

<p>2.6 REFERENCE NO - 15/507059/OUT</p>
<p>APPLICATION PROPOSAL Outline application (with all matters reserved other than access into the site) for a residential development with associated landscaping, parking and public open space.</p>
<p>ADDRESS Land North Of Plover Road Minster-on-sea Kent ME12 3BT</p>
<p>RECOMMENDATION - Grant subject to conditions and subject to:-</p> <p>Grant of outline planning permission for residential development of up to 97 dwellings and full permission for access arrangements subject to:-</p> <ol style="list-style-type: none"> 1) imposition of conditions and 2) the signing of Section 106 agreement/s for contributions towards:- <ul style="list-style-type: none"> • Education; • Libraries; • Highways; • Provision of ‘wheelie bins’; • Use of local labour • SPA mitigation; • An administration charge; <p>And for the provision of:</p> <ul style="list-style-type: none"> • Dedication of land for a reptile receptor area at Elmley Marshes (including their management and maintenance); • Dedication of land for a planting buffer of minimum depth 10m at common boundary of the application site and the adjoining the loading yard of the site being considered under planning application ref 15/505670/FULL. • Provision of a financial contribution of £200 per dwelling towards the improvement in capacity of local formal sports provision. <p>3) A contribution of £1,006 per dwelling is required towards KCC Highways improvements to the upgrading of the Lower Road/ Barton Hill junction (roundabout scheme)</p> <p>4) Clarification from the applicant whether the proposed open space would be managed by a management company or that it would be transferred to Swale Borough Council (SBC). If it is to be transferred to SBC, a 10 year commuted sum for future maintenance is required.</p>
<p>SUMMARY OF REASONS FOR RECOMMENDATION The application site is an allocated housing site in the emerging Local Plan ‘Bearing Fruits’ under Policy A11 and under Policy H9 in the adopted Swale Local Plan 2008.</p> <p>The development would amount to the provision of new residential dwellings within the defined built up area boundary, on a site allocated by the Adopted Swale Local Plan 2008 and the Emerging Bearing Fruits 2031 for residential development, and in a sustainable location, without giving rise to any serious harm to amenity, landscape, ecology, archaeology, and the highway network. As such the proposal is considered to be in accordance with Adopted Local and National Planning Policies.</p>
<p>REASON FOR REFERRAL TO COMMITTEE Neighbour objections and ratification of Section 106 agreement.</p>

WARD Sheppey Central	PARISH/TOWN COUNCIL Minster On Sea	APPLICANT Dalemarch (Sheppey) Ltd And Starnes PLC AGENT DHA Planning	
DECISION DUE DATE 27/11/15	PUBLICITY EXPIRY DATE 27/11/15		
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/505670./FULL	Erection of a 1366 sq.m (GIA) foodstore (A1) and four small retail units within Class A1, A2, A3, A5, and D1 (186 sq.m GIA in total) together with associated access, car parking, service yard and plant, click and collect facility, trolley bays and landscaping.	Pending consideration	
Summarise Reasons: Pending consideration			
SW/13/0943	Residential development to provide 10 two bedroom 2 storey houses and 4 three bedroom 2 storey houses together with all associated parking and access road including the making up of a short length of Parish Road between the site and the junction with Dreadnought Avenue.	Permitted	06.12.2013
Summarise Reasons: In accordance with Local Plan policies.			

1.0 DESCRIPTION OF SITE

- 1.01 The site is located to the southwest of Minster and comprises part of an undeveloped area of scrub land within the defined built up area of Minster, adjacent to the Thistle Hill housing development.
- 1.02 The application site is a rectangular shaped plot that is located to the north east of the Sheppey Community Hospital. To the south west the site is adjoined by a development of affordable houses built by Amicus in past years, and to the east the site is adjoined by residential areas of the Thistle Hill housing development. The site is bound to the south by Plover Road, and to the east by the existing urban edge created by the dwellings in Coral Road and Mimosa Avenue (part of Thistle Hill housing development). The existing dwellings in Yarrow Drive and Clover Close act as the western boundary to the site. The application site is approximately 197m deep extending to 221m at furthest point along Parish Road, and 189m wide narrowing down to 101m wide to the northern boundary of the site, giving an overall area of 2.99 hectares.
- 1.03 The ground is gently undulating and largely overgrown with grass and shrubs. There are differences in land levels within the site, with land falling slightly away from Plover Road and towards the northern boundary of the site. There is a ditch running through the centre of the site which slopes down from its south-western to north-eastern boundary. The surrounding area is predominantly residential in character although the Sheppey Community Hospital is located opposite the site. The area is suburban in nature with buildings generally being two storeys in height, with facing brick and clay roof tile being the predominant external finishes.
- 1.04 At the south eastern corner of the application site is an area of land of approximately 0.7 hectares that is currently being assessed for the erection a food store of

(approximately 1366 square metres GIA) and a detached building accommodating 4no. retail units (totalling 186 square metres GIA) under planning application ref 15/505670/FULL. This application is currently pending consideration.

- 1.05 As Members may also be aware, residential development of this site was considered at the pre-application stage (in February 2013) by the Design Panel. At that time the proposal was for up to 100 dwellings and a food store and 4no. retail units, and their formal response is appended.
- 1.06 At the northern tip of the site, planning permission has been granted for 14 dwellings two storey houses accessed from Parish Road. This scheme has been built out.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought for residential development with all matters (namely appearance, landscaping, layout and scale) reserved for future consideration except for access, which is to be assessed as part of this application. All other reserved matters are to be considered only in terms of the principle of the development at this stage and not in detail. The layout drawings submitted with the application are therefore only intended to illustrate how the development would be accommodated within the site. As the application is made in outline form, with only access under consideration at this time, the impact of the development at this stage would only be assessed in terms of the highway network that the development site will be served from. Whilst an indicative layout has been submitted, the actual detail of this including the ultimate number of dwellings to be built will not be assessed, as this will be the subject of a further reserved matters application, should the current outline be granted approval. The principle of the proposed housing is to be assessed at this stage.
- 2.02 The submitted drawing (layout plan drawing no. 2279A-101A) – which is indicative only – showing 97 dwellings and the indicative details suggest it could comprise a mix of detached, link detached, semi-detached, and terraced, two-storey dwellings with detached and attached single and double garages spread across the site. Site density would be approximately 32 dwellings per hectare. Car parking would be provided within the residential curtilage of individual dwellings. The applicant advises that between 150 to 160 car parking spaces would be provided on site based on suburban standards, together with around 19 visitor car parking spaces.
- 2.03 There would be one vehicular access into the site from Plover Road that would be taken via Yarrow Drive. A secondary emergency vehicular access is proposed adjacent to the existing play area and via Clover Close. The Planning Statement and Design and Access Statement accompanying the application confirms that secure vehicular and cycle parking would be provided for all of the 97 residential units. The development proposes a footpath link to Parish Road to the northern end of the site and a footpath link to adjoining dwellings to the southern part of the site.
- 2.04 The indicative layout (drawing no. 2279A-101A) shows dwellings arranged around a central loop together with additional dwellings fronting estate roads and cul de sacs. Pedestrian footpath links are shown within the development together with footpaths linking the development to adjoining residential areas.
- 2.05 A communal open space is proposed adjacent to the existing play area located adjacent to the residential development fronting Clover Close. Buffer soft landscaping is proposed around the boundary of the application site to enclose the development, and, a planting buffer is proposed between the proposed residential development and

the retail development that is currently being considered under planning application ref 15/505670/FULL.

