

2.9 REFERENCE NO - 14/506167/OUT			
APPLICATION PROPOSAL Demolition of existing buildings. Outline application for the erection of 42 dwellings, with all matters reserved for future consideration.			
ADDRESS Floplast Ltd, Howt Green, Sheppey Way, Bobbing, Sittingbourne, Kent, ME9 8QX.			
RECOMMENDATION Delegate to officers to approve the application subject to ecological matters being resolved, the comments of and any subsequent amendments required by KCC sustainable drainage team (deadline for comments 12 th August 2015) and the negotiation and agreement of an appropriate Section 106 legal agreement to secure developer contributions, affordable housing, off site highway improvements and appropriate public open space.			
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 and Iwade Parish Council's object.			
WARD Grove	PARISH/TOWN Bobbing	COUNCIL	APPLICANT Mr Bryan Lynch AGENT Harrison Mutch
DECISION DUE DATE 1/10/15	PUBLICITY EXPIRY DATE 12/8/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
SW/96/0074	Free standing single storey warehouse building, lean-to warehouse attached to existing building, first floor office extension	Approved	
SW/94/1066	Externally illuminated fascia sign	Approved	
SW/94/0317	Change of use to manufacture, storage and distribution of plastic building products	Approved	
SW/93/1080	Outline application for demolition of existing buildings followed by residential development	Refused for the reasons below	
<p>(i) The proposal is one that should be considered in the context of the Local Plan Process and is premature prior to consideration of the Swale Borough Local Plan Consultative Draft Written Statement published in February 1994.</p> <p>(ii) Policy RS6 of the Kent Structure Plan 1990 states inter alia that development will not normally be permitted in rural Kent other than at the villages and small rural towns unless:</p> <p>(a) it is demonstrated to be necessary to agriculture, forestry, the winning or import of materials or other land use essentially demanding a rural location; or</p> <p>(b) it relates to an acceptable change of use of redundant buildings, where the change would provide the best reasonable means of conserving the character, appearance, fabric and setting of buildings which are of architectural or historic interest, or whose loss would be detrimental to the character of the countryside; or</p> <p>(c) it consists of the acceptable re-use or redevelopment of the existing built area of redundant institutional complexes; or</p> <p>(d) it relates to the ' acceptable rebuilding or modest extension of a dwelling currently in residential use in an appropriate location; or</p> <p>(e) it is the provision of public or institutional uses for which the rural location is justified; or</p> <p>(f) it is for businesses provided for under Policy RS5.</p> <p>The proposed development is within rural Kent, does not fall within these categories and is</p>			

therefore contrary to Policy RS6.			
(iii) The site has not been allocated for housing development in the Sittingbourne and Milton Regis Area Local Plan Consultative Draft 1991 and is therefore contrary to Policies HI, H4 and H5 of that plan which seek to limit new residential development to sites shown on the proposals map.			
(iv) The location of the site in close proximity to the A249 Sheppey Way and the proposed A249 Iwade By-pass, scheduled to commence in 1994, makes the site unsuitable for residential development due to the probable noise impact of these heavily trafficked roads.			
SW/74/1094	Partial demolition alterations construction of workshop and car parking facilities	Approved	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on Sheppey Way within Howt Green. The surrounding area is characterised by sporadic residential, agricultural, commercial and community uses and buildings of varying forms. The site abuts the A249 to the south east, Bramblefield Lane (which leads to a footbridge over the A249) to the north east with an area of hardstanding with partially demolished building beyond, residential dwellings to the south west and orchards to the north west with two isolated cottages located further south. Bramblefield Lane is a designated cycle route. Kemsley train station is located 800m away (to the north-east) over the A249 footbridge.
- 1.02 The site is relatively flat and consists of a concrete pad that covers the entire site surrounded by 3 metre palisade fencing and three buildings used as a production building, storage building, and storage and workshop building totalling 5006sqm of floorspace which employs 5 full time employees. The existing operation includes plastics manufacturing, storage and distribution in the B1, B2 and B8 use classes. The site has two vehicle accesses from Sheppey Way. The large bank of land between the site and the A249 is covered in tall and dense trees which provide an effective landscape barrier to the site.

2.0 PROPOSAL

- 2.01 This is an application for outline planning permission for the erection of 42 dwellings, with all matters reserved for future consideration. As such, the submitted housing layout is illustrative, and this application does not seek approval for it. The site area is 1.54 hectares giving a density of 27 dwellings per hectare. The application forms state that surface water will be dealt with by sustainable drainage system. Whilst all matters are reserved the application forms indicate that 16 two bedroom, 19 three bedroom and 2 four bedroom market dwellings and 5 three bedroom affordable dwellings are proposed. This equates to 10% affordable housing on site.
- 2.02 The planning statement confirms the proposal aims to provide “...up to 42 dwellings with a new internal road layout, communal green space and off-street parking. Although the detail is reserved for future consideration, units are envisaged to comprise of two, three and four bedroom dwellings in the form of terraces, semi-detached and detached two storey properties, with three-storey town houses indicatively shown in the south eastern edge of the site.” A central communal greenspace will be provided which will be a minimum of 10% of the total site area equipped with a children’s play area.
- 2.03 The existing buildings, hardstanding and services will be removed from the site.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	1.54	1.54	na
Approximate Ridge Height (m)	9, 11 and 7	na	na
Approximate Eaves Height (m)	7, 6 and 6	na	na
Approximate Depth (m)	56, 55 and 35	na	na
Approximate Width (m)	53, 22 and 15	na	na
No. of Storeys	2/1, 1 and 1	na	na
Net Floor Area	5006m ²	na	na
Parking Spaces	10+	na	na
No. of Residential Units	0	Up to 42	Up to +42
No. of Affordable Units	0	5	+5

4.0 PLANNING CONSTRAINTS

- 4.01 The application site is located within the countryside, a strategic gap and important local countryside gap as defined by the Proposals Map of the Swale Borough Local Plan 2008. A high pressure gas pipeline is located within the south western boundary of the application site.

