

<b>2.2 REFERENCE NO - 14/506519/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Redevelopment of existing landscape contractor's yard and land surrounding Kent Terrace to provide 13 dwelling houses and an extension to the existing terrace with associated car parking and landscaping. In addition, a ground floor rear extension to Number 15 Kent Terrace.			
<b>ADDRESS</b> Land At Kent Terrace, Canterbury Lane, Upchurch, Kent, ME8 8QP			
<b>RECOMMENDATION</b>			
Delegate to officers to approve the application subject to ecological matters being resolved including the further comments and any additional requirements of Natural England and KCC Ecology; and the negotiation and agreement of an appropriate Section 106 legal agreement to secure developer contributions.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
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 planning permission should be granted.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Upchurch Parish Council objects to the proposal.			
<b>WARD</b> Hartlip, Newington & Upchurch	<b>PARISH/TOWN COUNCIL</b> Upchurch	<b>APPLICANT</b> Mr Tim And Mark Williams <b>AGENT</b> Mr Ralph Salmon	
<b>DECISION DUE DATE</b> 30/10/15	<b>PUBLICITY EXPIRY DATE</b> 16/3/15	<b>OFFICER SITE VISIT DATE</b> 13/2/15	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
NK/9/73/99/11513	The erection of general purpose horticultural/agricultural building.	Approved	12/6/73
NK/9/73/99A/115 13A	Use of land as a site for residential development. Refusal on the principle of development; consolidation of isolated sporadic development; harm to rural amenity; existing access and Canterbury Lane unsuitable for proposed development.	Refused.	10/9/73
SW/76/1008	Erection of 'Seco' type prefabricated building for nursery use i.e. stock packing, potting etc. Condition 2 restricts use of	Approved	22/11/76

	building to horticulture.		
SW/86/0374	Erection of portal framed building to be used for nursery storage and office accommodation.	Refused.	30/6/86
SW/87/0250	Erection of portal framed building to be used for nursery purposes. This relates to the building furthest west in the site and condition 2 restricts the use to propagation and storage purposes.	Approved	11/5/87
Relevant adjacent planning history set out below for Four Gun Field.			
SW/12/1243	Outline application for residential development (about 50 dwellings) and public open space with wildlife area.	Approved	
15/501109/REM	Approval of Reserved Matters (pursuant to outline permission SW/12/1243) for the erection of 52 dwellings, open public space with wildlife area. (appearance, landscaping, layout and scale being sought).	Pending decision.	
15/501140/FULL	New vehicular/pedestrian access to the southern boundary.	Pending decision.	

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the north of Canterbury Lane and is roughly 'L' shaped. It benefits from a mature 2m high hedge along the length of its southern boundary with Canterbury Lane that screens it from view. It is accessed via a track that slopes steeply down to the north with the first exit to the east providing access to the landscape contractors yard. The track continues down the hill and turns to the east to provide access to the row of 15 terrace properties at Kent Terrace. Kent Terrace is approximately 43m north of and at a level some 4m lower than the junction with Canterbury Lane.
- 1.02 Part of the site is used as a horticultural and landscape contractors yard and is built on a large area of hardstanding that has four buildings including two plastic poly tunnels, one brick built shed (for which there are no planning records) and the main building used as a workshop/office as permitted under SW/87/0250. It employs 8 people full time. Large evergreen trees form the northern and eastern boundaries of the landscape contractor's yard. The application site includes the area to the north of the yard that is currently used by residents of Kent Terrace as a vehicle parking area and also contains a disused air raid shelter. The site continues to the east of Kent Terrace to

incorporate an area of open land referred to in the application as the paddock which was formerly overgrown but has since been cleared of vegetation and has historically been used for the storage of soil and the deposit of other materials.

- 1.03 To the south of the site is the Cloverlay Industrial Park that contains a range of B1 and B8 uses. To the west is the Four Gun Field site that has planning permission for residential development as noted above. Beyond Kent Terrace to the north is an overgrown area of land and to the east is open land. The Medway Council boundary runs along the centre line of Canterbury Lane.

## 2.0 PROPOSAL

- 2.01 The existing buildings within the landscaping contractor’s yard would be demolished as would the air raid shelter. Thirteen dwellings would be constructed, twelve of which would be three bedroom semi-detached dwellings, and one of which would be a two bedroom extension to the existing Kent Terrace. Eight of the dwellings would be located on the site of the landscaping contractors yard and a further four dwellings within the paddock area to the east of Kent Terrace.