- 2.06 In addition to the provision of a communal open space on-site, as outlined in the above table, the applicant intends to provide a financial contribution to off-site formal sports contribution towards the improvement in capacity of local formal sports provision.
- 2.07 The applicants are committed to the upgrading of the Lower Road/ Barton Hill junction and intend to provide a financial contribution of £1,006 per dwelling to these off-site highway improvements.
- 2.08 The proposal would mostly consist of family housing and there is no contribution towards affordable housing.
- 2.09 The application is supported by the following reports:-
- Planning Statement
 - Design and Access Statement
 - Desk-Top Contamination Survey
 - Ecological Assessment
 - Transport Assessment
 - Archaeological Desk Based Assessment
 - Statement of Community Involvement
 - Flood Risk Assessment
 - Acoustic Report
- 2.10 The following is a summary of key points detailed in the reports submitted with the application:-
- The development proposes up to 97 dwellings, a public open space, landscaping and off site highway improvements
 - Principle of housing development is supported by Emerging Policy A11
 - The initial scheme was presented to the South East Design in February 2013 and their comments have been taken on board in this proposed scheme
 - The application site is part of a wider site allocated for housing development in the Local Plan (adopted local plan and emerging local plan) on Plover Road which extends to 4.1 hectares in total requiring a total of 130 dwellings. A 0.5 hectares parcel of the land has been built for 14 affordable properties, 0.7 hectares is taken up by the application for a foodstore and 4no. retail units that is currently pending consideration under ref 15/505670/FULL, and the remaining 2.99 hectares is land that is available for this development.
 - No affordable housing is provided given that if the affordable housing development set around Clover Close (30 units) and the 14 affordable units built in recent years adjacent to the site are considered to be part of the affordable housing provision across the Plover Road site then the 30% provision required by Policy would have been achieved.
 - The application is accompanied by a Transport Assessment. The scheme would be accessed via Yarrow Drive which runs off from Plover Road. A secondary emergency vehicular access is proposed into the site via Clover Close. Pedestrian linkages are proposed within the site and links to the adjoining development. Parking would be within residential curtilage of individual dwellings. The applicants are committed to the upgrading of the Lower Road/ Barton Hill junction through upgrading it to a roundabout design.

- Policy A11 requires a mix of housing in accordance with Policy CP3, which is to include provision for Gypsies and Travellers. The preamble advises that no pitch should be provided. However, the Planning Inspector in respect of the Brogdale Road decision advises that little weight can be attached to policy CP3 and finds no justification for the Council's requirement. Given this, there is no provision of a gypsy pitch within the proposed development.
- An Acoustic Report is submitted with the application and it assesses noise emanating from the retail operations. Mitigation measures are proposed such as use of acoustic wall, landscaping buffer, use of double glazed windows, restricted operating hours.
- Ecological Surveys carried out. The site has a low population of slow worms and reptiles spread across the site and various mitigation measures are proposed such as off-site translocation, appropriate landscaping and lighting schemes.
- An Archaeological Desk Based Assessment is submitted with the planning application. The site is not within a designated archaeological priority area and is not within 1km of any Schedules Ancient Monument, Historic Wrecks or Historic Battlefields. However, Policy A11 requires any archaeological impacts to be mitigated to acceptable levels.
- A Desktop contamination survey is submitted with the application and the site is considered to have a low risk of contamination.
- A Flood Risk Assessment is submitted with the application and the site is within Flood Zone 1 where there is a negligible risk of fluvial or tidal flooding. It is proposed that the lowest floor level of the properties closest to the southeast and northeast boundaries of the application site be constructed at 0.35m above ambient ground levels to prevent flooding.
- A surface water strategy is proposed to ensure that drainage is controlled and remains at the greenfield run off rate.
- The use of SUDS would be required to be incorporated into the design of the proposal
- There is an existing foul sewage network which runs through Plover Road and Parish Road and upgrading works would be required to service the development
- Southern Water confirm that there is sufficient existing water mains capacity in the system to accommodate the proposed development
- There is a high voltage electricity main running along Plover Road to service the development
- There is a gas mains present along Parish and Plover Road to service the development
- There is an existing British Telecom network in Plover Road and Yarrow Drive to service the proposed development

2.11 Details of this application and the food store proposed under ref 15/505670/FULL were assessed by the Council's Design Panel in March 2013 and this letter is appended. The Panel made some useful comments which are summarised as follows:

- The location of the service yard to the store is unsympathetic
- The housing development fails to show the ambition which should be expected of a scheme of this size and significance
- There is opportunity for improvement in the local area and a scheme of high design would be a significant asset in this area
- Work needs to be done to show how the development will enhance the local area in terms of connectivity, use and perception.
- Connectivity to adjoining residential areas should be improved to allow residents of the new homes to be part of the wider Thistle Hill community

- Certain elements of the detailed design will be critical to the success of this development

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	2.99 hac	2.99 hac	0
No. of Storeys	0	2 storey	
No. of Residential Units	0	97	97
No. of Affordable Units	0	0	0

4.0 PLANNING CONSTRAINTS

4.01 The entire site lies within the defined built up area boundary within a site allocated for housing development in the adopted Swale Local Plan 2008, and the emerging Local Plan ‘Bearing Fruits’ 2031.

4.02 The site lies within Flood Zone 1 and the application is accompanied by a Flood Risk Assessment.

4.03 Potential Archaeological Importance

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

5.01 The NPPF was adopted on 27th March 2012 and is a material consideration in determining planning applications. Also of importance to the determination of this application is the guidance as set out in the National Planning Practice Guidance (NPPG).

5.02 The NPPF sets out the Governments position on the planning system explaining that “The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219 of the NPPF, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice for the planning system. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision taking. For decision taking this means:

- Approving development proposals that accord with the development plan without delay; and
- Where the development plan is absent, silent or relevant policies are out of date granting permission unless:-
 - Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - Specific policies in this Framework indicate development should be restricted.”

5.03 It further outlines a set of core land use planning principles (para 17) which should underpin both plan-making and decision taking including to contribute to conserving and enhancing the natural environment and reducing pollution and encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high value.

- 5.04 At Paragraph 47 it states that *“planning authorities should meet local housing needs and identify five year housing land supply with an additional 5% buffer”*. Paragraph 49 states *“that housing application should be considered in the context of the presumption in favour of sustainable development”* and that *“Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.”*
- 5.05 Paragraphs 47-55 seek to significantly boost the supply of housing. Para. 49 of the NPPF confirms that the lack of a 5-year land supply triggers the presumption in favour of sustainable development as set out by NPPF para. 14. It is necessary to determine what the relevant policies for the supply of housing are in order to identify which are out of date. What constitutes a policy for the supply of housing has been the subject of legal judgement, which can be interpreted as either policies that have specific and direct impacts on housing supply or more indirect, but significant impacts on supply. Regardless of the approach taken, decision makers can and do take into account whether certain aspects of policies accord with the NPPF.
- 5.06 Paragraph 64 of the NPPF states *“Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”*

National Planning Practice Guidance (NPPG)

- 5.07 The NPPG also provides general guidance in relation to development. It encourages the provision of housing within sustainable areas, subject to consideration of issues such as local and residential amenity, highways, contamination, noise, urban design / architecture, and ecology, amongst others.