5.0 POLICY AND OTHER CONSIDERATIONS

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

- 5.01 The NPPF relates in terms of achieving sustainable development, building a strong competitive economy, supporting a prosperous rural economy, promoting sustainable transport, 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; seek high quality design and amenity for existing and future occupants; recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it; support a low carbon future; reuse brownfield land; and manage growth to make use of public transport, walking and cycling.
- 5.03 The NPPF attaches significant weight to economic growth to create jobs and prosperity. Paragraphs 29 and 30 encourage sustainable transport and reductions in greenhouse gas emissions. Paragraph 32 requires a transport statement for developments that generate significant amounts of movement and that decisions take account of whether proposals take opportunities for sustainable transport, and safe and suitable access to the site has been achieved for all. Paragraph 35 promotes pedestrian and cyclist priority, and promotes access to public transport.
- 5.04 Regarding housing provision the NPPF requires a significant boost in housing supply and states Council's 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.

- 5.05 Paragraph 51 states that Local Authorities should "normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are no strong economic reasons why such development would be inappropriate."
- 5.06 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".
- 5.07 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.
- 5.08 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; affording substantial protection to Special Protection Areas and affording Ramsar sites the same protection as European sites.
- 5.09 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 123 requires decisions to avoid noise giving rise to harm to health and quality of life, and use conditions to mitigate harm. Paragraph 128 makes clear archaeology can be considered a heritage asset and should be assessed appropriately.
- 5.10 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 code for sustainable homes was cancelled on 27th March 2015 as confirmed in the written statement to parliament entitled "Planning updated march 2015"

The Swale Borough Local Plan 2008.

- 5.11 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 management 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 gaps and important local countryside 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.
- 5.12 E9 seeks to ensure development within the countryside is sympathetic to local landscape character in accordance with the below mentioned Supplementary Planning Document, 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; or demonstrated by expert advice that the site is no longer suitable for any employment use; or demonstrated by market testing that there is insufficient demand to justify its retention for employment use; allocated for other purposes; and additionally for residential proposals it should be demonstrated that a mixed use would not be appropriate.
- 5.13 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. H3 requires 30% affordable housing on developments of 15 dwellings or more which are to be of a suitable size and tenure, including rented housing. Such will be secured by appropriate legal agreement.
- 5.14 Policy RC3 sets out a stringent set of criteria for acceptable rural housing schemes. T1 states that proposals will not be permitted that generate volumes of traffic in excess of the capacity of the highway network and or result in a decrease in safety on the highway network unless those impacts can be addressed. 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. T5 requires proposals to be well located in relation to public transport. Where need arises through development, developers may be required to fund enhanced public transport through legal agreement.
- 5.15 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 more than 20 dwellings the Council will require 10% of net site area to be set aside for open space for equipped children's play areas and casual kick about areas. A contribution will be sought under policy C2 towards those elements of open space that cannot be provided on site. If open space is to be adopted by the Council, a legal agreement will secure a

commuted sum for future maintenance of that land. All such requirements will be secured by legal agreement.

Bearing Fruits 2031: The Swale Borough Local Plan Part 1

- 5.16 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 if 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.
- 5.17 Policy DM3 on the rural economy states that permission for residential development will not be permitted where this would reduce the potential for rural employment unless the site/building is demonstrated as having no demand for such purposes or its use would be undesirable or unsuitable. Policy DM6 requires a transport assessment for proposal that generate significant transport movements and requires proposals to utilise sustainable transport and 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 'Sittingbourne town, urban extensions and Iwade' affordable housing at 10% 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. DM17 requires the provision of open space in accordance with the table at 7.5.1. DM19 requires all housing to achieve code level 3 of the code for sustainable homes but this policy is out of date in light of the statement to parliament outlined above and so should not be afforded any weight. Policy DM21 requires sustainable drainage systems where possible incorporating appropriate discharge rates and protection of receiving watercourses. Policy DM24 requires appropriate consideration of noise pollution and land contamination to prevent harm to human health.
- 5.18 Policy DM25 seeks to retain important local countryside gaps and strategic gaps including between Bobbing and Sittingbourne. DM28 sets out that internationally designated wildlife sites such the Ramsar and Special Protection Area to the north of the application site are afforded the highest level of protection. DM34 requires appropriate consideration of archaeology.
- 5.19 Supplementary Planning Documents; Swale landscape character and biodiversity appraisal 2011 (The guidelines are to restore and create within the Iwade Arable Farmland); and Developer Contributions 2009.

6.0 LOCAL REPRESENTATIONS

- 6.01 Three letters of objection have been received which are summarised as follows;
- Would any windows from the two storey block near our house overlook our side windows and result in loss of privacy?

- What would happen to the metal fence along the boundary as this adds security? Who's responsibility would a new fence be? Would the proposed building works require access to our property?
- Very hard to obtain information from the website.
- Object to extra work likely to happen in Bramblefield Lane.
- Object to all matters being reserved as this could lead to work being carried out in Bramblefield Lane.
- No extra amenities have been installed- without these extra pressure is put on existing housing in area.
- Extra traffic would exacerbate traffic problems on Sheppey Way.
- The density is too high and out of character with the area.
- Howt Green population will double as a result of this proposal.
- The development will give us more support against the planning department for any future development at any site along Sheppey Way.
- Iwade and Bobbing Primary Schools are already full as will be the doctors surgery once the housing development is complete in Iwade.
- Insufficient off road parking will result in parking on Sheppey Way, causing obstruction.