- 2.02 There would be a rear conservatory extension to 15 Kent Terrace. The road and parking arrangement to the front of Kent Terrace would be formalised, a new road surface provided, and a service road to the front of Kent Terrace created with gradients adapted. A total of 50 car parking spaces would be provided within the development. Each proposed dwelling would have two car parking spaces in tandem format. 15 Kent Terrace and the additional end of terrace dwelling would each be provided with a car port space and further car parking space to the front, all of which would be provided to the rear of the dwellings.

- 2.03 The existing car parking space to the side of 1 Kent Terrace would remain unchanged. 2-14 Kent Terrace would each be provided with one car parking space to the front of the terrace. Four visitor spaces would be provided to the front of Kent Terrace with two more to the east of Kent Terrace. Three further unallocated parking spaces are shown on the site layout plan.

## 3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.44	0.44	0
Approximate Ridge Height (m)	Unknown	7.5, 8.5, 9	Various
Approximate Eaves Height (m)	Unknown	5, 5 and 5	Various
Approximate Depth (m)	16, 3, 7 and 21	13, 13 and 12.5	Various
Approximate Width (m)	9, 6, 11 and 6.	10.5, 10.5 and 5.5	Various
No. of Storeys	1	2	+1
Parking Spaces	Approx. 35	50	Approx. +15

No. of Residential Units	0	13	+13
No. of Affordable Units	0	0	0

#### **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.
- 4.02 There is a public right of way that runs along the western boundary of the application site. A high pressure gas pipeline runs along the centre of Canterbury Lane to the south of the 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 27<sup>th</sup> 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.
- 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 and public

rights of way. T5 requires proposals to be well located in relation to public transport.

- 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 between 10-19 dwellings the Council will require a contribution towards open space provision in the locality. 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 proposals 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. 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 Sittingbourne and the Medway towns. 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 conserve and create within the Upchurch and Lower Halstow Fruit Belt); and Developer Contributions 2009.

## 6.0 LOCAL REPRESENTATIONS

- 6.01 Ward Councillor John Wright objects to the proposal for the following summarised reasons;

- Existing residents of Kent Terrace have 2 car parking spaces outside their properties and the proposal does not cater for these that have been enjoyed for many years.
- The proposal will result in parking on the access road or Canterbury Lane. Either solution would not be acceptable to residents or to my mind the highway authority.
- I suspect many have squatter's rights or rights handed on from previous owners making the scheme difficult.
- Development vibration will harm existing old properties. A survey of their condition before and after development should be required by condition to save a lot of distress.
- There are few facilities at this point in the village. What contributions are being provided to cater for proposed residents? I.e. bus service, play area etc.
- The site is outside the local plan and in a strategic gap.

- 6.02 Upchurch Parish Council objects for the following summarised reasons;

- Erosion of strategic gap between Rainham and Upchurch. Medway is proposing development along Otterham Quay lane which will further urbanise the area.
- Two of the proposed dwellings are on greenfield land which will increase encroachment but this land could be used instead as a car parking or amenity land.
- Canterbury Lane is narrow and increased traffic would exacerbate current problems. Otterham Quay Lane and Horsham Lane are also narrow and used as an alternative to the A2. Any development of substantial size will detrimentally affect roads that currently cause concern re safety and congestion amongst villagers.
- Potentially moving the business elsewhere in Upchurch raises concerns about the use of narrow roads.
- Whilst acknowledging adopted parking standards, the parking for existing residents does not meet actual needs, and coupled with likely overspill parking from the proposal will result in parking in Canterbury Lane and other roads.
- Can the existing dwellings withstand construction of the proposal? What tests have/will be undertaken to ensure their safety?
- Loss of rural business site that results in lost local business and employment opportunities.



