

3.2 REFERENCE NO - 16/500546/FULL and 16/500547/LBC		
APPLICATION PROPOSAL		
16/500546/FULL Planning application for the erection of a single storey underground dwelling with a flat grass roof at ground level.		
16/500547/LBC Listed building consent for partial demolition of grade II* listed boundary wall.		
ADDRESS Land Adjacent To 77 Bull Lane Newington Kent ME9 7LY		
RECOMMENDATION Refusal of planning permission and listed building consent		
SUMMARY OF REASONS FOR REFUSAL		
16/500546/FULL Planning application: Residential development within the historic curtilage of the grade II* listed Newington Manor would harm the wooded nature of the site, its amenity, visual and historic value. The character of the woodland would become more open and domestic, the integrity of the burr brick wall would be compromised and the enclosure and separation afforded to the Manor by the trees would be reduced. This would harm the setting of the listed building, boundary wall and the conservation area. The proposed development would erode the wooded character of the conservation area and lead to post development pressure on trees, harmful to visual amenity and the streetscene.		
16/500547/LBC Listed building consent: The partial demolition of the grade II* listed boundary wall is considered to be unjustified given the unacceptable nature of the application for planning permission.		
REASON FOR REFERRAL TO COMMITTEE		
Councillor Lewin requests that the application be determined by planning committee so Members can judge whether this innovative development is justified next to an historic building.		
WARD Hartlip, Newington & Upchurch	PARISH/TOWN Newington	COUNCIL APPLICANT Mr Marcus Daly AGENT Mrs Linda Clarke Smith
DECISION DUE DATE 2/06/16	PUBLICITY EXPIRY DATE 25/3/16	OFFICER SITE VISIT DATE 3/3/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Proposal	Decision
-SW/85/1162	OUTLINE APPLICATION FOR TWO DETACHED HOUSES AND GARAGES- refused due to the impact on the setting of the listed building; the loss of trees.	Refused.
-SW/89/0388	OUTLINE APPLICATION FOR 2 NUMBER DETACHED DWELLINGS AND GARAGES AND PROVISION OF PUBLIC FOOTPATH. Refused due to the impact on the setting of the listed building; the loss of trees; and highway safety and convenience.	Refused.
SW/89/1011	OUTLINE APPLICATION FOR 2 NUMBER DETACHED DWELLINGS AND GARAGES AND PROVISION OF PUBLIC FOOTPATH. Refused due to the impact on the setting of the listed building; the loss of trees; and highway safety and convenience by way of unsatisfactory on site turning, lack of visibility splays and insufficient garage access.	Refused.
15/504504/FULL	Erection of a single storey detached dwelling. Reasons for refusal; (1) The proposal would introduce residential development within the historic curtilage of the grade II* listed Newington	Refused.

	<p>Manor which would harm the wooded nature of the site, its amenity, visual and historic value. The character of the woodland would become more open and domestic, the integrity of the burr brick wall would be compromised and the enclosure and separation afforded to the Manor by the trees would be reduced. Collectively these result in a failure to preserve the setting of the listed building, harm to the integrity of the curtilage listed boundary wall, and a failure to preserve or enhance the character or appearance of the conservation area, contrary to the statutory tests set out within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraphs 131-134 of the National Planning Policy Framework, and Policies E1, E14 and E15 of the Swale Borough Local Plan 2008.</p> <p>(2) The proposal, by virtue of the construction of the new vehicle access and location of the dwelling, would cause considerable erosion to the wooded character of the conservation area, particularly when viewed from Bull Lane. This erosion and the potential for post development pressures to prune/fell the nearby trees because of shading and fears of overshadowing the new dwelling would result in unacceptable harm to the visual amenities of the area and the character and appearance of the streetscene contrary to Policies E1 and E10 of the Swale Borough Local Plan 2008.</p>	
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These are separate applications and each should be considered on its own merits. Both are dealt with in a combined report because of the nature of the proposals.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site fronts onto Bull Lane and once formed part of the gardens to Newington Manor to the east. Newington Manor and its associated boundary wall, which forms the boundary of the application site with Bull Lane, are grade II* listed buildings and are also located within the Newington Manor conservation area. The land within the application site to the east of the listed boundary wall sits around 2m higher than Bull Lane and has a dense covering of mature trees which create a sylvan quality to the site when viewed from Bull Lane. There is a public right of way that runs to the south west boundary of the application site. The site is within the countryside and a strategic gap as defined by the proposals map of the Swale Borough Local Plan 2008.

