DEF ITEM 2 REFERENCE NO - 15/508025/REM

APPLICATION PROPOSAL

Approval of Reserved Matters for residential redevelopment of 142 dwellings together with access roads, footpaths, drainage, associated car/bicycle parking provision, groundwork's, landscaping, open space and infrastructure (all matters being sought except access).

ADDRESS Former HBC Engineering Site Power Station Road Minster-on-sea Kent ME12 3AB

RECOMMENDATION – Approve.

SUMMARY OF REASONS FOR RECOMMENDATION

Proposed layout, design, scale and landscaping are considered acceptable. Amended landscaping plan (received 26 February 2016) enhances tree and shrub planting across the development.

REASON FOR REFERRAL TO COMMITTEE

Deferred from 11 February meeting. Parish Council and local objections.

WARD Minster Cliffs	**PARISH/TOWN COUNCIL** Minster On Sea	**APPLICANT** Persimmon Homes South East & TBH (Sheerness) Ltd **AGENT** Victoria Swift
DECISION DUE DATE 04/01/16	**PUBLICITY EXPIRY DATE** 04/01/16	**OFFICER SITE VISIT DATE** Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
14/500561	Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services. The decision notice is appended.	Approved	10.03.2015
The development would amount to the provision of new residential dwellings within the defined built up area boundary, on a site identified by the SHLAA for residential development, and in a sustainable location, without giving rise to any serious amenity concerns. As such the proposal was considered to be in accordance with adopted local and national policies.			
SW/11/0915	Redevelopment of site to provide retail supermarket (Class A1) and petrol filling station.	Refused	2012
Planning permission was refused due to the cumulative negative impact of retail development on both this site and at Neats Court upon the viability, vitality and primary retail function of Sheerness town centre.			

MAIN REPORT

1.0 BACKGROUND

1.01 Members will recall this application from the 11 February meeting, where it was deferred for further exploration as to the suitability of the landscaping scheme, and

for comment from the applicant as to why they were not offering the roads, open spaces or site drainage for formal adoption.

1.02 The (draft) minutes of the meeting (appended) state:

> *"Councillor Mike Henderson moved the following motion: That the application be deferred and officers seek to improve landscaping details.*
>
> *This was seconded by Councillor Mike Baldock.*
>
> *Members spoke on the new motion. There was concern with the scattered landscaping which would be difficult to maintain.*
>
> *Members also requested that the applicant provide a statement on its approach to maintaining the unadopted roads and sewerage system."*

1.03 Members should note appendix 1, which is a statement from the applicant in regards to the management company approach (further discussed at section 10).

2.0 DESCRIPTION OF SITE

2.01 See original report (appended).

3.0 PROPOSAL

3.01 The scheme is fully detailed at section 2.0 of the original report (appended) and, as detailed at section 9.0 of that report, officers consider it to be acceptable in all respects.

4.0 PLANNING CONSTRAINTS

4.01 See original report (appended).

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 The policy context for the development is fully explored within the original report, which is attached as an appendix to this item.

5.02 Nevertheless members may wish to note policy H2 of the adopted Swale Borough Local Plan 2008, which seeks to provide housing within the built up areas of the Borough, and on previously developed land, in preference to the release of fresh sites elsewhere.

5.03 Members may also care to note that the development contributes 142 dwellings to the Council's five-year housing supply shortfall, and will consequently decrease pressure to approve schemes on potentially less suitable sites.

6.0 LOCAL REPRESENTATIONS

6.01 No further representations have been received since the last meeting. The representations received are addressed within the original report (appended).

7.0 CONSULTATIONS

7.01 The Kent County Council Flood Risk Officer raised questions in regards to surface water management across the site. Additional information was submitted by the applicant to clarify the reasoning and methodology, but no further response has been received from KCC.

7.02 Southern Water (SW) have no objections to the development further to the submission of a network capacity check, which indicates that the development will be connected to the sewer network to the north of the site – where there is sufficient capacity – and not the network to the south of the site, which serves the existing estate.

7.03 Kent Highways & Transportation have no objection further to receipt of amended drawings showing minor amendments to the length / position of a small number of parking spaces.

8.0 BACKGROUND PAPERS AND PLANS

8.01 As noted above: outline planning permission was granted by decision notice dated 10 March 2015 for the erection of up to 142 dwellings and associated parking, open space, and landscaping under application reference 14/500561.

8.02 The current application is accompanied by a full suite of drawings, design & access statement, planning statement, a contamination assessment, and a phase II contamination survey.

9.0 APPRAISAL

9.01 As noted within the original report the principle of development, layout, scale, design of the proposed units and parking provision are all considered to be acceptable subject to the conditions noted below. The applicant significantly changed the scheme further to comments from officers and the amended drawings are considered to show a scheme that would be a positive enhancement to the street scene and the wider area.

9.02 Members voted to defer the application for further consideration of the landscaping scheme, and for comment on why the open spaces, highways and drainage were not being offered for adoption. The draft minutes are noted at section 1.02 above.

Landscaping

9.03 As detailed in the original report: a substantial landscaping scheme is proposed, which will help to soften views of the development from Power Station Road. The layout of the frontage buildings has also been amended (at officer's request) to have the majority of the properties facing towards Power Station Road to ensure that landscaping can be provided adjacent to the highway rather than rear garden walls / fences.

9.04 The landscaping scheme has been produced by Lloyd-Bore, who are respected landscape architects, and who have designed schemes on many local developments within recent years. An amended landscaping plan has been submitted since the previous meeting to enhance the landscaping, and provide additional tree and shrub planting beyond that which was originally proposed. The planting scheme includes native trees ("Extra Heavy Standard" size – which is 16-18cm girth) such as field

maple, horse chestnut, alder, and beech to be planted within public areas and rear gardens; shrubs including laurel, roses, geranium, and lavender also to be planted within public areas and rear gardens; and wild flower / meadow planting along the northern boundary to include yarrow, cowslip, buttercups and sorrel, amongst others.

9.05 There is a substantial planting strip along the western boundary to provide a "wildlife corridor" from the front to the rear of the site, linking the existing public open space on the opposite side of Power Station Road to the wildflower meadow / SUDS area along the northern site boundary and the biodiversity designation beyond that to the north.

9.06 Prior to the last meeting the applicant also amended the scheme to include a black metal estate rail along the eastern half of the frontage boundary (to the south of plots 104 to 112), which will be planted with Extra Heavy Standard trees on the inner boundary to provide a robust and attractive landscaped border and prevent vehicles crossing the boundary and damaging the verge.

9.07 Taking the above into account, and in conjunction with the site layout which provides generous front and rear gardens and a sensible open space layout, I consider that the amended / enhanced landscaping scheme will result in an attractive development that will enhance the appearance of the area and provide significant opportunities for wildlife and biodiversity enhancement (especially compared to the current condition of the site).

9.08 I do not consider that the Council would have any likelihood of success at appeal if the application were to be refused on landscaping grounds.

9.09 The developer has stated that the landscaping goes substantially beyond what has been provided at their other recent developments – including Coleshall Farm in Iwade, which I have visited on several occasions and consider to be an attractive development (albeit that some areas of landscaping are still bedding in). They have also provided a schedule of the maintenance tasks that will be carried out by the maintenance company, as detailed at 10.16 below.

Drainage

9.10 I would remind Members that drainage is not a matter to be considered under this reserved matters application, having been addressed by the conditions attached to the outline permission (ref. 14/500561). The matter was included in the original report for information only, due to significant local objection on this point and to assure Members that the matter was in hand.

9.11 Further to a sewer capacity check (carried out by Southern Water on behalf of the developer) Southern Water has no objections to foul and surface water drainage for the development. As noted above (and within the original report) the site will be connected to the sewer grid situated to the north, which has capacity to serve the development, and not to the network to the south that serves the existing dwellings off William Rigby Drive. Condition (2) of the original report has therefore been removed.