The Local Plan

- 5.08 The Development Plan for Swale comprises the adopted 2008 Local Plan as amended by paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in respect of those policies directed to have expired as of 20th February 2011. The emerging Local Plan (Bearing Fruits 2031 Publication Version), is at an advanced stage and having been subjected to an Inquiry by an independent Planning Inspector carries some weight.

Swale Borough Local Plan 2008

- 5.09 Also of relevance to the determination of this application are the following saved Local Plan policies;

- SP1 (Sustainable Development)
- SP2 (Environment)
- SP3 (Economy)
- SP4 (Housing)
- SP7 (Transport and Utilities)
- E1 (General Development Criteria)
- E6 (Countryside)
- E9 (Protecting the Quality and Character of the Boroughs Landscape)
- E10 (Trees and Hedges)
- E11 (Protecting and enhancing the Borough’s Biodiversity and Geological Interest)
- E12 (Sites designated for their importance to biodiversity or geological conservation)
- E19 (Good Quality Design)

- H2 (Providing for New Housing)
- T1 (Providing Safe Access to the Highway Network)
- T2 (Essential Improvements to the Highway Network)
- C2 (Housing Developments and the Provision of Community Services and Facilities)
- C3 (Open Space within Residential Development)
- H5 (Housing Allocations)
- H9 (Land at Plover Road, Minster)

- 5.10 Members should note that Policy H5(4) - Land at Plover Road, Minster states that:-
'Under Policy H5(4) land at Plover Road, Minster is allocated for 130 dwellings, of which, 30% of the dwellings are to be provided as affordable. The site adjoins the Thistle Hill site considered above, but do not form part of that development. Extending to nearly 5 hectares, the Plover Road site is a large site and is greenfield, though located well within the built-up area of Minster. It was allocated for development in the Adopted Swale Borough Local Plan.

Given the priority for the Plan to bring forward previously-developed land for development, and being mindful of the large existing greenfield commitment at Thistle Hill that will provide a significant proportion of the new housing on the Isle of Sheppey in the short- to medium-term, the Council considers that this additional greenfield site should not be permitted for development until the Thistle Hill site has been fully developed. However, its earlier release will be considered if the build rate on the Thistle Hill site falls below 80 dwellings a year after 2011, but again only if the Neatscourt and the Ridham and Kemsley employment sites have commenced.'

- 5.11 Members should note that Policy H9 - Land at Plover Road, Minster states that:-

'Policy H9 Land at Plover Road, Minster

Under Policy H5(4) LAND AT Plover Road, Minster, as shown on the Proposals Map, is allocated for 130 dwellings, of which, 30% will be provided as affordable dwellings. Planning permission for the development of the sites will not be permitted until the Thistle Hill site is fully developed, unless:

1. *After 2011 the annual completion rate on the Thistle Hill site falls below 80 dwellings a year; and*
2. *Development has commenced on the Neatscourt and Ridham and Kemsley employment sites (see Policy B10, Policy B11 and Policy B21).'*

- 5.12 Emerging Local Plan 'Bearing Fruits 2031' relevant policies include:

- ST1 (Delivering Sustainable Development in Swale)
- ST3 (Swale Settlement Strategy)
- ST4 (Meeting the Local Plan Development targets)
- ST5 (Sittingbourne Area Strategy)
- CP2 (Promoting Sustainable Transport)
- CP3 (Delivering a wide choice of high quality homes)
- CP4 (Requiring Good Design)
- CP7 (Conserving & Enhancing the Natural Environment – Providing for Green Infrastructure)
- DM6 (managing transport demand and impact)
- DM7 Vehicle Parking
- DM8 (Affordable Housing: which in respect of the Isle of Sheppey specifies that poor viability means that affordable housing will not be sought on housing developments)
- DM19 Sustainable Design and Construction
- DM21 Water, flooding and drainage
- DM24 (Conserving and Enhancing Valued Landscapes)

- DM25 (The Separation of Settlements – Important Local Countryside Gaps)
- DM28 (Biodiversity and Geological Conservation)
- DM29 (Woodlands, trees and hedges)
- DM31 (Agricultural Land)
- DM33 (Development affecting a conservation area)
- A11 (Plover Road, Minster, Isle of Sheppey)

5.13 Members should note that Policy A11 of the Emerging Local Plan states that:-

‘Policy A11

Plover Road, Minster, Isle of Sheppey

Planning permission will be granted for a minimum of 97 dwellings at Plover Road, Minster, as shown on the Proposals Map. Development proposals will:

1. *Create an attractive landscaped frontage to Parish Road;*
2. *Achieve a mix of housing in accordance with Policy CP3, including provision for affordable housing in accordance with Policy DM8;*
3. *Assess and undertake any mitigation needed for impacts upon archaeology;*
4. *Prepare a Transport Assessment and implement any highway and other transportation improvements arising from the proposed developments implemented;*
5. *Provide infrastructure needs arising from the development, including those identified by the Local Plan Implementation and Delivery Schedule, notably for education and health provision; and*
6. *Ensure that, through both on and off site measures, any significant adverse impacts on European sites through recreational pressure will be mitigated in accordance with Policies CP7 and DM28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy.’*

Supplementary Planning Documents:

5.14 The Swale Landscape Character and Biodiversity Appraisal SPD (2011) seeks to support landscape and other policies of the Swale Borough Local Plan 2008. The SPD states that there is a need to retain pattern and diversity in the landscape of the Borough to ensure that character and local distinctiveness are maintained. The Borough Council needs to ensure that landscapes are visually satisfying, and give enjoyment to those who visit them and those who live and work in them. The SPD states that the document should be analysed to gain an impression of whether development would be appropriate and, if so, how it might be accommodated within the landscape and mitigated sensitively.

6.0 LOCAL REPRESENTATIONS

6.01 Four letters of representation received. Three objecting to the development and one neither objecting nor supporting the application. Concerns raised:-

- No new buildings should be constructed until the Lower Road has been updated to remove traffic congestion
- No new development should be allowed until the roundabout has been constructed as any new development would exacerbate existing traffic problems
- The development would exacerbate the existing congestion problems
- The traffic regularly queues back to the roundabout at the run off from the new bridge and with traffic feeding in from the Sheppey Way and Queenborough Road the queue is easily over 100 vehicles and can effect a minimum of 10 minute delay

- The junction of the A249 and M2 is also congested in the morning and the proposed development will exacerbate this existing problem.
- The submitted Transport Assessment is out of date and the findings are now inaccurate. Additional traffic has not been considered.
- The scheme does not appear to have good provision for parking
- There is lack of infrastructure to support additional housing development in Minster
- The medical centre is currently at full capacity and cannot accommodate new patients