2.0 PROPOSAL

2.01 The planning application is identical to that refused under 15/504504/FULL noted above. An application for listed building consent has been made for the enabling works to the wall. The previously refused planning application was not accompanied by such an application for listed building consent. The proposal entails the construction of a dwelling that would be dug into the ground so that the flat roof would be level with the surrounding existing ground levels. The perceived design rationale is to minimise the impact on the historic setting of the grade II* listed building. The three bedroom dwelling would be roughly rectangular in shape and would measure 10m deep, 16m wide and 3m to flat roof height. The elevations would be clad in larch timber, and the roof would be grassed and contain plants. The north east elevation would abut the surrounding land with the other three elevations visible. The land

would be excavated on three sides of the dwelling to provide a rear patio area, vehicle turning and car parking area and driveway leading to Bull Lane. A ramp would provide access from dwelling level to the upper ground level which is to be used as garden land.

- 2.02 The drawings indicate a 2m high gate fronting Bull Lane. The existing listed wall runs parallel to Bull Lane whereas the proposed site plan shows the wall set back to incorporate vehicle visibility splays. This section of the grade II* listed boundary wall is to be demolished and a new wall constructed further into the site to accommodate this.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.05	0.05	0
Approximate Ridge Height (m)	0	3	+3
Approximate Depth (m)	0	10	+10
Approximate Width (m)	0	16	+16
No. of Storeys	0	1	+1
Parking Spaces	0	2	+2
No. of Residential Units	0	1	+1

4.0 PLANNING CONSTRAINTS

- 4.01 The site is located within the countryside and strategic gap as defined by the Proposals Map of the Swale Borough Local Plan 2008. The proposal is within the setting of a grade II* listed building and the proposal entails demolition of part of the similarly listed boundary wall. The site is within the Newington Manor conservation area and the site may have archaeological potential. There is a public right of way to the south west of the site.

5.0 POLICY AND OTHER CONSIDERATIONS

- 5.01 The following statutory tests set out within the Planning (Listed Buildings and Conservation Areas) Act 1990 state;

In relation to planning applications;

“66. General duty as respects listed buildings in exercise of planning functions..

(1)In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

“72. General duty as respects conservation areas in exercise of planning functions..

(1)In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.”

In relation to listed building consent applications;

“16 Decision on application.....

(2)In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

5.02 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG): re sustainable development, delivering a wide choice of quality homes, requiring good design, and conserving and enhancing the natural and historic environments. Relevant sections regarding heritage are quoted below;

“128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.”

“131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

5.03 Development Plan: Policies SP1, SP2, SP4, TG1, E1, E6, E7, E10, E12, E14, E15, E16, E19, H2 and T3 of the Swale Borough Local Plan 2008 are relevant together with those within the emerging local plan as far as relevant.

5.04 Supplementary Planning Guidance: Listed Buildings; Conservation Areas.

6.0 LOCAL REPRESENTATIONS

- 6.01 One letter of support has been received from a local resident stating it is the very best solution to prevent above ground dwellings being built which would overlook neighbouring gardens. It would also help to maintain the trees which are a worry and prevent danger of electricity lines being tangled in the trees.
- 6.02 One of the owners of the site wrote a letter stating that over the last few years youths have used the site as an evening meeting place, playing loud music and disturbing neighbours. They vandalised the old wall to get sofas in, and have littered the site. A warden contacted the owner because the wall had become unstable along the public footpath. Paint has been put on the old wall and stones thrown at the windows of Newington Manor. Crime number XY/21458/13 relates. The only way to stop this continuing would be to build on the site.
- 6.03 Newington Parish Council comments; “Whilst Newington Parish Council regrets the loss of woodland the Parish Council recognises that the planned bungalow is designed to minimise harm to the environment and is as unobtrusive as possible.”

7.0 CONSULTATIONS

- 7.01 The Council’s Tree Consultant has not commented on this application but did provide comments on the previously refused identical proposal . He stated;
- “From my visual observations of the trees growing on the area to be developed the submitted arb report by Arbtech appears to correctly identify the principle trees that will be affected by the construction of the new dwelling and access. In general a number of the trees growing on the site appeared to be in a declining condition with die-back and some displaying split hanging branches. Whilst in principle I accept that some of these trees may well need to be removed in the interests of future safety the construction of the new access and location of the dwelling would in my opinion cause a considerable erosion to the sylvan character of the conservation area, particularly when viewed along Bull Lane. Therefore, because of this erosion and the potential for post development pressures to prune/fell the nearby trees (as shown for retention on the Arb report) because of shading and fears of overshadowing the new dwelling I am unable to support this application.”
- 7.02 The Ancient Monument Society comments “The Heritage Statement is very sketchy and we question whether it offers adequate provision to satisfy the requirements of Paragraph 128 of the National Planning Policy Framework (NPPF). Would it be possible to see photographs of the site the applicant wishes to build on, as well as its context?”
- 7.03 KCC Highways and Transportation commented that the proposal is the same as the last application and raises no objection subject to visibility splays of 2m x43m being demonstrated at the site and it is noted these are achievable owing to the geometry of the site; recommended conditions include securing parking spaces; bound surface for first 5m of access; gates to open inwards and set 6m into the site; maintenance of visibility splays with no obstruction above 0.9m; and retention of vehicle loading and turning space.
- 7.04 KCC Archaeology considers there to be strong archaeological potential on the site and recommends a condition securing a programme of archaeological works.
- 7.05 Whilst this application was not accompanied by an ecological appraisal, the previously refused application was and the comments on KCC Ecology on the