9.12 The applicant also provided further information as to the SUDS being employed within the development, as requested by the KCC. This information was provided to the County officers but no further comments have been received. In any instance I would note that Southern Water has no objection, and the SUDS will be maintained by the developer through a private management company (further discussed below).

9.13 I have no serious concerns in regards to drainage within the development, and also within the surrounding area, and would remind Members that there are no grounds for refusal on this issue and the matter does not formally fall to be considered here.

Adoption

9.14 There is no legal requirement for any part of the development, including highways, drainage and open spaces / landscaping, to be offered for adoption. Refusal of planning permission on such grounds would be unjustified and indefensible at appeal.

9.15 The developer has stated that they make use of management companies on many of their developments (including Iwade) and consider it to be a better solution than formal adoption in many instances. Residents are required to pay a nominal upkeep charge, and have a legal right to take over ownership of the management company if they do not consider that their funds are being spent effectively. This provides an effective feedback and accountability mechanism to ensure that necessary maintenance takes place as scheduled.

9.16 For clarification, the developer has provided a statement (appended) in regards the role of the management company:

> *"All roads, SUDS and communal landscaped areas (including the POS areas) within the development site will be maintained by a Management Company (MC) set up on behalf of future residents.*
>
> *For clarification an MC is established for three specific reasons:*
>
> - *To manage and maintain common areas in a multi-unit development;*
> - *To be legally responsible for the upkeep of communal areas; and*
> - *To manage and collect individual owners financial contributions.*
>
> *The aims/objective of the MC is to promote a sensitive management approach, which protects and improves the landscape and visual amenity of the site, provides function to public open spaces and maintains the road network/SUDS areas.*
>
> *Whilst under the control of PHSE* [Persimmon Homes South East] *specialist maintenance contractors will be appointed to maintain the communal facilities…*
>
> *The management company approach would ensure what residents paid was spent on their development area and not dissipated across the whole of Kent…"*

10.0 CONCLUSION

10.01 This application seeks approval of reserved matters relating to scale, design, layout and landscaping of outline planning permission 14/500561/OUT. I consider the submitted details to be acceptable and, whilst I note local objections, they largely amount to concerns regarding the principle of development, which does not fall to be considered here.

10.02 The applicant has provided further information in regards to landscaping and adoption of landscaping, highways and SUDS, as requested by Members at the previous meeting. I consider these to be acceptable. There is no justification to refuse the application on such grounds.

10.03 Taking the above into account, and further to the receipt of the amended landscaping plan, I recommend that Members resolve to approve the reserved matters.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

(1) No development shall take place other than in accordance with the following approved plans and drawings:

RDL-PL01 D; RDL-PL02; 456-ML-PL01; RDL-PL03 B; AN-PL01 B; AN-PL02 A; AN-PL03 B; HB-PL01 A; HB-PL02 B; CH-PL01 B; SU-PL01 C; SU-PL02 A; SU-PL03 B; SU-PL04; HAT-PL01 C; HAT-PL02; CA-PL01 A; CA-PL02 A; CAC-PL01 B; CAC-PL02 B; LR-PL01 D; LR-PL02 B; LR-PL03 C; LR-PL04; KL-PL01 B; LY-PL01 B; LY-PL02 C; CD-PL01 C; CD-PL02; CB-PL01 B; 456-SE-PL01 Rev A; AP-PL02 Rev C; AP-PL01 Rev A; AP-ST-PL01 A; P1 125_02 Rev B; 456-BTL-PL04 A; P.1125_04 Rev B; P.1125_01-1-1B and P.1125_01-2- B.

Reasons: For the avoidance of doubt.

(2) The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs 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.

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

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 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.

APPENDIX 1

Management regime for road, SUDS and Landscaping at Former HBC Site, Power Station Road, Minster

Estate Management Company (EMC)

Whilst adoption is not a material consideration for the Planning Committee to take into account in determining this application, the members have request a statement from the developer about how the roads, SUDS and common areas will be maintained after the development is completed.

This Statement therefore provides a detailed account of how Persimmon Homes South East (PHSE), seeks to maintain the road network, landscaped/POS areas and surface water drainage areas (SUDS) within the development site at the Former HBC Site, Power Station Road, Minster.

All roads, SUDS and communal landscaped areas (including the POS areas) within the development site will be maintained by a Management Company (MC) set up on behalf of future residents.

For clarification an MC is established for three specific reasons:-

- To manage and maintain common areas in a multi-unit development;
- To be legally responsible for the upkeep of communal areas; and
- To manage and collect individual owners financial contributions.

Aims and Objective

The aims/objective of the MC is to promote a sensitive management approach, which protects and improves the landscape and visual amenity value of the Site, provides function to public open spaces and maintains the road network/SUDS areas.

Whilst under the control of PHSE specialist maintenance contractors will be appointed to maintain the communal facilities.

On completion of the development the ongoing maintenance/management responsibilities would therefore passed to the residents via the Management Company.

The management company approach would ensure what residents paid was spent on their development area and not dissipated across the whole of Kent.

All residents will have a legal obligation to contribute to the estate fees for maintenance. It is the developer's intention to ensure that the management company for the development cannot be dissolved and one should always exist. The management company board will include resident representatives. Ultimately, the residents will have the legal right to control fully the management company once the development has been finished and any aftercare conditions expired.

The same model is adopted on a large number of other mature developments by PHSE to date and all operating satisfactorily.

APPENDIX 2

For: Councillors Mike Baldock, Cameron Beart, Bobbin, Tina Booth, Roger Clark, Richard Darby, Mark Ellen, James Hall, James Hunt, Lesley Ingham, Peter Marchington, Bryan Mulhern and Ben Stokes.

Against: Mike Henderson and Prescott.

Abstain: Mike Dendor and Sue Gent.

The motion was won.

Resolved: That application 15/509905/FULL be refused on the grounds that the lack of retail provision was detrimental to the residential area, and would result in an unsustainable form of development.

2.2 REFERENCE NO - 15/508025/REM		
APPLICATION PROPOSAL Approval of Reserved Matters for residential redevelopment of 142 dwellings together with access roads, footpaths, drainage, associated car/bicycle parking provision, groundwork's, landscaping, open space and infrastructure (all matters being sought except access).		
ADDRESS Former HBC Engineering Site Power Station Road Minster-on-sea Kent ME12 3AB		
WARD Minster Cliffs	**PARISH/TOWN COUNCIL** Minster On Sea	**APPLICANT** Persimmon Homes South East & TBH (Sheerness) Ltd **AGENT** Victoria Swift

The Major Projects Officer reported that the applicant had submitted a revised drainage strategy. Southern Water had looked at the strategy and had no objection to the application; condition (2) in the report could therefore be removed. Southern Water had stated that the Sustainable Drainage Systems (SUDs) were not in accordance with their adoptable standard; however, the agent advised that the SUDs were to be privately maintained.

Amended plans had been received which showed windows added to some of the flank walls. Amended plans had also been received showing the boundary treatment which included brick walls and railings. Kent County Council (KCC) Highways & Transportation raised no objection to the application subject to minor amendments to the parking layout for some of the plots, and also an additional condition to ensure that adequate cycle parking was provided. The Major Projects Officer reported that an amended layout had been received following KCC Highways & Transportation's comments. He sought delegated authority to approve the application subject to the additional condition requested by KCC Highways & Transportation, their views on the amended layout, the deletion of condition (2) and to amend condition (1) to refer to the amended drawings.

The Chairman moved the officer recommendation to approve the application and this was seconded.

APPENDIX 2

A Member considered that, apart from the proposed trees, there was a lack of landscaping on the application site.

