



AGENDA

PLANNING COMMITTEE MEETING

Date: Thursday, 8 December 2022

Time: 7.00 pm

Venue: The Pippin Room - The Appleyard, Avenue of Remembrance, Sittingbourne ME10 4DE*

Membership:

Councillors Cameron Beart, Monique Bonney, Richard Darby, Steve Davey, Oliver Eakin, Tim Gibson (Chair), James Hall, Mike Henderson, James Hunt, Elliott Jayes (Vice-Chair), Peter Marchington, Ben J Martin, Ken Rowles, David Simmons, Paul Stephen, Tim Valentine and Tony Winckless.

Quorum = 6

Pages

Information about this meeting

*Members of the press and public can listen to this meeting live. Details of how to join the meeting will be added to the website by 7 December 2022.

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1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building

and procedures are advised that:

- (a) No fire drill is planned during the meeting. If the alarm sounds please leave the building quickly without collecting any of your possessions, using the doors signed as fire escapes, and assemble outside where directed.
- (b) Await instructions before re-entering the building.
- (c) Anyone who requires assistance in evacuating the building should make officers aware of any special needs so that suitable arrangements may be made in the event of an emergency.

2. Apologies for Absence

3. Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves, their families or friends.

The Chair will ask Members if they have any disclosable pecuniary interests (DPIs) or disclosable non-pecuniary interests (DNPis) to declare in respect of items on the agenda. Members with a DPI in an item must leave the room for that item and may not participate in the debate or vote.

Aside from disclosable interests, where a fair-minded and informed observer would think there was a real possibility that a Member might be biased or predetermined on an item, the Member should declare this and leave the room while that item is considered.

Members who are in any doubt about interests, bias or predetermination should contact the monitoring officer for advice prior to the meeting.

4. Minutes

To approve the [Minutes](#) of the meeting held on 10 November 2022 (Minute Nos. 434 – 440) as a correct record.

Part B reports for the Planning Committee to decide

5. Deferred Item

5 - 82

To consider the following application:

20/505059/FULL Willow Trees 111 High Street Newington Sittingbourne Kent ME9 7JJ

Members of the public are advised to confirm with Planning Services prior to the meeting that the application will be considered at this meeting.

Requests to speak on this item must be registered with Democratic Services (democraticservices@swale.gov.uk or call us on 01795 417328) by noon on Wednesday 7 December 2022.

To consider the attached report (Parts 2, 3 and 5).

The Council operates a scheme of public speaking at meetings of the Planning Committee. All applications on which the public has registered to speak will be taken first. Requests to speak at the meeting must be registered with Democratic Services (democraticservices@swale.gov.uk or call 01795 417328) by noon on Wednesday 7 December 2022.

Issued on Tuesday, 29 November 2022

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Planning Committee, please visit www.swale.gov.uk

**Chief Executive, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT**

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SWALE BOROUGH COUNCIL

PLANNING SERVICES

Planning Items to be submitted to the Planning Committee

8 DECEMBER 2022

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DEFERRED ITEMS Items shown in previous Minutes as being deferred from that meeting may be considered at this meeting

PART 1 Reports to be considered in public session not included elsewhere on this Agenda

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

PART 4 Swale Borough Council's own development; observation on County Council's development; observations on development in other districts or by Statutory Undertakers and by Government Departments; and recommendations to the County Council on 'County Matter' applications.

PART 5 Decisions by County Council and the Secretary of State on appeal, reported for information

PART 6 Reports containing "Exempt Information" during the consideration of which it is anticipated that the press and public will be excluded

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

GPDO The Town and Country Planning (General Permitted Development) (England) Order 2015

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 8 DECEMBER 2022

- Minutes of last Planning Committee Meeting
- Deferred Items
- Minutes of any Working Party Meetings

DEFERRED ITEMS

Def Item 1 20/505059/FULL NEWINGTON Willow Trees 111 High Street

PART 2

2.1	21/503842/FULL & 22/500556/LBC	STALISFIELD	Former Stables and Wagon Lodge Hillside Road Woodsell Farm
2.2	22/503623/FULL	BORDEN	Hooks Hole Farm School Lane
2.3	22/502712/FULL	FAVERSHAM	1 Fielding Street
2.4	22/502600/FULL	EASTCHURCH	6 Coultrip Close

PART 3

3.1	19/502969/FULL	QUEENBOROUGH	Land East of Queenborough Road
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PART 5

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5.1	20/505122/FULL	MINSTER	Meadow View Park Irwin Road
5.2	21/501972/FULL	BOBBING	Unit A, Howt Green Sheppey Way

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PLANNING COMMITTEE – 8 DECEMBER 2022**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO - 20/505059/FULL		
APPLICATION PROPOSAL Retention of existing chalet bungalow with amended residential curtilage and erection of 10 dwellings (7 x three bedrooms and 3 x four bedrooms) with associated access, parking, amenity, and landscaping		
ADDRESS Willow Trees 111 High Street Newington Sittingbourne Kent ME9 7JJ		
RECOMMENDATION Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the S106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would provide additional market housing market adjacent to a settlement identified on the settlement strategy as a Tier 4 settlement. Due to the Council's current lack of 5-year housing supply the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh any limited harm.		
REASON FOR REFERRAL TO COMMITTEE Newington Parish Council Objection, and called in by Councillor Horton This application was originally deferred by the Planning Committee on 10 th November 2022		
WARD Hartlip, Newington and Upchurch	PARISH/TOWN COUNCIL Newington	APPLICANT UK Land Investors Ltd AGENT DHA Planning
DECISION DUE DATE 09/04/21	PUBLICITY EXPIRY DATE 25/10/22	CASE OFFICER Corinna Griffiths

1. BACKGROUND

- 1.1 This application was first reported to the Planning Committee on 10th November 2022 where Members resolved *“That application 20/505059/FULL be deferred to allow for negotiation with the developer in respect of increased visitor parking bays and increased contributions toward electric bike vouchers for future residents.”*
- 1.2 The applicant has amended the proposals following the Planning Committee on 10th November 2022 meeting, and a further consultation has been undertaken. The amendments include the provision of three additional visitor parking spaces; and increased electric bike

voucher of £1000 per dwelling. The summary of changes are outlined below as set out in the cover letter dated 15/11/22;

- 1.3 *“The plans show the provision of three additional visitor parking spaces within the proposed development site. The additional spaces have been accommodated at the end of the turning head between plots 6 and 7 (2 spaces), with an additional visitor space accommodated in the parking area to the front of plots 3-6. Each of the six visitor spaces on the development will be fitted with an EV charging point.*
- 1.4 *The vehicle tracking drawings have been updated to reflect the amended layout with the three additional visitor car parking spaces. The road layout has not changed to accommodate the additional spaces and so the tracking drawings show that the amended scheme still works in terms of access for emergency vehicles, a refuse vehicle, pantechnicon and an estate car.*
- 1.5 *With regards to the proposed mitigation measures for air quality, the applicant confirms that each household will now receive a £1,000 voucher (rather than a £500 voucher as previously proposed) towards the purchase of an electric bike from the local Sittingbourne business ‘Unrestricted Bikes’ (£10,000 total estimated cost).*
- 1.6 *Given that the appointed Transport Consultant for the scheme concluded that the previous mitigation measures proposed would reduce the potential effects associated with the proposed development to an acceptable level and provide a level of pollutant offset not only isolated to the proposed development but to the wider area, it is considered that with the implementation of enhanced measures through the provision of a greater value cycle voucher that the implementation of the above measures would more than suitably reduce potential effects associated with the Proposed Development.*
- 1.7 *In terms of the final point raised by Members relating to involving the Parish Council with negotiations on the provisions within the Section 106 Agreement, the applicant is happy to involve the Parish Council in the Section 106 process, which will continue once the resolution to grant planning permission has been accepted by the Members.”*
- 1.8 The agent has confirmed that the air quality mitigation measures will include the previous offer of welcome packs, and public transport vouchers, as well as the increased electric bike voucher outlined above.
- 1.9 I have also included the original committee report at Appendix 1, which sets out the description of the site, local representations, consultations and the appraisal of the scheme - as such I will not repeat these details here. As a result, the form that this supplementary report will take will be to discuss the amended scheme, any representations or further consultation responses regarding this and an appraisal of the amendments. The original appendices (1-3) of the original committee report are reattached as Appendices 2-4.

2. Plans/Additional Information as submitted

- 2.1 The following amended plans and supporting information have been submitted in response to the Planning Committee meeting:
 - Proposed Colour Site Plan (Drawing No.22/08/02 rev E)
 - Proposed Colour Site Plan (Drawing No.22/08/03 rev J)

- Proposed Site Plan (Drawing No. 22/08/04 rev J)
- Refuse Tracking Drawing (Drawing No.16821 T-01 Rev P3)
- Pantechicon Tracking Drawing (Drawing No.16821 T-02 Rev P3)
- Fire Tender Tracking Drawing (Drawing No.16821 T-03 Rev P3)
- Estate Car Tracking Drawing (Drawing No.16821 T-04 Rev P3)
- Air Quality Technical Note (18/11/22)

2.2 The image below is part of the superseded scheme (drawing no. 22/08/03 Rev G) presented before Planning Committee at the 10th November meeting;



2.3 The image below is part of the amended scheme to include a further three visitor spaces (total of six visitor spaces) as shown in drawing no. 22/08/03 rev J):



3. CONSULTATIONS

- 3.1 Previous consultation comments are summarised in the committee report at Appendix 1. The comments below reflect any comments received regarding the amended scheme.
- 3.2 **MKIP Environmental Health raise no objection subject to conditions; and securing air quality mitigation (including damage cost; mitigation measures including electric bike vouchers, travel vouchers for public transport, and welcome packs; and a review mechanism) via a S.106 agreement.**
- 3.3 *25/11/22: "Environmental health has been asked by the case officer to provide comments in relation to the recent discussions undertaken in planning committee on the 10th November 2022 for the above application.*
- 3.4 *The comments being referred to was for additional funding for electric bikes vouchers. Prior to committee the amount being considered for EV bike vouchers was £500.*
- 3.5 *Councillor Mike Henderson has proposed a motion that the developer should increase the bike vouchers for each dwelling from £500 to £1000 to ensure each dwelling had sufficient funds to purchase an electric bike. The current price of an EV bike is around £1000, therefore increasing the amount would enable new residents to purchase a bike at no extra cost. Doing this would increase the likelihood of EV bikes being purchased and that the mitigation option is more viable.*
- 3.6 *Viewing a recent response from the applicant, it shows they are happy to agree to the proposed amount, which is good to see. The applicant has confirmed the welcome packs and travel vouchers for public transport will still be offered.*

- 3.7 *I would also like to see that an agreement is included in the S106 about how this will be managed, monitored, and reported on. Reason being, is it would also be useful to follow up on this form of mitigation to understand how viable it is once completed.*
- 3.8 *Therefore, I would recommend that a brief review on the uptake and usage is recorded and reported on. This could be in the form of a questionnaire to new residents after 2 years of occupancy (+/-) and then for the results to be sent to Environmental Health. The questionnaire could include questions such as; what option did they choose; did it reduce their car use; was there limitations in the option they chose etc.*
- 3.9 *I also agree that the Parish Council should be included in the S106 discussions”*
- 3.10 **KCC Highways – no further comments received.** Any further comments will be included via a tabled update. The original comments raised no objection, subject to conditions, and a Section 106 contribution towards Key Street highway improvements to the value of £14,400.

4. APPRAISAL

- 4.1 The below appraisal will consider the amended proposal, for increased visitor parking spaces; and increased air quality mitigation.

Increased visitor parking

- 4.2 Further to para 8.53 of the original appraisal, the Councils Parking Standards SPD seeks 0.2 spaces per unit for visitor parking, and therefore the proposal would generate a need for 2 visitor parking spaces. The original scheme included three visitor spaces which would exceed the requirements of the Parking Standards SPD.
- 4.3 The scheme as amended would now provide 6 visitor parking spaces. The additional spaces have been accommodated at the end of the turning head between plots 6 and 7 (2 spaces), with an additional visitor space accommodated in the parking area to the front of plots 3-6. Each of the six visitor spaces on the development will be fitted with an EV charging point. The visitor parking spaces would exceed the requirements, and reflect the comments made by Members in the previous Planning Committee meeting. The increased visitor parking provision would increase flexibility within the site for visitors to the site, and address Members concerns regarding parking overspill onto the A2.
- 4.4 The vehicle tracking drawings have been updated to reflect the amended layout with the three additional visitor car parking spaces. The road layout has not changed to accommodate the additional spaces and so the tracking drawings show that the amended scheme still works in terms of access for emergency vehicles, a refuse vehicle, pantechnicon and an estate car.
- 4.5 The increased visitor parking spaces would result in a loss of soft landscaping within the site, and along the western boundary. It is considered that the previous scheme provided a balance between reducing the degree of hardstanding and meeting parking guidance. Full details of landscaping would be sought via condition.

Air Quality

- 4.6 Paras 8.91 – 8.106 of the original committee report discussed the impact on air quality, and included the approach to secure air quality mitigation. Para 8.100 identified that the damage cost (without mitigation) associated with the additional vehicle movements associated with the development over a 5-year period amounted to £4077.
- 4.7 The amended details have set out potential mitigation measures which include the provision of a £1000 electric bike voucher per dwelling. The agent has confirmed that the air quality mitigation measures will include the previous offer of welcome packs, and public transport vouchers. Therefore, the indicative air quality mitigation measures would be as follows, with the costing being £13,500;
- Welcome Packs (Total of £550)
 - 6 Months of Travel Voucher (Total of £3000)
 - Electric Bike Vouchers (£1000 per dwelling, Total of £10,000)
- 4.8 Councils Environmental Health Officer has outlined that the S.106 agreement should include provisions for how the air quality mitigation measures will be managed, monitored, and reported on, and to include a review mechanism to ensure the measures are deliverable, and that the contribution is spent appropriately.
- 4.9 Considering the Environmental Health Officers comments, full details of mitigation measures will be controlled by the S.106 agreement, with indicative measures comprising welcome packs, travel vouchers for public transport and electric bike vouchers, which are considered appropriate given the small scale of development being proposed. The proposal would be considered to meet with the Local Air Quality Management Plan. The proposal is considered acceptable in this regard subject to securing of mitigation package.

Developer Contributions

- 4.10 The requested contributions are outlined below and include the increased air quality mitigation measures proposed:

KCC Primary Education (£6800 per house)	Total: £68,000.00
KCC Secondary Education (£5176 per house)	Total: £51,760.00
KCC Secondary Land (£2,635.73 per house)	Total: £26,357.30
KCC Community Learning (£16.42 per dwelling)	Total: £164.20
KCC Youth Service (£65.50 per dwelling)	Total: £655.00
KCC Library Bookstock (£55.45 per dwelling)	Total: £554.50
KCC Social Care (£146.88 per dwelling)	Total: £1468.80
KCC Waste (£183.67 per dwelling)	Total: £1836.70
KCC Highways	Total: £14,400
KCC PROW	Total: £8625.00
Air Quality Mitigation (Damage Cost)	Total: £4077.00
SBC Formal Sports (£593.00 per dwelling)	Total: £5930.00
SBC Play (£46.00 per dwelling)	Total: £4460.00
SBC refuse/bins £109.40 per dwelling	Total: £1094.00
SAMMS £275.88 per dwelling	Total: £2758.80

Air Quality Mitigation (Additional mitigation measures – approx. £9423 above damage cost)

Administration and Monitoring

TBC

Total:

£201,564.3 (£20,156.43 per dwelling)

- 4.11 The contributions would be secured via section 106 agreement and the agreement of an appropriate monitoring fee.
- 4.12 The applicant has confirmed that they are happy to involve the Parish Council in the Section 106 process.