7.0 CONSULTATIONS

- 7.01 Minster-On-Sea Parish Council (PC) *'supports the application subject to the applicant amending the submitted Transport Assessment as it is not accurate. The PC would like the highway improvements proposed to be completed in a timely manner to mitigate the impact of the increased traffic on the highway network. The proposed footpath links within the estate are warmly welcome, however, the PC is concerned that there is a lack of pedestrian or cycle paths from the development to the new employment sites like Neatscourt. The applicant should contribute towards the provision of this important local infrastructure'*.
- 7.02 Southern Water advises that the exact location of the water mains and foul sewer must be determined on site by the applicant before the layout of the proposed development is finalised. They confirmed that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. They have suggested a condition requiring submission of drainage details.
- 7.03 The Lower Medway Drainage Board raises no objection to the development given that the proposed drainage from this site is to be restricted to 10.7 litres per second with attenuation to be provided to accommodate the 100 yr event +CC (climate change adjustment). Provided that any planning permission includes a condition to this effect, SUDS and its future maintenance in consultation with the Local Planning Authority, the Environment Agency and KCC Drainage Team.
- 7.04 KCC Flood Risk Project Officer advises that the submitted FRA addendum is acceptable and resolves the initial concerns. No objection to the development subject to SUDS, and the implementation, maintenance and management of the SUDS.
- 7.05 The Environment Agency raises no objection to the proposal given that it has a low environmental risk.
- 7.06 Kent County Archaeology advises that the site has archaeological potential in that the previous investigations around this area on recent development has revealed prehistoric, Roman, Saxon and mediaeval remains and there is a potential for this to extend into the present undeveloped site at Plover Road. Given this, they do not have an objection to the proposed development subject to a condition seeking the securing of a programme of archaeological work that would be in accordance with a written specification and timetable which has been submitted to and approved in writing by Swale Borough Council. This is to be done to ensure that features of archaeological interest are properly examined and recorded.

7.07 Kent County Ecology originally raised concerns in relation to impact of the development on ecology. Following additional information was submitted to support the application. KCC have no objection to the development subject to a legal agreement to secure the provision of a receptor site at Elmley Marshes together with conditions requiring a mitigation strategy that details the translocation of reptiles from within the donor site to the receptor site, and the management and monitoring of the receptor sites post transfer of the animals.

7.08 Natural England makes the following summarised comments:

- The proposed site is located in close proximity to a European designated site and therefore has the potential to affect its interest features
- The site is close to The Swale Special Protection Area (SPA) and is also listed as the Swale Ramsar Site and also notified at a national level as The Swale Site of Special Scientific Interest (SSSI)
- The Local Authority should have regard for any potential impacts may have
- The application is not supported by a Habitats Regulation Assessment
- Swale Borough Council should determine whether the proposal is likely to have any significant effects on any European site
- The Local Authority should secure contributions towards mitigating impact of the development on the SPA accumulating to £223.58 per dwelling
- The development should provide opportunities to incorporate features into the design which are beneficial to wildlife

7.09 Kent County Council seek a total of £ 408080.53 (excluding highway contribution) in planning contributions. This sum is broken down as follows:

- Primary education (new build) – A contribution of £4,000.00 per applicable house ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation) (total for 97 houses = £ 388,000.00).
- Community Learning - A contribution of £60.43 per dwelling (A total of £5,861.39) would be required for the provision of additional community learning centres;
- Libraries – A contribution of £48.02 per dwelling (total of £4,657.53) would be required for the provision of additional library books;
- Youth Service – A contribution of £37.58 per dwelling (total of £3645.58) would be required for the provision of youth service;
- Adult Social Care – A contribution of £60.99 per dwelling (total of £5,916.03) would be required for the provision of additional adult social care service. In addition, a contribution of 2 wheelchair accessible units is required.
- Broadband connection - Details are required for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings.
- Highway Contributions (KCC) - With regard to the local highway network, Members will have noted that Kent Highways Services have no objection to the development subject to a contribution to facilitate improvements to the upgrading of the Lower Road/Barton Hill Junction, and conditions as recommended. At the

time of writing this report the sum required for these improvements has not been established. The applicant has however agreed in principle to contribute towards an improvement scheme.

- 7.10 The Environmental Protection Team Leader raises no objection to the principle of development subject to conditions restricting hours of construction and that there should be a 3m high solid boundary acoustic fence at common boundary with the adjoining loading yard proposed under planning application ref 15/505670/FULL.
- 7.11 The Council's Tree Consultant advises that the site does not have any significant trees only thickets of Hawthorn growing within open rough grassland. Given this, there is no principle objection to the development, subject to detailed Landscaping scheme that would be submitted to and approved in writing by the Local Planning Authority.
- 7.12 Green Space Manager advises that *'the proposed location of the communal open space, linked with an existing space, and is considered to be reasonably central to both developments and given the size of the development would appear to meet the current net 10% of land and the emerging local plan standards for amenity and play space.*

The detailed design stage will provide opportunities to consider improving access to the play area from the open space, including all the other additional issues such as quality of landscape and boundary treatment.

The existing play area is not owned or managed by Swale BC, and as such it would make sense if the open space is maintained via a management company. If it is to be transferred to Swale BC, a contribution of a 10 year commuted sum for future maintenance should be sought.

In addition, an off-site formal sports contribution of £200.00 per dwelling toward the improvement in capacity of local formal sports provision is required.'

- 7.13 The Climate Change Officer raises no objection to the proposal subject to a sustainable measures condition.
- 7.14 Kent Police advise that the applicant has not attempted to mention crime prevention measures within the Planning or Design and Access Statement. These should be included at detailed stage of the application. *It is therefore recommended that should permission be granted for this development, a condition be imposed requiring the incorporation of measures that would minimise the risk of crime. Should a condition be deemed inappropriate it is recommended that an Informative be added advising engagement with the Kent Police Crime Prevention Design Advisors (CPDA's) prior to submission of reserved matters.*
- 7.15 KCC Highways and Transportation raise no objection to the development however advise that *'as the application is made in outline form, with only access under consideration at this time, the impact of the development at this stage would only be assessed in terms of the highway network that the development site will be served from. Whilst an indicative layout has been submitted, the actual detail of this will not be assessed, as this will be the subject of a further reserved matters application, should the current outline be granted approval.*

Consequently, the submitted Transport Assessment has studied the local highway network in the vicinity of the site, and examined the operation of the relevant junctions that would be affected by the increase in traffic movements generated by this

development. I am content that the data used is appropriate, being collected within the industry accepted 3 year timeframe at the point at which the application was made. The data has been growthed using TEMPRO factors as appropriate, and additional committed development added too, including the nearby Morrisons and Neats Court developments, as these were assumed not to be contained within TEMPRO. This would give a robust modelling of the traffic flows, as TEMPRO allows for development that has obtained planning approval or is expected within the Local Plan It is therefore possible that some of the committed development that has then been added on top of TEMPRO in the Transport Assessment, may already have been factored within the TEMPRO figure, so any double-counting that arises from this provides a robust analysis. The assessment has identified that some of the junctions will experience greater traffic volumes, and that the majority of these will still operate within their theoretical capacity, albeit some beyond the desirable range.

However, it is recognised that the Barton Hill Drive/Lower Road junction is a concern, and improvements are required to mitigate the impact that the development will have. Rather than the development just mitigate against its scale of impact, which would only affectively maintain the current level of congestion, it is proposed that the development make financial contribution towards an improvement scheme that would wholly address the junction issues here. In this respect, a roundabout scheme is being promoted, and it is envisaged that several funding sources, including other proposed developments, be used to fully fund the scheme.

Accordingly, on current assumptions of the project cost and other funding opportunities, it is considered appropriate to seek a total contribution of a total of £97,582.00 based on 97 dwellings (or of £1,006.00 per dwelling) towards the roundabout scheme. It is anticipated that with similar pro-rata levels of contribution being obtained from further developments proposed and other sources of funding, that the cost of the roundabout can be met.

In terms of the location of the development site, it must be acknowledged that it falls within an allocated site for housing, and the roads in the immediate vicinity have been designed to accommodate that level of housing, in accordance with the road types promoted through Kent Design Guide and Manual for Streets. The site is well located to connect to the existing Thistle Hill development infrastructure, which includes pedestrian and cycle links, access to other amenities.'