previous application remain relevant. KCC Ecology has reviewed the previously submitted phase 1 ecological appraisal and considers that sufficient information has been submitted to determine the application. The phase 1 identifies 2 trees with bat roost potential, TN5 and 6, with TN6 retained and TN5 to be removed. The precautionary mitigation detailed within the ecological appraisal must be implemented when TN5 is removed. External lighting should be designed to minimise the impact on bats. Bat boxes should be designed into the proposed vegetated buffer around the development. The site is largely unsuitable for reptiles due to the dense scrub but their presence cannot be ruled out therefore the site should be cleared using the precautionary mitigation detailed within the report with site clearance only taking place in the active reptile season (April to September). Refugia for reptiles should be included within the vegetated buffer to enhance the site for reptiles. The site has nesting bird potential and should be cleared outside their breeding season (March-August). The vegetated buffer around the site should be managed to benefit biodiversity with a simple management plan condition attached.

7.06 Historic England does not wish to comment in detail but observes that KCC Archaeology should be consulted, and urges the Council to determine the application in accordance with policy and based on the Council's specialist conservation advice.

7.07 The following bodies have not commented specifically on these applications but they did comment on the previous identical application for planning permission and so remain valid considerations;

Natural England (NE) raises no objection in relation to the impact on designated nature conservation sites, noting the site is 2.9km south of Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar site. The site is designated at a national level as a Site of Special Scientific Interest. NE advises that the proposal is not necessary for the management of a European site and that subject to a financial contribution towards strategic mitigation the proposal can be screened out from the need for any further assessment. Mitigation will need to be in place prior to occupation of the dwelling.

Southern Water recommends an informative relating to an application to connect to the public sewerage system. As there are no public surface water sewers in the area, an alternative must be found that doesn't involve the public foul sewer. The application refers to SUDS which are not adoptable and should be properly designed and maintained in perpetuity. A SUDS details condition is recommended.

The Lower Medway Internal Drainage Board confirms the proposal does not affect its interests.

UK Power Networks raises no objection.

8.0 BACKGROUND PAPERS AND PLANS

8.01 The application includes a physical model, design and access statement, and heritage impact assessment.

9.0 APPRAISAL

9.01 The site is located in the countryside and strategic gap where residential development is usually resisted in principle. However, this site relates relatively well to the built up area boundary of Newington and would help to address the Council's recognised 5 year housing land supply shortfall (albeit in a very small way) with little erosion of the

open character of the strategic gap due to the design. As the Council cannot demonstrate a 5 year supply of housing land its policies relating to the supply of housing are considered to be out of date therefore only limited weight can be attached to them. Notwithstanding the above, whilst normally the principle of development may have been considered acceptable by officers, the overriding considerations in this case are the statutory tests set out above with regard to the adjacent grade II* listed building, the listed wall to be partially demolished as part of this proposal, and the conservation area.