5. CONCLUSION

- 5.1 The proposed development would result in new residential development outside the defined settlement boundary of Newington. However, the Local Authority cannot demonstrate a 5-year housing land supply. The titled balance is therefore applicable to the site as is not located within a protected area nor within an identified local level of landscape importance.
- 5.2 The proposal would provide additional housing in the Borough adjacent to a settlement boundary of a settlement that is relatively high up on the settlement hierarchy and which is therefore an appropriate location for development. There would be modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents).
- 5.3 The site is locationally sustainable, being within walking distance to the facilities and services within Newington, and with walking distance to public transport facilities (bus and train station) that serve Newington. The proposal would be considered to have a moderate weight in meeting an environmental objective.
- 5.4 The proposal would include a contribution to improve the surfacing of Public Footpath ZR59 (to provide a 1.2m wide all-weather surface), which will enhance pedestrian connectivity within Newington.
- 5.5 The amended scheme has been put forward to address Members' concerns regarding visitor parking and air quality mitigation.
- 5.6 The proposal is considered on balance acceptable and is recommended for approval.

6. RECOMMENDATION

Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required. Newington Parish Council to be involved in discussions regarding S.106 contributions.

CONDITIONS to include

- 1) The developments to which this permission relates must be begun no later than the expiration of three years beginning with the date on which the permission is granted.

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

- 2) The developments hereby approved shall be carried out and maintained in accordance with the following approved plans:

Site Location Plan, 22-08-01
 Proposed Colour Site Plan, 22-08-02 Rev E
 Proposed Colour Site Plan, 22/08/03 Rev J
 Proposed Site Plan, 22-08-04 Rev J
 Proposed Plot 1 Plans & Elevations, 22-08-05
 Proposed Plot2 Plans & Elevations, 22-08-06
 Proposed Plots 3-6 Plans, 22-08-07
 Proposed Plots 3-6 Elevations, 22-08-08
 Proposed Plots 7-9 Plans, 22-08-09
 Proposed Plots 7-9 Elevations, 22-08-10,
 Proposed Plot 10 Plans & Elevations, 22-08-11
 Proposed Street Scene, 22-08-12
 Proposed Access Design, 16821 - H-01 Rev P2
 Tree Protection Plan, J20694 Arb TPP B

Reason: For the avoidance of doubt and interest of proper planning.

Pre-Commencement

- 3) A) Prior to any development works, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 4) No development shall commence (including site clearance) until a Biodiversity Method

Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations of the Preliminary Ecological Appraisal and Protected Species Report by Greenspace Ecological Solutions and shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interest of protected species

- 5) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising a desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

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

- 6) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
 - (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
 - (x) Phasing of the development

Reason: In the interests of the amenities of the area

- 7) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Lustre Consulting dated October 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100

year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development

- 8) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways and Kent County Councils Highways). The Construction Management Plan shall include the following:
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage

The development shall be carried out in accord with the approved Construction Management Plan at all times unless otherwise agreed in writing by the local planning authority (who shall consult National Highways and Kent County Councils Highways).

Reason: In the interests of highway safety, and to ensure that the M2 and A249 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9) Prior to the commencement of the development the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable shall be submitted to and approved in writing by the local planning authority. Should the watching brief indicate remains of interest no development shall take place until details have been provided securing safeguarding measures to ensure the preservation of archaeological remains and recording. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the archaeological interest.

- 10) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved

in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

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

- 11) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.

Prior to above ground level works / specified time scales

- 12) Prior to reaching slab level on the development hereby approved, details of the solar panels to be implemented on site shall be submitted to and approved in writing by the local planning authority. The solar panels shall be implemented on site prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of sustainability.

- 13) Within 3 months of works commencing on the development hereby approved, an orchard establishment and management plan must be submitted to the LPA for written approval. The plan must include the following:
- Map showing areas of orchard to be enhanced and created
 - Detailed methodology to establish the orchard
 - Overview of the management of the orchard
 - 5 year rolling management plan for the orchard
 - Details of on-going monitoring
 - Details of who will carry out the management.

The plan must implemented as approved.

Reason: In the interest of ecological enhancement and habitat creation of the site.

- 14) Within three months of works commencing of the development hereby approved, details of how the development will enhance and manage biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include the inclusion of ecological enhancements for bats, reptiles, and breeding birds through the provision of bat boxes, bird boxes, hibernacula, and native planting. The approved details will be implemented and thereafter retained.

Reason: In the interest of ecological enhancement of the site

- 15) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials, including hard surfaces to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 16) No development beyond the construction of foundations shall take place until full details of both hard landscaping/surfacing and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of any existing and proposed trees, shrubs and other planting, schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, an implementation programme, and details of long-term management. The long-term management details shall include the communal amenity landscape areas and retained fruit trees. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- 17) 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.

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

- 18) No development above ground level shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 19) The development shall take place in accordance with the details of the Tree Protection Plan (drawing no. J20694 Arb TPP B) and Arboricultural Method Statements and arboricultural supervision within the Arboricultural Impact Assessment and Method Statement Rev C (dated May 2022), and in accordance with the current edition of BS 5837 Trees in Relation to Design, Demolition and Construction. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

Pre-Occupation

- 20) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. No external lighting other than agreed subject to this condition shall be installed on site without the prior consent of the local planning authority.

Reason: In the interests of protected species.

- 21) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 22) The areas shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the associated use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: 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.

- 23) Provision of Electric Vehicle charging points as shown on the submitted plans prior to the use of the site commencing. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wi-Fi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list: <https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: in the interest of air quality

- 24) The approved cycle parking facilities as illustrated on plan 22/08/04 Rev J shall be provided prior to bringing the development into first use and retained thereafter.

Reason: In the interest of sustainable transport.

- 25) Prior to the occupation of any of the units hereby permitted the approved access as show on the approved plans including H-01 Revision P2 shall have been completed and brought into use and maintained as such thereafter.

Reason: In the interest of the local highway network.

- 26) Prior to the occupation of any units as approved by the development hereby approved the completion of the off-site highway works to provide a pedestrian crossing as shown on drawing H-01 Revision P2 shall have been completed and brought into use.

Reason: In the interest of highway safety.

- 27) No dwellings shall be occupied, until the Key Street highway improvement contract has been awarded.

Reason: In the interest of highways capacity

- 28) The development shall be designed to achieve a water consumption rate of no more than 110 liters per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 29) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

Reason: In the interests of visual amenity.

- 30) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times: - Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity

INFORMATIVES

National Highways Informative: The CMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Southern Water: We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

KCC PROW:

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.
- In order to ensure public safety during development, the temporary closure of the route may be required. A temporary closure will be processed by Kent County Council on the basis that:
 - The closure is paid for by the developer,
 - The duration of the closure is kept to a minimum,
 - Alternative routes will be provided for the duration of the closure,
 - Six weeks notice of the requirement of a closure is given by the developer.

Informative for ASBESTOS:

Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

KCC Flood and Water Management:

The proposals seek to utilise a piped network draining into orchard planting with rain gardens prior to discharging at 2l/s into an existing land drain. We note that the exact location, size and condition of the land drain pipe that the proposed drainage is to connect to is to be confirmed during detailed design. Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.

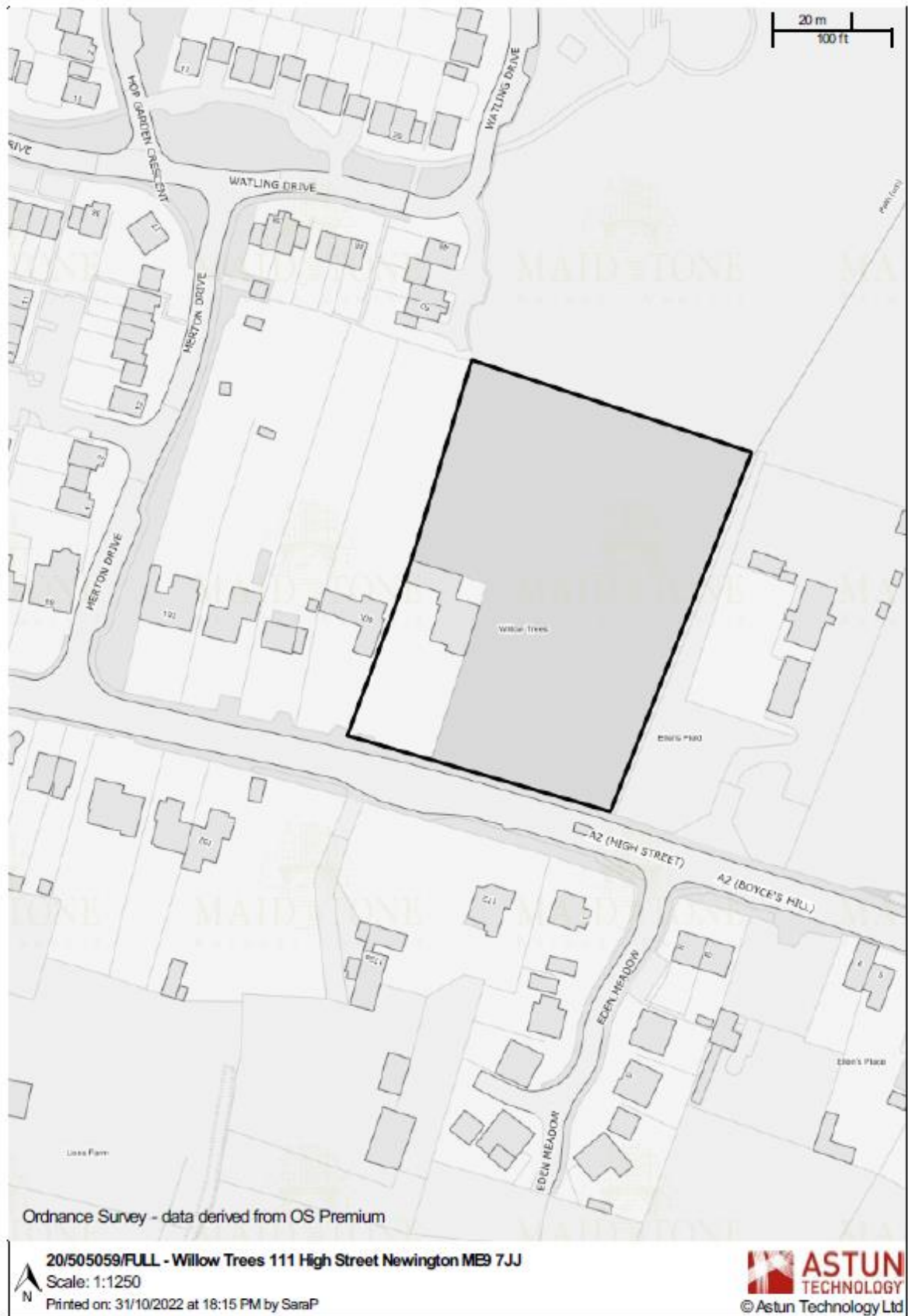
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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2.4 REFERENCE NO - 20/505059/FULL		
APPLICATION PROPOSAL		
Retention of existing chalet bungalow with amended residential curtilage and erection of 10 dwellings (7 x three bedrooms and 3 x four bedrooms) with associated access, parking, amenity, and landscaping		
ADDRESS Willow Trees 111 High Street Newington Sittingbourne Kent ME9 7JJ		
RECOMMENDATION Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
SUMMARY OF REASONS FOR RECOMMENDATION		
The proposed development would provide additional market housing market adjacent to a settlement identified on the settlement strategy as a tier 4 settlement. Due to the Council's lack of 5-year housing supply the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh any limited harm.		
REASON FOR REFERRAL TO COMMITTEE		
Newington Parish Council Objection, and called in by Councillor Horton		
WARD Hartlip, Newington And Upchurch	PARISH/TOWN Newington	COUNCIL
		APPLICANT UK Land Investors Ltd AGENT DHA Planning
DECISION DUE DATE 09/04/21	PUBLICITY EXPIRY DATE 25/10/22	CASE OFFICER Corinna Griffiths

Planning History

SW/80/0329

CAR PORT

Approved pre 1990 Decision Date: 07.05.1980

1. DESCRIPTION OF SITE

- 1.1 The application site comprises an existing chalet bungalow within an unmanaged area of land containing orchard fruit trees, which are classified as BAP Priority Habitat. The plot is approximately 0.75 hectares in area.
- 1.2 The site is situated to the north of the High Street (A2) in Newington. Part of the site is within the settlement boundary (the existing dwelling and land to front/south of the dwelling). The remainder of the site is outside the settlement boundary, and therefore within the open countryside.
- 1.3 To the east and west of the site are single residential dwellings; to the north is a new housing development known as 'Watling Place' off Merton Drive, including a SANG

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(suitable alternative natural green space) which the application site adjoins. To the south is the A2; beyond this are residential dwellings.

- 1.4 In terms of boundary treatments, the southern frontage with the A2 comprises a dense evergreen tree belt and existing driveway to Willow Trees. The northern boundary comprises a row of poplar trees and scrub and has views to the SANG and new housing estate to the north. The western boundary borders a house and the retained chalet bungalow.
- 1.5 To the east of the site is Public Footpath ZR59, which runs from the A2 and links to a wider network of public rights of way, and acts as a pedestrian link to the A2 from the SANG and housing estate at Watling Place. The boundary between the site and PROW is a dilapidated low-level post and wire fence.
- 1.6 The site is at a lower land level than the A2, as the site slopes south to north from the High Street, before levelling off approximately 30m into the site. There is an initially drop of approximately 2.5m to the north of the southern site boundary, which gradually lowers to approximately 5m in comparison to the A2.

2. PROPOSAL

- 2.1 The application proposals are for the retention of the existing chalet bungalow (Willow Trees) with amended residential curtilage, and for the erection of 10 dwellings (7no. three bedroomed dwellings and 3no. four bedroomed dwellings), with associated access, parking, amenity, and landscaping.
- 2.2 The existing dwelling in the south-western part of the site would be retained, with the extent of residential curtilage associated with the dwelling being amended as part of these proposals. The remainder of the site would be a development of 10 new dwellings, and associated access, parking, amenity and landscaping, to be situated in the south-east and northern parts of the site.
- 2.3 To the east of the existing dwelling, 2no. two storey detached dwellings are proposed comprising plots 1 and 2. The access road would wrap around these plots and lead to the north of the site where the proposals comprise a detached two storey dwelling (plot 10), and two rows of three storey terraced dwellings (plots 3-9). Plots 1 and 2 would front onto the internal access road, whereas plot 10 would front onto the internal access road and public right of way to the east; plots 3-9 to the northern part of the site would front onto the pedestrian footpath, and the SANG beyond the northern site boundary.
- 2.4 The proposed external materials pallet includes brick, render and boarding under slate roofs, with integrated photovoltaic slates in the interests of delivering renewable energy technology to the proposals.
- 2.5 The existing vehicular access would be retained for the existing chalet bungalow, and a new vehicular access is proposed off the High Street (A2). The access road would serve the proposed 10no. residential dwellings, with a turning head in the northern half of the site.

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- 2.6 The proposals include two pedestrian connection points to the existing PROW, and the boundary between the site and the PROW will consist of low-level planting.
- 2.7 Plots 1, 2 and 10 are 4-bedroom dwellings which will have three parking spaces per dwelling. Plots 3-9 are 3-bedroom dwellings which will have two parking spaces per dwelling, in an allocated parking courts. Each dwelling will have an EV charging point, and three visitor parking spaces are proposed which will each have an EV charging point.
- 2.8 The existing frontage tree screen will be retained except for trees removed to allow for the creation of the new vehicular access and junction. The areas of site to be retained as an enhanced orchard area as shown in hatched green on drawing number 22/08/04 Rev G and is located within the garden of the retained dwelling, and to the south of the access road.
- 2.9 The application proposal originally sought the demolition of the existing dwelling and erection of 20 dwellings. The proposal was amended during the application process to the current proposal which seeks the retention of the existing bungalow, and erection of 10 dwellings.

3. SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	0.75 ha	0.75 ha	None
Approximate Ridge Height (m)			
Approximate Eaves Height (m)			
No. of Storeys	1 ½ (chalet bungalow)	3 (chalet bungalow; 2 storeys and 3 storeys)	+ 1 ½
Parking Spaces		26 spaces (new development)	+ 26
No. of Residential Units	1	11	+ 10
No. of Affordable Units	0	0	none

4. PLANNING CONSTRAINTS

- 4.1 Part of the site is within the settlement boundary (existing dwelling and land to front/south of the dwelling). The remainder of the site is outside the settlement boundary, and therefore within the open countryside.
- 4.2 Potential Archaeological Importance
- 4.3 Public footpath ZR59 is adjacent to the proposed development along the eastern boundary.
- 4.4 The site is adjacent to the Newington AQMA, and the proposed vehicular access connects to the AQMA.

APPENDIX 1**5. POLICY AND CONSIDERATIONS**

5.1 National Planning Policy Guidance (NPPF) and National Planning Policy Guidance (NPPG).

5.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017:

ST 1 – (Delivering sustainable development in Swale); ST 3 – (The Swale settlement strategy), CP 3 – (Delivering a wide choice of high-quality homes), CP 4 – (Requiring good design), CP 7 (Conserving and enhancing the natural environment – providing for green infrastructure), CP 8 – (Conserving and enhancing the historic environment), DM 3 – (The rural economy), DM 6 – (Managing transport demand and impact), DM 7 – (Vehicle parking), DM 8 – (Affordable housing), DM 14 – (General development criteria), DM 17 – (Open space, sports and recreation provision), DM 19 – (Sustainable design and construction), DM 21 – (Water, flooding and drainage), DM 28 – (Biodiversity and geological conservation), DM 29 – (Woodlands, trees and hedges),

5.3 Supplementary Planning Guidance (SPG):

- Swale Landscape Character and Biodiversity Appraisal SPD
- Swale Borough Council Parking Standards Supplementary Planning Document (SPD).

6. LOCAL REPRESENTATIONS

6.1 24 objections have been received. A summary of the points raised in the objections is set out below:

- Outside established village boundary. Would harm the character, appearance, and intrinsic amenity value of the countryside.
- Newington has exceeded its housing allocation.
- Increased traffic and congestion along busy A2 corridor
- Increased air pollution, harmful impact on air quality and health.
- The A2 between Rainham and Key Street roundabout goes through 3 Air Quality Management Zones (Rainham, Newington and Keycol Hill).
- There would be a harmful cumulative impact on air quality. The application should be refused, similar to the Pond Farm appeal/.
- New junction close to existing junction onto A2 from Eden Meadows, and close to pedestrian refuge resulting in a highways safety issue.
- Public transport connections within Newington are poor and infrequent.

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- Application needs to view in conjunction with other planning applications in Newington.
- Development out of keeping with surrounding character. Overdevelopment for 20 dwellings on plot of a single dwelling.
- Residential amenity harm from overlooking; window distances; and loss of light.
- A large part of the site is considered to be at medium to high risk from surface water flooding. Underground drainage culvert on the site.
- Removing existing vegetation would increase localised flood risk.
- Existing drainage (sewerage) issues in the east end of Newington High Street, existing foul sewerage system is at capacity
- The main railway line in Newington has suffered landslips due to localised flooding problems in Newington
- Loss of bungalows and cottages unacceptable
- Insufficient amenities and infrastructure within Newington.
- Site has high biodiversity value from old orchard trees and being left unmanaged.
- Loss of orchard, being replaced with concrete
- Harm to the Grade II listed building opposite. (Swale BC has previously refused planning to a small development adjacent but ignored this reason when permitting Eden Meadow, a similarly large development in the Councils favour.)
- Any development in this area should be preceded by field based archaeological investigation at the developer's expense.
- Risk of closure of the PROW adjacent to site.
- Covenant on the site to prevent redevelopment

7. CONSULTATIONS**7.1 Newington Parish Council objects to the application.**

7.2 The Parish comments dated February 2021; December 2021; and July 2022 have been appended to this report in full. A summary of the objection is provided below:

- Most of the proposed development is outside the defined urban boundary of the village (citation of various appeals for residential development that have been refused).
- This application is against the principles of the Swale local planning authority's development plan and Swale can now demonstrate a 4.8 year housing supply.

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- The site is not included in any of the relevant, more recent, Swale Local Plan, or Local Plan Review evidence gathering, and therefore contrary to adopted policies.
- Proposal would result in negative highway impacts: Increased traffic due to recent permitted schemes within Newington (such as the Persimmon and Eden Meadows development); in cumulative terms, the proposed development has the potential to lead to significant adverse transport and air quality impacts in Newington and that the proposed site access presents a significant highway safety issue due to the inadequate length of the proposed right turn lane.
- Insufficient parking provision
- Highway safety concerns specifically related to the location of the access opposite the vehicular access to Eden Meadows,
- Concerns regarding potential drainage and sewerage issues
- Harm to the landscape as a result of the proposed development being outside of the built-up area boundary,
- Harm to the Air Quality of Newington (citation of various appeals)
- The proposal would not be 'sustainable' development
- The revised plans would result in greater loss of orchard (a priority habitat) than the original submission in 2021.
- Newington Parish Council have commissioned reports to support their objections, including from the University of Kent regarding air quality, and Railton Transport Planning Consultancy Ltd regarding the submitted transport assessment.

7.3 National Highways – No objection, subject to a condition seeking a Construction Management Plan

7.4 We will be concerned with proposals that have the potential to impact on the safe and efficient operation of the SRN, in this case, particularly within the vicinity of the M2 and A249. The then Highways England responded to the consultation on the original 20 dwelling proposals on 19 January 2021, recommending 2 conditions: (1: A Grampian condition relating the M2J5; and 2) the need for a Construction Management Plan).

7.5 We have reviewed the updated Transport Statement (dated May 2022) submitted in support of the revised proposals (for 10 dwellings) and note that traffic generation and hence SRN impact will be lower than previously accepted by us as part of the original proposals. As before, we are content to leave the matter of seeking any contributions towards the costs of the A249/A2 KCC Highways led junction improvement to KCC.

7.6 Therefore, we are content that the proposals, if permitted, would not have an unacceptable impact on the safety, reliability, and/or operational efficiency of the Strategic Road Network in the vicinity of the site (SRN Road Name(s)), provided that the

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following condition is imposed, (reflecting the DfT Circular 02/13 Para 8 -11 and MHCLG NPPF 2021 Para 110-113 tests). Given that the National Highways RIS M2J5 scheme is now under construction, we have no need to recommend the Grampian Condition. Therefore, the only condition we now recommend is attached to any consent are details of a Construction Management Plan.

- 7.7 **Natural England raise no objection** subject to the appropriate financial contribution being secured (namely £ 275.88 for each dwelling), Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site on the coastal Special Protection Areas and Ramsar Sites. However, due to the People Over Wind ruling by the Court of Justice of the European Union, Natural England advise that the measures to avoid or reduce the likely harmful effects from the development may need to be formally checked and confirmed via an Appropriate Assessment. It is for the Council to decide whether an Appropriate Assessment is required, and Natural England must be consulted.

An Appropriate Assessment has been carried out Natural England were consulted. Natural England raise no objection to the proposal, subject to securing mitigation (SAMMS Payment).

- 7.8 **Southern Water raise no objection**, subject to an informative regarding foul sewerage and surface water disposal.
- 7.9 **KCC Archaeology – raises no objection. Advises there is potential for significant archaeological remains to occur on this site and to be affected by proposed development, and is satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate.**
- 7.10 “I note that the site is located to the north of the A2 in an area that comprises a bungalow, garden and an attached orchard. The proposed development comprises the retention of the bungalow and the construction of ten dwellings in the orchard area together with access, parking and landscaping.
- 7.11 The application documentation includes an Archaeological Desk based Assessment by SWAT Archaeology (October 2020). The desk based assessment provides a good description and assessment of the archaeological potential of the area, rightly recognising the high potential in Newington for remains of Iron Age and Roman date and moderate potential for Bronze Age remains. SWAT have drawn on their experience of the excavations to the immediate north west of the present site where very significant remains of mainly Iron Age and Roman date were investigated in advance of development.
- 7.12 Although the site lies just to the south of the residential site it is important to consider the topographical aspects of the site, the location and orientation of findings to understand the potential of the present site.

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- 7.13 The archaeology found on the site to the north focuses on a Roman and possibly earlier road that ran from the Medway across the site to join the main Roman road, Watling Street, that runs between London and the Kent coast. Watling Street follows the approximate line of the A2. The archaeology to the north west included a roadside temple, burials and an area of industry set within enclosures adjacent to the branch road. The branch road generally runs in a north west to south east direction and would adjoin Watling Street to the east of the present site. Roman settlement activity and a rich cemetery are known to lie further to the east at this projected junction. Investigations closer to the road on the 99 High Street site found that the area nearest Watling Street was relatively clear of the intense archaeology seen to the north. Furthermore the area immediately north was seen to lie within a deep natural valley that the Roman road turned to follow before heading south east. The Roman archaeology within the valley was deeply buried beneath colluvial deposits. It's likely that the valley extends through the present application site and across and south of the A2.
- 7.14 I note that in the desk study observations made during a walkover are that there is some evidence of a drop from the A2 into the site and some evidence of terracing within the grounds to the adjacent property. How such terracing may have affected archaeological deposits is unknown. The reason for the rise to the road may have resulted from this having been placed on a slight causeway across the valley. The potential impact of development is not known given the uncertainty of potential depths to archaeology on this site.
- 7.15 Given the above I conclude that there is potential for significant archaeological remains to occur on this site which may be affected by the proposed development. Given the layout of the archaeology seen to the north it is unlikely that the intense activity seen there extends into the present site considering the orientation of the roads, the presence of the valley and the investigations undertaken closer to the road adjacent to 99 High Street. However there remains a high potential for significant archaeology to be present on the site and this may be impacted by development groundworks. Archaeological evaluation through trial trenching is needed to better understand the archaeological potential and inform mitigation of the impacts of development
- 7.16 I am satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate.”
- 7.17 A condition is recommend to enable a staged approach to evaluation and mitigation of the site’s potential impacts on archaeology” (See condition 3).
- 7.18 **KCC Biodiversity – no objection, subject to conditions**
- 7.19 We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. If planning permission is granted, we advise that a condition securing the implementation of a biodiversity method statement, ecological enhancements and habitat creation/management plan is included. Suggested wording is provided at the end of this

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document. Developer Contributions will need to be provided to mitigate against recreational pressure on a Special Protection Area due to the increase in dwellings within the zone of influence; Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS there is a need for an appropriate assessment to be carried out as part of this application.

7.20 KCC Developer Contributions request the following contributions towards infrastructure, and a condition seeking high-speed broadband connections:

	Per 'applicable' flat	Per 'applicable' House (x10)	Total	Project
Primary Education	£1,700.00	£6,800.00	£68,000.00	Towards the construction costs of a new Primary School
Secondary Education	£1,294.00	£5,176.00	£51,760.00	Towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1
Secondary Land	£658.93	£2,635.73	£26,357.30	Towards the new Secondary school site acquisition upon land off Quinton Road, NW Sittingbourne

'Applicable' excludes: 1 bed units of less than 56 sqm GIA and age-restricted dwellings.

	Per Dwelling (x10)	Total	Project
Community Learning	£16.42	£164.20	Contributions requested towards additional equipment and resources at Sittingbourne Adult Education Centre
Youth Service	£65.50	£655.00	Contributions requested towards additional resources for the Youth service in Sittingbourne
Library Bookstock	£55.45	£554.50	Contributions requested towards additional services, resources, and stock at Sittingbourne Library
Social Care	£146.88	£1,468.80	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.

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	All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)		
Waste	£183.67	£1,836.70	Towards additional capacity at the HWRC & WTS in Sittingbourne

7.21 KCC Flood and Water Management raise no objection subject to conditions

7.22 14/06/22: Kent County Council as Lead Local Flood Authority have reviewed the amended FRA and drainage strategy and although major changes within the layout have been made the Drainage strategy ultimately remains unchanged. Therefore, we have no further comment to make on this proposal and would refer you to our previous response dated 12 February 2021 and the conditions contained therein

7.23 12/02/21: Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment prepared by Lustre Consulting dated October 2020 and agree in principle to the proposed development. The proposals seek to utilise a piped network draining into orchard planting with rain gardens prior to discharging at 2l/s into an existing land drain. We note that the exact location, size and condition of the land drain pipe that the proposed drainage is to connect to is to be confirmed during detailed design. Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.

7.24 KCC Highways raise no objection, subject to conditions, and a Section 106 contribution towards Key Street highway improvements to the value of £14,400.

7.25 15/09/22: I note the amended drawing that has been submitted since my previous response to show the swept path analysis of the maximum size refuse vehicle manoeuvring through the development, and I am satisfied that this does not alter my views on the proposals. Consequently, I can confirm that I adhere to the recommendation made in my response dated 15th July 2022

7.26 15/07/22: I am satisfied that the amendments have addressed the points that I had raised in my last response, as the labelling has been clarified with regard to the 5.5m wide junction, and the footway has been extended into the development in order to provide a route into the shared space. I would adhere to my previous comments regarding the acceptability of the off-site highway works and traffic impact on the local highway network, and therefore confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority.

7.27 15/06/22: *Traffic Impact*: You will be aware from my previous consultation response that I had raised no objection on behalf of the Highway Authority to the proposed development at that time, and I note that the scheme has now been reduced in scale by half to provide just 10 dwellings. Given that the number of the vehicle movements generated by 20 dwellings was considered acceptable when looking at the capacity of

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the highway network, I remain satisfied that the smaller scheme proposed would not alter that view. As before, the development would still be expected to contribute towards the recovery of the HIF money awarded to Kent County Council for carrying out highway capacity improvements to Key Street roundabout, as was stipulated by the Department for Communities and Local Government. However, the value would also be reduced from had been requested previously, and the Highway Authority will now seek a contribution of £14,400 based on the recovery formula being applied to planning proposals.

- 7.28 As previously advised, due to that junction being overcapacity at present and unable to accommodate the impact from cumulative development, the occupation of dwellings on applications being consented is being held back until the contract for the highway improvement scheme has been awarded. Should the Local Planning Authority be minded granting planning approval, a Grampian condition will need to be imposed to restrict occupations until that trigger has been reached.
- 7.29 *Proposed Site Access Junction:* I have no objection to the revised site access location and accept that the original Stage 1 Road Safety Audit that was carried out can still be applicable to this revision. Whilst the swept path analysis for the refuse vehicle shown on drawing T-05 Rev P1 does indicate that it would take up the full width of the junction within the access road, it is appreciated that the limited number of dwellings served and infrequent visits by the refuse vehicle would not give rise for concern, as there would be sufficient capacity within the filter lane to accommodate a waiting car clear of obstructing the refuse vehicle.
- 7.30 For clarity, the labelling on the submitted drawings should be amended to correct the width specified for the access road, as it states 4.8m instead of the 5.5m the access has been drawn to.
- 7.31 In addition, the footways leading into the site should continue further around the radii than has been shown, so that they deposit users into the shared space beyond the rumble strip/ramp transition, rather than within the carriageway and too close to the junction.
- 7.32 *Development Layout:* It is assumed that the applicant still intends to not offer the development for adoption by the Highway Authority, and it will remain in private management. I will therefore not comment on the internal layout but would ask that the refuse vehicle swept path analysis is clearly demonstrated to ensure that the vehicle can manoeuvre through the site and turn around within it. Unfortunately, the drawing that has been submitted to show this, drawing number T-01 Rev P1, does not appear to include the analysis as intended.
- 7.33 **KCC Public Rights of Way raise no objection, subject to a contribution of £8625 to improvements to Public Footpath ZR59 (to provide a 1.2m wide all weather surface).**

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- 7.34 Public footpath ZR59 is adjacent to the proposed development. A copy of the current Public Rights of Way Network Map showing the line of this path is enclosed. The existence of the right of way is a material consideration. Should consent be granted, the development will impact upon the public use, enjoyment and amenity of the Public Right of Way.
- 7.35 The amended application appears to be much improved from the original application. As identified in the Design and Access Statement the footpath is narrow and uninviting. Removing the dilapidated fence and creating a more open aspect will improve public enjoyment and use of the path.
- 7.36 Should you be minded granting consent for the revised proposal I would request the following S106 developer contributions are sought in respect of the development as they are considered to be:
- necessary to make the development acceptable in planning terms,
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 7.37 A sum of £8 625 is requested to provide a 1.2 metre wide all-weather surface to address the increased use of Public Footpath ZR59 to access the wider community and countryside. This contribution should be available when 50% of dwellings are occupied. Kent County Council request the opportunity to comment on the draft section 106 agreement. Please advise this department directly when the decision has been made to ensure the proposed works/ improvements can be co-ordinated in a timely manner.
- 7.38 **Kent Police request a condition regarding secure design.**
- 7.39 **MKIP Environmental Health raise no objection subject to conditions; and securing air quality mitigation (damage cost and additional mitigation measures) via a S.106 agreement.**
- 7.40 08/09/22: Environmental Health have reviewed the recently amended air quality mitigation statement which it is deemed acceptable in principle. However, to ensure what is being offered will be delivered there are still some unknowns. If residents choose to not use either the discounted travel tickets or ebike vouchers, then what is the alternative for this money to be spent. In addition, there is limited information available about the discounted tickets. I think it would be sensible to add a condition (or via S.106) to ensure what is being proposed will be delivered. Therefore, I support the statement however would like a condition (or clause within the S.106) imposed to ensure not only that the mitigation measures are delivered, but information on how they will be managed and what alternatives are being considered if tickets are not used. This could possibly also be written into the agreement.
- 7.41 23/06/22: I have reviewed the amended AQA completed by Ensafé 23rd May 2022 for the development that has now reduced in size from 20 to 10 dwellings. The method for the model verification process is acceptable.