6.02 Two letters of support have been received which are summarised as follows;

- Site formerly GPO Telephones depot. Existing metal clad building not in keeping with area. Proposal can put this right.
- Site not allocated in emerging plan. Application should be determined on its merits. There appears to be no logical grounds for refusal. Proposed layout sympathetic to area and more attractive than existing Floplast building.
- Reservations about unrealistic residents and visitors parking provision. Garages will be used for storage. Overflow parking on old Sheppey Way should be prevented as a hazard. Bramblefield Lane should similarly be protected as it is a cycleway and pedestrian route.
- Three storey development should be avoided in semi-rural areas.
- One of proposed dwellings is uncomfortably close to no 8 Woodshole Cottages.
- Proposal should include dwellings for first time buyers to help the local community.
- Existing public utilities should be proven to be adequate to serve the proposal.
- If the emerging Local Plan housing allocation in north west Sittingbourne is acceptable then so too is this proposal.
- Floplast should be allowed to move its Howt Green operations closer to its other facilities in Sittingbourne to prevent heavy vehicle traffic between sites.
- We support the proposal provided there is adequate parking for residents/visitors.
- 42 dwellings need roughly 154 car parking spaces based on a space per bedroom. The number of dwellings may therefore need to be reduced. Overspill onto Sheppey Way could be very dangerous.

6.03 Bobbing Parish Council objects and its comments are summarised as follows;

- Traffic- vehicle entrance is on a bend which has poor visibility and could be hazardous.
- Housing is too dense and should be reduced to 30 units and more car parking spaces provided to prevent overspill parking on Sheppey Way.
- Traffic survey only carried out on North side and not South side.
- The development was not included in the Local Plan.

- The submitted Transport Statement does not change the Parish Council's views.

6.04 Iwade Parish Council objects and its comments are summarised as follows;

- Site not allocated in current or emerging local plan.
- Site is within important local countryside gap which proposal will erode. It will set a precedent for further development within the gap.
- Will impact on Grovehurst Road roundabout which is already at full capacity.
- Traffic survey only carried out on North side- not South side.
- The vehicle entrance is on a blind corner.
- Visitor cars will spill on to Sheppey Way.
- Site not in use at the moment (only for storage), so this application will increase traffic on Sheppey Way.
- No nearby services. The footbridge over the A249 is not lit at night so will not be used. There are no footpaths to Iwade or Bobbing meaning residents will use their cars to access facilities.
- 35% affordable housing, not 10%, should be provided.
- Too many houses, too little parking.
- "Referring to item 2.7 in the Design and Access Statement; this is not true, the Parish Council's present did not favour this proposal."

7.0 CONSULTATIONS

- 7.01 The Council's Greenspaces Manager notes that there is no indication of the size of the open space to be provided, but that it seems appropriate, is central and usable. He will be interested to see the reserved matters in relation to the open space provision. If the public open space is to be transferred to Council ownership then a 10 year commuted sum will be required using the standard formula in the Developer Contributions SPD. A contribution towards off-site play provision is required at £861.80 per dwelling to improve capacity and local facilities.
- 7.02 The Council's Head of Service Delivery notes the content of the submitted noise assessment and contaminated land assessment and agrees with their findings. No objection is raised subject to conditions regarding noise mitigation, contaminated land, a restriction on the hours of impact pile driving, a restriction of the hours of construction, dust suppression and no asbestos to remain on site.
- 7.03 The Council's Economic Development Officer wishes to emphasise the importance of supporting FloPlast's retention and continued growth within the Borough. It is now one of the Borough's major employers and since the relocation of its core business to Eurolink has continued to expand the scale of its operations and employment. The consolidation of the operation to its main site on Eurolink provides operational efficiencies and helps drive the next large scale investment by the company in the locality in the form of a new 60,000sqft distribution facility.
- 7.04 There are limitations to what future employment use the site would be viable for. Underpinning this is the analysis presented by the applicant that the site is now less favourably located in relation to the highway network. I consider this a fair reflection of the circumstances, with access to the trunk road network either through Bobbing or Iwade which would be a significant barrier to marketing the site. Despite the existing use of the site, these contextual changes mean that significant traffic movements especially HGV's may not be desirable, causing issues within the immediate area. This would likely be of concern to potential users of the site.

- 7.05 The Economic Development Officer is unable to comment in detail on the existing accommodation and possible subdivision. However, the age and layout would mean a relatively low quality offer. Redevelopment for employment would also be challenging because B class premises would be marginal in this location. Rent/sale value would not justify the investment hence unviability. Economic Development also promotes more easily accessed mainstream locations to the development community to improve the amount and quality of commercial space. On balance, the loss of the site for employment will have no meaningful cost for economic development and employment creation.
- 7.06 The Council's Climate Change Officer notes the design and access statement aspires to code level 3 of the Code for Sustainable Homes but that there is no supporting paperwork. It is suggested that code level 3 and renewables be conditioned. However, Members will have noted above that the Government have cancelled the Code. Members will also note condition (8) below.
- 7.07 The Council's Housing Officer requests 30% affordable housing to provide 13 dwellings, 70% or 9 of which are to be affordable rent and 30% or 4 intermediate housing as per the Council's adopted SPD. There is a requirement for affordable housing in Sittingbourne including Bobbing for all types and sizes of accommodation. Where appropriate we would seek a small number of fully adapted wheelchair homes in agreement with the Registered Provider. The following mix is suggested;

Property Type	Total to be provided	30% requested as affordable
2BH	16	5
3BH	24	8
4BH	2	0
TOTAL	42	13