Councillor Mike Henderson moved an amendment: That there be further discussion with officers and the applicant to seek improvements to the landscape scheme, to include bushes and shrubs. This was seconded by Councillor Mike Baldock.

Members made the following comments: the design of the housing was bland; concerned with the unadopted roads, this could be an issue, they needed to be adopted by KCC Highways & Transportation; needed to see the amended drainage scheme before a decision could be made; history of management companies was not good; and concerned with who would maintain the landscaped areas.

In response to a question, the KCC Highways & Transportation Officer explained that developers were under no obligation to offer the roads up for adoption.

In response to questions, the Major Projects Officer reminded Members that Southern Water did not object to the application and that, as noted on page 25 of the report, the sewerage would connect to the north of the site, not the south. He confirmed that a management company would manage the SUDs and considered the landscaping would be adequate; there was a five-year condition to ensure that landscaping was maintained/repaired during this time.

On being put to the vote the motion to approve the application, with the amendment, was lost.

Councillor Mike Henderson moved the following motion: That the application be deferred and officers seek to improve landscaping details.

This was seconded by Councillor Mike Baldock.

Members spoke on the new motion. There was concern with the scattered landscaping which would be difficult to maintain.

Members also requested that the applicant provide a statement on its approach to maintaining the unadopted roads and sewerage system.

Resolved: That application 15/508025/REM be deferred for officers to seek to improve landscaping details, request a statement from the applicant in respect of the roads and sewerage system not being adopted.

APPENDIX 3

Planning Committee Report
11 February 2016

ITEM 2.2

REFERENCE NO - 15/508025/REM

APPLICATION PROPOSAL

Approval of Reserved Matters for residential redevelopment of 142 dwellings together with access roads, footpaths, drainage, associated car/bicycle parking provision, groundwork's, landscaping, open space and infrastructure (all matters being sought except access).

ADDRESS Former HBC Engineering Site Power Station Road Minster-on-sea Kent ME12 3AB

RECOMMENDATION – Approve subject to further negotiations to secure improvements to the design of the block of flats; receipt of additional drawings addressing blank flank elevations; and receipt of comments and any further conditions recommended by the County drainage officer.

SUMMARY OF REASONS FOR RECOMMENDATION

Proposed layout, design, scale and landscaping are considered acceptable.

REASON FOR REFERRAL TO COMMITTEE

Parish Council and local objections.

WARD Minster Cliffs	**PARISH/TOWN COUNCIL** Minster On Sea	**APPLICANT** Persimmon Homes South East & TBH (Sheerness) Ltd **AGENT** Victoria Swift
DECISION DUE DATE 04/01/16	**PUBLICITY EXPIRY DATE** 04/01/16	**OFFICER SITE VISIT DATE** Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
14/500561	Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services. The decision notice is appended.	Approved	10.03.2015
The development would amount to the provision of new residential dwellings within the defined built up area boundary, on a site identified by the SHLAA for residential development, and in a sustainable location, without giving rise to any serious amenity concerns. As such the proposal was considered to be in accordance with adopted local and national policies.			
SW/11/0915	Redevelopment of site to provide retail supermarket (Class A1) and petrol filling station.	Refused	2012
Planning permission was refused due to the cumulative negative impact of retail development on both this site and at Neats Court upon the viability, vitality and primary retail function of Sheerness town centre.			

APPENDIX 3

Planning Committee Report
11 February 2016

ITEM 2.2

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site comprises the former HBC Engineering site located on the north side of Power Station Road, at Halfway, approximately 2.5km south of Sheerness town centre and 3.5km west of Minster local centre. HBC Engineering closed approximately six years ago and the site has been vacant and derelict since. The site was cleared in 2014 further to the issuing of a demolition notice, and is now level and devoid of any structures.

1.02 The site extends to approximately 9.4 acres / 3.8 ha, and is enclosed by metal fencing and gates on all sides.

1.03 The site adjoins open countryside to the north ; to the east by Sheerness Golf Club; and equestrian stables to the north-east accessed via Drove Road.

1.04 To the south, across Power Station Road, lies a modern residential development accessed via William Rigby Drive (roughly opposite the proposed main central site entrance). This residential development includes a children's' play area and green open space enclosed by a low wooden fence on the western side of William Rigby Drive / south of Power Station Road, immediately opposite the application site.

1.05 To the west of the site there are a number of light industrial / retail warehouses, including a retail warehouse - the "Chainstore Discount Warehouse" building which is constructed from a mixture of metal cladding and brick. The units are accessed from a dedicated private access further to the west along Power Station Road. A planning application for residential development of this site was received by the Council in 2011 (reference SW/11/0366), but the application was withdrawn prior to determination.

1.06 The application site is accessed from Power Station Road which itself is accessed from the A250 Halfway Road, which provides direct access into Sheerness town centre . Several bus routes run along Halfway Road connecting the site with Leysdown, Eastchurch, Minster, Sheerness, Queenborough and Rushenden.

1.07 The site lies within the urban area and, as stated above, is a former industrial site. To the north lies an allocated regional and local site for biodiversity, known as Minster Marshes.

2.0 PROPOSAL

2.01 Outline planning permission (with all matters except access reserved) for the erection of up to 142 dwellings was granted in 2014 under reference 14/500561. This application seeks approval of the remaining reserved matters – appearance landscaping, layout and scale.

2.02 The development comprises 142 dwellings, with a mix of 2, 3, and 4 bed houses, and 2 bed flats:

4 bed: 35 units
3 bed: 80 units

APPENDIX 3

2 bed flats: 11 units

Total: 142 dwellings, giving a density of approximately 37 dwellings per hectare.

2.03 Access to the site is via the existing main access roughly opposite William Rigby Drive. This will lead to an internal estate road which forms a roughly circular route through the site, with two cul-de-sac spurs running southwards towards Power Station Road. There will be a number of smaller cul-de-sacs leading off these main roads. None of the development is being offered for adoption by KCC Highways & Transportation. (No further access vehicle or pedestrian points can be formed onto Power Station Road due to land ownership issues – this has been discussed at length between officers and the developer.)

2.04 A landscaping strip will run along the majority of the southern (front) boundary of the site, and a larger area of open space / landscaping / wildlife corridor will run along the western boundary and the northern edge of the site. This will provide the required 10% open space provision for the development, and Members should note that the S106 attached to the outline permission requires financial contributions towards future maintenance and also maintenance / improvement of the existing play area on Power Station Road.

2.05 The proposed flats will be positioned on the site frontage, adjacent to the access. This has been specifically requested by officers (and also suggested by the Design Panel at outline stage) to create a landmark building at the entrance to the development. The building will stand a maximum of 11m high to the ridge (central section 10.5m to the ridge x 21.3m wide x 17m deep. The front elevation will be three stories in height and the rear steps down to two stories (6.7m to ridge). Resident's parking will be provided in a courtyard to the rear.

2.06 The proposed houses will be of a number of different designs from within the housebuilder's standard palette (Members may be aware of the Persimmon developments at Iwade, which have been done by the same developer), featuring a mix of 2 and 2.5 storey dwellings. These will make use of various external finishing materials including facing brick, render, and cladding.

2.07 The application has been substantially amended since it was originally received, as officers considered the layout to be unacceptable from a visual amenity standpoint. The previous layout proposed an inward-facing development, with the backs of properties facing onto Power Station Road, and the flats located centrally along the western boundary in a position that failed to contribute positively to the sense of place. The current amended drawings represent a full re-working of the scheme following meetings with the applicant and their architect.

3.0 SUMMARY INFORMATION

	Proposed
Site area	3.8ha (9.4 acres)
No. of residential units	142
No. of affordable units	11 (7.7% - as agreed under outline permission 14/500561/OUT)
No. of parking spaces	282 (inc. 25 visitor spaces)

4.0 PLANNING CONSTRAINTS

APPENDIX 3

4.01 The entire site lies within the defined built up area, the boundary of which approximately follows the site edge. Also running along the site boundary is the line of the Important Local Countryside Gap, which encompasses all of the land to the north and east of the site, between Halfway / Minster and Sheerness.