- 6.03 Ten letters of objection have been received which are summarised as follows;
- Under provision of parking for existing and proposed residents. This will lead to neighbour disputes.
  - We have been allocated one car parking space but each dwelling in Kent Terrace has at least two cars. Some existing residents have large work vehicles that would not fit in the spaces and contain valuables so would not be safe to park out of site.
  - Overflow parking would occur on Canterbury Lane, Otterham Quay Lane or in housing estates which would cause inconvenience and danger.
  - The terrace extension would overlook our property/garden and cause a loss of light. The housing to the front would overlook us.
  - Is the air raid shelter not listed? Its loss would be a shame.
  - Proposal would affect wildlife including woodpeckers, peacocks and bats.
  - Kent Terrace is unique, quiet with very few vehicles driving past, safe for children and private but this will be lost if planning is approved.
  - I have a legal right to park opposite my house because owners have parked there uncontested for 20 years.
  - The proposal and Four Gun Field development will result in overdevelopment of the area.
  - The proposal will affect bin and cesspit collections.
  - Talks of service road being unadopted so who will maintain it, the communal area and visitor bays? Has the cost been considered i.e. will site owner or management company or residents themselves pay? We currently only have to pay towards maintenance of the access road in accordance with out title deeds.
  - The landowner has not required residents to pay so residents fill in potholes themselves which works well.
  - The proposal is overdevelopment of the site.
  - Our electricity comes from the telegraph pole to be removed so where will we get a supply from? Further development will strain supply.
  - Building works will cause disturbance for existing residents. Construction traffic will block access.
  - Will the new access road affect our Council Tax?
  - Proposal will affect provision of utilities and how long with the development take to construct?
  - Existing infrastructure will be overstretched including roads, schools and healthcare.
  - The new access road will endanger children.
  - The applicants have started clearing the land and burning materials.

## 7.0 CONSULTATIONS

- 7.01 The Environmental Protection Team Leader recommends conditions regarding hours of construction, land contamination and a construction environmental management plan. A noise assessment may be required if B2 uses are present within the adjoining industrial estate.

- 7.02 The Council's Greenspaces Manager seeks developer contributions of £861.80 per dwelling totalling £11, 203.40 towards off-site improvement of local play facilities at The Paddock or Recreation Ground in Upchurch.
- 7.03 The Council's Climate Change Officer recommends conditioning level 3 of the code for sustainable homes. The code has subsequently been withdrawn by central government and therefore an adapted condition is recommended.
- 7.04 Kent County Council requests a condition and informative regarding provision of superfast broadband and the following developer contributions;
- Primary Education @ £2360.96 per applicable house (x13) = £30692.48 towards the Phase 1 of the Regis Manor Primary School extension
  - Secondary education @ £2359.80 per applicable house (x13) = £30677.40 towards Phase 1 of the Sittingbourne Community Academy expansion
  - Library bookstock £624.21 - project: bookstock for the new residents of this development alone (supplied to the mobile Library service attending Upchurch)
- 7.05 Kent Highway Services supports the proposal following the receipt of amended drawings. It is now satisfied with the changes made to the access junction and internal layout. The form of parking for the new dwellings is acceptable. The proposed parking for the existing dwellings accords with adopted standards. A contribution of £10,000 is requested to provide a footpath along the northern section of Canterbury Lane, to the west of the site. This is subject to the land becoming available as it is owned by a third party. Kent Highways has confirmed the development would be unacceptable without the footpath therefore the contribution is necessary to make the development acceptable. Adequate sightlines at the access can be secured by condition. No objection is raised subject to a series of highway conditions.
- 7.06 Kent County Council Archaeology raises no objection
- 7.07 Kent County Council Public Rights of Way Officer raises no objection to the impact of the development on adjacent Right of Way ZR19.
- 7.08 Swale Footpaths Group notes there is a right of way nearby
- 7.09 Kent County Council Sustainable Drainage Team has no comment to make but advises that the Council seeks further information regarding the nature and size of the SUDS scheme along with management and maintenance arrangements. Proposed soakaways or infiltration features should conform to the requirements of BRE Digest 365 with a half-drain time of less than 24hrs and only discharge into uncontaminated ground (in agreement with the Environment Agency). The agent has replied to this confirming that the applicant knows the ground conditions well and confirms the soil is not clay and surface water soakaway would comfortably drain within 24 hours. However, assurances cannot be given as to whether the application site is contaminated until the assessment required by condition by the Council's Head of Service Delivery is carried out. Therefore, should contamination be

found a solution will be formulated to ensure drainage is appropriate to the site.

