternative use for the site. The group wish to establish a Free School at the site. The Trust had the opportunity to object the listing of the property but felt it could not do so as it fully subscribes and supports the government's policy on the disposal of surplus public land. From its point of view it has no preferred purchaser for the site; the Trust is willing to sell the site to Aspire provided that it can meet the market value of the site. The fact that the building is now a community asset places restrictions on the sale of the land. The Trust must issue notice of the sale to the relevant authority and allow a period of 6 months for the

interested party to confirm that it will purchase the property. In this instance the Trust is in negotiations with Aspire to establish whether there is a reasonable prospect of the group buying the land. At the present time they have no funding for the setting up of the Free School and have bid to the Department for Education for grant aid. However the Trust fully intends to meet the disposal of community asset procedures. If at the end of 6 months the interested party cannot purchase the building the Trust is at liberty to sell to any other interested body it chooses and for the use which is extant or has planning permission.”

- 9.09 It appears that since this fruitless marketing exercise was carried out, Fynvola has expressed an interest in purchasing the site. The content of the letter from Fynvola is noted. However, in the circumstances and having had regard to the particular merits of this proposal, to refuse permission based on a single expression of interest/offer for the site would not in my opinion be a sustainable position to defend at appeal. I consider substantial weight should be given to the lack of identifiable social harm arising from the proposal in considering whether the proposal constitutes sustainable development. For these reasons I consider the loss of the existing use to be acceptable.

Residential Amenity

- 9.10 Access and layout are being dealt with under this outline application. The layout has been amended in order to achieve an acceptable relationship between the proposed dwellings and the surrounding housing estate. The layout of plot 1 and the indication on the proposed site layout that this dwelling will be one and a half storeys will make the impact on the residential amenities of the occupiers of 34 Rooks View acceptable. I recommend condition 4 below to require that when the reserved matters application is received the final design will not result in harmful overlooking of this neighbour.
- 9.11 The layout of plot 5 in relation to 24 Rooks View is similarly acceptable in my opinion because there would be an 11m gap between the two dwellings and number 24 would side on to the rear of plot 5. The side elevation of plot 6 would be 16m from the rear of 23 Rooks View. The layout of the remaining dwellings shown on the submitted plan would not give rise to any identifiable harm to residential amenity and is acceptable in my opinion. The conditions recommended below will secure appropriate dust suppression, hours of construction and hours of pile driving to protect residential amenity.

Highway safety and convenience

- 9.12 The provision of two independently accessible car parking spaces per dwelling satisfies the current Kent Highway Services Parking Standards set out in Interim Guidance Note 3. Garages no longer count towards parking provision but their provision as part of the proposal will be of benefit as additional parking spaces if used in this way. The internal road layout and alterations to Rook Lane to improve highway safety, including road narrowing, reversing traffic priority, new lighting columns and relocation of existing lighting columns out of visibility splays on the A2 are all considered acceptable by Kent Highway Services. The impact of the proposal on highway safety and convenience would be acceptable.

Landscaping

- 9.13 Whilst landscaping is a reserved matter, the layout of the proposal would result in the ability to retain the trees protected by the tree preservation order. The protection of the existing trees during construction would be secured by condition below. I am awaiting clarification regarding whether tree U14 marked on the tree survey is to be removed or not and seek delegation to resolve this matter.