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- 7.42 The consultant has shown committed development flows in the modelled scenarios. The cumulative impacts seem lower when compared to other AQAs for this area which could be due to the approach taken or data inputs. Appendix D includes a sensitivity analysis which provides a worst-case scenario by emitting the future Emission Factors to the model. Scenario 2 on page 66 include committed development with two receptors sites continuing exceed the AQO (R13 and R14) and with R13 to R18 showing moderate to slight impacts. I have reviewed various AQA's for this area, which have also taken the conservative approach, but these have shown substantial cumulative impacts for most or all receptor sites.
- 7.43 It seems some relevant Rainham sites have not been included, as only one is showing (page 42). Can this please be checked by MBC planning to ensure all relevant development sites have been included?
- 7.44 I am glad to see the consultant has provided two assessments with and without emission factors, as this shows how significant they can be when applying them and provide insight between the two, when considering impacts. Various factors could influence behaviour changes such as the Covid pandemic or economic changes which may show a decline in vehicle improvements. Therefore, it is essential to show both scenarios.
- 7.45 Objections have been raised in other applications by Environmental Health (EH) relating to the cumulative impact to the Air Quality Management Areas/ nearby receptors (Newington and Keycol Hill). Following recent discussions, we have asked for further information to aid our consideration of these applications and for applicants to provide the following:
- A breakdown of how the damage cost calculation to be provided for Air Quality mitigation would be spent. It is advised that the money would be put towards encouraging the use of Public Transport. For example, the provision of rail ticket, bus tickets etc.
 - EH need more attention to be spent on quantification of benefits i.e., for a mode shift or reduction in trip rates as part of this.
 - Proportionate mitigation measures above the provision of the damage cost calculation should be considered and should not include policy required provisions i.e., car charging units.
- 7.46 It is important that the Council can be assured that the development individually and cumulatively would not result in exceedance of prescribed AQOs. It is hoped in breaking down the specific mitigation delivered by the damage cost calculation, and hopefully its positive promotion of public transport, that it will provide a clear picture as to the solutions to the cumulative impacts in Newington.
- 7.47 Recommendation: The applicant has provided an amended air quality mitigation statement completed by Ensaf (23rd May 2022) which breaks down how the damage cost that would be spent. I would recommend this is reviewed to provide additional

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mitigation keeping in mind there are potential cumulative impacts that need to be accounted for.

- 7.48 21/04/21: Requested an updated air quality assessment to assess the air quality impacts from increased traffic flow on both receptor sites along the A2 within and between Newington and Keycol Hill; the cumulative impact needs to be reconsidered to consider transboundary effects; and to provide details of a scheme of mitigation beyond the value of the damage cost. Outlined an objection to the application due to insufficient air quality information.
- 7.49 Regarding other Environmental Health considerations, the comments raise no objection to contamination issues subject to a condition seeking the submission of a phase 1 contaminated land assessment. The comments request other the following other conditions; construction and environmental health statement; construction hours condition; EV charging; and low NOx gas boilers.
- 7.50 **SBC Affordable Housing Manager raises no objection, and no affordable housing is sought.** The Affordable Housing Manager notes that this application now proposes a reduction of delivering 20 new build homes to 10. Therefore, affordable housing policy DM8 no longer applies as this is below the 11-dwelling threshold, and there is no longer a requirement to provide affordable homes on this site
- 7.51 **SBC Greenspaces Manager raises no objection, subject to a contribution of £593 per dwelling towards Formal Sport and £446 per dwelling towards Open Space.**
- 7.52 Limited opportunity to provide open space on site although pleased to see the retention of most of the frontage tree screen and linkage to the SANG on the adjacent development.
- 7.53 Confirm what open space is included within the development will not be transferred to the Council and as such alternative method of management and maintenance needs to be found. I also confirm that we would seek a contribution toward off site enhancement/increase in capacity of both Formal Sports and Play/Fitness facilities within Newington Recreation Ground as identified in the Swale Open Spaces and Play Area Strategy 2018-22. Formal Sport - £593.00 per dwelling and Play/Fitness - £446.00 per dwelling

8. APPRAISAL**Principle of Development**

- 8.1 Part of the application site comprising the existing dwelling, and land adjacent to the dwelling are situated within the built-up area boundary of the settlement of Newington. The remainder of the site adjoins the built-up area boundary and is therefore located just outside the built-up area boundary. The proposed new residential dwellings would be situated outside the defined boundary. Policy ST 3 of the Local Planning Authority sets out the Swale Settlement Strategy. The policy indicates that the primary focus for

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development is Sittingbourne, with Faversham and Sheerness forming secondary areas for growth.

8.2 Rural Local Services Centres are identified by policy ST 3 as a tertiary focuses for growth. Newington forms one of the Rural Local Service Centres and is therefore relatively high on the settlement strategy. As the majority of the site (and proposed new residential development) lies outside of the built-up area boundary it is considered to be located in the open countryside.

8.3 Paragraphs 11 and 73 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to meet its full, objectively assessed needs (OAN) for housing and other uses. The Council should annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer.

8.4 The latest published position within the 'Statement of Housing Land Supply 2020/21 Swale Borough Council June 2022', identifies that the Council is meeting 105% of its requirement. As a result, the Council has a 4.8 Housing Land Supply. As a result, the Council cannot demonstrate a 5 year supply a presumption in favour of sustainable development must be applied under paragraph 11 of the NPPF.

8.5 Paragraph 11 of the NPPF states that in making decisions planning authorities should apply a presumption in favour of sustainable development. In regard to decision meeting this means:

'(c) approving development proposals that accord with an up-to-date development plan without delay; or

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date⁸, granting permission unless:

(i) the application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed⁷; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.6 Footnote 7 of the NPPF identifies areas defined as 'areas of particular importance'. The application site is not bound by any constraint which would place the site in an 'area of particular importance'. The site would therefore fall to be considered under, Paragraph 11(d)(ii). The proposal will therefore be assessed as to if the proposal represents sustainable development.

8.7 Paragraph 8 of the National Planning Policy Framework (2021) states that:

'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually

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supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives)'.

- 8.8 (a) **an economic objective** – to help build a strong, responsive, and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.
- 8.9 The proposed development would consist of residential development and would not incorporate direct commercial/economic benefits.
- 8.10 The provision of residential housing does generate passive economic benefits as additional population can see additional spending in local centres. The development would have some short-term benefits related to the employment generated throughout the construction process. The provision of jobs and require spending in the locality because of development would see short term economic benefit.
- 8.11 The proposal would not have a direct economic impact through the creation of an employment unit, but some moderate weight would be attached to the economic benefits of the economic role.
- 8.12 (b) **a social objective** - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- 8.13 The proposal would provide additional housing to the Borough. As the council cannot demonstrate a 5-year supply, a buffer would be required on top of the identified need. As such there is an identified shortage of housing. The provision of 10 market houses would contribute to the provision of housing for present and future generations.
- 8.14 The application site is within a 10minute walk from Newington train station and shops and services along Newington High Street. The Manual for Streets guidance indicates that:
- 8.15 'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot...Mfs encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily need is within walking distance of most residents'.
- 8.16 The access to the wider countryside and to services would be within sustainable walking distance. The proposal would provide two pedestrian connection points to the existing PROW (ZR59) which runs along the eastern boundary; and would secure a contribution to improvements to Public Footpath ZR59 (to provide a 1.2m wide all-weather surface). As such the proposals would help integrate the new dwellings within the existing settlement of Newington and help provide improved links to the SANG to the north of the

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site, and wider network of public footpaths. The proposal would provide a degree of support for the communities' health, social, and cultural wellbeing.

- 8.17 The proposal would be considered to provide significant social benefits in considering the site's overall social objectives.
- 8.18 (c) **an environmental objective** – to protect and enhance our natural, built and historic environment, including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 8.19 Policy ST 3 of the Swale Local Plan indicates that development will not be permitted on sites which are in the open countryside and outside of the defined built-up area. The policy does state such development would only be allowed if supported by national policy and would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 8.20 The application site is located just outside of the built-up area boundary of Newington. The site is not located within a designated landscape area either nationally or locally. However, the site is located within an area which does sit outside of the defined boundary of the built-up area of Newington.
- 8.21 The site is situated to the north of the High Street (A2), and the site is on a lower land level than the High Street (A2). The impact to the landscape will be considered below. However, it is noted that the proposal would have limited impact due to the retention of existing mature tree planting along the southern and northern site boundaries; and the proposal would effectively be an infill development with existing residential development to the east and west of the site.
- 8.22 As above, the proposal would be located within the recommended 10-minute walking distance to local services and amenities including food shops and pharmacies. The site is also within reasonable walking distance to the railway station which would provide wider access to other facilities in Kent. The proposal would also provide improved pedestrian links in the area. The location and improved services would reduce the overall reliance on the car to meet day to day needs.
- 8.23 While some bus and rail services may be considered limited by third parties, the services would be available within walkable distances. The presence of these services for a rural area does increase the sustainability of the site as the settlement does benefit from transport services. As such, the site is not wholly isolated from existing infrastructure.
- 8.24 The proposal would be considered to have a moderate weight in meeting an environmental objective.

Landscape/Visual Impact

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- 8.25 Policy CP 7 of the Local Plan states that the Council will work with partners and developers to ensure the protection, enhancement and delivery, as appropriate, of the Swale natural assets and green infrastructure network. These include strengthening green infrastructure and biodiversity.
- 8.26 Policy DM 24 of the Local Plan states that the value, character, amenity and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed. The policy is split into parts with part B applying to this site.
- 8.27 The application site is not located within either a national, Kent or local land designation.
- Part B of policy DM 24 relates to non-designated landscapes. It states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to;
1. The minimisation and mitigation of adverse landscape impacts, and
 2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.
- 8.28 In accord with the Swale Landscape Character and Biodiversity Appraisal 2011 the site is located within the Iwade Arable Farmlands landscape designation. The site sits on the edge of this designation due to its proximity to the built area of Newington. The site is at the southern boundary of this character area.
- 8.29 The key characteristics of the area are detailed as being medium-large scale fields, isolated farmsteads and cottages, isolated historic properties and mixed 20th century development, valley and hill setting to village of Newington with landmark Church, cereal production has replaced traditional orchards, and fragmentation and extensive loss of hedgerows. The landscape condition is poor. The sensitivity identifies this is a moderately sensitive area. Intermittent, long views are afforded across this landscape of large arable fields. However, the gently undulating topography dispersed tree cover and broken hedgerows, help to provide a general sense of enclosure.
- 8.30 The application site consists of an existing residential dwelling, with unmanaged area of land containing orchard fruit trees within the garden area of the dwelling. Either side of the site to the east and west are residential dwellings, to the south is the High Street (A2) with residential dwellings on the opposite side of the highway, and to the north is an area of open space (SANG) which forms part of a modern residential development at Watling Place.
- 8.31 The site has existing defined boundaries, including a mature evergreen tree belt on the southern boundary, row of poplar trees on the northern boundary, planting and fencing with the neighbour to the west (109 High Street). To the east is a dilapidated low fence between the site and PROW, and beyond this the neighbouring dwelling Ellens Field has a mix of planting and close boarded fencing along its boundary with the PROW. The site

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is therefore visually contained and would be considered as an infill development given the relationship with existing neighbouring residential dwellings.

- 8.32 The proposals include the retention of existing mature planting along the northern boundary with the SANG to the north, and on the southern boundary the mature trees will be retained, except for a section to allow for the new vehicular access into the site.
- 8.33 Immediately to the east of the site is PROW ZR59, the views and user experience of this footpath will change because of the proposed development. The proposals include two new pedestrian access points to the footpath; and provide a contribution to enhance the surface of this footpath (to provide an all-weather surface) which will improve the overall quality of the footpath. In terms of the visual impact sections of existing trees and planting along the eastern boundary will be retained, with additional planting proposed, and a soft boundary comprising low level planting is proposed between the site and PROW.
- 8.34 Any approval would be conditioned to ensure that the proposal would retain existing tree coverage (as identified on the submitted plans), whilst seeking a full detailed landscaping plan.
- 8.35 Given the retention of existing mature planting along the northern and southern site boundaries; and visually contained nature of the site, the proposal would only have a localised impact, rather than longer wider implications to landscape views. The site sits outside of any designated landscape, and it is considered that the proposal would not result in adverse landscape impacts.

Design/Layout

- 8.36 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 8.37 Paragraph 130 of the National Planning Policy Framework lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 8.38 Policy CP 4 of the Local Plan sets out the requirements for good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 8.39 Policy DM 14 of the Local Plan sets out a number of General Development Criteria for development proposals. These include a number of requirements that proposals be both

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well sited and of a scale, design, and appearance detail that is sympathetic and appropriate to the location. The criteria also require an integrated landscape strategy that will achieve a high landscaping scheme.

- 8.40 The proposed new dwellings would be situated in the eastern and northern parts of the site. To the east of the existing dwelling, 2 x two storey detached dwellings are proposed comprising plots 1 and 2. The access road would wrap around these plots and lead to the northern part of the site where the proposals comprise a detached two storey dwelling (plot 10), and two rows of three storey terraced dwellings (plots 3-9). Plots 1 and 2 would front onto the internal access road, plot 10 would front onto the internal access road and public right of way to the east, and plots 3-9 in the northern part of the site would front onto a pedestrian footpath, and the SANG beyond the northern site boundary.
- 8.41 Plots 1 and 2 comprise detached dwellings set back from the highway and are consistent with the frontage building line for dwellings to the north of the High Street. These dwellings are largely consistent with the linear form of development evident to the north of the High Street and maintain a lower density form of development in the southern part of the site. The dwellings in the northern part of the site will front onto a pedestrian footpath with existing SANG open space beyond the site boundary, and existing Watling Place development to the north-west and will read as a modern addition to the new residential development. The layout of the scheme has been designed to reduce rear back gardens situated along the site boundaries, notably the northern boundary to ensure the proposals integrate with the wider area, rather than creating a hard inactive boundary.
- 8.42 Overall, the scheme has a density of approximately 14 dwellings per hectare, which is considered to be appropriate for the rural context of the site.
- 8.43 Corner turner units and details side elevations have also been used across the site to ensure overlooking of public spaces and provide interest along the public realm. The enclosure details provided show brick walls for garden spaces adjacent to the public realm, with space for planting would ensure units with the internal public facing rear/side elevations would retain sufficient detailing.
- 8.44 The properties in the wider area do vary in form and the architecture derives interest in the street scenes. Plots 1 and 2 would have a traditional bulk and massing of detached two storey dwellings with hipped and gable roof forms. The plots in the northern part of the site comprise two terraces of three storey dwellings, with gable roof forms with a multiple gable roof composition. The scheme has evolved through discussion with the urban design officer who outlined those three storey dwellings in the northern part of the site would be acceptable, as it links with the modern Watling Place development.
- 8.45 The external materials palette includes brick, render and boarding under slate roofs with integrated photovoltaic slates in delivering renewable energy technology to the scheme. It is considered that the design of the houses compliments the traditional massing with pitched roofs of neighbouring developments but has its own materials identity and colour

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pallet. Full details of the external materials will be secured via condition, to ensure a high-quality finish.