- 7.10 Kent County Council Ecology notes the content of the ecological appraisal and further letter. It advises that further information is required prior to determination of the application. It is not clear which areas comprise the small and large land parcels, the size of the areas or the extent of habitat with potential to support protected species that will be lost as a result of the proposal. Clarification is required including a plan and survey findings. Bat and reptile surveys must be carried out, with results and necessary mitigation submitted to inform determination of the application. The full extent of protected species must be understood and this cannot be dealt with by condition, a stance supported by Natural England. Ecological enhancements should be secured within the landscaping. The Council will need to consider the habitat regulations as the site is only 500m away from the SPA. It is insufficient for the applicant to rely on unspecified Council level mitigation measures. Whilst the development of a strategic approach to access management and monitoring is in progress, Swale BC will not be able to conclude that this application will not result in impacts to the European sites unless appropriate mitigation measures are secured, for example through contributions to a strategic approach.
- 7.11 A further Protected Species Survey and Mitigation Report has been submitted which KCC Ecology has reviewed. It notes there does not seem to be consideration of an overgrown area in the conclusion that the sites structural simplicity provides minimal sheltering, foraging and hibernating features for reptiles. There appears to have been no consideration of the potential for retaining suitable habitat within the site for reptiles and further information should be sought to demonstrate that avoidance/minimising impacts to reptiles and their habitats have been considered. If the lack of on site habitat retention can be justified, there is a need to secure the detailed ecological mitigation method statement and suitable replacement habitat features within the landscaping of the site. Measures relating to breeding birds and bat sensitive lighting should be secured by condition. I have sought information from the applicant to resolve these issues and will deal with this under the delegation sought within this report. I will update Members at the meeting if information is submitted before the meeting.
- 7.12 Natural England advises that the application site is in close proximity to the Medway Estuary and Marshes Special Protection Area and Ramsar Site, which is also a SSSI. The proposal has potential to affects its interest features. The consultation from the Council to Natural England did not include information to demonstrate the habitat regulations have been considered by the Council. Natural England advises that the proposal is not necessary for the management of a European Site therefore the Council should determine whether the proposal is likely to have a significant effect on a European site. There is currently not enough information to determine whether the likelihood of significant effects can be ruled out. The Council should obtain the following information to help undertake a habitat regulations assessment; clarity on how impacts from increased recreational pressure to the coastal designates sites

details will be avoided/mitigated for as a result of this proposal. This information is also required to ensure there are no impacts on the SSSI. The applicant has subsequently agreed to pay a contribution towards SPA and Ramsar site strategic mitigation. I am currently awaiting the further comments of Natural England as to whether this overcomes its concerns and will report these to Members at the meeting.

- 7.13 The Environment Agency considers the proposal as having a low environmental risk and has no comment to make.
- 7.14 Southern Water comment that the position of the public water main must be determined on site by the applicant before the layout of the proposal is finalised. Existing infrastructure should be protected during construction. No excavation, mounding or tree planting should be carried out within 4m of the main without Southern Water consent. Its contact details are provided in the informative below.
- 7.15 The Health and Safety Executive does not advise, on safety grounds, against the granting of planning permission.
- 7.16 The Lower Medway Internal Drainage Board states the site is outside the IDB's district and provided off-site runoff is not increased, the proposal will not affect the Board's interests.
- 7.17 Kent Police note the application has considered crime prevention but notes no formal communication with the applicant has been received. A condition, letter or informative is recommended.
- 7.18 The site adjoins the boundary with Medway Council but it did not reply to consultation.

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 The application includes;
- A planning statement.
  - A design and access statement.
  - An ecological appraisal.
  - A further ecological letter regarding bats and European protected species, and reptiles.
  - A protected species survey and mitigation report.
  - A sustainability and energy assessment.
  - Transport note/access statement.

## **9.0 APPRAISAL**

- 9.01 The concerns of objectors are noted. The impact on highway safety and convenience, including vehicle parking implications are discussed in detail below. A condition requiring before and after surveys of the condition of the existing buildings to assess the impact of development vibration on their structures would be unenforceable and for this reason cannot be imposed if

Members decide to approve this application. Any such damage would be a private legal matter between the parties involved. Developer contributions are set out within the report. The principle of development including the impact on the countryside, strategic and important local countryside gaps is considered below. The relocation of the existing business to another site is not being considered as part of this proposal. The loss of the employment land, the impact on residential amenity and ecology are considered in detail below. The former air raid shelter is not a listed building and its demolition is acceptable in all regards. It is not considered that the proposal in combination with other developments in the area would result in overdevelopment of the area. Bin collection points have been designed into the proposal as has access for refuse lorries. Implications for cesspit collections do not amount to a reason for refusal in my opinion.