4.02 The northern part of the site lies within Flood Zone 3 and the southern part of the site lies within Flood Zone 2.

4.03 To the north of the site (minimum 75m) is an area of designated biodiversity habitat.

4.04 The site lies within an area of Potential Archaeological Importance

4.05 These designations were considered under the outline planning permission (conditions were imposed to address them, and a concurrent application – 15/508147/SUB – seeks to discharge the details thereof) and as such they do not fall to be considered here.

4.02 As noted above the development is subject to a Section 106 Agreement attached to the outline permission, ref 14/500561/OUT, which secures financial contributions (£2000 per dwelling) towards local services and public open space.

5.0 POLICY AND OTHER CONSIDERATIONS

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

5.01 The NPPF and NPPG provide general guidance in relation to development, and encourage the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, and ecology, amongst others.

5.02 Furthermore: one of the key guiding principles throughout the NPPF is that of achieving sustainable development, noted at paragraphs 6 to 10, 14, 15 and 52, amongst others. One of the ways it encourages this to be achieved is through the use of previously-developed land (para. 111), such as the current application site.

Swale Borough Local Plan 2008

5.03 The Local Plan policies listed below are considered to be in compliance with the NPPF, except for H2 in as much as the Council does not have a five-year housing supply (although this is not a significant consideration as the site lies within the built up area and already has outline permission for residential development).

5.04 Policy E1 seeks to ensure that all development proposals respond to the characteristics of the site's location, protect and enhance the natural and built environments, and cause no demonstrable harm to residential amenity, amongst others. Further to this policy E19 seeks to achieve high quality design on all new developments. Policy E9 seeks to protect the "quality and character of the Borough's landscape" and is applicable to this scheme.

5.05 Policy H2 supports the provision of new residential development within the defined built up area boundaries and encourages providing a variety of house types and sizes to make efficient use of land, and deliver a range of housing options.

5.06 Policies E11 and E12 seek to protect biodiversity and ecology within the Borough.

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5.07 Policy U1 seeks to ensure that all new developments are provided with the necessary service and utility connections, or that suitable financial contributions are paid towards their provision.

5.08 Policy U3 aims to ensure that all new development makes use of sustainable design, build and construction techniques in the interests of minimising and accounting for climate change.

6.0 LOCAL REPRESENTATIONS

6.01 Minster Parish Council initially objected to the application, commenting:

> *"This is over- intensive development of the site. The proposal combined with the development of the school site and the existing gridlock added to by drivers using this route to avoid congestion on the A250 Lower Road means that the impact on the already congested local highway network and public amenities will be detrimental. To resolve this, the Parish Council suggests a reduction in housing numbers to mitigate the problem of gridlock and existing traffic congestion. Further concerns include the location of the two emergency exits where accessibility control issues will lead to parking in Power Station Road. This highlights the need for parking restrictions to be installed in Power Station Road where the site of the ambulance station strengthens this argument. Members suggest these parking restrictions are applied for sooner rather than later due to the length of time it takes to process orders."*

Further to the amended plans they maintain their objection, commenting:

> *"Minster-on-Sea Parish Council believes the amendments are merely cosmetic with no solutions provided to mitigate the impact on the highway network or local infrastructure.*
>
> *Its objection remains as before: - This is over- intensive development of the site. The proposal combined with the development of the school site and the existing gridlock added to by drivers using this route to avoid congestion on the A250 Lower Road means that the impact on the already congested local highway network and public amenities will be detrimental.*
>
> *The Parish Council is disappointed that its suggestion to reduce housing numbers cannot be fulfilled as Members felt this would go some way to mitigate the problem of gridlock and existing traffic congestion.*
>
> *Further concerns include the location of the two emergency exits where accessibility control issues will lead to parking in Power Station Road. This highlights the need for parking restrictions to be installed in Power Station Road where the site of the ambulance station strengthens this argument. Members suggest these parking restrictions are applied for sooner rather than later due to the length of time it takes to process orders.*
>
> *If permission is granted, Minster-on-Sea Parish Council suggests a contribution should be made to improve local infrastructure including providing a footway and cycle way along the old railway line from Scrapsgate Road to Power Station Road."*

APPENDIX 3

6.02 The Swale Footpaths Group notes that no Public Rights of Way cross the site, but that ownership and responsibility for upkeep of the public open spaces within the site will need to be clearly established.

6.03 19 letters of objection have been submitted by local residents, raising the following summarised concerns:

- Why is the Council consulting on an application that has already been approved [NB: the current application has not been approved – outline permission was granted in 2014 and there may be some confusion over this distinction];
- The proposal was previously refused by Members [NB: the previous application for outline permission was approved by Members at the meeting on 11 December 2014, and the decision was issued on 10 March 2015];
- The land should be used for alternative developments (cinema, sports / recreation facility, dentist, doctor, etc.);
- The site should be restored to an orchard, as it was historically;
- Any new dwellings should be positioned closer to Neatscourt and the new highway system;
- There should be fewer dwellings;
- Inadequate parking provision;
- Local traffic problems – particularly congestion – will be worsened;
- The need for improvements to local highway infrastructure;
- The previous scheme for a Sainsbury's on the site was refused on traffic grounds [NB: that application was refused due to the retail impact on Sheerness, and not on any highway grounds];
- Local drainage / sewage is inadequate and will be worsened;
- No development should take place until the pumping station / sewage system has been upgraded;
- Dwellings should be brick-built and designed to match the existing houses opposite;
- There should be public open space along the site frontage;
- The existing play area on Power Station Road should be upgraded to cope with additional use [NB: the S106 attached to the outline planning permission includes financial contributions towards public open space / play area maintenance]; and
- Overshadowing and overlooking of existing properties.

6.05 It should be noted, however, that many of these issues relate to the principle of development – which was explored under application 14/500561. That application was approved in March 2015, granting outline permission for development of up to 142 dwellings (the decision notice is appended). Whilst all of the objections are noted, many issues can't be taken into account at this stage as the principle of development has been established, and it is now only matters of detail (layout, scale, design, etc.) that fall to be considered.

7.0 CONSULTATIONS

7.01 Natural England recommend that a Habitat Regulations Assessment (HRA) should be carried out, but that subject to financial contributions to the upkeep / maintenance of the SSSI "the proposal is unlikely to have a significant effect on these sites, and can therefore be screened out from any requirement for further assessment." However, planning permission – in outline form – was granted for this development in November 2014, and the current application relates to approval of reserved matters only. For this reason there is no requirement for the development to be undergo an HRA, and it would be unreasonable for contributions to be sought at this stage (the S106 agreement having been completed many months ago).

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7.02 The Environment Agency has no objection, but recommends that the Lower Medway Internal Drainage Board and the Council's Environmental Health Department be involved as regards discharge of surface water and investigation of contamination on site. (Both have been consulted on the corresponding conditions application.)

7.03 The Kent County Council Flood Risk Officer comments:

> *"Whilst we are generally content with the outlined surface water management strategy, we are disappointed to note the incorporation of over 1000m3 of subterranean geocellular storage. We are also concerned by the reference to "a combined pumped and gravity fed piped system" in paragraph 6.24 of the applicant's Planning Statement. Pumped systems should be avoided wherever possible, and should only be exceptionally used where it can be proven that there is no alternative available that can discharge via gravity alone.*
>
> *We would therefore recommend that clarification of the above is sought prior to determination. The applicant should outline why there is no alternative to geocellular tanking available, and why it may be necessary to pump the surface water generated by this development, when the land levels would suggest that it should be avoidable. It may be the case that a minor modification of the layout will permit a much more sustainable drainage scheme."*

7.04 Southern Water (SW) initially commented that there was inadequate capacity in the local foul sewage network to service the development. However, the developer subsequently commissioned SW to carry out a full capacity check – this shows that the development will be connected to the sewer network to the north of the site, not to the network to the south, to which the existing housing is connected. This will ensure that the development does not seriously impact upon the foul drainage for the existing houses.