- 8.46 In terms of hard surfacing, the plans show that tarmac would be used for the site access, and the remainder of the access road and parking areas would be a shared surface. To ensure a high-quality fabric across the site details of the surfaces would be secured by condition.
- 8.47 The proposal is considered to provide, subject to condition, a high level of design and layout.

Highways

- 8.48 Policy DM 6 of the Local Plan seeks to manage transport demand and impact. Policy DM 7 of the Local Plan provides guidance on parking standards alongside the Swale Borough Council Parking Standards SPD.

- 8.49 Paragraph 111 of the National Planning Policy Framework states that:

‘Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or residual cumulative impacts on the road network would be severe’.

- 8.50 The revised Transport Statement indicates that the proposal would generate an increase of four vehicle trips in the morning peak hour and an increase of four vehicle trips in the evening peak hour. A total increase of 47 vehicles trips across a 12-hour day could be expected. The KCC Highways Officer advised that the traffic impact for 20 dwellings was acceptable, and the amended proposal for 10 dwellings would also be considered acceptable when looking at the capacity of the highway network. The development would still be expected to contribute towards the recovery of the HIF money awarded to Kent County Council for carrying out highway capacity improvements to Key Street roundabout, as was stipulated by the Department for Communities and Local Government. The requested contribution is £14,400 based on the recovery formula being applied to planning proposals.
- 8.51 The proposal would include a new vehicular access to serve the proposed new 10 residential dwellings. The KCC Highways Officer has reviewed the details of the proposed vehicular access and considered the submitted plans as amended acceptable. The officer commented that whilst the swept path analysis for the refuse vehicle shown on drawing T-05 Rev P1 does indicate that it would take up the full width of the junction within the access road, it is appreciated that the limited number of dwellings served and infrequent visits by the refuse vehicle would not give rise for concern, as there would be sufficient capacity within the filter lane to accommodate a waiting car clear of obstructing the refuse vehicle. The proposal would allow for refuse vehicles to traverse through the site and exiting in a forward gear.
- 8.52 Newington Parish Council and neighbouring objections have raised concerns regarding highway safety, and the Parish Council have commissioned a highways review as part

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of their comments. I have sought further comments from KCC Highways to respond to the additional information and will update members by way of an update.

Parking

- 8.53 Regarding parking, the Parking Standards SPD provides recommended guidance in respect of car parking provision and recommends parking for suburban locations as follows; 1 to 2 spaces per unit for 1 & 2 bed houses; 2 to 3 spaces per unit for 3 bed houses; and 3+ spaces per unit for 4+ bed houses. The guidance also seeks 0.2 spaces per unit for visitor parking. The parking provision would comply with these requirements, and parking would either be provided on plot including surface parking spaces and within open car ports, or within private parking courts. The proposal would generate a need for 2 visitor parking spaces. The proposal would exceed the required amount in providing 3 visitor spaces, and the spaces are evenly distributed given the scale of the development.
- 8.54 KCC Highways are satisfied with the degree of parking provided. Visitor spaces exceed the requirements and would allow for parking on site if required. The parking provides a balance between reducing the degree of hardstanding and meeting parking guidance.
- 8.55 Each dwelling will have an EV charging point, and three visitor parking spaces are proposed which will each have an EV charging point. Each dwelling will also have a cycle shed located within the garden, with an electric cycle charge point.

Residential Amenity*Existing residential development*

- 8.56 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 of the NPPF states that decisions should ensure high standards of amenity for existing and future users.
- 8.57 As a rule, a distance of 21m is considered sufficient to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. As noted previously, there are existing residential dwellings adjacent to the site, to the west, north and east.
- 8.58 To the west is 109 Willow Trees, the proposals include the retention of existing chalet bungalow (111 Willow Trees) which is adjacent to the neighbouring dwelling. Therefore, any impact would arise from the plots 3-6 in the northern part of the site. There would be a gap of approximately 11m from the flank wall of plot 3 to the boundary with 109 Willow Trees, and there would be separation distance of approximately 50m between the dwellings. The proposals seek the retention of existing planting along this boundary. It is therefore there is sufficient separation distance and screening to ensure there would be no significant harm to the residential amenity of this neighbouring dwelling.

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- 8.59 To the east is Ellens Field, the neighbouring site is situated to the east of the PROW ZR59. The neighbouring site is situated on a higher land level than the proposal site, and there is an existing close boarded fence and trees/shrubs to the east of the PROW. Plot 10 would be the closest dwelling to this neighbouring property, and there would be a separation distance of approximately 30m to the dwelling, and approximately 15m to an outbuilding. Given the separation distance, difference in land levels, boundary fencing and existing planting that there would be no significant harm to the residential amenity of this neighbouring dwelling.
- 8.60 To the north is the recent Watling Place development, and 52 Watling Place is situated to north-west of the site, and there is a separation distance of approximately 26m between 52 Watling Place and plot 3. The existing poplar trees are to be retained along the northern site boundary, and existing planting to be retained on the western boundary. It is therefore there is sufficient separation distance and screening to ensure there would be no significant harm to the residential amenity of this neighbouring dwelling.
- 8.61 The proposals include the retention of existing chalet bungalow (111 Willow Trees) with new dwellings to the north and west of this dwelling. There would be a suitable separation distance and screening between the dwelling and new properties to ensure no significant harm to the residential amenity of this dwelling.
- 8.62 There would be no significant harmful impact to the residential amenity of neighbouring dwellings on the south side of the A2 due to the separation between the site and High Street (A2).

Proposed residential development

- 8.63 The proposed units would have dual aspect views which would allow sufficient outlook and allow natural light to filter into the dwellings. The dwellings have all been plotted to ensure external access to the front of properties to ensure that waste and refuse can be collected without the requirement to bring waste through the internal floor space.
- 8.64 The layout has been designed to achieve rear to rear alignment that would allow 21m which is the recommended distance to ensure sufficient privacy. In the places that a closer relationship exists the orientation and position of the properties reduces the overall impact with 11m achieved between side to rear alignment, or to ensure no first-floor level windows directly overlook a neighbouring property.
- 8.65 The proposed properties would all benefit from sufficient residential amenity space. The site is also located in such a position that access to the countryside is readily available, and with pedestrian connections to an area of open space in the SANG to the north.
- 8.66 Overall, the proposal is considered to preserve existing amenity levels and would result in an acceptable level of amenity for future occupiers. The proposal is considered compliant with local and national policy in regard to amenity.

Heritage

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- 8.67 Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets. Policy DM 33 of the Local Plan states that development must setting of the listed building and its special/architectural interest are preserved.
- 8.68 There are no heritage designations within the site or its immediate proximity. However, there is a Grade II listed building to the south-east of the site, Ellens Place (5 & 6 London Road) which is located approximately 75m to the south-east of the application site, on the opposite side of the High Street (A2).
- 8.69 The Councils Conservation Officer has advised that the proposed development on this parcel of land would not materially impact on the setting of the grade II listed Ellens Place. Due to the distance from the proposal site and lack of proper intervisibility provided by vegetation on the boundary of the site along High Street which screens the views of the proposal site, it is considered that there would be no significant harm to the setting of heritage asset.
- 8.70 The proposed development would retain most of the mature vegetation along the front boundary, with the erection of two x two storey detached dwellings in the southern part of the site and situated on a lower land level than the High Street (A2), with the denser form of development a greater distance from the listed building. As such, it is considered that the proposals would not result in harm to the designated heritage asset.

Ecology and Biodiversity

- 8.71 Policy DM 28 of the Local Plan states that development proposal will conserve, enhance, and extend biodiversity, and provide net gains in biodiversity where possible.
- 8.72 Paragraph 174 of the NPPF advises that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also advises that opportunities to incorporate biodiversity in and around developments should be encouraged. The application has been supported by an Ecological Assessment.
- 8.73 As set out in the consultation response KCC Biodiversity are satisfied the appropriate level of ecological survey work has been undertaken.
- 8.74 The amended plans (from 20 to 10 dwellings) showed a greater loss of orchard to the original plans, KCC Biodiversity advised that traditional orchard (a priority habitat) is present throughout the site, and therefore mitigation would be required. In response to these comments, updated plans were submitted which demonstrated the areas of site to be retained as an enhanced orchard area, these are shown in hatched green on drawing number 22/08/04 Rev G. The updated comments KCC Biodiversity set out that the proposals now include the area to the west of the access road will be retained/enhanced as an orchard resulting in a retention/creation of at least 0.132ha of orchard within the site. They are satisfied with the proposals ensuring the retained habitat is protected during construction (condition 4); and further details regarding habitat creation and management are sought by condition (condition 13).

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- 8.75 KCC Biodiversity are satisfied with the findings of the ecological assessment and outlined mitigation measures and recommend conditions to secure the following: biodiversity method statement; habitat creation and management plan; and ecological enhancements.
- 8.76 With regard to the potential implications for the SPA and the requirements of the Habitat Regulations. As Members will be aware, the Council seeks developer contributions on any application which proposes additional residential development within 6km of the Special Protection Area (SPA). The application site is within 6km of the SPA, situated approximately 3km from the closest part of the SPA and as such the Council seeks a mitigation contribution of £275.88 for each new dwelling. The proposal will result in a net gain of 10 dwellings which will result in a financial contribution of £2758.80 which will be secured via a S.106 legal agreement. As a result, and appropriate assessment will be undertaken below.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017.

- 8.77 This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).
- 8.78 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.
- 8.79 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. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 8.80 In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals 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.
- 8.81 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when

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determining the impacts of a development on protected area, *“it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site.”* The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group (NKEPG).

- 8.82 NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the (NKEPG) and that such strategic mitigation must be in place before the dwelling is occupied. Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.
- 8.83 In this regard, whilst there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (to be secured by either s106 agreement or unilateral undertaking on all qualifying developments) will ensure that these impacts will not be significant or long-term. I therefore consider that, subject to mitigation, there will be no adverse effect on the integrity of the SPA.

Water, Flooding, and Drainage

- 8.84 Policy DM 21 of the Local Plan seeks to ensure that development proposals will demonstrate that the most suitable means of drainage will be achieved on the site and Flood Risk Assessments will be provided where a development is at risk of flooding.
- 8.85 The application site is in Flood Zone 1 which is an area at low risk of flooding. A Flood Risk Assessment was provided as part of the application. The risk from rivers and sea was considered negligible.
- 8.86 KCC Drainage outlined they are satisfied that the SUDs design proposed will not increase the risk of flooding and raise no objection subject to further details sought via condition. The submitted details indicate surface water will be addressed by a mix of permeable paving; cellular storage tanks; and surface water will need to be stored on site and released at 2 l/s to the existing land drain along the sites' western boundary, as agreed with the LLFA. These conditions include submission of a detailed surface water drainage scheme; and verification report pertaining to the surface water drainage system. Southern Water raise no objection subject to an informative regarding foul drainage. Therefore, it is considered the proposed development would comply with policy DM21 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 and paragraph 165 of the NPPF.
- 8.87 Newington Parish Council and neighbouring objections have raised concerns regarding localised surface water flooding, and that the site is identified at risk from surface water flooding in the Level 1 Strategic Flood Risk Assessment (SFRA) 2020. Looking at the

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GIS map with this dataset, a small section of site falls within 3.33% AEP (1 in 30-year) and 1% AEP (1 in 100-year), which a larger part of the site falling within 0.1% AEP (1 in 1000-year). These concerns have been raised with KCC Flood and Water Management, who have responded that the risk of the surface water flow path has been considered and raise no objection to the proposed development.

Sustainability

8.88 Policy DM 19 of the Local Plan requires that development proposals will include measures to address and adapt to climate change.

8.89 The scheme proposes sustainability measures as outlined in the submitted Design and Access Statement, including high level thermal insulation; air source heat pumps (ASHPs) with photovoltaic supplement to provide space heating and hot water for the development; with photovoltaic roof slates; electric vehicle charging points (1 per dwelling); and electric bike charging points.

8.90 Should Members be minded granting planning permission for the application, details of the sustainable measures for the site, the solar panels could be secured via condition.

8.91 Air Quality

8.92 Policy SP 5 of the Local Plan criteria 12 states that development will be consistent with local air quality action plans for Newington High Street and bring forward proposal for mitigation of adverse impacts. Swale Borough Council Air Quality Action Plan (2018 – 2022) sets out local AQAM Measures.

8.93 Policy DM 6 managing transport demand and impact criteria (d) states that:

“integrate air quality management and environmental quality into the location and design of, and access to, development and, in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree especially taking into account the cumulative impact of development schemes within or likely to impact on Air Quality Management Areas”.

8.94 Paragraph 186 of the National Planning Policy Framework states that:

“Planning Policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan”.

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8.95 The locally focused measures within the Air Quality Action Plan identify those measures to be introduced into individual AQMAs are those which target:

- Initiatives that inform and protect local residents,
- Smooth traffic flows causing less congestion of all vehicles through the AQMAs,
- Access to cleaner alternative transport for residents and business.

8.96 The plan identifies local focussed measures will be implemented through 'local' measures set out in table 5.2. The table indicates for Newington these would consist of Local school and business travel plans and promoting travel alternatives.

8.97 The Newington Air Quality Management Area (AQMA) is located to the south of the site, and the vehicular access to the site would join the AQMA. The AQMA is located along the A2 High Street Newington. There is also a AQMA at Keycol Hill further on the A2 to the east. Further along the A2 to the west Medway Council has also identified an AQMA on Rainham High Street.

8.98 An Air Quality Assessment was provided by the applicant. The assessment considers the development on an individual and a cumulative basis. In regard to the vehicle emission impact, when assessing the development in isolation would have a negligible impact to air quality with some receptors seeing a moderate impact. The impacts of the development on its own result in a less than a 1% change at existing receptors. The proposed development's impact in isolation would not therefore be considered to have significant harm to human health.

8.99 The Councils Environmental Health Officer raised concerns with the submitted information regarding cumulative impacts and outlined that other sites in Newington were identifying a moderate or substantial impacts when taking into account the cumulative impacts.

8.100 As a result of the cumulative impacts of all committed development and the proposed development an Emissions Mitigation Assessment was undertaken. A damage cost was undertaken including NO_x, PM₁₀, and PM_{2.5}. The damage cost (without mitigation) associated with the additional vehicle movements associated with the development over a 5-year period was considered to amount to £4077.

8.101 The applicant outlined how the damage cost mitigation of the £4077 would be spent for on-site mitigation. The submitted air quality assessment has set out potential mitigation measures, in the form of welcome packs, travel vouchers for public transport and electric bike vouchers, with the costing being £8,550. The Councils Environmental Health Officer has outlined that the further details of the mitigation measures are sought within the S.106 agreement to ensure the measures are deliverable, and that the contribution is spent appropriately. This will be secured via the section 106 agreement.

8.102 It should be noted that all dwellings would have the provision of an electrical vehicle charging point, but these are not considered as part of the mitigation package. Each

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dwelling will also have a cycle shed located within the garden, with an electric cycle charge point.

8.103 The University of Kent responded to the application as per a request from the Parish Council. The University of Kent does not agree with the conclusion of the Air Quality Assessment considering that the model used in the assessment under predicts the NO₂. The assessment also considers that the proposed mitigation measures to be vague and weak. The proposal individually is not considered to have an individually a significantly negative impact. The concerns primarily derive from a cumulative impact with other committed development.