- 9.02 The development will not be adopted by Kent Highway Services therefore road maintenance within the site will be a private matter for the landowner(s) to consider. The proposal is not considered to be overdevelopment of the site as it would have a density of 29.5 units per hectare which is relatively low density and in keeping with the character of the area. The impact on the electricity supply in the area is not a material planning consideration and provision of this utility is the responsibility of external companies. It is considered that construction disturbance can be adequately controlled by conditions as set out below. Council Tax implications are not a material planning considerations. The end date of construction is not a matter that can be controlled by planning. Developer contributions as agreed will enhance some local infrastructure provision. The clearance of part of the site is regrettable but the ecological implications of the development have been fully 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 in policy terms. However, the following material considerations indicate otherwise. The proposal would entail the redevelopment of mostly 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.

- 9.05 The site is reasonably well located to services, facilities and amenities with the nearest shops located less than a mile away on the A2 in Rainham. The nearest schools are Riverside Primary School 900m away within Rainham, and The Howard School and Rainham School for Girls further west. The nearest doctor’s surgery and dentists are within Rainham approximately 1.5km away. There are bus stops located at regular intervals along Otterham Quay Lane and the A2. Rainham Train Station is located 1.5km away. Whilst most journeys are likely to happen by car, there are good cycle links in the area with the National Cycle Route on Canterbury Lane. Therefore, whilst the site could be more ideally located in terms of proximity to services, facilities and amenities, I consider it to be a reasonably sustainable location for residential development. It is noteworthy that the site is located near the Four Gun Field development site which means that when constructed the proposal will dovetail with the existing built form in the local area.
- 9.06 I do not consider the site to be isolated as set out in the NPPF as it is on the outskirts of Rainham and the associated services. The physical site context is that it is bounded to the south by an industrial estate, to the west by the Four Gun Field development site, to the north by Kent Terrace and open countryside beyond, and to the east by open countryside. The hedge to the southern boundary of the site would provide a good screen albeit part of it would need to be removed to accommodate visibility splays. The site is reasonably well contained by its surroundings, due in part to the land level changes, resulting in no significant harm to the character and appearance of the countryside, the street scene or visual amenity. It would also not result in harmful merging of settlements, encroachment or piecemeal erosion because this is mainly development on brownfield land entailing the demolition of existing buildings on the contractor’s yard. I note that the north eastern section of the development is on land that does not have buildings on it but that has historically been used in connection with the contractor’s yard for storage. I do not consider the development of this small area of land to amount to a reason for refusal because this part of the site is well related to the other parts of the development and surrounding area. There may be some slight impact on the strategic and important local countryside gap in terms of the additional built form proposed, but this is outweighed by the need for housing in my opinion.
- 9.07 I am of the view that 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 and physical context therefore weighs in favour of accepting the principle of development.

### **Residential Amenity**

- 9.08 The separation distances between Kent Terrace and the proposed dwellings to the south would be 21m with the proposal being approximately 1.5m higher than Kent Terrace. This relationship would not result in any harm to residential amenity by way of overlooking, overshadowing, loss of light or a sense of overbearing in my opinion. The additional dwelling proposed to be attached to the eastern end of Kent Terrace would not result in harm to residential amenity because it would not project significantly beyond the front or rear elevation of 15 Kent Terrace which is to be extended with a conservatory itself which would similarly not harm residential amenity. The outbuilding to serve 15 Kent Terrace and the additional terrace dwelling would be sufficiently removed from the surrounding dwellings to prevent harm to residential amenity in my opinion. The four proposed dwellings to the east of Kent Terrace would be a minimum of 12m and 15m from the extended terrace which would be sufficient to prevent harmful overlooking or other harm to residential amenity. I recommend the condition below that requires all side openings of the proposed dwellings to be obscure glazed to prevent harmful mutual overlooking. The impact of the proposal on residential amenity is therefore acceptable in my opinion.