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application papers and correspondence relating to planning application reference 15/507059/OUT

9.0 APPRAISAL

- 9.01 I consider that the key material considerations in the assessment of this application are as follows:
- Housing land supply and Affordable Housing
 - Residential amenity implications
 - Impact on the surrounding landscape quality and visual amenity
 - Archaeology
 - Biodiversity and Ecology implications
 - Flood risk /Surface water drainage
 - Developer contributions
 - Highway network impact

Housing land supply and Affordable Housing

- 9.02 This application site is allocated for residential development in the adopted Local Plan 2008 and the emerging Bearing Fruits 2031 and this is a strong material consideration in the determination of the application, subject to the access to the site being acceptable. Other matters such as appearance, landscaping, layout and scale are reserved for future consideration and the submitted drawing is indicative of what is hoped to be achieved.
- 9.03 Members will note that the site is allocated as a housing development site under Policy H5(4) of the adopted Swale Local Plan 2008, and under Policy A11 of the emerging Bearing Fruits 2031. The site is required to provide a minimum of 97 units including a mix of affordable units in accordance with Policy DM8 of the emerging Bearing Fruits 2031. The application proposes the construction of up to 97 units given that part of the site allocated in Policy H5(4) is being considered for the construction of a food retail store and 4no. retail units under planning application ref 15/505670/FULL to support housing development in the area.
- 9.04 The applicants have not provided affordable units. No objection is raised to this given that the Borough Council's Affordable Housing Policy modifications were put before the Planning Inspector in 2015, and her interim report confirms that the proposed 0% contribution for all sites in the Isle of Sheppey is sound. This change in policy requirement carries weight and can be used in decision making. As such, and in accordance with Policy DM8 of the emerging Bearing Fruits 2031, this site is no longer required to provide affordable housing.

Residential Amenity

- 9.05 In terms of residential amenity, the impact can only be looked at in general terms as the specific design and layout will be determined at the reserved matters stage which would be subject to further consultation with local residents and technical consultees. Again, this is a matter that has already been considered in general terms when the site was assessed for allocation in the emerging Local Plan. The proposed development would form a natural extension to the existing Thistle Hill residential development. The Borough Council is required to provide additional housing, and the impact of this development has been considered by Members and Officers alike to be not so significant so as to warrant allocating an alternative site over this one. It will be important at reserved matters stage to ensure that the development is designed in a manner that minimises this impact to an acceptable level. It is considered that the residents most likely to be affected by the proposal are the residents of the adjoining Thistle Hill Development to the east of the site and fronting Mimosa Avenue, Mistletoe Drive, Fennel Close, and those to the west of the site fronting Yarrow Drive and Clover Close. It is imperative that at the detailed stage of planning, the amenity of these neighbouring properties is given careful consideration.
- 9.06 It is important to consider the contribution the development would make to the local area such as the provision of a quality communal open space and provision of housing which is needed in the area.
- 9.07 Furthermore, the application is accompanied by an Acoustic Survey which proposes the construction of a 3 metre high solid wall around the service yard so as to minimise noise levels to an acceptable level. This, together with a 10m wide belt of landscaping would minimise noise levels to acceptable levels. The Borough Council's Environmental Protection Officers (see paragraph 7.10) confirm that the submitted

Acoustic Survey is acceptable and advises that the construction phase of the development would be likely to cause noise impact to residents of the Thistle Hill development, and as such, a condition should be imposed restricting hours of operation if planning permission is given for the development.

Impact on the surrounding landscape quality and visual amenity

- 9.08 At this stage, the visual impact of the proposal can only be considered in very broad terms due to the uncertainty of all matters of design, height of buildings, materials, location etc. However, this site will result in a natural extension to the Thistle Hill housing development and as such it is key that the design of the entire scheme is of a high quality with appropriate design, size, scale and detailing to ensure that visually the development is appropriate to its surroundings.
- 9.09 Additional landscaping is required to separate the housing development from the adjoining (retail development being considered under planning application ref 15/505670/FULL) site. A soft landscaping belt of approximately 10m width is recommended and such amendments can be submitted at detailed application stage.
- 9.10 It is considered that the application site can accommodate up to 97 dwellings and that the development has the potential to be assimilated well into existing creating a high quality residential scheme that has no unacceptable harmful impact on the surrounding established residential development. At detailed planning application stage, it will be important to consider the design, size, scale, detailing and materials of the dwellings so as to ensure that the development is assimilated well into the Thistle Hill housing development. If planning permission is given for the proposed development, suitably worded conditions would ensure that a high quality design is achieved taking into account issues raised by the Swale Design Panel.

Archaeology

- 9.11 The site has some Prehistoric, Roman, Saxon and Medieval remains of archaeological importance. KCC Archaeology do not have an objection to the proposed development, but seek the securing of a programme of archaeological work that would be in accordance with a written specification and timetable which has been submitted to and approved in writing by Swale Borough Council. This is to be done to ensure that features of archaeological interest are properly examined and recorded.

Biodiversity and Ecology implications

- 9.12 As noted above, the site is located in close proximity to the Medway and Marshes Special Protection Areas (SPA) and as such it is likely that the future occupiers of the site will be using the SPA for recreational purposes in some instances. It is therefore likely that there will be some impact on the SPA which would need to be addressed through appropriate mitigation measures. The agent has confirmed, at the outset of the application, that they are willing to provide the requested contribution towards the SPA mitigation (£223.58 per dwelling or a total of £21,687.26 for 97 dwellings) and as such it has been agreed that funds will go towards a local project and possibly some suitable signage/information boards which will help to mitigate the possible future impacts from the additional recreation use of the SPA.
- 9.13 The NPPF states that 'the planning system should contribute to and enhance the natural and local environment by '*.....minimising impacts on biodiversity and delivering net gains in biodiversity where possible*'. The site accommodates a good population of slow worms and to facilitate the proposed development there would be a requirement for the reptiles to be translocated to an offsite receptor site. KCC Ecology have no

objection to the proposed receptor site at Elmley Marshes and agreement has been finalised with the land owner. If planning permission is given for the proposed development, a legal agreement is required to secure the provision of this offsite receptor site at Elmley Marshes, together with a mitigation strategy that details the translocation of reptiles from within the donor site to the receptor site, and the management and monitoring of the receptor sites post transfer of the animals as requested by KCC.

- 9.14 KCC Ecology are satisfied that there are no features present within the site to be used by roosting bats. However it is likely that bats will forage or commute within the proposed development site. To address this concern, the applicant provided an additional report that states that the application site is surrounded by modern development with existing built form on all side, it does not contain and is not close to woodland and it is not on any significant landscape feature along which bats may commute in significant number, that the lighting scheme is to have regard to the potential presence of bats, and that the proposed development will incorporate boundary vegetation and new planting similar to other developments in the adjoining sites retaining foraging opportunities for bats. Given this, KCC Ecology advise that the proposed development would not be likely to cause significant impact on bats species and as such a specific activity survey is not required.
- 9.15 In addition, the site is considered to be suitable habitat for breeding birds and if planning permission is given for the development, this habitat will be lost. KCC Ecology advise that any vegetation should be removed outside the bird breeding season and if this is not possible, an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease. In addition, KCC Ecology advise that detailed ecological enhancements should be incorporated into the proposed development if planning permission is given. This can be secured by condition (see condition no.16 below).
- 9.16 On balance whilst there will be some limited impact on biodiversity and ecology, it is considered that these can be successfully addressed by the mitigation measures proposed as well as the contribution towards the SPA.