8.104 Paragraph 186 of the National Planning Policy Framework does make it clear that opportunities to improve or mitigate impacts should be considered at the plan making stage. The NPPF encourages the need for opportunities to be considered at plan making stage to ensure a strategic approach. Paragraph 186 state individual application is consistent with the local air quality management plan.

8.105 Considering the Environmental Health Officers comments, full details of mitigation measures will be controlled by the S.106 agreement, with indicative measures comprising welcome packs, travel vouchers for public transport and electric bike vouchers, which are considered appropriate given the small scale of development being proposed. The proposal would be considered to meet with the Local Air Quality Management Plan.

8.106 The proposal is considered acceptable in this regard subject to securing of mitigation package.

Archaeology

8.107 Part of the application site is located within an area of Archaeological Potential; this comprises land to the north of the High Street (A2) up to approximately 20m into the site. The wider local area has been subject to archaeological finds. The Archaeological assessment submitted outlines there would be high archaeological potential for the Iron Age and Roman periods, moderate potential for the Bronze Age and low potential for all periods. The overall potential for surviving archaeology is therefore considered high and the impact of the proposed development will potentially have a high impact on any potential surviving archaeology should it exist. Therefore, a programme of archaeological works should be considered.

8.108 KCC Archaeology conclude that there is potential for significant archaeological remains to occur on this site and to be affected by proposed development. They are satisfied that this can be addressed through a condition for archaeological evaluation with subsequent mitigation that may include preservation in situ of archaeology where appropriate. Given the illustrative layout this could be achieved through design and layout of open space. The evaluation should be timed to be undertaken ahead of any reserved matters application so that archaeological measures can be taken account of in development

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design. A condition is recommend to enable a staged approach to evaluation and mitigation of the site’s potential impacts on archaeology” (See condition 3).

Developer Contributions

8.109 Policy CP 6 and IMP 1 seek to deliver infrastructure requirements and other facilities to ensure the needs of the Borough are met.

8.110 Kent County Council have outlined the contributions required in association with the development (Members will note the consultee response from KCC above). The contributions would be put towards primary, secondary, and special education needs. Further contributions would be sought for community learning, youth services, library book stock, social care, and waste.

8.111 Kent County Council Highways have requested a contribution towards the improvements on the Key Street roundabout. The site is located close to this junction in the Borough and would work towards improvement works. Kent County Council Public Rights of Way have requested contribution to improvements to Public Footpath ZR59 (to provide a 1.2m wide all-weather surface).

8.112 The Open Space team have requested a contribution towards the provision of off-site open space and formal sports. Based on the Open Spaces and Play Area Strategy 2018 – 2022 a contribution would likely to be sought on the basis of £593.00 per dwelling on formal sports and £446.00 per dwelling for play and fitness.

8.113 Further, to the above Swale would require contribution towards the provision of wheelie bins of approximately. Administration/monitoring fees, SPA mitigation as referenced above, and Air Quality Damage Cost Calculations will be sought via the S.106 agreement.

8.114 The requested contributions are outlined below:

KCC Primary Education (£6800 per house)	Total: £68,000.00
KCC Secondary Education (£5176 per house)	Total: £51,760.00
KCC Secondary Land (£2,635.73 per house)	Total: £26,357.30
KCC Community Learning (£16.42 per dwelling)	Total: £164.20
KCC Youth Service (£65.50 per dwelling)	Total: £655.00
KCC Library Bookstock (£55.45 per dwelling)	Total: £554.50
KCC Social Care (£146.88 per dwelling)	Total: £1468.80
KCC Waste (£183.67 per dwelling)	Total: £1836.70
KCC Highways	Total: £14,400
KCC PROW	Total: £8625.00
Air Quality Mitigation (Damage Cost)	Total: £4077.00
SBC Formal Sports (£593.00 per dwelling)	Total: £5930.00
SBC Play (£46.00 per dwelling)	Total: £4460.00
SBC refuse/bins £109.40 per dwelling	Total: £1094.00
SAMMS £275.88 per dwelling	Total: £2758.80
Air Quality Mitigation (Additional mitigation measures)	

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ITEM 2.4

Administration and Monitoring

TBC

Total:**£192,141.30 (£19,214.13 per dwelling)**

8.115 The contributions would be secured via section 106 agreement and securement of an appropriate monitoring fee.

Affordable Housing

8.116 Policy DM 8 of the Local Plan identifies that for development proposals of 11 or more dwellings there will be a need to provide affordable housing. As the proposed development is for a net gain of 10 dwellings, affordable housing would not be required.

Titled Balance

8.117 As identified above paragraph 11 plans and decisions should apply a presumption in favour of sustainable development... For decision making this means: ...d) where there are no relevant development plan policies, or the policies which are most important for determining the development are out of date, granting planning permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.118 Swale Borough Council's Local Plan is out of date and as per footnote 8 of paragraph 11 does not have a 5-year housing supply. The site is also not located in a protected area as identified by paragraph 11. The proposal must be considered in light of the titled balance.

8.119 Part of the proposal site is situated within the defined settlement boundary, and part of the site is located outside the defined settlement boundary. The new residential development is sought in the part of the site outside the defined settlement boundary but lies adjacent to a settlement which has been identified for development. The site is not totally removed from the public transport links. The development would support the provision of pedestrian links to access existing PROW and wider amenities in Newington. The proposal would include a contribution to improve the surfacing of Public Footpath ZR59 (to provide a 1.2m wide all-weather surface).

8.120 The proposal would not result in harm to the designated heritage asset (Grade II listed Ellens Place to the south-west). It is not considered that the proposal would result in landscape harm due to the infill nature of the development, and retention of mature planting at the site boundaries. The site is not isolated as it is located adjacent to existing residential dwellings and recent development at Watling Place. The land is not a designated landscape either nationally or at the local level.

8.121 Further, the proposal would provide additional housing addressing an identified need in the borough.

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8.122 Therefore, it is not considered that there is any identified harm to heritage or landscape. In applying the titled balance, the proposal is considered to tip the balance in favour of approval.

9. CONCLUSION

- 9.1 The proposed development would result in new residential development outside the defined settlement boundary of Newington. However, the Local Authority cannot demonstrate a 5-year housing land supply. The titled balance is therefore applicable to the site as is not located within a protected area nor within an identified local level of landscape importance.
- 9.2 The proposal would provide additional housing in the Borough adjacent to a settlement boundary on the development hierarchy strategy. There would be modest positive benefits of improving the economic and social vitality of the area (during construction and through the introduction of new residents).
- 9.3 The site is locational sustainable, being within walking distance to the facilities and services within Newington, and with walking distance to public transport facilities (bus and train station) that serve Newington. The proposal would be considered to have a moderate weight in meeting an environmental objective.
- 9.4 The proposal would include a contribution to improve the surfacing of Public Footpath ZR59 (to provide a 1.2m wide all-weather surface), which will enhance pedestrian connectivity within Newington.
- 9.5 The proposal is considered on balance acceptable and is recommended for approval.

10. RECOMMENDATION

Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and conditions as may reasonably be required.

CONDITIONS to include

- 1) The developments to which this permission relates must be begun no later than the expiration of three years beginning with the date on which the permission is granted.
Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2) The developments hereby approved shall be carried out and maintained in accordance with the following approved plans:

Site Location Plan, 22-08-01
Proposed Colour Site Plan, 22-08-02 D
Proposed Colour Site Plan, 22/08/03 Rev G
Proposed Site Plan, 22-08-04 G

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Proposed Plot 1 Plans & Elevations, 22-08-05
Proposed Plot2 Plans & Elevations, 22-08-06
Proposed Plots 3-6 Plans, 22-08-07
Proposed Plots 3-6 Elevations, 22-08-08
Proposed Plots 7-9 Plans, 22-08-09
Proposed Plots 7-9 Elevations, 22-08-10,
Proposed Plot 10 Plans & Elevations, 22-08-11
Proposed Street Scene, 22-08-12
Proposed Access Design, 16821 - H-01 Rev P2
Tree Protection Plan, J20694 Arb TPP B

Reason: For the avoidance of doubt and interest of proper planning.

Pre-Commencement

- 3) A) Prior to any development works, the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.
- B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.
- C) Within 6 months of the completion of archaeological works a Post-Excavation Assessment Report shall be submitted to and approved in writing by the local planning authority. The Post-Excavation Assessment Report shall be in accordance with Kent County Council's requirements and include:
- a. a description and assessment of the results of all archaeological investigations that have been undertaken in that part (or parts) of the development;
 - b. an Updated Project Design outlining measures to analyse and publish the findings of the archaeological investigations, together with an implementation strategy and timetable for the same;
 - c. a scheme detailing the arrangements for providing and maintaining an archaeological site archive and its deposition following completion.

The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 4) No development shall commence (including site clearance) until a Biodiversity Method Statement has been submitted to and approved in writing by the Local Planning Authority. The statement shall be based on the recommendations of the Preliminary Ecological Appraisal and Protected Species Report by Greenspace

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Ecological Solutions and shall provide detailed mitigation measures and ecological enhancements to be carried on site, together with a timetable for implementation. The development shall be carried out in accordance with the approved details.

Reason: In the interest of protected species

- 5) No development approved by this permission shall be commenced prior to a contaminated land assessment (and associated remediation strategy if relevant), being submitted to and approved in writing by the Local Planning Authority, comprising a desk study and conceptual model, based on the historical uses of the site and proposed end-uses, and professional opinion as to whether further investigative works are required. A site investigation strategy, based on the results of the desk study, shall be approved by the Local Planning Authority prior to any intrusive investigations commencing on site.

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

- 6) No development shall take place until a Construction and Environmental Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. This shall include details relating to:
- (i) The control of noise and vibration emissions from construction activities including groundwork and the formation of infrastructure, along with arrangements to monitor noise emissions from the development site during the construction phase;
 - (ii) The loading and unloading and storage of plant and materials on site;
 - (iii) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - (iv) The control and suppression of dust and noise including arrangements to monitor dust emissions from the development site during the construction phase;
 - (v) Measures for controlling pollution/sedimentation and responding to any spillages/incidents during the construction phase;
 - (vi) Measures to control mud deposition off-site from vehicles leaving the site;
 - (vii) The control of surface water drainage from parking and hard-standing areas including the design and construction of oil interceptors (including during the operational phase);
 - (viii) The use if any of impervious bases and impervious bund walls for the storage of oils, fuels or chemicals on-site; and
 - (ix) The location and size of temporary parking and details of operatives and construction vehicle loading, off-loading and turning and personal, operatives and visitor parking
 - (x) Phasing of the development

Reason: In the interests of the amenities of the area

- 7) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment prepared by Lustre Consulting dated October

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2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development

- 8) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways and Kent County Councils Highways). The Construction Management Plan shall include the following:

- (a) Routing of construction and delivery vehicles to / from site
- (b) Parking and turning areas for construction and delivery vehicles and site personnel
- (c) Timing of deliveries
- (d) Provision of wheel washing facilities
- (e) Temporary traffic management / signage

The development shall be carried out in accord with the approved Construction Management Plan at all times unless otherwise agreed in writing by the local planning authority (who shall consult National Highways and Kent County Councils Highways).

Reason: In the interests of highway safety, and to ensure that the M2 and A249 Trunk Road continue to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

- 9) Prior to the commencement of the development the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable shall be submitted to and approved in writing by the local planning authority. Should the watching brief indicate remains of interest no development shall take place until details have been provided securing safeguarding measures to ensure

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the preservation of archaeological remains and recording. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the archaeological interest.

- 10) Prior to the construction of any dwelling in any phase details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved materials and measures.

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

- 11) Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.

Prior to above ground level works / specified time scales

- 12) Prior to reaching slab level on the development hereby approved, details of the solar panels to be implemented on site shall be submitted to and approved in writing by the local planning authority. The solar panels shall be implemented on site prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of sustainability.

- 13) Within 3 months of works commencing an orchard establishment and management plan must be submitted to the LPA for written approval. The plan must include the following:
- Map showing areas of orchard to be enhanced and created
 - Detailed methodology to establish the orchard
 - Overview of the management of the orchard
 - 5 year rolling management plan for the orchard
 - Details of on going monitoring
 - Details of who will carry out the management.

The plan must implemented as approved.

Reason: In the interest of ecological enhancement and habitat creation of the site.

- 14) Within three months of works commencing of the development hereby approved, details of how the development will enhance and manage biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will

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include the inclusion of ecological enhancements for bats, reptiles, and breeding birds through the provision of bat boxes, bird boxes, hibernacula, and native planting. The approved details will be implemented and thereafter retained.

Reason: In the interest of ecological enhancements of the site

- 15) No development beyond the construction of foundations shall take place until details in the form of samples of external finishing materials, including hard surfaces to be used in the construction of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity.

- 16) No development beyond the construction of foundations shall take place until full details of both hard landscaping/surfacing and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include details of any existing and proposed trees, shrubs and other planting, schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, hard surfacing materials, an implementation programme, and details of long-term management. The long-term management details shall include the communal amenity landscape areas and retained fruit trees. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- 17) 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.

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

- 18) No development above ground level shall commence until details have been submitted to and approved in writing by the Local Planning Authority demonstrating how the development will meet the principles of 'Secure by Design'. The development shall then be completed strictly in accordance with the approved details.

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

- 19) The development shall take place in accordance with the details of the Tree Protection Plan (drawing no. J20694 Arb TPP B) and Arboricultural Method Statements and arboricultural supervision within the Arboricultural Impact

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Assessment and Method Statement Rev C (dated May 2022), and in accordance with the current edition of BS 5837 Trees in Relation to Design, Demolition and Construction. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development

Pre-Occupation

- 20) Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter. No external lighting other than agreed subject to this condition shall be installed on site without the prior consent of the local planning authority.

Reason: In the interests of protected species.

- 21) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

- 22) The areas shown on the submitted layout as vehicle parking and turning space shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the associated use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: 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.

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- 23) Provision of Electric Vehicle charging points as shown on the submitted plans prior to the use of the site commencing. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: in the interest of air quality

- 24) The approved cycle parking facilities as illustrated on plan 22/08/04 G shall be provided prior to bringing the development into first use and retained thereafter.

Reason: In the interest of sustainable transport.

- 25) Prior to the occupation of any of the units hereby permitted the approved access as show on the approved plans including H-01 Revision P2 shall have been completed and brought into use and maintained as such thereafter.

Reason: In the interest of the local highway network.

- 26) Prior to the occupation of any units as approved by the development hereby approved the completion of the off-site highway works to provide a pedestrian crossing as shown on drawing H-01 Revision P2 shall have been completed and brought into use.

Reason: In the interest of highway safety.

- 27) No dwellings shall be occupied, until the Key Street highway improvement contract has been awarded.

Reason: In the interest of highways capacity

- 28) The development shall be designed to achieve a water consumption rate of no more than 110 liters per person per day, and no dwelling shall be occupied unless the notice for that dwelling of the potential consumption of water per person per day required by the Building Regulations 2015 (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- 29) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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.

Reason: In the interests of visual amenity.

- 30) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours

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unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of amenity

INFORMATIVES

National Highways Informative: The CMP shall include details (text, maps, and drawings as appropriate) of the scale, timing and mitigation of all construction related aspects of the development. It will include but is not limited to: site hours of operation; numbers, frequency, routing and type of vehicles visiting the site (including measures to limit delivery journeys on the SRN during highway peak hours such as the use vehicle booking systems etc); measures to ensure that HGV loads are adequately secured, travel plan and guided access/egress and parking arrangements for site workers, visitors and deliveries; plus sheeting of loose loads and wheel washing and other facilities to prevent dust, dirt, detritus etc from entering the public highway (and means to remove if it occurs).

Southern Water: We request that should this planning application receive planning approval, the following informative is attached to the consent: Construction of the development shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.