### **Design**

- 9.09 The proposed design of the development includes a mixture of semi-detached dwellings some of which have asymmetrical frontages and stepped ground levels, whilst other pairs of dwellings are symmetrical. The scale, proportion and detailing of each of the dwellings is acceptably designed. The additional terrace dwelling, extension to 15 Kent Terrace and rear outbuilding are similarly well designed in my opinion. The design of the wider site layout, including the formalisation of the parking arrangement would benefit the area in my opinion and provides landscaping opportunities to soften the design. The design of the proposal is acceptable in my opinion.

### **Highway Safety and Convenience**

- 9.10 The objections of local residents regarding the impact of the proposal on highway safety and convenience, and in particular the vehicle parking arrangements, are noted. Whilst commenting on the legalities and rights accrued by existing residents is not the role of the planning system, it appears that the applicant owns the land on which residents of Kent Terrace park their vehicles. It also appears the applicant has allowed this to happen informally therefore in planning terms the properties at Kent Terrace do not benefit from any allocated parking spaces. The size, number and layout of the proposed vehicle parking arrangement accords with adopted Interim Guidance Note 3 for residential parking. Kent Highway Services consider tandem format parking for the proposed dwellings acceptable as opposed to side by side parking. Whilst this will be a significant change for existing residents, it is one that is acceptable in planning terms to Kent Highway Services. Acceptable visibility splays at the junction of Canterbury Lane can be secured by



condition as can the gradient of the access road. The impact of the proposal on highway safety and convenience is therefore acceptable in my opinion.

### **Other Matters**

- 9.11 The loss of the existing employment land must be tested in accordance with adopted Local Plan Policy B1. The application sets out how the current business has outgrown its yard with resulting inefficiencies; that the access to the site is not sufficient for delivery trucks and articulated lorries to enter into the site; and in some instances these vehicles need to park on Canterbury Lane and the deliveries are deposited by smaller vehicles from the lorry to the yard or paddock which causes additional vehicle movements, man hours and inconvenience for business. Large vehicles parking and waiting on Canterbury Lane causes problems on the highway. The applicant is considering relocating the business to one of two sites in the local area and states that if this occurs there would be no net loss to employment land in the Borough.
- 9.12 The application goes on to set out how the site is inappropriate for employment use noting that the current use is unsuitable in its current location for the following reasons. The use of the site for this purpose is not controlled by planning conditions or legal agreement and is therefore unfettered. There are no restrictions on hours of operations, noise emissions or vehicular movements. This results in the business operating as a bad neighbour to Kent Terrace. The application lists complaints received from residents including; the use of noisy equipment such as chainsaws and angle grinders during the morning; daily vehicle movements and deliveries; issues surrounding large delivery vehicles blocking the access or causing incidents whilst waiting on Canterbury Lane; disturbance from trucks running down Kent Terrace and turning and operating in the paddock, which is in very close proximity to the dwellings. The applicant considers, for these reasons, the continued use of the site for this operation is unsuitable and that the same considerations apply to using the site for workshop, storage or other employment generating uses.
- 9.13 The Cloverlay Industrial Park is given as an example of a suitably designed commercial site with appropriate vehicle entrance and would present a more attractive location for local businesses than the application site. The application states that the site would require significant redevelopment to attract a B1 use and given the high supply of such land within the Borough this is not deemed to be a viable option for the site. In my opinion, the case above set out by the application satisfies part a) of Policy B1 therefore the loss of the site as employment land is acceptable.
- 9.14 The following **developer contributions** have been requested and agreed by the applicant;
- Primary Education @ £2360.96 per applicable house (x13) = £30692.48 towards the Phase 1 of the Regis Manor Primary School extension
  - Secondary education @ £2359.80 per applicable house (x13) = £30677.40 towards Phase 1 of the Sittingbourne Community Academy expansion

- Library bookstock £624.21 - project: bookstock for the new residents of this development alone (supplied to the mobile Library service attending Upchurch)
- Greenspaces contribution towards off-site local play facilities (The Paddock or Recreation Ground, Upchurch) at a rate of £861.80 per dwelling- £11, 203.40
- Wheelie bins (£37.50 each and two required per dwelling) at £75 per dwelling - £975.00
- Ecological mitigation for SPA/Ramsar sites@ £223.58 per dwelling- £2682.96
- Footpath provision to the north side of Canterbury Lane £10,000.
- Total £86855.45
- 5% monitoring charge £4342.77
- Grand total £91,198.22

9.15 I seek delegation to negotiate and agree an appropriate legal agreement to secure the above contributions, with authority to agree amendments to the sums of money involved as may be necessary.