- 7.08 The Council's Tree Consultant raises no objection to the principle of development from an arboricultural perspective. No tree conditions are required at this stage and landscaping can be dealt with appropriately at reserved matters stage.
- 7.09 Kent Highway Services generally concur with the submitted Transport Statement. Vehicle movements would be slightly lower from residential use compared to the existing commercial use. HGV activity would be significantly less, which would benefit the amenities of residents along Sheppey Way, although it is noted there is currently not a highway safety issue relating to HGV use of Sheppey Way and that the road is of a suitable design for this purpose. Although not being determined at this stage, use of the existing access for this proposal would be appropriate in terms of visibility. There is no crash record associated with the existing use of the site and its access, and there has only been once personal injury accident recorded in the relevant review period nearby but this related to a vehicle being pursued by police. There is nothing to suggest safety concerns arising from the development. It is suggested that the A249 footbridge be lit, a footway is provided on the western side of Sheppey Way from the existing layby to a point opposite the site access as part of the proposal, and a bus shelter be provided on the southbound route of Sheppey Way. These can be secured by condition or legal agreement. A number of highway conditions are recommended and are attached below.
- 7.10 Kent County Council Developer Contributions requests the following;

- Primary Education @ £2360.96 per applicable house (x42) = £99160.32 towards the Phase 1 of the Regis manor Primary School expansion.
 - Secondary Education @ £2359.80 per applicable house (x42) = £99111.60 towards Phase 1 of the Sittingbourne Community Academy expansion.
 - Library bookstock £2016.66 project: bookstock for the new residents of this development alone (supplied to Mobile Library service covering Bobbing and the Sittingbourne library).
 - Delivery of 1 wheelchair accessible home within the affordable housing on site.
 - A condition requiring superfast fibre optic broadband as part of the reserved matters.
- 7.11 Kent County Council Archaeology requires a programme of archaeological works condition.
- 7.12 Kent County Council Public Rights of Way Officer says no PROW will be affected but that Bramblefield Lane and the bridge over the A249 are a public highway.
- 7.13 Kent County Council Ecology notes no ecological information has been submitted and confirm that there is limited habitat within the site to be suitable for protected/notable species therefore no scoping survey is required. Bats may use woodland adjacent to the site therefore lighting should be designed in line with relevant guidance. Ecological enhancements should be provided within the landscaping plan if approved. The site is within 3km of the Swale SPA and Ramsar site and Medway Estuary and Marshes SPA and Ramsar site. The Ecologist is concerned that no information is provided by the applicant addressing the proposals impact on European Designated Sites to enable Swale Borough Council to address the requirements of the Habitats Directive. We are concerned about increase recreation on European Sites.
- 7.14 The *Phase 1 Bird Disturbance Report*, undertaken by Footprint Ecology on behalf of the North Kent Environmental Planning Group (of which Swale Borough Council is a key member), concludes that it is not possible to rule out any likely significant effects on the integrity of the north Kent European sites as a result of increased housing. The 'north Kent European sites' covers the Medway Estuary and Marshes SPA and Ramsar site, the Thames Estuary and Marshes SPA and Ramsar site and The Swale SPA and Ramsar site.
- 7.15 The *Phase 1 Bird Disturbance Report* concludes that development within 6km of access points to the European sites is particularly likely to lead to increase in recreational use of the SPAs and that mitigation measures will need to be considered as "*it will not be possible to demonstrate no adverse effect on integrity of the European sites*". As such Swale Borough Council will need to carry out a Habitats Regulations Assessment and should seek the information necessary to complete this from the applicant. Following the outcomes of the bird disturbance work, a strategic access and recreational management plan is being developed by the north Kent local planning authorities, including Swale Borough Council. We advise that the Swale Borough Council representative on the North Kent Environmental Planning Group is contacted for progress in relation to this as it may be possible for a 'full' HRA to be avoided if contributions to the strategic-level mitigation measures can be secured.
- 7.16 Natural England note the application site is in close proximity to European designated sites and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the 'Habitats Regulations'). The application site is in close proximity to the Medway Estuary and Marshes and The Swale Special

Protection Areas (SPAs). The sites are also listed as the Medway Estuary and Marshes and The Swale Wetlands of International Importance under the Ramsar Convention. In addition they are also notified at a national level as the Medway Estuary and Marshes and The Swale Sites of Special Scientific Interest (SSSIs).

- 7.17 In considering European site interest, NE advises the Council that it should have regard for any potential impacts that a project may have. NE notes the consultation documents do not include a habitat regulations assessment. The proposal is not necessary for the management of a European site and the Council should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the appropriate assessment stage where significant effects cannot be ruled out. NE advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out and it is recommended that further information is obtained to help undertake a HRA including; clarity on how impacts from increased recreational pressure to the coastal designated sites will be avoided/mitigated for as a result of this proposal. This information is also required to ensure there are no impacts on the Medway Estuary and Marshes and the Swale SSSIs. Upon submission of this information further advice can be provided. I have since been informed by Natural England that if developer contributions are secured to provide mitigation of recreational disturbance to the Special Protection Area, this will enable the proposal to be screened out of the need for a full appropriate assessment.
- 7.18 The Environment Agency raises no objection. It is satisfied with the submitted flood risk assessment and supports the use of SUDS for the discharge of surface water. However, due to the geology on site, we advise that permeability tests are carried out to ensure SUDS are viable. Land contamination; the EA does not consider the proposal to be high risk therefore no site specific advice is provided. It wants to be informed if contamination is subsequently identified that poses a significant risk to controlled waters. The developer should address risks to controlled waters from contamination on site following the requirements of the NPPF and EA's Guiding Principles for Land Contamination. Pollution prevention, soakaway and waste advice is also offered.
- 7.19 The Lower Medway Internal Drainage Board states it has not been able to access documents on the website but that the site is outside its area and provided off-site surface water runoff is not increased the proposal is unlikely to affect the Boards interests.
- 7.20 The Highways Agency, subsequently changed to Highways England, offers no objection whilst noting that the proposal is not considered to represent in itself any significant risk to the strategic road network but that it will add to the cumulative effects of development on this part of the A249.
- 7.21 The Health and Safety Executive notes the high pressure gas pipeline near the site is thick walled in the immediate vicinity of the site. The HSE provided a bespoke response that does not advise, on safety grounds, against the granting of planning permission. It is advised to contact the pipeline operator before deciding the application.
- 7.22 Southern Gas Networks comments are as follows;