Flood risk /Surface water drainage

- 9.17 The site is not located within an area known to be at risk of flooding, being located in Flood Zone 1. A Flood Risk Assessment is submitted with the application together with a FRA addendum submitted further to concerns raised regarding the initial submission. KCC Flood Risk Officer advises that the FRA addendum contains clarification of the existing drainage regime and presents a revised strategy for managing the runoff from the proposed development. They advise that the overall rate of discharge will not exceed 10.7 litres per second for any rainfall event and as such, the proposed development is supported, subject to conditions requiring submission of a detailed surface water drainage system (SUDS) for approval. The Lower Medway Internal Drainage Board Officer advises that if the discharge from this site is restricted to 10.7 litres per second with onsite attenuation to be provided to accommodate the 100 yr event +CC (climate change adjustment), and subject to appropriate conditions for SUDS and their future maintenance, there is no objection to the proposed development. It is considered that the submitted FRA addendum adequately mitigates concerns raised and the recommended SUDS condition will mitigate any possible impact to acceptable levels.

Developer contributions

9.18 Given the change in Policy requirements for Sheppey there is no longer a requirement to provide for affordable housing (see paragraph 9.04 above).

9.19 As discussed above the developer is making contributions towards the mitigation of the impacts on the Swale SPA, highway improvements consisting of a contribution towards the construction a roundabout, KCC contributions which include contributions for primary schools; libraries, adult social care; community learning; youth services; broadband connection; waste and recycling bins, a 10 year commuted sum for future maintenance of the proposed open space is required if maintenance is transferred to Swale Borough Council, an off-site formal sports contribution towards the improvement in capacity of local formal sports provision is required, together with a charge for the administration of the S106. The tables below detail the sum of contributions required.

Kent County Council seeks a total contribution of £5,152.59 per dwelling (or a total of £499,801.23 for up to 97 dwellings) in planning contributions. This sum is broken down as follows:-

Contribution	Amount
Primary education	£4,000.00 per applicable house (or a total of £388,000.00 for 97 houses).
Libraries	£48.02 per dwelling (or a total of total of £4657.53 for 97 houses)
Youth Service	£37.58 per dwelling (or a total of £3645.58 for 97 houses)
Adult Social Care	£60.99 per dwelling (or a total of £5916.03 for 97 houses) In addition, a contribution of 2 wheelchair accessible units is required.
KCC Highways and Transportation	£1,006 per dwelling (or a total of £97,582 for 97 houses)
TOTAL	£5,152.59 per dwelling (or a total of £499,801.23 for 97 houses)

Together with the following:-

- Broadband connection - Details are required for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings.

The Swale Borough Council seeks a total contribution of £502.52 per dwelling (or a total of £48, 744.44 for 97 houses) in planning contributions. This sum is broken down as follows:-

Contribution	Amount
Greenspace	£200.00 per dwelling (or a total of £19,400.00 for 97 houses).
SPA mitigation	£223.58 per dwelling (or a total of total of £21,687.26 for 97 houses)
wheelie bins (two per house)	£39.47 per bin or £78.94 per dwelling (or a total of £7,657.18 for 97 houses)
TOTAL	£502.52 per dwelling (or a total of £48,744.44 for 97 houses)

Together with the following:-

- A Section 106 administration charge.
- With regard to the provision of an off-site reptile receptor at Elmley Marshes, the Section 106 agreement will need to include wording to ensure that habitat management is properly safeguarded in perpetuity and that the receptor site can be accessed for monitoring purposes.
- The Section 106 agreement will need to encompass provision for the dedication of land for a landscape buffer of a minimum depth of 10m at common boundary between the application site and the loading yard of the site being considered under planning application ref 15/505670/FULL.

9.20 Given the above, the total contribution required for this development therefore is £5,655.11 per dwelling (or £548,545.67 for a total of 97 houses). The applicant has agreed to all the above contributions.

Highways implications

9.21 All the objections received from local residents refer to highways issues likely to arise from the proposed development, with particular reference to the existing congestion in the area, that the proposed development will exacerbate existing congestion, that the submitted Transport Assessment (TA) is not up to date, and that there is a lack of pedestrian or cycle paths from the development to the new employment sites, such as Neatscourt. Minster Parish Council reiterate these concerns.

9.22 KCC Highways and Transportation advise that they are satisfied with the submitted TA as it studied the local highway network in the vicinity of the site, and examined the operation of the relevant junctions that would be affected by the increase in traffic movements generated by this development. They are content that the data used is appropriate, being collected within the industry accepted 3 year timeframe at the point at which the application was made.

9.23 The Barton Hill Drive/Lower Road junction is a concern, and improvements are required to mitigate the impact that the development will have. As such, the applicant is required to make a financial contribution towards an improvement scheme that would wholly address the junction issues here. In this respect, a roundabout scheme is being promoted, and it is envisaged that several funding sources, including other proposed developments, be used to fully fund the scheme. A total contribution of

£97,582 based on 97 dwellings or £1,006 per dwelling is required from the applicant and this will be towards the construction of a roundabout. The applicants have indicated a commitment to making a contribution towards these offsite highway improvement works, and these contributions will be secured by way of a S106 agreement.

- 9.24 Although there is some uncertainty on the timing of the delivery of the new junction at Barton Hill Drive/Lower Road, it is a priority for both KCC Highways and Transportation and Swale Borough Council, and it is anticipated that the earliest date for the commencement of its construction is financial year 2017/2018.
- 9.25 Overall it is considered that given that the site is an allocated site for housing development, that the roads in the immediate vicinity have been designed to accommodate that level of housing, in accordance with the road types and specifications detailed in the Kent Design Guide and Manual for Streets, and that the site is considered to be well located to connect to the existing Thistle Hill development infrastructure, which includes pedestrian and cycle links, access to other amenities, the proposed development is acceptable and is supported by Policies. The proposed vehicular access is considered to be acceptable in principle and KCC Highways and Transportation have no objection to the proposed access point.

Other Matters

- 9.26 The site is accompanied by a Contaminated Land Desktop Study which concludes that the application site is not previously used for activities that could have lead to contamination and there was no data found on possible previous land contamination. Given this, it is considered that no further investigation is required.

10.0 CONCLUSION

- 10.01 The site is allocated for residential development in the adopted Swale Borough Local Plan 1998 and the emerging Bearing Fruits Local Plan 2031. The proposed development would be in line with the aims of the Housing policies and would bring significant benefits. The housing would help the Council towards meeting a five year supply of sites and enable it to be in a more secure position at appeals. There is no longer a requirement for provision of affordable housing in the Isle of Sheppey. No significant impact would be caused to visual and residential amenities of neighbouring properties, and the surrounding development and landscape as a result of the proposed development.
- 10.02 It is therefore recommended that planning permission be granted subject to the signing of the S106 agreement, clarification from the developer on the on-site contribution and the long term maintenance approach to the proposed open space.

- 11.0 RECOMMENDATION – GRANT** Subject to the comments of KCC Highway Services and to the following conditions:-

CONDITIONS to include

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

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

2. Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reasons: 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.