9.16 The ecological appraisal highlights the development itself is relatively small so is unlikely to have an adverse impact on the SPA/Ramsar/SSSI site to the north but that there is a small risk of cumulative impacts associated with general development in the wider landscape. It notes cumulative impacts such as recreational pressure are being examined through council level mitigation measures. The application site may provide habitat for reptiles. The main recommendations include;

1. Seven presence/likely absence reptile surveys to take place between April-September of suitable reptile habitat within the site.
2. A reptile exclusion fence should be erected along the northern boundary of the site prior to construction and removed post development.
3. One dusk bat emergence survey between April and September of a small brick built shed.
4. Clearance of bird nesting habitat to be undertaken October- February.

9.17 The further ecological letter regarding Bats and European Protected Species, and reptiles sets out that the Council should not condition bat surveys but instead require the information prior to determination, and that reptile surveys could be conditioned in the consultants opinion. KCC Ecology advice in relation to both ecological documents confirms amongst other things that all protected species surveys must be carried out prior to determination of the application. A Protected Species Survey and Mitigation Report has subsequently been submitted that includes a single bat emergence survey of the small brick built building and a presence/likely absence survey for reptiles. No bats emerged from the structure and a low level of bat activity was recorded over the site. A very small population of slow worm and common lizard were recorded within the site. Appropriate enhancement has been suggested with respect to bats and birds, and a mitigation plan has been suggested with respect to reptiles. The recommendations and mitigation

within section 5 of the report are recommended as a condition. KCC Ecology has commented as above on the report and I am waiting for further information from the applicant to resolve the issues highlighted. Therefore, I seek delegation to resolve ecological matters in accordance with their comments including any alterations to conditions. Subject to the above, on site ecological matters have been dealt with appropriately in my opinion.

- 9.18 Although the amended comments of Natural England have not yet been received, it is reasonable to assume, as has happened with similar applications in recent times, that following the applicant's agreement to pay for off site strategic mitigation for the SPA and Ramsar sites to the north of the application site Natural England will amend its comments such that the proposal can be screened out of the need for a full appropriate assessment. I seek delegation to resolve any issues relating to this, including the habitat regulations assessment following receipt of the comments of Natural England. Subject to the above, the impact on the SPA, Ramsar site and SSSI are acceptable.
- 9.19 Following the applicant's confirmation that the soil type below the application site is not clay, I am satisfied that a sustainable drainage scheme can be devised for the site that drains to uncontaminated land. A contaminated land assessment is also required by condition therefore both issues can be addressed suitably by condition.
- 9.20 The Health and Safety Executive does not advise against the grant of planning permission based on the risk to human life from the gas pipeline that runs along Canterbury Lane adjacent to the site.
- 9.21 There is no archaeological interest at the site therefore a condition is not recommended. KCC Public Rights of Way Officer raises no objection to the proposal and I consider the impact on the right of way as acceptable. I note the request of Kent Police but given that some crime prevention measures have been designed into the proposal there is no requirement for further measures in my opinion. Native species landscaping as required by condition and the contained nature of the site will ensure compliance with the landscape character appraisal guidelines of conserve and create.

## **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 planning permission should be granted.

- 11.0 RECOMMENDATION – GRANT** Subject to the resolution of ecological matters ,including the imposition of any appropriate conditions required by consultees and the signing of a suitably worded Section 106 agreement and the following conditions:



CONDITIONS to include

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

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

- (2) Prior to the commencement of development, details of the external finishing materials to be used on the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reasons: In the interest of visual amenity and to ensure that such matters are agreed before work is commenced.

- (3) No development shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In the interest of promoting energy efficiency and sustainable development and to ensure that such matters are agreed before work is commenced.

- (4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features to be retained, 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.

Reasons: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity, and to ensure that such matters are agreed before work is commenced.

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

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

- (6) 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.

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

- (7) The development shall proceed in accordance with the following approved plan numbers:  
01 Rev A, 140802/1 Rev B, 140802/2 Rev B, 140802/3 Rev B, 140802/4 Rev A, 140802/5 Rev A, 140802/6 Rev A, 140802/7, 140802/8 Rev B and 140802/11.

Reasons: For the sake of clarity.