- 9.02 The submitted drawings and heritage statement are of poor quality. The latter incorrectly states that the building is grade II listed when in fact it is grade II* and it does not consider any of the relevant statutory or policy tests.
- 9.03 The significance of the site in relation to the setting of the grade II* listed building or to the character of the conservation area stems from;
- The wooded nature of the site which has considerable amenity, visual and biodiversity value in its semi urban surroundings. The woodland creates a dramatic setting to the Manor and provides an effective visual barrier between it and the suburban development to the north and west.
 - Its historic function as the garden to Newington Manor.
- 9.04 The heritage assessment takes the view that removal of the trees restores the site to its appearance when it was a kitchen garden, a view which would have some validity if the significant trees were not to be replaced by a house. My assessment is that any theoretical conservation gain resulting from the removal of trees from the former kitchen garden is more than lost by the creation of a house in the garden. The impact of the house on the character of the former kitchen garden would disregard any reference to its historic function and its archaeology interest would be substantially lost. The site which still has the appearance of belonging to the Manor would become separated from it and assume its own residential identity.
- 9.05 In my opinion, residential development within the historic curtilage of the Manor does not preserve or enhance its setting, or the character or appearance of the conservation area. The wooded nature of the site, its amenity and visual value, and its historic value would be harmed by development. The character of the woodland would become more open and domestic, the integrity of the burr brick wall would be compromised and the enclosure and separation afforded to the Manor by the trees would be reduced. Collectively these changes would result in harm to the character and appearance of the conservation area and the setting of the listed building.
- 9.06 Paragraph 134 of the NPPF requires that where a development will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The application makes no case for there being any public benefit and I cannot see that there is any, save for the very limited contribution to housing supply within the Borough (see my comments below on the issue of prevention of anti-social behaviour). I give this very limited weight, bearing in mind the very small contribution the scheme would make. The optimum viable use is as woodland or garden and this appears not to be under any threat. I recommend that permission be refused on the grounds of failing to preserve the character or appearance of the conservation area, the setting of the listed building and the integrity of the curtilage listed boundary wall.

- 9.07 The impact of the proposal on residential amenity would be very minimal and acceptable because of the design and relatively remote position from neighbouring properties.
- 9.08 The design, in itself, is relatively unusual and modern in appearance. Despite the poor quality of the submitted drawings, it is possible to see that the aim of the design is to minimise the impact on the surrounding area but unfortunately is unsuccessful in this regard as stated above and below. Whilst this design may have been acceptable on another site it does not override my wider concerns about the proposal.
- 9.09 The loss of the trees noted within the arboricultural assessment would erode the wooded character of the site and the proposal would potentially result in post development pressures to prune/fell the nearby trees because of shading and fears of overshadowing the new dwelling. This would result in unacceptable harm to the visual amenities of the area and the character and appearance of the streetscene. It is recommended that permission is refused for this reason.
- 9.10 The ecological impacts of the proposal could have been dealt with by condition in accordance with the comments of KCC Ecology had the wider proposal been acceptable. The impact on protected/notable species is acceptable, as is the impact on the statutory nature conservation sites to the north as set out in the habitat regulations assessment below.
- 9.11 There would be no impact on the public right of way to the south of the site.
- 9.12 The impact on highway safety and convenience is acceptable in my opinion as clarified by KCC Highways and Transportation and could have been dealt with by condition had the wider scheme been acceptable.
- 9.13 KCC Archaeology recommends a programme of archaeological works which would have been conditioned had the proposal been acceptable.
- 9.14 I note the heritage impact assessment considers there may be a need to erect security fences and or cameras to address ongoing issues with trespass and antisocial behaviour on the site and that these measures would be unnecessary if permission was granted so that the site was occupied by residents. I note the comments of the owner regarding the security/antisocial behaviour on site. It also considers the potential security measures far more detrimental to the setting of the Manor than the proposed dwelling. I do not agree with this view or consider that the requirement for security outweighs the harm identified. Any means of enclosure within the site would require planning permission as its falls within the curtilage of a listed building and would need to be appropriate in design terms and heritage impact considerations. In addition, I am not persuaded that the passive security provided by this dwelling would have any meaningful impact on any antisocial behaviour taking place within the grounds of Newington Manor itself. The site is in separate ownership, and although close enough to have an impact on the main listed building at the site, it is unlikely that the occupiers of the proposed dwelling would be able to monitor the wider site. In any case, it is notable that alleged antisocial behaviour is taking place anyway, despite the presence of the existing dwellings on Bull Lane and Callaways Lane. Given this, I do not attach significant weight to this as a benefit derived from the proposed scheme. Notwithstanding the above, the erection of a dwelling here is not in my view a proportionate response to trespass or antisocial behaviour.
- 9.15 The listed building consent proposal to demolish part of a grade II* listed wall is considered to be unjustified because, as the NPPF states, as heritage assets are

irreplaceable, any harm or loss should require clear and convincing justification. Given that the planning application is considered unacceptable, it follows that the enabling demolition of a listed building is unjustified and consent should be refused in my opinion.

10.0 CONCLUSION

10.01 The planning application does not represent sustainable development due to the harm to designated heritage assets and the wooded character of the area. The listed building consent application is unjustified because the planning application is unacceptable.