"There is a high pressure gas pipeline in the vicinity of the proposed development which has a Building Proximity Distance (BPD). The building proximity distance (zone 1) is 3 metres either side of the pipeline. This should not however be confused with

the HSE consultation zones 2 & 3 which will be considerably greater. Zone 1 is a safety factor with reference to habitable buildings as recommended by IGE/TD/1. It is calculated from the diameter, material, wall thickness and pressure of the particular pipeline. Under Pipeline Safety Regulations 1996 this distance is declared to the HSE. Any intrusion within this safety zone should not be taken lightly and any intention to proceed should be accompanied by a risk assessment or provision of other supporting evidence especially in the event of any legal proceedings at a later date. I have attached a copy of our plans showing the pipelines in relation to this site. Pipelines laid in private land are protected by a Deed of grant, which prohibits certain activities within the easement strip like no addition to or removal of surface levels, no structures over or within the specified distance of the pipeline. Further details are available if you require them. A request to us for any copies could incur a small fee, payable in advance.

The easement strip is 6 metres in width. 3 metres either side from the centre-line of the pipeline. No part of the easement is to be within private gardens. The pipeline easement has trees along its route which will not be acceptable, as these can cause damage to the pipeline coating and makes accessibility difficult. All planting within the easement strip should comply with "Notes for Guidance on Tree Proximity". Any vehicle crossings over the pipeline will require: calculations to prove that no additional stresses will be incurred; a design showing the roadway in relation to the pipeline; and method statements to be agreed with SGN before it goes ahead. Road crossings need to be kept to a minimum. This pipeline is of prime importance to the gas supplies of this area. Should any work be contemplated it is essential that you comply with the restrictions detailed below and in the document SGN/SP/SSW22 in order to protect our plant and equipment and for the safety of your own operatives" (list of 12 restrictions not included here).

- 7.23 Southern Water provides a map of sewers in the area. The applicant is to determine the exact position of public sewers before finalising the layout. No development or tree planting is to be within 3m of a public sewer and all existing infrastructure is to be protected during construction. No soakaways should be within 5m of a public sewer. A condition regarding protection of public sewers is recommended. There is inadequate foul sewage capacity to serve the development therefore risk of flooding may increase. Additional off-site sewers, or improvements to existing sewers, will be required under section 98 of the Water Industry Act 1991. Alternatively, the developer can discharge foul flow no greater than existing. An informative re contact details for sewerage infrastructure is requested. SUDS guidance is also provided. A condition re foul and surface water sewerage disposal is requested. Southern Water can provide water to the site and an informative is requested.
- 7.24 Kent Police considers parking spaces to the rear of the dwellings fronting Sheppey Way lack natural surveillance. Parking to rear creates issues with unloading vehicles and may result in the rear door being used as the main entrance. There has been no communication from applicant/agent. There needs to be discussions regarding formal applications for codes, BREEAM and Secured By Design if appropriate. The applicant's attention should be drawn to the Kent Design Initiative. The Police would like to meet the applicant to discuss crime prevention and community safety. A condition/ informative or letter is recommended re crime prevention measures.

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 The following information has been submitted with the application;
- Planning Statement
 - Design and Access Statement

- Economic Supporting Statement
- Flood Risk Assessment
- Transport Statement
- Noise Impact Assessment
- Stage 1: Desktop Study & Walkover Survey

8.02 Harrisons Chartered Surveyors have submitted an Economic Supporting Statement which, amongst other issues, comments on supply and demand for employment property/ land in Swale and the retention of FloPlast Limited's existing premises/ site for employment purposes. The applicant's contention is that the existing buildings and site are no longer appropriate for employment use. This lengthy document concludes that the loss of the site for employment purposes is acceptable because it is poorly located for vehicle access; the premises no longer serve FloPlast's needs as it is currently used as a satellite site and a dedicated facility is to be built on land adjacent to its Eurolink premises. The premises were expanded by FloPlast as a single occupier so is unlikely to attract an alternative acceptable single occupier due to the constraints of the site to modern business including traffic; the retention of the existing premises for employment use is unrealistic given it is incapable of subdivision and modernisation at economic cost, as supported by the Council's Property Register which includes more attractive options in more modern business locations; redevelopment for employment use is inappropriate due to better alternatives and the site would be expensive to redevelop and prove unattractive to investors/developers given the constraints; a mixed use development would be impractical and unviable. Therefore, a 6 month marketing exercise as suggested at pre-application stage by the Council would be inappropriate as this would only serve to delay the delivery of much needed housing and FloPlast's own expansion needs at Eurolink. The loss of the site for employment is therefore justified in light of Local Plan policy B1 and it has been demonstrated that the site is no longer suitable for long-term Employment use. Funds from the sale of the Sheppey Way site would be channelled into the Eurolink site development.

8.03 The applicant's Transport Statement concludes that such impacts will be acceptable. The vehicle access accords with relevant design standards and vehicle parking will be provided in accordance with Kent Highways Interim Guidance Note 3. This should ensure overspill; parking will not occur on surrounding roads. Appropriate cycle parking will be provided within the curtilage of each dwelling. Road safety implications would be acceptable. The vehicle trip generation would have a negligible impact on the road network over and above the existing use if it were to be used to its maximum capacity.