Other Matters

- 9.14 Developer contributions are sought for the following;
- KCC £28, 331.52 for primary education (towards the Phase 1 of the Regis Manor Primary School expansion)
 - KCC £28, 317.60 for secondary education (towards Phase 2 of the Sittingbourne Community Academy expansion)
 - KCC £576.19 for libraries (supplied to mobile library service covering Bobbing and the Sittingbourne library).
 - SBC wheelie bin charge of £75.22 per dwelling totalling £902.64 applies
 - SBC Green Spaces Manager requests developer contributions of £862 per dwelling totalling £10, 344 towards off site play areas.
 - SBC 5% monitoring charge £3423.59
 - Total £71, 895.54
 - There may be a further requirement for contributions towards mitigation of the impacts on the special protection area to the north.
- 9.15 Draft heads of terms for a legal agreement have been submitted and the agent has confirmed the applicants willingness to enter into a legal agreement to secure the required developer contributions.
- 9.16 The Environment Agency objects to the proposal because it has not demonstrated that ground water would be protected. I am awaiting this information from the agent and seek delegation to resolve this issue prior to issuing planning permission.
- 9.17 The implications of potential land contamination on human health are considered acceptable subject to standard contaminated land conditions recommended below.
- 9.18 It is considered that the submitted ecological appraisal is acceptable and that the site is largely unsuitable for protected species. The standing advice of Natural England has been considered in reaching this conclusion. Prior to determination further information is required regarding the potential for two existing trees to be used by roosting bats and if they are to be removed whether there is a requirement for emergence surveys to be carried out. I am awaiting this information from the agent and seek delegation to resolve this issue prior to issuing planning permission. Appropriate lighting, breeding bird requirements and enhancements are secured by conditions recommended below. I am also seeking delegation to deal with any requirement for a habitat regulations assessment and subsequent contributions required as a result of the comments of Natural England when they are received.
- 9.19 In accordance with the Council's Adopted Local Plan 2008, there is no requirement for affordable housing, given that the number of dwellings proposed falls below the threshold specified in Policy H3..

- 9.20 In my opinion, it is not preferable to encourage another employment generating use at the site because of the relatively poor quality of the junction from the site access road on to Rook Lane which Kent Highway Services has confirmed is not of adoptable standard, and the junction of Rook Lane on to the A2 which is considered suitable for the purposes of the level of residential traffic the proposal would generate but may not be appropriate for commercial traffic. Furthermore, the position of the site between a housing estate and hospice is not ideally suited to commercial uses and its optimal use is in my view as housing land.
- 9.21 Archaeological potential is dealt with by the condition given the potential highlighted by Kent County Council Archaeology.
- 9.22 Foul and SUDS compliant surface water drainage can be dealt with by condition to prevent flooding.
- 9.23 The proposal would not harm the character of the rural lane in my opinion either through its design or impact of traffic levels .

10.0 CONCLUSION

- 10.01 The lack of a 5 year housing land supply should be afforded significant weight in my opinion. Given the lack of any significant harm arising from the proposal and its wider acceptability in terms of economic, social and environmental considerations, I am of the opinion that the proposal constitutes sustainable development therefore outline planning permission should be granted subject to conditions.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- 1) Details relating to the appearance, landscaping and scale of the proposed development, shall be submitted to and approved by the Local Planning Authority before any development 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.

- 2) Application for approval of reserved matters referred to in Condition (1) above must be made not 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.

- 3) The development to which this permission relates must be begun not 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.

- 4) The details submitted pursuant to condition 1 of this permission shall show plot 1, as indicated on drawing number 08042-(SK) 003 Rev C, as a one and a half storey dwelling with no rear facing habitable room openings at first floor level.

Reason: To prevent harmful overlooking of 34 Rooks View.

- 5) The development shall proceed in accordance with the recommendations set out in sections 4.5 and 4.6 of the LaDellWood Ecology Phase 1 Habitat Survey dated January 2015.

Reason: to protected and enhance ecology on the site.

- 6) Prior to the commencement of development hereby permitted, details of a scheme of ecological enhancements, which shall include bat and bird boxes to be incorporated into the new buildings to increase roosting and nesting opportunities and a lighting scheme that adheres to the guidance set out in the submitted LaDellWood Ecology Phase 1 Habitat Survey dated January 2015, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be incorporated into the development prior to the first occupation of the dwellings.

Reason: To secure ecological enhancements on the site and to ensure that such matters are dealt with before development commences.

- 7) Prior to the commencement of development a contaminated land assessment (and associated remediation strategy if relevant), shall be submitted to and approved in writing by the Local Planning Authority, comprising:
 - a) A desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.
 - b) An investigation, including relevant soil, soil gas, surface and groundwater sampling, carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
 - c) A site investigation report detailing all investigative works and sampling on site, together with the results of analyses, risk assessment to any receptors and a proposed remediation strategy which shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

Reason: To ensure any contaminated land is adequately dealt with and to ensure that such matters are dealt with before development commences.

- 8) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment and approved by the Local Planning Authority shall be carried out in full (or in phases as agreed in writing by the Local Planning Authority) on site under a quality assured scheme to demonstrate compliance with the proposed methodology and best practice guidance. If, during the works, contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the Local Planning Authority.

Reason: To ensure any contaminated land is adequately dealt with.