11.0 RECOMMENDATION –REFUSE for the following reasons:

Reasons for refusal for planning application 16/500546/FULL;

- (1) The proposal would introduce residential development within the historic curtilage of the grade II* listed Newington Manor which would harm the wooded nature of the site, its amenity, visual and historic value. The character of the woodland would become more open and domestic, the integrity of the burr brick wall would be compromised and the enclosure and separation afforded to the Manor by the trees would be reduced. Collectively these result in a failure to preserve the setting of the listed building, harm to the integrity of the curtilage listed boundary wall, and a failure to preserve or enhance the character or appearance of the conservation area, contrary to the statutory tests set out within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraphs 131-134 of the National Planning Policy Framework, and Policies E1, E14 and E15 of the Swale Borough Local Plan 2008.
- (2) The proposal, by virtue of the construction of the new vehicle access and location of the dwelling, would cause considerable erosion to the wooded character of the conservation area, particularly when viewed from Bull Lane. This erosion and the potential for post development pressures to prune/fell the nearby trees because of shading and fears of overshadowing the new dwelling would result in unacceptable harm to the visual amenities of the area and the character and appearance of the streetscene contrary to Policies E1 and E10 of the Swale Borough Local Plan 2008.

Reason for refusal for listed building consent application 16/5000547/LBC;

- (1) The partial demolition of the grade II* listed boundary wall is considered to be unjustified given the unacceptable nature of the application for planning permission, contrary to the statutory tests set out within section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), paragraphs 132-134 of the National Planning Policy Framework, and Policy E14 of the Swale Borough Local Plan 2008.

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 there application.

In this instance:

The application was considered to be fundamentally contrary to the provisions of the Development Plan and the NPPF, and these were not considered to be any solutions to resolve this conflict.

Habitat Regulations Assessment Screening

This HRA has been undertaken with the phase 1 ecological appraisal submitted by the applicant

The application site is located approximately 2.9km south of Medway Estuary and Marshes Special Protection Area (SPA) and Ramsar site both of which are European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2010 as amended (the Habitat Regulations).

SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article. The proposal therefore has potential to affect said site's features of interest.

In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 61 and 62 of the Habitat Regulations require a Habitat Regulations Assessment. NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation the proposal is unlikely to have significant effects on these sites and can therefore be screened out from any requirement for further assessment. It goes on to state that when recording the HRA the Council should refer to the following information to justify its conclusions regarding the likelihood of significant effects; financial contributions should be made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG); the strategic mitigation will need to be in place before the dwellings are occupied.

In terms of screening for the likelihood of significant effects from the proposal on the SPA features of interest, the following considerations apply:

- Due to the scale of development there is no scope to provide on site mitigation such as an on site dog walking area or signage to prevent the primary causes of bird disturbance which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- Based on the correspondence with Natural England, I conclude that off site mitigation is required. However, the Council has taken the stance that financial contributions will not be sought on developments of this scale because of the practicalities of securing payment. In particular, the legal agreement would cost substantially more to prepare than the contribution itself. This is an illogical approach to adopt; would overburden small scale developers; and would be a poor use of Council resources. This would normally mean that the development should not be allowed to proceed, however, NE have acknowledged that the North Kent Councils have yet to put in place the full measures necessary to achieve mitigation across the area and that questions relating

to the cumulated impacts on schemes of 10 or less will need to be addressed in on-going discussions. This will lead to these matters being addressed at a later date to be agreed between NE and the Councils concerned.

- Developer contributions towards strategic mitigation of impacts on the features of interest of the SPA- I understand there are informal thresholds being set by other North Kent Councils of 10 dwellings or more above which developer contributions would be sought. Swale Council is of the opinion that Natural England's suggested approach of seeking developer contributions on single dwellings upwards will not be taken forward and that a threshold of 10 or more will be adopted in due course. In the interim, I need to consider the best way forward that complies with legislation, the views of Natural England, and is acceptable to officers as a common route forward. Swale Council intends to adopt a formal policy of seeking developer contributions for larger schemes in the fullness of time and that the tariff amount will take account of and compensate for the cumulative impacts of the smaller residential schemes such as this application, on the features of interest of the SPA in order to secure the long term strategic mitigation required. Swale Council is of the opinion that when the tariff is formulated it will encapsulate the time period when this application was determined in order that the individual and cumulative impacts of this scheme will be mitigated for.

Whilst the individual implications of this proposal on the features of interest of the SPA will be extremely minimal in my opinion, cumulative impacts of multiple smaller residential approvals will be dealt with appropriately by the method outlined above.

For these reasons, I conclude that the proposal can be screened out of the need to progress to an Appropriate Assessment. I acknowledge that the mitigation will not be in place prior to occupation of the dwelling proposed but in the longer term the mitigation will be secured at an appropriate level, and in perpetuity.

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.