9.0 APPRAISAL

9.01 I note local residents and the Parish Council's comments and address them as follows. The window layout is not being dealt with under this outline application. The existing metal fence would be removed but I do not consider this a security risk. Responsibility for the new fences is not a material planning consideration. It is not clear whether access to third party land would be required to develop the land but this is not a material planning consideration. Required works within Bramblefield Lane are discussed below in terms of highway improvements requested by Kent Highway Services including lighting. The applicant is legally entitled to make an outline planning application with all matters reserved. Extra amenities will be installed and developer contributions secured to provide extra services in the area including funding for schools.

- 9.02 The impact on highway safety and convenience is considered acceptable as set out below including vehicle parking and visibility. The housing density [namely 27 dwellings per hectare] is considered appropriate to the site and surroundings. It is considered that the site can accommodate a certain amount of three storey development given the size of the existing buildings on site. The proximity of the dwellings shown on the indicative layout to existing properties is not being considered at this stage as this is an outline planning application with all matters reserved. Affordable housing is to be included within the proposal to help the local community and is discussed further below. Public utilities will need to be upgraded to accommodate the proposal. It is not clear what is meant by the Parish Council saying the traffic survey was only carried out on the North side and not the South side. Whilst the site is not allocated in the adopted or emerging local plans, the proposal has to be determined on its merits. The impact on the countryside, important local countryside gap and strategic gap are considered below.

Principle of Development

- 9.03 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 out of date.
- 9.04 The site is not allocated for residential development in the adopted or emerging local plan. The Council would ordinarily consider residential development within the countryside, strategic gap and important local countryside 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. It would result in the removal of large industrial buildings and associated palisade fencing that surrounds the site and its replacement with residential development that will enhance the area in my opinion. 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.
- 9.05 The site is relatively removed from services, facilities and amenities with the nearest shops being at Bobbing Services 1 mile to the south east, Iwade Village Centre 1 mile to the north east, and the general store on Grovehurst Road 600m to the east which is accessed via the footbridge over the A249. The nearest schools are Bobbing and Iwade Primary Schools and Westlands Secondary School within Sittingbourne. The nearest doctors surgery is on Grovehurst Road with another in Iwade, whilst the nearest dentists is in Sittingbourne. There are bus stops located at regular intervals along Sheppey Way and the site is 800m away from Kemsley Train Station. Whilst

most journeys are likely to happen by car, there are good cycle links in the area with the National Cycle Route on the footbridge over the A249. Therefore, whilst the site could be more ideally located in terms of integration with existing settlements I consider it to be a reasonably sustainable location for residential development. It is noteworthy that the site is located on the opposite side of the A249 from the north west Sittingbourne mixed use allocation in the emerging local plan which means that in the fullness of time the application site could be on the edge of Sittingbourne with the allocation containing a site for a primary and secondary school on the opposite side of the footbridge, a community hub and expanded health centre.

9.06 I do not consider the site to be isolated as set out in the NPPF as it is on the outskirts of Bobbing, Iwade and Sittingbourne and the associated services. The physical site context is that it is bounded to the south east by the A249 and is very well screened from it by the existing landscaping that would remain. To the south west is a residential property and its rear garden. To the north west is open agricultural land and to the north east a partially demolished building with open land beyond. The site is reasonably well contained by its surroundings resulting in no significant harm to the character and appearance of the countryside or harm to visual amenity. It would also not result in the merging of settlements, encroachment or piecemeal erosion because this is brownfield development entailing the demolition of very large buildings. 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 note permission was refused for residential development on the site in the past (see pages 1 and 2 above) but the planning policy context is entirely different now. I believe the policy and physical context weighs in favour of accepting the principle of development.

9.07 The principle of development in my opinion is acceptable for these reasons.

Loss of employment land

9.08 The content of the report by Harrisons is noted. I concur that the vehicle access to the site is not ideal for alternative employment uses because the two main routes are either through Iwade village via a traffic calmed road layout, or past Bobbing Primary School which is heavily parked at peak times. Furthermore, it seems unlikely that an alternative single occupier of the site would be found given the traffic constraints and availability of better suited and located sites for businesses such as on the Eurolink industrial estate. The site is considered incapable of subdivision and modernisation at economic cost. Redevelopment for employment use is inappropriate due to better alternatives and the site would be expensive to redevelop and prove unattractive to investors/developers given the constraints; a mixed use development would be impractical and unviable.

9.09 The possible end use of the site may likely be for relatively low grade industrial uses such as independent vehicle repairs and storage which would be an undesirable use in such close proximity to residential dwellings. It is noteworthy that funds from the proposal would contribute towards the development at FloPlast's Eurolink site (approved under outline planning application SW/02/1180 for residential, employment, open space and supporting facilities and subsequent reserved matters application SW/09/0630 for provision of principle access to site off Bingham road together with internal circulation roads. Provision of landscaping details, including powder coated steel palisade fencing. Submission of details relating to the siting of principal storage building, ancillary utility buildings, two storey office building and external storage yard).

- 9.10 In my opinion, it has been demonstrated that the site is no longer suitable for employment use and is poorly located for such purposes in accordance with Local Plan Policy B1. The loss of employment land is acceptable for these reasons in my opinion. Members will have noted above that the Economic Development Officer does not oppose the proposed development.