- 9) Upon completion of the works identified in the contaminated land assessment, and before any part or agreed phase of the development is occupied, a closure report shall be submitted which shall include details of the proposed remediation works with quality assurance certificates to show that the works have been carried out in accordance with the approved methodology. Details of any post-remediation 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.

Reason: To ensure any contaminated land is adequately dealt with.

- 10) If during the development, contamination not previously identified is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority, details of how this unsuspected contamination shall be dealt with.

Reason: To ensure any contaminated land is adequately dealt with.

- 11) No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor on any other day except between the following times :-
Monday to Friday 0900 - 1700 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.

- 12) No demolition or construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times :-
Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 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.

- 13) Prior to the commencement of development a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity and to ensure that such matters are dealt with before development commences.

- 14) Prior to the commencement of development details of the method of disposal of foul and surface water shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage details shall be designed in accordance with the principles of sustainable drainage systems. The development shall proceed in accordance with the approved details.

Reason: to prevent surface water flooding and ensure foul water is dealt with appropriately and to ensure that such matters are dealt with before development commences.

- 15) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded and to ensure that such matters are dealt with before development commences.

- 16) No development shall take place until a tree protection plan and arboricultural method statement in accordance with the recommendations of BS 5837:2012 have been submitted to and approved in writing by the Local Planning Authority. The method statement shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and shall take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development and to ensure that such matters are dealt with before development commences.

- 17) The dwellings hereby approved shall achieve at least a Level 4 rating under The Code for Sustainable Homes or equivalent, and no development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reason: In the interest of promoting energy efficiency and sustainable development and to ensure that such matters are dealt with before development commences.

- 18) No work shall commence on the development site until the off-site highway works indicated on drawing 08042-(SK)004 Revision A have been carried out in accordance with a design and specification to be approved in writing with the Local Planning Authority and to be fully implemented.

Reason: In the interests of amenity and road safety.

- 19) As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity and road safety and to ensure that such matters are dealt with before development commences.

- 20) Prior to the works commencing on site details of parking for site personnel / operatives / visitors shall be submitted to and approved by the Local Planning Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reason: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents and to ensure that such matters are dealt with before development commences.

- 21) During construction provision shall be made on the site, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

Reason: To ensure that vehicles can be parked or manoeuvred off the highway in the interests of highway safety.

- 22) The area shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking and turning of vehicles is likely to lead to parking inconvenient to other road users and be detrimental to highway safety and amenity.

- 23) No dwelling shall be occupied until space has been laid out within the site in accordance with the details shown on the application plans for cycles to be securely sheltered and stored.

Reason: To ensure the provision and retention of adequate off-street parking facilities for cycles in the interests of sustainable development and promoting cycle visits.

- 24) The proposed estate roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car parking and street furniture shall be constructed and laid out in accordance with details to be submitted and approved by the Local Planning Authority in writing before their construction begins. For this purpose, plans and sections, indicating as appropriate, the design, layout, levels, gradients, materials and method of construction shall be submitted to the Local Planning Authority.

Reason: To ensure that the roads are laid out and constructed in a satisfactory manner and to ensure that such matters are dealt with before their construction commences.

- 25) Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each access prior to the commencement of any other development in this application and shall be subsequently maintained.

Reason: In the interests of highway safety.

- 26) Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows:
- (A) Footways and/or footpaths shall be completed, with the exception of the wearing course;
 - (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - (1) highway drainage, including off-site works,
 - (2) junction visibility splays,
 - (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

- 27) The landscaping details submitted pursuant to condition 1 shall include full details of both hard and soft landscape works including existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority. Upon completion of the approved landscaping scheme, any trees or shrubs that are removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority, and within whatever planting season is agreed.

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

- 28) The development shall proceed in accordance with the following approved plan number: 08042-(SK) 003 Revision C.

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

INFORMATIVES

1. Southern Water wishes to make the applicant aware that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk. Due to changes in legislation it is possible that a sewer now deemed to be public could be crossing the site. Therefore should any sewer be found during construction an investigation of it will be required to ascertain its condition, number of properties served and potential means of access before any further works commence on site. Contact Southern Water to discuss this matter.
2. Kent Highway Services wishes to make the applicant aware that it is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any

enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

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

Case Officer: Martin Evans

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

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