KCC PROW:

- No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority
- There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
- Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
- No trees or shrubs should be planted within 1.5 metres of the public right of way.
- In order to ensure public safety during development, the temporary closure of the route may be required. A temporary closure will be processed by Kent County Council on the basis that :
 - The closure is paid for by the developer,
 - The duration of the closure is kept to a minimum,
 - Alternative routes will be provided for the duration of the closure,
 - Six weeks notice of the requirement of a closure is given by the developer.

Informative for ASBESTOS:

Adequate and suitable measures shall be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

KCC Flood and Water Management:

The proposals seek to utilise a piped network draining into orchard planting with rain gardens prior to discharging at 2l/s into an existing land drain. We note that the exact location, size and condition of the land drain pipe that the proposed drainage is to connect to is to be confirmed

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during detailed design. Land drainage consent may also be required for any works within the watercourse in the southern area of the site. Consent in this instance will be required from Kent County Council.

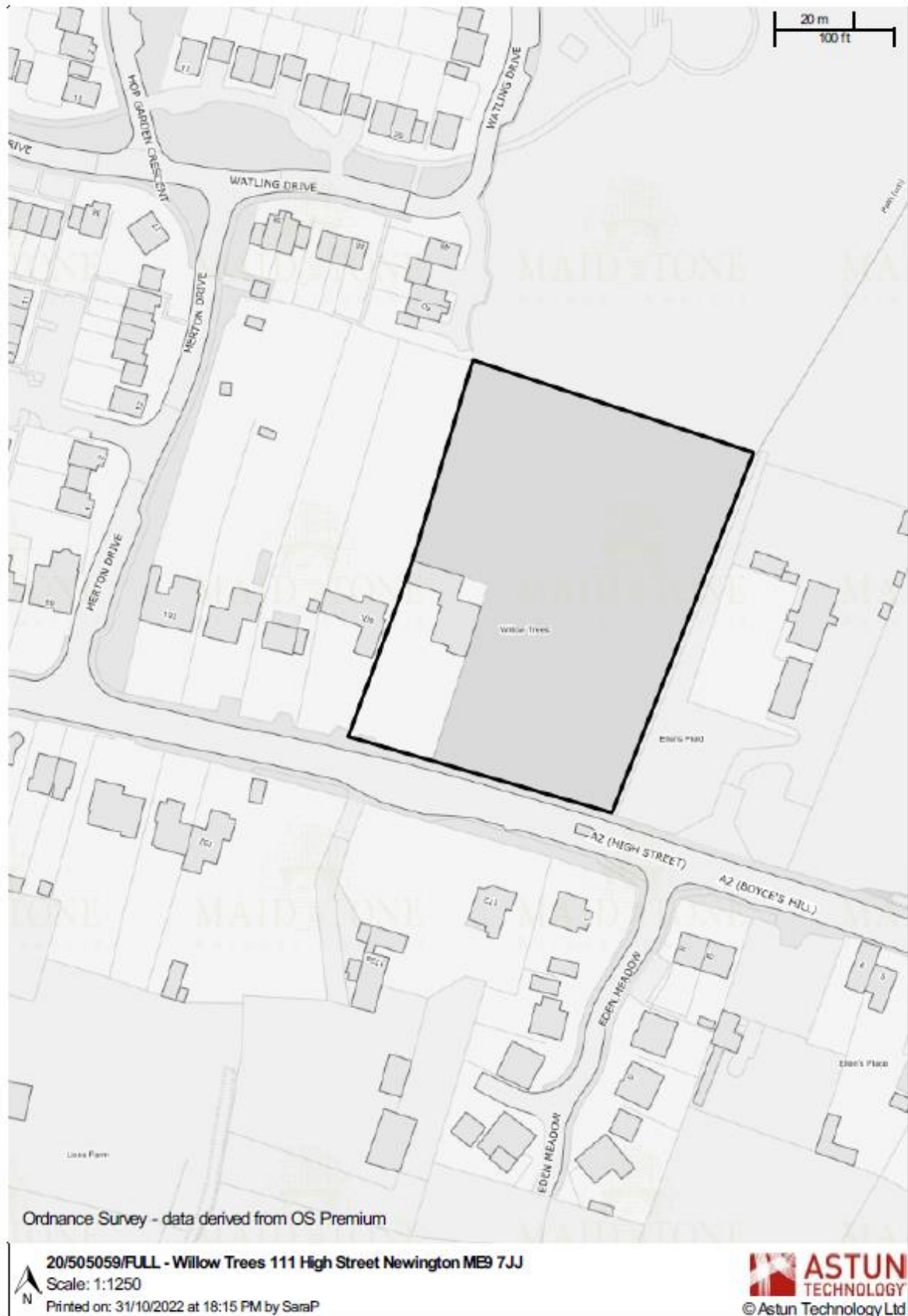
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.





Application: 20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ

Proposal: Demolition of existing chalet bungalow and erection of 20 dwellings (4 x two bedrooms and 14 x three-bedrooms and 2 x four-bedrooms) with associated access, parking, amenity and landscaping.

At the Newington Parish Council meeting on 26 January 2021 there was a unanimous decision to OPPOSE this application.

1 Most of the proposed development is outside the defined urban boundary of our village.

In the three most recent appeals to the planning inspectorate the appeals have been rejected on the grounds of being outside the urban boundary. (see 148 High Street, 6 Ellen's Place, 132 High Street (PINS refs. APP/V2255/W/20/3245359; APP/V2255/W/20/3250073; APP/V2255/W/20/3247555).

The Applicant's Planning Statement

...if the Council deem there to be an unacceptable departure from the Development Plan, it is submitted this very marginal conflict with Policy ST 3 carries very reduced weight and the proposal is justified by other material considerations. Indeed, it is important to stress that Swale Borough Council are currently unable to demonstrate a five-year supply of housing, with their most recent published position (February 2019) suggesting they only have 4.6 years supply. Therefore, in accordance with paragraph 11d of the NPPF, planning permission should be granted unless: i). the application of policies in the framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed; or ii). the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the framework.

We also refer to 19/501773/OUT Land Off Jubilee Fields Upchurch Kent ME9 7AQ, Outline application for residential development of 41no. two, three and four bedroom houses. This planning appeal in our neighbouring village was rejected in December 2020 (APP/V2255/W/20/3246265)

Even though, at the time, the '5YHLS is no more than 4.6 years and may be closer to 4 years. The shortfall is therefore of concern but cannot be said to be acute.'

and the conclusion:

I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the

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Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

We believe that this decision should equally apply to this application in Newington.

Bearing Fruits 2031: The Swale Borough Local Plan 2017 has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states

“At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities”.

National planning policy does not support this application and it certainly does nothing to protect or enhance the setting.

The Preliminary Ecological Survey indicates:

6.3.2 The traditional orchard on the site qualifies as a NERC s41 priority habitat. Therefore, further consideration into the retention, protection and enhancement of the habitat is required

We refer to the appeal decisions above where Inspector decisions were that any, then, deficit in Swale’s current supply was not a reason to approve the applications.

It is our understanding that Swale believes it can now demonstrate a 5 year supply and so any arguments on the presumption in favour of development do not apply to this application.

We would also note that the original Eden Meadow application (opposite) 16/505861/OUT, for (9 dwellings) was rejected at the 2 February 2017 Swale Borough Council Planning Committee meeting on the advice of officers. The reasons for rejection apply fully to this application.

2 The site is not included in any of the relevant, more recent, Swale plans.

- It is not part of the existing Swale Borough Council Plan
- It is not included in the latest consultation exercise on the local plan
- It was not part of the ‘call for sites’ for the Strategic Housing Land Availability Assessment in October 2020
- The Swale Local Plan Panel on 29 October 2020 followed the officer recommendation that no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review.

Therefore this application is contrary to Swale’s policies and procedures.

The Local Plan, Policy ST 3 identified Newington as a Tier 4 Rural Local Service Centre with noted limitations to expansion, so the village was allocated a growth rate of 1.3%. The 2017 edition of the Local Plan reiterated the restrictions on growth with the single exception of “Land North of the High Street”: a development of 124 homes nearing completion.

Total already built in Newington 2014 to now is 180 properties

- a. For the target six years to date that is 297.5%
- b. Or for the full 17 year quota that is already 105.3%

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3 Infrastructure

Highways England comments refer to the cumulative effect of increased traffic, in this case the Persimmon and Eden Meadow developments which have significantly increased the number of cars and therefore of journeys to and from the East of Newington.

From the applicant's planning statement:

3.2.3 There is a new vehicle access proposed from the High Street, which navigates through the middle of the site in a south to north direction

3.4.1 Access to the proposed development will be achieved via a new junction to the north of High Street, Newington. This junction will take the form of a simple priority junction and will be provided with a visibility splay of 2.4 x 45 metres to the east and 2.4 x 53 metres to the west.... A break in the crosshatching at the frontage of the site will be implemented to allow for vehicles turning right into the site and vehicles turning right out of the site.

We believe that, if approved, this development would create a potentially dangerous cross-over with Eden Meadow

5.4.5 A road safety analysis has been completed which identified nine incidents have been recorded in the last three-year study period. It is noted that one of the incidents was a 'fatal', it is however noted that this occurred because of human error, as did the majority if not all the other incidents. As such, it is not considered that the proposed development will exacerbate the existing highway safety record.

We are concerned that nine incidents, one of them fatal, in a three year period is deemed to be acceptable.

We note that these statistics cover the period before the building of 124 dwellings adjacent to the proposed development.

And:

3.4.2 The development will provide two vehicle parking spaces per dwelling, a total of 42 vehicle parking spaces, plus four visitor parking spaces.

This would clearly be insufficient. All evidence from recent developments shows that many smaller homes have 2 cars and a van. We do not believe the parking allocations are compliant with Swale Borough Council's parking standards as revised in May 2020.

Newington Parish Council has real concerns about potential drainage and sewerage issues. There have been several instances of flooding of neighbouring properties in recent years, even before work commenced on the Persimmon development.

The Planning Statement:

5.6.3 The FRA ...states that the proposed development has the potential to increase the flood risk on and off site if not properly mitigated.

5.6.4,... the surface water would need to be stored on site and released at 2l/s to the existing land drain along the site's western boundary.

5.6.5 ... ground levels through the site are to be subtly be reprofiled to encourage excess surface water runoff through the site to be across the landscaped areas and roads, away from the properties. Finished floor levels should also be raised by + 450 mm above surrounding ground levels.

5.6.9 The surface water drainage infrastructure should be maintained by a management company post development.

These seem to acknowledge the real potential for future problems.

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The site falls 5m from the A2 to the northern boundary and attenuation ponds are being considered for collecting surface water, which will be situated partly in between 4 houses in the Northern Terrace. According to 3.5 in the statement the areas to the western and northern boundaries are at medium to high risk from surface water flooding.

5.12 The landscaping areas along the western, eastern and northern boundaries will be subtly re-profiled to create flow pathways through the site as shown by and garden fences, where designed to be within a flow pathway should be designed to ensure flow paths are not blocked.

Figure 5 appears to indicate that the surface water will flow from the site to the edge of the Watling Place site.

Local knowledge suggests that a culvert runs north through this site.

4 Air Quality

Newington is an Air Quality Management Area. There are further AQMAs one mile to the east and two miles to the west of the village.

The proposal may be for a relatively modest development of 20 homes but there is a cumulative effect of all developments. We would remind officers and councillors that any recent readings must be seen in the light of two long periods during summer 2019 and spring 2020 of closure of our High Street (emergency and scheduled gas works) and the greatly reduced traffic during the Covid emergency. The new, sophisticated, monitoring equipment, commissioned due to concerns about air quality in Newington is not as yet operational.

We are well aware Planet Earth decision and the Coroner verdict following the tragic death of Ella Adoo-Kissi-Debrah in Lewisham. We wish to protect the health of residents, especially young children and the vulnerable elderly in our village.

5.5.3 ...The findings of the damage cost analysis revealed that a figure of £7,485 should be applied as an indicator to the level of mitigation measures required.

5.5.4 ... it is considered that the provision of Electric Vehicle Charging Points, cycle storage and the implementation of a travel plan would represent adequate mitigation for the predicted air quality impacts.

5.5.5 Based on the assessment results, air quality is not considered a constraint to planning consent and the proposed development is considered suitable for residential use.

The Pond Farm decision to reject Gladman's application (Planning Inspectorate and upheld by the Court of Appeal) was because there was no clear proposal for mitigation measures and no evidence that these would improve air quality in Newington.

The Highways England comments on the effect of the application to the proposed improvements to A249 junctions:

It is therefore necessary, via the imposition of a condition, to ensure that there are no occupancies in this development prior to the completion of the junction improvements at M2 J5.

Newington Parish Council is concerned that, if/when improvements to the A249/M2J5 junction are made, this will result in increased traffic flow through the village, impacting through increased pollution within our AQMA.

The reference to electric vehicle charging points is a requirement of all local applications and so a token gesture here. There is significant evidence that the cost of electric vehicles makes them unaffordable for the majority of those in affordable and social housing and that

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as well as their own cars, these residents often have to accept the works van provided by their employer. It is sad that there is no mention of heat source pumps, so presumably these new homes will rely on polluting gas boilers.

5 This is not a 'sustainable' development

There is little detail or firm commitment in the application on Affordable Housing

6.1.5 The applicant has engaged with several Registered Providers over the last several months and it is their intention to deliver all the units proposed as affordable tenure. However, for valuation purposes the application seeks permission for the provision of policy compliant affordable housing as the minimum. Therefore, 8no. of the units proposed (40%) would be affordable tenure, comprising 7no. affordable rent products and 1no. intermediate product.

2.5.4 The Councils affordable housing manager also indicated that there was a pressing need for the delivery of two-bedroom affordable homes in the Newington Area.

Newington Parish Council would be interested to see the evidence behind this. We are not aware of a Housing Needs Analysis in recent times.

In the applicant's Planning Statement:

2.3.1 The site enjoys access to several local facilities and services, which are within a reasonable walk distance. These include schools, local shops, healthcare, employment and public transport links. The accompanying Transport Statement provides a summary of walk distance to a range of local amenities and shows that most are less than a 10-minute walk.

However, in reality: the village school is full; there is one convenience store and a joint pharmacy/post office; the GP surgery is not accepting new patients; there is a limited weekday bus service, nothing on Sundays; one train per hour in each direction stops at Newington station. The 10 minute walk to the village is along narrow pavements besides the busy and polluted A2.

The December 2020 planning appeal decision

19/501773/OUT Land Off Jubilee Fields Upchurch (APP/V2255/W/20/3246265)

there is no specific evidence to suggest that the need for affordable homes in Upchurch is particularly pressing. In the short term, the school would face difficulties accommodating the extra 11 children

We believe the same argument applies to Newington.

The proposed housing development outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the NPPF. We believe residents would drive to schools, doctors, shops and the better rail services from Rainham and Sittingbourne; that they would ignore the bus service which is very limited in terms of route and regularity; therefore increasing pollution further. The proposal does nothing to improve the *economy* of Newington, there are no obvious *social* benefits and clear *environmental* harm – Section 106 money for schools is going to schools in Sittingbourne as the local primary school cannot expand and is full further increasing car usage through the Bobbing AQMA.

The principle of consistency within planning decisions requires that a previous decision is capable of being a material consideration in a subsequent similar or related decision.

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Application: 20/505059/FULL: Willow Trees, 111 High Street, Newington ME9 7JJ
Proposal: Demolition of existing chalet bungalow and erection of 20 dwellings (4 x two bedrooms and 14 x three-bedrooms and 2 x four-bedrooms) with associated access, parking, amenity and landscaping.

These comments are in addition to those previously submitted by Newington Parish Council

Newington Parish Council has commissioned an independent report from the University of Kent Centre for Health Service Studies to examine the air quality reports that form part of each of the four significant planning applications current in the Village and the data available from the air quality monitoring devices in Newington. **The report is on the midkent planning portal**

In summary this says, of the 111 High Street report submitted by the applicant:

4.2.1. No consideration given for committed developments

54. The AQA for Willow Trees [2] appears to consider the proposed development in isolation, and does not consider proposed or committed developments in the area. Therefore future predictions are likely to be under-estimates.