Visual Impact

- 9.11 The proposal would result in the removal of the large industrial buildings on the site along with the palisade fencing and its replacement with a less conspicuous residential development that will be set further away from Sheppey Way. I have recommended condition 4 below to secure a large landscape buffer between the dwellings and Sheppey Way in order to ensure the proposal reflects the character of the area which has numerous dwellings set far back from the highway. The impact on the visual amenities of the area and the character and appearance of the streetscene would be acceptable in my opinion.

Residential Amenity

- 9.12 The precise impact on residential amenity arising from the design of the dwellings will be dealt with as part of the subsequent reserved matters application(s) should Members decide to grant outline planning permission. However, in general terms the site is relatively removed from residential dwellings because it is bordered on three sides by non-residential land. The indicative layout shows a number of dwellings that would face out onto the rear gardens of the dwellings at Woodshole Cottages to the south. In my opinion, the site is sufficiently large to enable an appropriate separation distance to be secured between the proposed dwellings and the neighbouring existing residential dwellings and their rear gardens. The 3m easement either side of the gas pipeline which runs along the southern boundary of the application site will act as a no build zone which will further protect the existing properties from any harm. The noise assessment concludes the new dwellings will be exposed to levels of external noise which require some minor noise mitigation measures for living room and bedroom windows on the building elevations facing towards the A249. An appropriate noise mitigation scheme has been recommended and is secured by condition 26 below to protect residential amenity. The proposal would not result in harm to residential amenity and the impact in this regard is acceptable in my opinion.

Highways

- 9.13 It is noted that Kent Highway Services raises no objection to the proposal on highway safety or convenience grounds. The proposal would change the nature of the traffic generated by the site from commercial HGV movement to residential traffic. This can be accommodated by the existing access to the site with appropriate visibility splays available whilst noting access is not being determined at this stage. I have sought the agreement of the applicant to provide the range of improvements to the highway suggested by Kent Highway Services as part of the legal agreement associated with this application if Members decide to grant permission. The size of the site and the number of dwellings proposed will enable the provision of vehicle parking in accordance with Interim Guidance Note 3 to be achieved. I seek delegation to resolve the outstanding highway matters.

Other Matters

- 9.14 The adopted Local Plan demands 30% affordable housing for such proposals. The applicant offers 10% affordable housing based on the emerging Local Plan. I have

asked the applicant to provide 30% with the tenure split and mix suggested by the Council's Housing Officer and SPD regarding developer contributions. I seek delegation to resolve the outstanding affordable housing matters and secure them by appropriate legal agreement.

9.15 The following developer contributions are required;

- KCC Primary Education @ £2360.96 per applicable house (x42) = **£99160.32** towards the Phase 1 of the Regis manor Primary School expansion.
- KCC Secondary Education @ £2359.80 per applicable house (x42) = **£99111.60** towards Phase 1 of the Sittingbourne Community Academy expansion.
- KCC Library bookstock = **£2016.66** project: bookstock for the new residents of this development alone (supplied to Mobile Library service covering Bobbing and the Sittingbourne library).
- KCC Delivery of 1 wheelchair accessible home within the affordable housing on site.
- Greenspaces- a contribution towards off-site play provision is required at £861.80 per dwelling to improve capacity and local facilities = **£36195.60**.
- SBC wheelie bin charge of £75.22 per dwelling totalling = **£3159.24** applies
- Contribution towards strategic level mitigation measures for the Special Protection Area at £223.58 per dwelling = **£9390.36**
- SBC 5% monitoring charge = **£12451.68**
- Total = **£261485.46**

Members will note paragraph 9.17 below: if the open space proposed is adopted by the Council, a 10-year commuted sum will also be payable, and the 5% monitoring fee would need to be adjusted accordingly.

9.16 I have asked the applicant to agree in principle to these contributions and I will confirm the applicants decision to Members at them meeting. I will reconsult Natural England with the applicants agreement to pay for mitigation of the Special Protection Area so that its comments can be changed accordingly. The Special Protection Area contribution will, in part, enable the proposal to be screened out of the requirement for a full appropriate assessment under the habitat regulations. Such mitigation in combination with the on-site ecological enhancements secured by the condition recommended below will ensure that the ecological implications of the proposal are acceptable. KCC Ecology has confirmed that there is no requirement for a preliminary ecological appraisal given the nature of the site and its surroundings.

9.17 The indicative layout shows an area of open space within the centre of the site. Whilst the exact location and design of the open space will be dealt with under the reserved matters, I consider the site capable of accommodating this number of dwellings and the requirement for 10% of the site area to be open space. I have requested clarification from the applicant regarding whether ownership of the open space would be transferred to the Council. If this is the case, a 10 year commuted sum will be required along with contributions towards play equipment all of which will be secured by legal agreement. I seek delegation to resolve these matters.

9.18 Southern Gas Networks objects to the proposal because it appears to infringe on the building proximity distance and easement of the high pressure gas pipeline. I have requested that the applicant amends the indicative layout to show the gas pipeline and easement zone overlaid. No building, garden land or planting not in accordance the named planting technical document can be located within the easement. The Health and Safety Executive raises no objection. Provided these amendments are

received I consider the proposal to be acceptable in relation to safety issues relating to the gas pipeline. I recommend condition 6 below to prevent such development within the easement.

- 9.19 Archaeology matters can be dealt with by condition 7 as suggested by Kent County Council.
- 9.20 The submitted flood risk assessment demonstrates that the risk of flooding to the development is acceptable. I am awaiting the comments of Kent County Council sustainable drainage team and seek delegation to resolve this issue including any design changes it may require. I recommend condition 24 to deal with the general flooding, drainage and waste issues raised by the Environment Agency, Southern Water and Lower Medway Internal Drainage Board.