The developer has also provided additional information in regards to surface water drainage (which is by means of a SUDS pond and geocellular storage) and I await final comments from SW in this regard. I anticipate that their response will remove the necessity for condition (2), below.

7.05 Kent Police raised several concerns in regards to the original layout, further to which they met with the applicant to discuss the development with regards to including crime prevention measures in the final build. The Police have no comments in regards to amended drawings.

7.06 The Council's Environmental Health Manager raises no objection subject to appropriate investigation for potential on-site contamination, and subsequent remediation (if required). This is, however, being examined under a concurrent application (ref. 15/508147/SUB) which seeks to discharge the conditions attached to the outline planning permission, and therefore does not fall to be considered here.

8.0 BACKGROUND PAPERS AND PLANS

8.01 As noted above: outline planning permission was granted by decision notice dated 10 March 2015 for the erection of up to 142 dwellings and associated parking, open space, and landscaping under application reference 14/500561.

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8.02 The current application is accompanied by a full suite of drawings, design & access statement, planning statement, a contamination assessment, and a phase II contamination survey.

9.0 APPRAISAL

Principle

9.01 The principle of development has been clearly and firmly established by the grant of outline planning permission under 14/500561. In that respect whilst I note the many letters received that object to the principle of the works on the grounds of traffic, etc. these unfortunately can't be given any significant weight as those matters were addressed at outline stage. It was clear at the outline stage that the development was "up to 142 dwellings."

9.02 This current application seeks to confirm the matters of detail for the way in which the development is carried out, including scale, design, layout and landscaping. It is only those matters than can be considered here.

Flats

9.03 The submitted layout drawing arises from substantial discussions between officers and the agent. Officers (and also the Design Panel at outline stage) considered it appropriate to position the proposed flats at the site frontage where the building will create a visual anchor and a cornerstone entrance building to the development. The flats had originally been positioned towards the centre of the site (see 2.07), but this would not have achieved as effective a streetscene, in my opinion.

9.04 The design of the flats is not as architecturally significant as officers were expecting, but it is not an unattractive building in itself and I do not consider that refusal of permission could be justified on design grounds. Subject to careful consideration of external materials and further exploration of potential alterations to the roof form (ideally it would step down to meet the junction, but this is not possible due to other site constraints so a change in form – perhaps to a hipped roof on the corner – may achieve a similar effect) I consider that it would be a striking landmark building that will create a distinctive and positive entrance to the development. Further improvements could also be negotiated to enliven the appearance by changes in materials, or colour and texture, or by subtle plan form changes to introduce slight setbacks on external wall planes, which would all add to visual interest.

9.05 In this regard I recommend that Members delegate to officers to negotiate amendments to the flat block prior to issuing a decision notice.

9.06 Due to the position of the flats adjacent to the access and the existing adjacent warehouse, and opposite the existing open space on Power Station Road, I do not consider that it would give rise to any serious issues of overlooking or overshadowing for existing residents. There will be a minimum of 45m between the flat block and the closest existing dwelling.

Houses

9.07 The proposed dwellings, as above, will be of a fairly standard design from the developer's palette. They will, however, be of a good design in themselves and sit comfortably in the streetscene, and make use of materials common to the local area

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(red and yellow stock brick, red or black roof tiles, white render and dark grey composite weatherboard).

9.08 The southern application site boundary is located a minimum of 21m from the garden boundaries of existing dwellings on William Rigby Drive and Buddle Drive. The proposed houses, as shown on the layout, will be positioned in from the boundaries of the site (and in many cases on the far side of a new roadway) to allow room for frontage landscaping. This distance is sufficient in my opinion to ensure that development of the site would not give rise to any serious overlooking, overshadowing or loss of privacy for existing residents.

9.09 I consider that the proposed houses would provide a good standard of amenity for future occupants. Internal spaces are generous, and garden sizes accord with the Council's desired 10m depth (except for plots 38 and 89, but their width compensates for the short depth in my opinion) and are often very generous, particularly on the detached units.

Landscaping

9.10 A substantial landscaping scheme is proposed (and Members will note the detailed plans showing this that have been provided), which will help to soften views of the development from Power Station Road. The layout of the frontage buildings has been amended (again at officer's request) to have the majority of the properties facing towards Power Station Road to ensure that landscaping can be provided adjacent to the highway rather than rear garden walls / fences. A small area of fencing is required around an existing substation, but this will be bordered by planting and will not be a prominent or intrusive feature.

9.11 Open space is provided generally to the rear of the development, adjacent to the boundary with the countryside to the north. This was discussed at outline and pre-application stages and considered a good position as it offers a soft transition from the built form to the open countryside, and will provide a biodiversity buffer for local wildlife. A "wildlife corridor" runs up the western site boundary to provide linkages to the existing open space on Power Station Road, and biodiversity enhancements (meadow planting, hibernacula, semi wet area – see 9.13 below) are provided across the open space.

9.12 I have requested that the landscaping scheme be amended to provide a metal estate rail (or similar) and hedgerow along the eastern part of the site frontage (to the south of plots 104 to 112) to prevent vehicles / pedestrians having unrestricted access to the frontage properties and damaging the landscaping. I will update Members on this issue at the meeting.

9.13 The layout and landscaping taken as a whole are considered to be acceptable from an urban design and visual amenity point of view. The density of 37 dwellings per hectare is entirely appropriate in this location.

Drainage

9.14 Many local objectors refer to inadequate foul drainage within the area, and suggest that the development will exacerbate existing problems. This matter was considered at the outline stage is not a material consideration in this application for reserved matters approval. Furthermore sewer works are subject to separate legislation and can't be controlled through the planning process. However, Members may like to

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know that the developer has been engaging with Southern Water in respect of upgrading local services, and have commented:

> *"We are to undertake another Level 2 capacity check for the development to replace the check completed in 2014 as this is now out of date. This check will be for the 142 units that are to be constructed on the former HBC factory site at Halfway, Sheppey.*
>
> *From the original level 2 capacity check it was envisaged that 2 pumping stations would require upgrade works to deal with the foul water from the proposed development, these are Drove Road and Rushenden Road pumping stations. A section 98 application* **[for upgrading / providing new sewage infrastructure]** *has been put into process and we await response on both this and the level 2 capacity check.*
>
> *With the adjacent Transit Works site having no planning permission currently for housing, the mains foul drainage system locally should have more capacity that was anticipated at the time the HBC outline permission was granted. Our development should only require small upgrade works as per the Feasibility Study undertaken by The Civil Engineering Practice in March 2015 (or 2014?). Any upgrade works to incorporate this other development would be at the expense of the developer of said site.*

As at 7.04 above; the capacity check has now been carried out and Southern Water state there is capacity to serve the development by connecting it to the sewers to the north of the site, rather than those to the south which serve the existing housing estate. This means that there is no need to construct additional pumping stations, and the development will not seriously affect local foul drainage. I await final comments from Southern Water and anticipate that condition (2) below will no longer be required.