Reasons: 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 in so far as it relates to access, and the site shall accommodate up to 97 dwellings as detailed on drawing nos:-

2279A-100A and 2279A-101A

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

5. The details submitted pursuant to condition (1) shall show not less than 0.29 hectares shall be reserved as public open space. No permanent development whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or not shall be carried out in the areas so shown without the prior written approval of the Local Planning Authority.

Reasons: In accordance with the terms of the application and to ensure that these areas are made available in the interests of the residential amenities of the area.

6. The details submitted pursuant to condition (1) above shall provide full details of how the residential part of the development will meet the principles of 'Secure by Design'. The development shall be implemented in accordance with the approved details.

Reasons: In the interests of public amenity and safety.

7. The details submitted pursuant to condition (1) above shall include cross-sectional drawings through the site, of the existing and proposed site levels. The development shall then be completed strictly in accordance with the approved levels.

Reasons: In order to secure a satisfactory form of development having regard to the nature of the site.

8. The details submitted pursuant to condition (1) shall show a buffer strip of no less than 10 metres in width retained (for strategic planting) and a three metre high acoustic barrier where the site adjoins the boundary of the loading area for the retail unit proposed under planning application ref 15/505670/FULL.

Reasons: In the interests of visual amenity and landscape quality.

9. Prior to the commencement of the development hereby approved full details of the method of disposal of foul and surface waters as part of a detailed drainage strategy shall be submitted to and approved in writing by the Local Planning Authority. This drainage strategy should be based on Sustainable Urban Drainage Systems (SUDS) principle and shall be based on the recommendations of the Flood Risk Addendum prepared by Rural and GTA Civils (January 2016) and shall demonstrate that both the rate and volume of run-off leaving the site post-development will be limited to 10.7l/s. No building shall be occupied until details of the implementation, maintenance and management of the SUDS have been submitted to and approved in writing by the Local Planning Authority and thereafter the scheme shall be implemented, managed and maintained in accordance with the approved details. Such details shall include:-

- 1) a timetable for its implementation
- 2) a management and a maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public or statutory undertaker, or any other arrangements to secure the operation of the SUDS throughout its lifetime.

Reasons: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

10. No development shall take place (including any demolition, ground works, site clearance) until a method statement for ecological mitigation, including (but not necessarily limited to) reptiles, invertebrates, bats, nesting birds and the Roadside Nature Reserve, has been submitted to and approved in writing by the Local Planning Authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives, informed by detailed botanical (NVC), invertebrate, reptile and other update ecological surveys (as appropriate), carried out in accordance with good practice guidelines;
- c) Extent and location of proposed works (including identification of an appropriate reptile receptor site and RNR mitigation) shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works.

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter.

Reasons: In the interests of promoting wildlife and biodiversity in urban areas.

11. No development shall take place until details have been submitted to, and approved in writing by the Local Planning Authority, which set out what measures will be taken to ensure that the development incorporates sustainable construction techniques such as rainwater harvesting, water conservation, energy efficiency and, where appropriate, the use of local building materials; and provisions for the production of renewable energy such as wind power, or solar thermal or solar photo voltaic installations. Upon approval, the details shall be incorporated into the development as approved.

Reasons: In the interest of promoting energy efficiency and sustainable development.

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

Reasons: To ensure that historic building features are properly examined and recorded.

13. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To protect groundwater which is a controlled water and comply with the NPPF.

14. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reasons: To protect groundwater and to comply with the NPPF.

15. No development shall take place until a programme for the suppression of dust during the construction of the development has been submitted to and approved by the Local Planning Authority. The measures shall be employed throughout the period of demolition and construction unless any variation has been approved by the Local Planning Authority

Reasons: In the interests of residential amenity.

16. Prior to the commencement of development hereby approved, a report demonstrating how the proposal will incorporate measures to encourage and promote biodiversity shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out fully in accordance with those approved details and shall thereafter be retained.

Reasons: In the interests of promoting wildlife and biodiversity in urban areas.

17. As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway in accordance with proposals to be submitted to, and agreed in writing by the Local Planning Authority. The agreed details shall then be retained throughout the demolition of development.

Reasons: In the interests of amenity and road safety.

18. Prior to the works commencing on site details of parking for site personnel / operatives/ visitors shall be submitted to and approved by the Local Planning

Authority and thereafter shall be provided and retained throughout the construction of the development. The approved parking shall be provided prior to the commencement of the development.

Reasons: To ensure provision of adequate off-street parking for vehicles in the interests of highway safety and to protect the amenities of local residents.

19. During construction provision shall be made on the site, to the satisfaction of the Local Planning Authority, to accommodate operatives' and construction vehicles loading, off-loading or turning on the site.

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

20. The details submitted in pursuance of reserved matters shall show adequate land, reserved for parking or garaging in accordance with the Approved County Parking Standards and, upon approval of the details this area shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority 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 the reserved vehicle parking area.

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

21. No dwelling shall be occupied until space has been laid out within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority for cycles to be securely sheltered and stored.

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

22. The access details shown on the approved plans shall be completed prior to the occupation of any buildings hereby approved, and the access shall thereafter be maintained as such.

Reasons: In the interests of highway safety

23. 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.

Reasons: To ensure that the roads are laid out and constructed in a satisfactory manner.

24. Before the first occupation of a dwelling the following works between that dwelling and the adopted highway shall be completed as follows:

(A) Footways and/or footpaths shall be completed, with the exception of the wearing course;

(B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:

- (1) highway drainage, including off-site works,
- (2) junction visibility splays,
- (3) street lighting, street nameplates and highway structures if any.

Reasons: In the interests of highway safety

25. 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 – 1900 hours, Saturdays 0730 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

26. No external lighting shall be constructed at the site other than on private domestic residences or in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be designed in a manner that minimises impact on neighbouring residential amenity and bats.

Reasons: In order to prevent potential harm to neighbouring residential amenity and the local bat population.

27. No clearance of the site shall take place in the months March to August inclusive, this being the breeding season for birds.

Reasons: In the interests of biodiversity.

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

Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

29. All hard and soft landscape works shall be carried out in accordance with a landscaping scheme that should be submitted to and approved by the Local Planning Authority pursuant to condition (1) above. The approved works shall thereafter be carried out prior to the occupation of any part of the development.

Reasons: In the interests of the visual amenities of the area.

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

Reasons: In the interests of the visual amenities of the area.

31. Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site without the prior written approval of the Local Planning Authority.

Reasons: In the interests of residential amenity.

32. No development shall take place until a 3m high solid acoustic fence has been installed around the western boundary of the site as detailed in Appendix D of the the submitted Noise Assessment dated 19TH June 2015 and prepared by Sharps Redmore.

Reasons: In the interests of residential amenity

INFORMATIVES

1. The applicant may be required to apply for other consents directly from the Environment Agency and the applicant is advised to contact 03708506506 or to consult EA website to establish whether a consent will be required.
2. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended) and as such any vegetation must be removed outside the breeding bird season, and if this is not possible an ecologist must examine the site prior to works starting and if any nesting birds are recorded all works must cease within that area.
3. The IDB's formal consent will be required for any works affecting any watercourse on this site, including drainage outlets, so further details would be appreciated in due course.
4. Any ditch or watercourse on this site (including the receiving Scrapsgate Drain) falls under the jurisdiction of the Lower Medway Internal Drainage Board.
5. Any works whatsoever in, under, over or within 8km of any ditch or watercourse will require the full, formal written Consent of the Medway IDB. They can be contacted at enquiries@medwayidb.cu.uk.
6. Medway IDB should be consulted on the requirements for the ongoing maintenance of the existing and proposed ditch systems with regard to the two options presented (i.e. either having the title deeds make specific mention of the home-owner's responsibilities or having the ditch-line fenced and maintained by a third [party]). Whichever option is pursue, sufficient access should be provided for any machinery that may be required for any such works.
7. It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where

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

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: <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>

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 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

Design Panel letter dated 14 March 2013.