- (8) The development shall proceed in accordance with the measures set out in section 5 'Recommendations and Mitigation' of the submitted Protected Species Survey and Mitigation Report dated 28<sup>th</sup> August 2015.

Reasons: In the interests of protecting protected species and securing biodiversity enhancements.

- (9) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:-  
Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

- (10) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being 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.

Reasons: To ensure any contaminated land is adequately dealt with and to ensure that such matters are agreed before work is commenced.

- (11) 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.

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

- (12) 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.

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

- (13) No development of the scheme hereby approved shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
  - (ii) The loading and unloading and storage of plant and materials on site;
  - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
  - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
  - (vi) Measures to control mud deposition off-site from vehicles leaving the site;

- (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
- (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site;
- (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking;
- (x) Lighting strategy for the construction phase, designed to minimise light spillage from the application site; and
- (xi) Phasing of the development.

Reasons: To ensure the development does not prejudice conditions of residential amenity, highway safety and convenience, and local ecology, through adverse levels of noise and disturbance during construction and to ensure that such matters are agreed before work is commenced.

- (14) The area shown on the submitted layout as vehicle parking, car port and turning space shall be provided, surfaced and drained prior to the occupation of the development hereby permitted, and shall be retained for this use, and 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 that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reasons: 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.

- (15) No dwelling shall be occupied until design details of the cycle stores hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include details that enable cycles to be securely sheltered and stored, providing for 1 cycle per bedroom. The development shall proceed in accordance with the approved details.

Reasons: 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 agreed before work is commenced..

- (16) 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.

Reasons: In the interests of highway safety.

- (17) 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.

Reasons: In the interests of highway safety.

- (18) The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained.

Reasons: In the interests of highway safety.

- (19) The gradient of the access way shall not at any point be steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter from its junction with the public highway.

Reasons: In the interests of highway safety and convenience.

- (20) Before the dwellings hereby permitted are first occupied the area between the nearside carriageway edge and lines drawn between a point 2.0m back from the carriageway edge along the centre line of the access and a points on the carriageway edge 43m east of the centre line of the access shall be cleared of obstruction to visibility at and above a height of 900mm above the nearside carriageway level and thereafter maintained free of obstruction at all times.

Reasons: In the interests of highway safety.

- (21) Prior to the commencement of development, details of a sustainable drainage system to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. These details shall be in accordance with SUDS principles and include details of the nature and sizing of the scheme along with information on the manner in which the drainage provisions will be managed and maintained into the future. Where soakaways or infiltration features are proposed, they should conform to the requirements of BRE Digest 365, with a half-drain time of less than 24 hours and only discharge into uncontaminated ground (as will be identified as part of the contaminated land conditions attached to this permission). The SUDS details as approved shall be installed prior to the first occupation of the development.

Reasons: To ensure that drainage at the site is dealt with appropriately and to prevent flooding and to ensure that such matters are agreed before work is commenced.

- (22) Prior to the commencement of development details shall be submitted to and approved in writing by the Local Planning Authority for the installation of fixed

telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

Reasons: In the interests of securing high quality communications infrastructure and to ensure that such matters are agreed before work is commenced.

- (23) The side facing openings of the dwellings hereby approved shall be obscure glazed and any side facing windows shall also be non-opening unless the opening section is more than 1.7m above the floor level of the room it serves, and shall be so prior to occupation of the dwelling concerned and shall remain so in perpetuity.

Reasons: To prevent harmful mutual overlooking.

- (24) Notwithstanding the provisions of Class A, Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no gates, fences, walls or other means of enclosure shall be erected or provided in advance of any wall or any dwelling fronting on a highway without the consent in writing of the Local Planning Authority.

Reasons: In the interests of visual amenity.

- (25) Details in the form of cross-sectional drawings through the site, of the proposed floor levels for dwellings and rear gardens shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the sloping nature of the site and to ensure that such matters are agreed before work is commenced..

## INFORMATIVES

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.



Southern Water wishes to make the applicant aware that the position of the public water main must be determined on site by the applicant before the layout of the proposal is finalised. Existing infrastructure should be protected during construction. No excavation, mounding or tree planting should be carried out within 4m of the main without Southern Water consent. Contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW, Tel: 0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)

Kent County Council wishes to make the applicant aware of the following. The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises. A BT guide giving details on what the developer has to do and how the developer is reimbursed for the works is available from Swale Borough Council upon request.

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.

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.