9.15 The applicant has also responded to comments from the KCC Drainage Officer in respect of surface drainage and the use of SUDS:

> *"As per the planning recommendations the use of a SuDS pond at the most north-easterly corner of the site has been incorporated into the design, however this pond is to be replaced by a dry basin that will allow the space to be used for amenity when rainfall is low.*
>
> *Although it was intended to use open SuDS techniques such as swales and filter strips the requirement to have usable open space and the density of the development has therefore made it necessary to use sub-surface attenuation SuDS in the use of Geocellular attenuation tanks which will store the volume of surface water at extreme rainfall events. At the most extreme, this being 1 in 100 year rain event and above , the dry basin will also be used for attenuation before discharging into the existing watercourse to the north of the site."*

9.16 The use of a dry basin is a clever, dual-use solution, in my opinion. It will contribute towards sustainable site drainage during wet periods, whilst during dry periods it will empty and be available for use as part of the public open space within the development. Landscaping / planting will need careful consideration, however, and officers will continue to discuss this with the developer to ensure that the landscaping conditions on the outline application (see appendices) are adhered to.

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9.17 With regards to the above I have no serious concerns in regards to drainage within the development, and also within the surrounding area. I have, however, requested further comment from the County drainage officer in respect to the above, and await their comments.

Highways

9.18 Many local objectors also refer to traffic problems both locally and on the Island as a whole. This was also considered and agreed at outline stage, and is referred to in the committee report for 14/500561/OUT, which is attached for reference. Whilst I do not wish to re- visit issues dealt with by that application, Members may find it useful to note that predicted vehicle movements for this development will be less than for the existing lawful industrial use of the site (including a reduction in HGVs), and considerably less than supermarket use (SW/11/0915 proposed redevelopment for a Sainsbury's supermarket, but was refused due to retail impact on Sheerness – there was no highways reason for refusal on that application).

9.19 The development provides parking in accordance with current Kent Vehicle Parking Standards (namely 282 spaces, of which 25 are for visitors), and I have no serious concerns in this regard. Parking would mainly be largely located in close relation to the proposed housing units, and a number of car ports are provided. Visitor parking is spotted throughout the development. Members will note the submitted Parking Plan which clearly indicates both allocated and visitor car parking.

9.20 I note the Parish Council's concerns in regards to the potential for parking to obstruct Power Station Road, and have discussed this with both KCC Highways & Transportation and the Council's engineers. Parking restrictions would need to be formally requested by local residents, and such an application would be unlikely to gain support unless there was an identified safety need to address. I have been informed that, at present, Power Station Road is very unlikely to qualify for any restrictions.

10.0 CONCLUSION

10.01 This application seeks approval of reserved matters relating to scale, design, layout and landscaping of outline planning permission 14/500561/OUT. I consider the submitted details to be acceptable.

10.02 I note local objections – primarily in regards to the principle of development – but they do not amount to a reason for refusal of this current application, and were addressed at outline stage.

10.03 Taking the above into account I recommend that Members delegate to officers to agree these reserved matters subject to further negotiation with the applicant to secure design enhancements to the block of flats, and subject to receipt of further comments and any conditions recommended by the County drainage officer.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

(1) No development shall take place other than in accordance with the following approved plans and drawings:

RDL-PL01 B; RDL-PL02; ML-PL01 A; RDL-PL03 B; AN-PL01 A; AN-PL02 A; AN-PL03 A; HB-PL01 A; HB-PL02 A; CH-PL01 A; SU-PL01 A; SU-PL02 A; SU- PL03 A; HAT-PL01 A; CA-PL01 A; CA-PL02 A; CAC-PL01 A; CAC-PL02 A; LR-PL01 C; LR-

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PL02 B; LR-PL03 C; LR-PL03 A; KL-PL01 A; LY-PL01 A; CD-PL01 A; CB-PL01 A; 456-SE-PL01 Rev A; AP-PL02 Rev B; AP-PL01 Rev; AP-ST-PL01 A; P1 125_62; P.1125_03; 5950/1061 A; 5950/1081 A.

Reasons: For the avoidance of doubt.

(2) No development shall take place until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the local Planning Authority in consultation with Southern Water.

Reasons: As there is inadequate sewerage capacity at present, and to avoid harm to local amenity.

(3) The scheme of tree planting and landscaping shown on the submitted plans shall be carried out within 12 months of the completion of the development. Any trees or shrubs 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.

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

(4) Any further conditions recommended by the County drainage officer.

INFORMATIVES

(1) The applicant / developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel. 03303 030119) or www.southernwater.co.uk.

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 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.

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Planning Committee Report
11 February 2016

ITEM 2.2

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Planning Committee Report
11 December 2014

REPORT SUMMARY

REFERENCE NO - 14/500561/OUT		
APPLICATION PROPOSAL Outline Planning permission (all matters except access reserved) - Residential redevelopment with provision of associated vehicular and pedestrian access, open space, drainage and services.		
ADDRESS Former HBC Engineering Site Power Station Road Halfway Minster-on-sea Kent ME12 3AB		
RECOMMENDATION APPROVAL		
SUMMARY OF REASONS FOR RECOMMENDATION The development would amount to the provision of new residential dwellings within the defined built up area boundary, on a site identified by the SHLAA for residential development, and in a sustainable location, without giving rise to any serious amenity concerns. As such the proposal is considered to be in accordance with adopted local and national policies.		
REASON FOR REFERRAL TO COMMITTEE Local objections.		
WARD Minster Cliffs	**PARISH/TOWN COUNCIL** Minster	**APPLICANT** TBH (Sheerness) Ltd **AGENT**
DECISION DUE DATE 02/10/14	**PUBLICITY EXPIRY DATE** 02/10/14	**OFFICER SITE VISIT DATE** Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
SW/11/0915	Redevelopment of site to provide retail supermarket (Class A1) and petrol filling station.	Refused.	2012

Planning permission was refused due to the cumulative negative impact of retail development on both this site and at Neats Court upon the viability, vitality and primary retail function of Sheerness town centre. The application is explored in greater detail below.

1.0 BACKGROUND

1.01 Members will recall this application from the last meeting (the report to that meeting is appended). It seeks outline planning permission, with all matters except access reserved, for the erection of up to 142 dwellings (a mixture of one-bed flats and two or three-bed houses) on 3.8ha of land, including provision of vehicular and pedestrian access, open space, site drainage and services. A singular vehicle access is proposed from Power Station Road along with a new section of pedestrian pavement and a crossing linking to the southern side of the road. All drawings, other than that showing the position of the access, are indicative at this stage.

1.02 The application was called in to enable officers to collate further information in regards to concerns Members raised in respect of the highway implications of the proposed development, and the likely consequences of a refusal on such grounds. The minute of the last committee is appended.

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1.03 The specific concerns raised by Members, as I understand them, relate to:

- The number of vehicle movements arising from development of the site for residential use;
- The impact of such vehicle movements on the mini-roundabout at the Power Station Road / Halfway Road junction and the Halfway Road / Minster Road traffic lights;
- The difference in number and timing of movements between the proposed residential use and the permitted B2 (industrial) use of the site; and
- The cumulative highways impact from development of this site and other nearby housing sites (either approved, or likely to be forthcoming in future due to Local Plan allocations).

2.0 DISCUSSION

Policy context

2.01 Members may initially care to note that 'Bearing Fruits 2031: The Swale Borough Council Local Plan Part 1: Publication Version' was agreed by Swale's Full Council on 26th November 2014. The resolution was that *"Council agree the Swale Borough Local Plan; and supporting Sustainability Appraisal and Habitats Regulation Assessment be approved for publication and subsequently submission to the Planning Inspectorate."*

2.02 The entire application site lies within the built up area boundary as defined by the adopted Swale Borough Local Plan 2008 (SBLP) and also emerging Local Plan entitled "Bearing Fruits 2031" (BF).

2.03 In this regard policy H2 of the adopted Local Plan states:

"Permission for new residential development will be granted for sites:
1. *shown as allocated for such on the Proposals Map, including the Area Action Plans;*
2. *within the defined built-up areas, as shown on the Proposals Map, in accordance with the other policies of the Local Plan.*

All proposals for new residential development, including renewals and reserved matters applications, will be expected to make the most efficient use of land and provide a range of house types and sizes appropriate to the location and nature of the site and reflecting the identified need in the locality."