Habitat Regulations Assessment

- 9.21 This HRA has been undertaken without information provided by the applicant. The application site is located approximately 2km south of the Swale Special Protection Area (SPA) and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations). SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.
- 9.22 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 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and not enough information is available to determine whether the likelihood of significant effects can be ruled out. I have since had discussions with Natural England in which it was confirmed that if contributions are secured towards SPA mitigation, significant effects can be ruled out and the proposal can be screened out of a full HRA. It was also confirmed that no on site mitigation is required but that off-site mitigation, as will be secured, is required. Once the applicant has agreed to pay the contribution, I will re-consult Natural England and it will then change its comments to reflect the agreed approach.
- 9.23 In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:
- The proposal will provide on-site and off-site mitigation against harm to the SPA and Ramsar site. The proposal will provide 10% of the site for open space and a play area. This will help in part to reduce off site recreational pressures. A contribution will also be secured toward enhancement of off-site play areas which will again result in less recreational pressure on the SPA/Ramsar site. I have also sought contributions towards strategic mitigations measures to prevent harm to the designated sites. This money will be allocated towards a range of projects or strategies. These measures will be secured by legal agreement.
 - This proposal is relatively small scale and the impacts of recreational disturbance on the SPA/Ramsar site would be proportional.

9.24 For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I need to consider further the normal Natural England requirement to have the strategic mitigation measures in place prior to occupation of the dwellings proposed.

10.0 CONCLUSION

10.01 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.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

- 1) Details relating to the layout, scale and appearance of the proposed buildings, the access thereto and the landscaping of the site 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 shall include no building within 12m of the application site boundary with Sheppey Way.

Reason: In order to secure an appropriate separation distance between the buildings and Sheppey Way, and to reflect the character of the area.

- 5) The details submitted pursuant to condition 1 shall include biodiversity enhancements and a lighting scheme designed to minimise impact on any bats within the surrounding area in accordance with the Bat Conservation Trust's Bats and Lighting in the UK. The details as agreed shall be implemented in full prior to the first occupation of the development.

Reason: In order to secure biodiversity enhancements and to ensure no harm to commuting/foraging bats in the area and to ensure that such matters are dealt with before development commences.

- 6) The details submitted pursuant to condition 1 shall include no building, residential garden or landscaping (other than that permitted by Southern Gas Networks Tree Planting Guidelines, a copy of which is available on request to Swale Borough Council) within 3m of either side of the high pressure gas pipeline which is located near the southern boundary of the application site.

Reason: To ensure that the development does not result in unacceptable risk to human life and to ensure that such matters are dealt with before development commences.

- 7) 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 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.

- 8) 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.

- 9) Prior to the commencement of development the following off-site highway works shall have been carried out in accordance with a design and specification to be submitted to and approved in writing with the Local Planning Authority and shall be fully implemented in accordance with the details agreed;
- (i) a footway on the western side of Sheppey Way between the existing bus stop south of the development site and a point level with the site access.
 - (ii) the footway shown on drawing 1083.02B linking the site to the existing footway on the eastern side of Sheppey Way.
 - (iii) street lighting along the length of Bramblefield Lane to provide a continuous facility between the development site and the existing street lighting.
 - (iv) The abandoned northern vehicular access has been permanently stopped up and the kerb/verge reinstated.

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

- 10) 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.

- 11) Prior to the commencement of development 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.

- 12) 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.

- 13) The details submitted in pursuance of condition 1 shall show adequate land reserved for parking in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained before any building is occupied and shall be retained for the use of the occupiers of, and visitors to, the dwellings. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to the reserved vehicle parking area.

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

- 14) None of the dwellings shall be occupied until space has been laid out within the site in accordance with details to be submitted and approved in writing by the Local Planning Authority for cycles to be securely stored and sheltered.

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 and to ensure that such matters are dealt with before development commences.

- 15) 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 development commences.

- 16) Before the first occupation of a dwelling the following works between that dwelling 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.

- 17) 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) 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.
 - b) 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.

- 18) 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.

- 19) 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.

- 20) 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.

- 21) 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.

- 22) 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.

- 23) 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.

- 24) Prior to the commencement of development details of the measures to be undertaken to protect public sewers throughout demolition and construction; and 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.

- 25) 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.

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

- 26) The details submitted pursuant to condition 1 shall incorporate full details of noise pollution prevention measures including glazing, ventilation and external areas in accordance with paragraphs 4.1 to 4.9 of the submitted MRL Acoustic Noise Impact Assessment report dated March 2014. The measures agreed shall be implemented in full prior to the first occupation of the dwelling concerned and shall subsequently be maintained.

Reason: In order to prevent harmful noise pollution for the future residents of the development and to ensure that such matters are dealt with before development commences.

- 27) The details submitted pursuant to condition 1 shall provide 10% of the application site area as public open space which shall include a play space to be surfaced and equipped with play equipment, in accordance with a schedule agreed by the Local Planning Authority before development is commenced and shall be provided before the first dwelling is occupied; no permanent development whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reason: To ensure that these areas are made available in the interests of the residential amenities of the area and to ensure that such matters are dealt with before development commences.

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 changes required to the application and these were agreed.

The applicant/agent was provided formal pre-application advice.

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

INFORMATIVES

KCC wishes to make the applicant aware that Superfast Fibre Optic Broadband 'fibre to the premises' should be provided to each dwelling of adequate capacity (internal minimum speed of 100mb) for current and future use of the buildings.

The applicants attention is drawn to the content of the letter dated 29/1/15 from Southern Gas Networks (available on the Council's public access system) which provides general guidance and a list of restrictions that must be adhered to when developing near to the adjacent high pressure gas pipeline. It is considered essential that the applicant fully takes account of the content of this letter prior to commencing development.

Southern Water wishes to make the applicant aware that they should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure and water supply required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk .

Kent Highway Services wishes to make the applicant aware of the following. 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.

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.