APPENDIX A

South East Regional **Design Panel**

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14 March 2013

Dear Mr Harvey,

PLOVER ROAD, MINSTER, SHEPPEY

Thank you for inviting the Swale Design Panel to review the proposed development at Plover Road. The Panel had the opportunity to visit the site with Council Officers ahead of our meeting at Swale House on 13th February. We are grateful to Simon Beck of BDB Design and Mark Williams of Asda for their presentations.

The Panel welcome the mix of uses that are proposed on this site but are keen to hear how the development of the new store, retail units and housing enhance their setting and their neighbouring community. We feel greater attention is required to how the new store and car parking relates to the surrounding area and landscape as well as its immediate neighbours. As currently planned the location of the service yard is particularly unsympathetic. With benefit of control over the whole site, more must be done to ensure that such negative conflicts do not occur.

The proposed housing is currently being pursued in outline, but fails to show the ambition which should be expected of a scheme of this size and significance. There is considerable scope for improvement in the local area and a marker of high design quality could be a significant asset. Learning lessons from the success, or otherwise of the existing housing developments in the area will help in this regard. We believe greater work needs to be done to evidence how the development will enhance the local area in terms of connectivity, use and perception before the Panel can fully support the project.

696-408 Plover Road, Minster, Sheppey

Design Review affiliated with

APPENDIX A**BACKGROUND**

The new settlement at Thistle Hill has been progressing over the last ten years with a number of the earlier phases of development completed. The majority of the development has been of new houses with the exception of the community health centre which is located opposite the proposed site. There is an aspiration to bring forward a neighbourhood centre to provide facilities for the new residential community. This had been planned to be located in proximity to the community building and playing fields at the heart of the wider development.

The current proposal seeks to relocate the provision of the neighbourhood centre to the site at Plover Road, in the form of a new supermarket and additional retail units. A second connected site to the rear of the proposed store is intended to be developed for approximately a hundred new homes.

LAYOUT: STORE AND PUBLIC SPACE

The relocation of the proposed neighbourhood facilities to the site at Plover Road has been driven by commercial as well as pragmatic reasons. While the community health building is not the most public or engaging in its design, there is a rationale in co-locating the supermarket and other shops near to this established facility. The site is also at the edge of the Thistle Hill area and in this way the new store can hope to act as a link between the new and existing communities in Minster. For this to be a success the ease of access to the new shops for all, including those on foot and cycling needs to be protected. Additionally, the prominence and visibility of the store and other uses needs to be balanced with the creation of attractive streets and spaces.

It is not clear what other options for developing a store on this site have been explored, however we would encourage the team to look at how the elements which form this part of the scheme are brought together. The interaction of public space, small retail units and a large store, as well as the servicing and parking arrangements, need a clear rationale that guide their relationships. As proposed the supermarket and car parking appear to dominate the site, with the smaller shops, public space and landscape being squeezed to the fringes. The various, currently disparate, elements, such as the pedestrian ramps, trolley shelters and adverts, should be incorporated into the landscape design at an early stage to enhance rather than weaken the identity of this space.

The incorporation of additional public-facing facilities such as store café would be welcomed, but their location on the site could do more to address public routes and spaces. The long flank frontage of the store onto the entrance road and existing open space will not be attractive or make that area feel welcoming. The experience of the proposed spaces at night or in the evenings will need to be considered to ensure that do not become unfriendly or threatening.

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LAYOUT: RESIDENTIAL

The layout of the housing element of the scheme is at an early stage, and we understand that it is to be pursued as an outline application. Certain elements of the design will be critical to the success of this new residential neighbourhood and should be considered in greater detail at this stage. Many of the housing areas surrounding the site are of little design quality and suffer from confusion over fronts and backs and are unfortunately dominated by car parking. These lessons should be learnt and not repeated on this site. We would encourage the team to reconsider the limited connectivity between the proposed housing and the existing estate to the east, to allow for residents of the new homes to become part of the wider community of Thistle Hill.

We feel that greater thought should be given to the setting of the new homes. They are to be located behind the new store and its car park; as such they will not have street presence within the estate. Their sole access will be shared with the service vehicle access to the shops. How this is handled and the quality of this approach will be key to the perception and value of these new homes.

DETAILED DESIGN

The existing built environment has little to distinguish it, with nothing of architectural interest or merit in the vicinity. We feel that the new store has the potential to significantly enhance the area and provide a positive feature in this landscape. The standard design solution proposed fails to meet this opportunity. There is little appreciative quality in the architecture of the new store. The application of different materials will do little to embed the building into its context.

Given the change in levels across the site the store will sit somewhat below the main road. This will give particular prominence to the roofscape. We feel this element of the building could help embed the design in its environment, including tackling issues of sustainability through the use of natural light or solar energy as well as helping to support a richer bio-diverse environment. Alternatively this space could be used to take advantage of long distance views through locating staff or other communal facilities at this level.

The Panel were encouraged to hear of the aspiration to engage the community in the use of the store, but were eager to hear how this has effected the design of the building. Considering how the store can give back to the local community might help formulate a more bespoke response to its design.

Dealing with water on this sloping site could be an interesting and positive feature of the design, rather than being routed behind homes. In this way swales and the wider landscape should be thought of as something distinctive and incorporated as an asset for future residents, rather than let it become a management and maintenance liability.

The existing play space in the south west corner of the site appears under used and unappealing. With the development of a large amount of new housing there is the

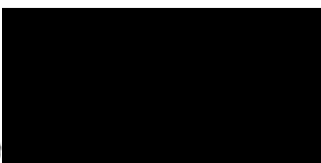
APPENDIX A

potential to reintegrate this as a positive feature through considering how it is overlaid or combined with additional facilities.

In the plan shared at the meeting a clear route exists linking this site to the footpath on Coral Road. This is a critical link and one which should be preserved as a pleasant and public connection.

I hope you find our advice helpful but do please contact me if anything in this letter is unclear.

Yours sincerely



ROBERT OFFO
Panel Manger

cc

- Richard Williams, Dalemarch Ltd.
- Jo Moon, ASDA
- Mark Williams, ASDA
- Simon Beck, BDB Design
- Peter Bell, Swale Borough Council
- Jim Wilson, Swale Borough Council

Panel members present: Ailan Atfee (Chair), Alan Legg, Richard Portchmouth, Richard Scott

This review was commissioned by Dalemarch Limited with the knowledge and agreement of Swale Borough Council.

CONFIDENTIALITY

Since the scheme was not the subject of a planning application when it came to the Panel, this letter is offered in confidence to the addressee and those listed as being sent copies. There is no objection to the letter being shared within the respective practices/organisations. SERDP reserves the right to make the guidance known should the views contained in this letter be made public in whole or in part (either accurately or inaccurately). The letter would also be made available to any public inquiry concerning the scheme. SERDP also reserves the right to make the guidance available to another design review panel should the scheme go before them. If you do not require this letter to be kept confidential, please let us know.