2.04 The application site (as well as a number of other sites within the local area, which are discussed below) is also allocated for residential development under BF. Policy A13 allocates the land within the list of "smaller allocations as extensions to settlements," and states that *"these sites have been identified as being suitable to provide additional residential development at the edge of existing settlements."* The policy specifically identifies 2.5ha to the south of the current application site – not including the land on which the former factory building stood – for development of up to 87 dwellings (allocation ref. SW/189).

2.05 The allocation for 87 units arises from the fact that when the site was put forward by the (then) owner under the Council's Strategic Housing Land Allocation Assessment (SHLAA) call for sites the land was occupied by a number of buildings which constrained the area available for development. The inclusion of the remainder

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(northern part) of the site and demolition of the existing buildings has opened the site up to numbers over and above the allocated 87 (but this occurred after publication of the most recent draft of BF).

2.06 The principle of residential development upon the site is thus firmly established, and I would strongly recommend that Members do not seek to refuse residential development on this site in principle. Such a refusal would be very difficult to defend at appeal.

Other allocated sites and current applications

2.07 Members should also be very aware of other local housing allocations put forward in BF, and existing permissions:

1) **Plover Road / Thistle Hill / Scocles Road** – long-standing existing permissions for large-scale residential development and partly built-out;
2) **Halfway Houses Primary School** – allocated for a minimum of 60 dwellings on 1.5 hectares under policy A13.13;
3) **Preston Screens, Minster Road** – allocated for a minimum of 24 dwellings on 0.6 hectares under policy A13.12; and
4) **Minster Academy, off Admiral's Walk** – allocated for a minimum of 20 dwellings on 1.2 hectares by policy A14.5.

There is also a current application, reference 14/502847, for the erection of 14 dwellings on the Old Dairy site, which lies close to the HBC site, with access proposed from Halfway Road.

2.08 Kent County Highways have raised no objections to the principle of developments being brought forward through the emerging Local Plan and related transport modelling involved.

2.09 Each of these allocations, if brought forward, will have an impact upon local roads insofar as they are likely to put additional vehicles onto local roads and this would be carefully considered by KHS in conjunction with this authority. Refusal of the current application on grounds relating to the capacity / functionality of local roads casts doubt over the ability of the other allocations as noted above to be delivered, as Members will need to adopt a consistent approach to determination of the corresponding planning applications in terms of assessing highways impacts or capacity / functionality of existing junctions. Such a decision would be taken without KCC Highways support and any evidence required to support such a decision at appeal.

2.10 Members will need to consider that this situation would have serious implications for the Council's five-year housing supply in years to come. If the sites allocated by the agreed draft of BF are blocked on highways grounds, the Council will have a further shortfall and be under considerable pressure to approve residential development in potentially unsuitable locations (such as greenfield sites, potentially).

Highways context

2.11 Members must ensure they take into account the previous application for the site, reference SW/11/0915, which proposed redevelopment of the site to provide a 9,700sqm Sainsburys store and a petrol filling station. 554 parking spaces were to be provided as part of that development. Local opposition to the current application refers to that scheme being refused on highways grounds – this is not the case.

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2.12 That application was presented to Members at Planning Committee on the 8th December 2011, where Members voted to approve it subject to the signing of a S106 agreement to secure financial contributions towards various local services. However, before the S106 was finalised there was a national policy change that required the submission of a Cumulative Retail Impact Assessment (CRIA) prior to determination. This was carried out by the Council and the application subsequently refused on the grounds of impact upon the primary retail function of Sheerness.

2.13 Traffic issues were not raised within the reason for refusal for that application – which proposed no works to the Power Station Road / Halfway Road junction other than widening to accommodate HGV movements. That development, according to the traffic data submitted with the application, would have been likely to generate approximately 1596 vehicle movements on average per weekday, and approximately 1097 on Saturdays.

2.14 The TRICS database (Trip Rate Information Computer System) shows that the existing authorised B2 (industrial) use of the site would be likely to generate an average of 323 movements per day on weekdays. If the use of the site was changed to B1 (light industrial or offices) under permitted development rights the traffic flows could be as high as 698 each weekday.

2.15 The application before Members, according to TRICS, is likely to generate an average of 155 movements each weekday. Members will be aware that the application included 255 vehicle parking spaces in accordance with current parking guidance, but it is unlikely that all of these spaces will be occupied by vehicles (not all households have more than one vehicle), and it is also highly improbable that all vehicles will enter and leave the development at the same time.

2.16 The agent for the scheme has submitted a letter in response to the concerns raised by Members, in which he states:

"What we would like Planning Committee members to be aware of is that the Transport Assessment, and Kent Highways conclusions from that assessment, are based on a re-development for 160 dwellings not the 142 dwellings for which the outline planning permission is currently sought. The Transport Assessment is consequently a robust basis for assessing all traffic impacts of the proposed re-development that has no given rise to any objection from the highway authority."

2.17 Against the context of the existing lawful use of the site and the previous proposals for a Sainsburys supermarket – to which Members raised no objections on highways grounds – the current application will not have a significant impact upon the local highway network. This is reflected in the fact that Kent Highway Services raised no objection (subject to conditions) to the scheme. Member attention is drawn to 7.05 and 7.06 of the report to last committee and to 9.11 to 9.17 of the same, where highways issues are discussed.

2.18 Therefore, if Members choose to refuse this proposal on the grounds of highway impact, I do not believe there is any evidence to support such a position and extremely difficult to defend at appeal, and leave the Council potentially open to a significant costs claim.

2.19 I have asked Kent Highway Services colleagues to provide information on whether or not County has a long-term improvement plan for the local network, and will update Members on this at the meeting.

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Drainage issues

2.20 Members also discussed these issues at the last meeting, and although the officers present addressed the matters I would emphasise that neither Southern Water nor the Environment Agency object to this application (see paragraphs7.03, 7.07 and the discussion at 9.33 and 9.34 of the original committee report). Members will also note condition (8) of that report, which deals with both foul and surface water drainage.

2.21 Southern Water Services advise, however, that *"additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development"* And therefore should not contribute to any current sewerage/flooding issues within the area. Members should also note that as well as providing details to comply with condition (8), the developer will need to provide additional sewerage infrastructure sufficient to satisfy Southern Water Services pursuant to Section 98 of the Water Industry Act 1991.

3.0 CONCLUSION

3.01 The application site represents a windfall housing site on an allocated site within the defined built up area and close to shops and services within both Minster and Sheerness, and also at the Neatscourt development. Development of the land for residential purposes is therefore acceptable as a matter of principle.

3.02 The submitted Transport Assessment and the comments of Kent Highway Services make it clear that there are no reasonable or justifiable highway grounds on which to object to this proposal. Furthermore the site history shows that not only is the existing historic lawful use likely to generate more vehicle movements (if reinstated) than the current proposal, but also that Members resolved to approve redevelopment of the site to provide a supermarket with significantly higher vehicle movements than the current proposal. This is likely to be challenged at any appeal – which I believe the applicant is likely to pursue – and I do not believe that the Council would be able to defend its position.

3.03 With this in mind I consider that the original recommendation to approve this application was correct and justified by the evidence presented in the submission and by comments from Kent Highway Services.

3.04 I therefore urge Members to approve this application.

Case Officer: Ross McCardle

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.

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TBH (Sheerness) Ltd
C/o Court Lodge Park
Lower Road
West Farleigh
Kent
ME15 0PD

10 March 2015

PLANNING DECISION NOTICE

APPLICANT:	**TBH (Sheerness) Ltd**
DEVELOPMENT TYPE:	**Small Major Dwellings**
APPLICATION REFERENCE:	**14/500561/OUT**
PROPOSAL:	**Outline Planning permission (all matters except access reserved) for residential redevelopment of up to 142 dwellings, including provision of associated vehicular and pedestrian access, open space, drainage and services.**
ADDRESS:	**Former HBC Engineering Site Power Station Road Halfway Minster-on-sea Kent**

The Council hereby **GRANTS** OUTLINE planning permission subject to the following Condition(s):

(1) Details relating to the layout, scale and appearance of the proposed buildings, and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.

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

MKPS – Working in Partnership with: Swale Borough Council
Please Note: All planning related correspondence for SBC should be sent to:
Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ
Tel: 01622 602736 email: planningsupport@midkent.gov.uk
Access planning services online at: www.swale.gov.uk or submit an application via www.planningportal.gov.uk

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(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.

Grounds: 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.

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

(4) The development hereby approved shall be carried out in accordance with the following approved drawings:

Indicative drawings: location Plan 3684 PL 001 received 16 June 2014, Alternative Site Layout Revision D September 2014 received 3 November 2014; and Planning Application Supporting Statement, Design and Access Statement, Transport Assessment and Travel Plan, Flood Risk Assessment, Sustainability and Energy Assessment, Statement of Community Involvement, Extended Phase 1 Habitat Survey, Landscape and visual Impact Assessment and Geo-environmental Ground Investigation Update Report received 16 June 2014, and Addendum to Planning Statement October 2014 received 3 November 2014.

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

Pursuant to Reserved Matters

(5) Details pursuant to Condition (1) shall incorporate the Design Code set out in paragraphs 2.3 to 2.10 of the Addendum to Planning Statement October 2014 received on 3 November 2014.

Grounds: to ensure the implementation of the development accords with design principles established at this outline planning stage.

(6) Details pursuant to Condition (1) shall show the external boundary treatments to be used on the boundaries of the site, which shall be approved in writing prior to the commencement of the development. Development shall be carried out in accordance with those approved details and thereafter retained.

Grounds: In the interests of visual amenity.

(7) Details pursuant to Condition (1) shall demonstrate:

i. how the proposal will incorporate measures to encourage and promote biodiversity and wildlife on the site; and

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ii. shall incorporate within the soft landscaping on the western boundary of the site habitat for reptiles, including a connecting corridor to the public open space to the north and hibernacula within that public open space.

Development shall be carried out in accordance with those approved details and shall thereafter be retained and maintained in perpetuity.

Grounds: In the interests of promoting wildlife and biodiversity.

(8) The areas shown on the approved drawings as open water shall be incorporated into a Sustainable Urban Drainage System (SUDS) pond and shall be reserved for that purpose only. Details pursuant to Condition (1) shall include details of how foul and surface water will be drained from the site and how it is to be installed including details of the location of the sewage pipe. Details shall also demonstrate that for the surface water run-off generated by the development during all rain falls will not exceed 7 litres per second per hectare. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Grounds: To ensure that these areas are made available in the interests of the residential amenities of the area in pursuance of Policies EI and C3 of the Swale Borough Local Plan 2008

(9) Details pursuant to Condition (1) shall show the results of 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 remediation strategy which shall be of such a nature as to render harmless any identified contamination given the proposed end-use of the site and surrounding environment, including any controlled waters.

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

(10) Details pursuant to Condition (1) shall show the public street-lighting columns within the development. The development shall be carried out in accordance with the approved details and thereafter retained unless otherwise agreed to in writing by the Local Planning Authority.

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Grounds: In the interests of public amenity and safety, and to prevent serious disturbance to commuting or foraging bats.

(11) Details pursuant to Condition (1) shall show adequate land reserved for parking or garaging in accordance with the adopted Kent Parking Standards and, upon approval of the details the parking 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 premises. Thereafter, no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to those reserved vehicle parking areas.

Grounds: As development without adequate parking facilities would be likely to prejudice highway safety and amenity.

Pre-Commencement/Pre-construction /Pre Occupation

(12) Before any part or agreed phase of the development is occupied, all remediation works identified in the contaminated land assessment shall be carried out in full (or in phases 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.

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

(13) 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 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.

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

(14) No development shall take place until a Great Crested Newt survey, has been carried out in relation to the site, and the survey results have been approved in writing by the Local Planning Authority. If Great Crested Newts are found to be using the site, or the site is found to have potential to be used as habitat, a strategy detailing measures for their protection from harm during site construction activities, including details of an off-site receptor site (if deemed necessary), shall be submitted to and approved in writing by the Local Planning Authority before development is commenced.

Grounds: To minimise harm to protected species or their habitat, in accordance with the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Species and Habitats Regulations 2010.

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(15) No development shall take place until a programme for the suppression of dust during the demolition of existing building foundations and former site access roads 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.

Grounds: In the interests of residential amenity.

(16) No development shall take place until details of on-site parking, during the construction phase, for site personnel / operatives / visitors, and construction vehicles loading, offloading or turning areas on the site, has been submitted to and approved by the Local Planning Authority and thereafter such facilities shall be provided prior to the commencement of the development and retained throughout the construction of the development.

Grounds: To ensure the construction of the development hereby approved does not prejudice conditions of highway safety and amenity.

(17) During the construction phase of the development, 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.

Grounds: To ensure the construction of the development hereby approved does not prejudice conditions of highway safety and amenity.

(18) 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.

Grounds: To ensure that the roads are constructed and laid out in an appropriate manner.

(19) 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,

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2. junction visibility splays,

3. street lighting, street nameplates and highway structures if any.

Grounds: To ensure that the roads are constructed and laid out in an appropriate manner.

Other Conditions

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

Grounds: In the interests of residential amenity.

(21) No development shall be carried out other than in complete accordance with the submitted Flood Risk Assessment, received 17 June 2014.

Grounds: To ensure the development is designed to reduce the risk of flooding.

(22) Removal or clearance of vegetation or buildings (if existing) from the site shall only be carried out outside of bird breeding season (March to August, inclusive) unless the site has first been examined by a competent and qualified ecologist details of the works submitted to and approved in writing by the Local Planning Authority. If any breeding birds are present on the site all works must cease on that part of the site until all the young have fledged.

Grounds: To minimize harm or disturbance to nesting birds, and in accordance with the Wildlife and Countryside Act 1981.

(23) The development shall be carried out to achieve Level 3 of the Code for Sustainable Homes (November 2010) for all housing to be provided, as specified by paragraph 2.10 of the Addendum to Planning Statement received 3 November 2014. A post-construction certificate shall be submitted within six months of practical completion demonstrating the development has been carried out in accordance with this condition.

Grounds: In the interest of promoting energy efficiency and sustainable development, and in accordance with the submitted details.

(24) The Local Planning Authority shall be given notice seven days prior to the commencement of the development hereby approved, and within a period ending 52 weeks from the date of such notice (or a longer period agreed in writing by the Local Planning Authority) the off-site highway improvement works consisting of the provision of a pedestrian crossing point on Power Station Road, as shown on RGP drawing 2014/2181/00 (or such other crossing point design as shall be agreed in writing by the Local planning Authority) shall be constructed and made available for use by the general public.

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Grounds: because no such pedestrian crossing point is currently provided and in the interests of the safety and convenience of pedestrians living in or visiting the residential development hereby approved.

Informative(s):

(1) The applicant / developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 3030119) or www.southernwater.co.uk.

Please note you must comply with all the conditions attached to this permission. Otherwise the permission may not be valid and any development may be unauthorised.

The Council's approach to this application:

to Applicant: APPROVAL

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 further information was requested and the application subsequently considered to be acceptable.

James Freeman
Head of Planning Services
Swale Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see "Development Type" on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPAs decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks** in the case of a **householder** or **minor commercial** application decision] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.