4.2.2. Diffusion tube / Automatic inputs are not all correct and therefore the model is not

56. Some of the values provided for monitored NO₂ do not match up with those provided in Table A.2 starting on page 27 of Swale's 2020 ASR [8]....
58. **Clearly then, the model cannot be correct if its inputs are not.**

4.2.3. Initial model accuracy is poor

63. **This doesn't seem like a very accurate model** and it is our view that the initial model inputs should have been adjusted at this point before proceeding to model adjustment via a scaling factor.

In conclusion

93. ...It is not possible to conclude that any of these models are an accurate representation of reality

4. each of them displays varying degrees of flaw in air quality modelling and model uncertainty which needs addressing

5. The predictions computed for each of the AQAs for these developments are inconsistent

7. Proposed mitigation for cumulative impact are simply vague suggestions with not reasoning or rationale provided as to their impact of implementation feasibility

8. Current levels for NO₂, PM_{2.5} and PM₁₀ within Newington exceed WHO guidelines for health.

9. The Newington AQMA has exceed NO₂ objectives in the last reliable year

10. the planning applications should be rejected on the grounds of air quality at this time

This shows the likely damage to the health of Newington residents from the cumulative effect of further housing development in the village.

Report to Planning Committee – 8 December 2022

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Report to Planning Committee – 10 November 2022

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Please see the independent report from the University of Kent Centre for Health Service Studies which examines the air quality reports that form part of each of the four significant planning applications current in the Village and the data available from the air quality monitoring devices in Newington.

Newington Parish Council requests that this response be forwarded to all members of planning committee as well as the customary summary in the officer report.

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Application: 20/505059/FULL Willow Trees 111 High Street Newington ME9 7JJ
Revised proposal: Retention of existing chalet bungalow with amended residential curtilage and erection of 10 dwellings (7 x three bedrooms and 3 x four bedrooms) with associated access, parking, amenity, and landscaping

At the 17 June 2022 Newington Parish Council Planning Committee meeting it was unanimously agreed to oppose this revised application.

The reasons for our objection remain as stated in our February 2021 response, augmented in December 2021, together with an air quality report commissioned from the University of Kent Centre for Health Services Studies.

1 Most of the proposed development is outside the defined urban boundary of our village.

In the three most recent appeals to the planning inspectorate the appeals have been rejected on the grounds of being outside the urban boundary. (see 148 High Street, 6 Ellen's Place, 132 High Street (PINS refs. APP/V2255/W/20/3245359; APP/V2255/W/20/3250073; APP/V2255/W/20/3247555).

The Applicant's Planning Statement stresses that Swale has only a 4.6 year housing supply; this may have been correct at the time of submission of the application; it is our understanding that Swale can now demonstrate a 4.8 year supply (18 July 2022)
Based on the assumption of 4.6 year supply, in 3.5.22 the applicant states.
... local planning authorities should grant planning permission unless the application of policies in the framework prove clear reason for refusing the development, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits

We draw attention to 19/501773/OUT Land Off Jubilee Fields Upchurch Kent ME9 7AQ, Outline application for residential development of 41no. two, three and four bedroom houses. This planning appeal in our neighbouring village was rejected in December 2020 (APP/V2255/W/20/3246265)

Even though, at the time, the '5YHLS is no more than 4.6 years and may be closer to 4 years. The shortfall is therefore of concern but cannot be said to be acute.'
and the conclusion:

I have found that the proposal conflicts with the development plan as a whole. The other considerations in this case, namely the shortfall in 5YHLS and the provisions of the Framework, are of insufficient weight to outweigh that conflict. For this reason, the appeal is dismissed.

We believe that this decision should equally apply to this application in Newington.

We refer also to the Appeal Court Decision (Case No: C1/2020/0542/QBACF) published 3 February 2021

Paragraph 8 of the judgment clarifies that the NPPF

Paragraph 12 confirms that "[the] presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making".

This application is against the principles of the Swale local planning authority's development plan and Swale can now demonstrate a 4.8 year housing supply.

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2

Bearing Fruits 2031: The Swale Borough Local Plan 2017 has defined its built-up area boundary and Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states

“At locations in the countryside, outside the built-up areas boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities”.

National planning policy does not support this application and it certainly does nothing to protect or enhance the setting.

We would also note that the original Eden Meadow application (opposite) 16/505861/OUT, for (9 dwellings) was rejected at the 2 February 2017 Swale Borough Council Planning Committee meeting on the advice of officers. The reasons for rejection apply fully to this application.

The (November 2020) Preliminary Ecological Survey indicated:

6.3.2 The traditional orchard on the site qualifies as a NERC s41 priority habitat. Therefore, further consideration into the retention, protection and enhancement of the habitat is required Kent County Councils Ecological Advice Service (February 2022) reports

The revised plans will result in a greater loss of orchard to what was originally proposed in 2021. priority habitats are: “Capable of being a material consideration in the...making of planning decisions.” (Paragraph 84, Government Circular (ODPM 06/2005)). Traditional orchard (a priority habitat) is present throughout the site, and therefore mitigation would be required. As part of the original application it was proposed to retain approximately a quarter of the orchard but the revised site plan indicates that only 3 or 4 trees will be retained within the site. We advise that the proposal will result in the loss of a priority habitat and we recommend that additional information is provided demonstrating how the loss of the orchard will be mitigated.

There is currently no response from the Developer.

2 The site is not included in any of the relevant, recent, Swale plans.

- It is not part of the existing Swale Borough Council Plan
- It is not included in the latest consultation exercise on the local plan
- It was not part of the ‘call for sites’ for the Strategic Housing Land Availability Assessment in October 2020
- The Swale Local Plan Panel on 29 October 2020 followed the officer recommendation that no sites in Newington should be progressed for inclusion as allocations in the Local Plan Review.

Therefore this application is contrary to Swale’s policies and procedures.

The Local Plan, Policy ST 3 identified Newington as a Tier 4 Rural Local Service Centre with noted limitations to expansion, so the village was allocated a growth rate of 1.3%. The 2017 edition of the Local Plan reiterated the restrictions on growth with the single exception of “Land North of the High Street”: a development of 124 homes now complete.

Total already built in Newington 2014 to now is 180 properties

- a. For the target six years to date that is 297.5%
- b. Or for the full 17 year quota that is already 105.3%

APPENDIX 4**APPENDIX 3****3 Infrastructure and Transport**

Newington Parish Council had previously (May 2022) commissioned Railton Consulting to advise on the likely transport/highways effects of another proposed development in our village (22/500275/OUT). In June 2022 we asked Railton to report on the likely effects of this application for 10 additional homes at 111 High Street; this report is on the planning portal. In summary:

The cumulative effect of developments in Newington

- However, there have recently been numerous planning applications for residential and other developments in and around Newington and there is concern locally that the cumulative impact of these developments may be severe.
- In total, including the 111 High Street development, 216 dwellings are proposed within Newington. The Paradise Farm brickearth extraction will generate 101 vehicle movements including 85 HGV movements per day, albeit over a limited period.
- In addition, four committed developments in the wider area have been identified that will generate additional vehicle movements on the A2 through Newington.
- the trip generation of the various consented and proposed developments in the area... shows that developments within Newington will generate 1,123 new vehicle trips per day on the local highway network. To this will be added 1,182 vehicle movements along the A2 associated with other committed development in the area.
- In relation to existing traffic flows on the A2, this additional traffic represents a 13% increase on a daily basis.
- In transport environmental terms, an increase in excess of 10% is deemed to be potentially significant in sensitive areas.
- Newington is a sensitive area as evidenced by the presence of an Air Quality Management Area (AQMA) covering the whole of the village.
- The recently implemented 20mph zone on the A2 in the village centre also points to the sensitivity of the area to traffic impact.
- From the data that is available it is clear that in cumulative terms, the proposed development has the potential to lead to significant adverse impact.
- The only mitigation that is proposed relates to the Keycol junction. No further mitigation is proposed to deal with the adverse impacts associated with increased traffic levels on the A2 through Newington village.

A specific and significant concern:

- The proposed site access has been subject to a Road Safety Audit. This identified two areas of concern; the gradient of the access road adjacent to the A2 and the uncontrolled crossing point east of the proposed site access that lacks tactile paving and includes a central beacon column that sits on the pedestrian desire line. These issues can be overcome relatively easily.
- It is noted that the Safety Audit cites only two drawings as references... It is therefore unclear whether the safety auditor had access to the full set of swept path drawings.
- because of the length of the right turn lane being limited by the presence of the pedestrian refuge, an 11.4m refuse vehicle is unable to wait to turn right into the site without its rear protruding into the path of westbound traffic on the A2:
- It is likely that a vehicle wishing to turn into the site will frequently be forced to wait in this hazardous position both because of the high eastbound traffic flows on the A2 and also because an inbound vehicle is forced to wait for any exiting vehicle to clear the access road since a large vehicle is unable to pass a smaller vehicle on the southern section of the site access due to the bends. The risk is exacerbated if any other vehicle is waiting to turn right into the site.

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And the Conclusion

- I conclude that, in cumulative terms, the proposed development has the potential to lead to significant adverse transport and air quality impacts in Newington and that the proposed site access presents a significant highway safety issue due to the inadequate length of the proposed right turn lane.

Newington Parish Council also has real concerns about potential drainage and sewerage issues. There have been several instances of flooding of neighbouring properties in recent years, even before work commenced on the Persimmon development.

The Applicant's May 2022 Flood Risk Assessment

4.5 The proposed development is deemed to have a Flood Risk Vulnerability Classification of 'More Vulnerable'

The Planning Statement:

4.10.3 The FRA ...states that the proposed development has the potential to increase the flood risk on and off site if not properly mitigated.

4.10.4, ... the surface water would need to be stored on site and released at 2l/s to the existing land drain along the site's western boundary.

4.10.5 ... ground levels through the site are to be subtly be reprofiled to encourage excess surface water runoff through the site to be across the landscaped areas and roads, away from the properties. Finished floor levels should also be raised by + 450 mm above surrounding ground levels.

4.10.9 The surface water drainage infrastructure should be maintained by a management company post development.

These seem to acknowledge the real potential for future problems. The structure, funding and operation of the management company is undefined.

From the May 2022 Flood Risk Assessment

5.8 The layout of the properties along the site's northern boundary have been arranged to allow surface water to flow northwards. Two large gaps between proposed buildings have been created to maintain flow routes.

Figure 5 appears to indicate that the surface water will flow from the site to the edge of the Watling Place site.

Local knowledge suggests that a culvert runs north through this site.

This part of the A2 is known to flood – both surface water running down the hillside and foul sewage. The 124 homes of the Persimmon Development have exacerbated the problem, possibly causing the recent landslide on the railway embankment. 'Willow Trees' refers to the trees planted at 111 High Street both as a species that tolerates flooding and also in order to assist naturally in soaking up floodwater. We are concerned that the May 2022 Lustre Consulting Flood Risk Assessment concludes that

6.3 The site is generally at 'low' risk' from surface water flooding

However, some of the proposed measures suggest this is not the case. We are concerned that housebuilding on this orchard site will simply pass on the danger of flooding to neighbouring properties.

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4 Air Quality

Newington is an Air Quality Management Area. There are further AQMAs one mile to the east and two miles to the west of the village.

The proposal may be for a relatively modest development of 11 homes but there is a cumulative effect of all developments. We would remind officers and councillors that any recent readings must be seen in the light of two long periods during summer 2019 and spring 2020 of closure of our High Street (emergency and scheduled gas works) and the greatly reduced traffic during the Covid emergency.

We are well aware Planet Earth decision and the Coroner verdict following the tragic death of Ella Adoo-Kissi-Debrah in Lewisham. We wish to protect the health of residents, especially young children and the vulnerable elderly in our village.

From the applicant's Air Quality Mitigation Statement:

5.0 ...A total damage cost of £4077 for the proposed development has been determined.

Table 6 suggests that the proposal includes mitigation measures worth £24,368.55 through 3 months of travel vouchers, EV charging points in visitor bays, welcome (information) packs to new households, and cycle storage facilities.

The Pond Farm decision to reject Gladman's application (Planning Inspectorate and upheld by the Court of Appeal) was because there was no clear proposal for mitigation measures and no evidence that these would improve air quality in Newington. There is no evidence that the proposals above would improve air quality in our village.

Highways England commented on the original application for 20 homes regarding the effect of the application to the proposed improvements to A249 junctions:

It is therefore necessary, via the imposition of a condition, to ensure that there are no occupancies in this development prior to the completion of the junction improvements at M2 J5.

This is repeated in the KCC Highways June 2022 letter

Newington Parish Council remains concerned that, when improvements to the A249/M2J5 junction are complete as well as the Key Street roundabout this will result in increased traffic flow through the village, impacting through increased pollution within our AQMA.

Electric vehicle charging points are a requirement of all local applications and so a token gesture here. There is significant evidence that the cost of electric vehicles makes them unaffordable for the majority of those in affordable and social housing and that as well as their own cars, these residents often have to accept the works van provided by their employer. We remain unconvinced that the overall provision of parking spaces is sufficient to meet potential demand. There would be no nearby alternative overspill parking.

The applicant's position on heat source pumps is confusing. The May 2022 Design and Access Statement (page 9) has pictures, presumably from a manufacturer's catalogue, of heat source pumps yet the Air Quality Mitigation Statement (4.0) states All gas-fired boilers to meet a minimum standard of <40mgNO_x/KWh

The references to cycle sheds and to electric cycle charging are an illusion. The village has a national cycleway through the back lanes and is reasonably popular for leisure purposes. It is unlikely that residents of the new development would choose to regularly cycle to work along the busy A2.

APPENDIX 4**APPENDIX 3**

At the end of 2021 Newington Parish Council commissioned The Centre for Health Services Studies at The University of Kent to comment on a variety of housing applications in Newington including the proposal to construct 20 dwellings at “Willow Trees” 111 High Street (20/505059/FULL), specifically on the AQA constructed by enSAFE Consultants. We have since commissioned revised comments on this recent application. *The full comments can be seen on the planning portal.*

To summarise the report:

1. The applicant has reduced the number of dwellings to 10 and have included a new AQA
2. The new AQA suffers from the same problems as the previous one, namely that the initial (unadjusted) model is poor. The average % difference is 23.75.
3. Lustre compares NO₂ values in Table 12 and not NO_x.
6. It is our view that the initial model is not accurate enough to proceed to the adjustment step.
7. enSafe acknowledges this inaccuracy when it states on page 47 of [2] that: “it is difficult to have the model represent these specific localised conditions. It is also important to note that the accuracy of diffusion tubes monitoring is considered to be +/- 20% and as such, this can make it difficult to accurately represent this variance within the model.”
8. We are in agreement with enSafe here, in that line-source emission models such as that used are not good at predicting reality accurately. So the question that should be asked is, why should the local authority accept such models as evidence when even the authors of such models admit their inaccuracy?
9. In summary, the air quality assessments recommendations are based on a model with a poor initial accuracy and so we cannot draw any firm conclusions as to the impact of this individual development or its contribution cumulatively.

5 This is not a ‘sustainable’ development

There is a confused and confusing narrative on the overall concept behind this application.

The original application (November 2021, January 2021) had initially included reference to affordable housing with some indication that this would be for local people; consequently there was support from the Council’s Affordable Housing Manager. There is no mention of this in the revised application.

Newington Parish Council was told that, on completion of the development, the applicant intended to ensure preference would be given to village residents. It is hard to see how this would work in reality. Anyway, there would be no way to ensure that these local purchasers then sold their existing home to village residents. Therefore there is no clear advantage to local people.

In contrast the Planning Statement includes the paragraph

3.5.27 ... consideration of recent amendments to the London Plan have identified that the City’s housing need and is increasing more difficult to deliver (*sic*) and therefore areas outside London will be faced with having to absorb more housing. Consequently Swale Borough Council has a duty to explore if it can accommodate this overspill of London’s unmet need.

This would suggest that such a development may benefit those from outside the area instead of local people.

APPENDIX 4

APPENDIX 3

7

The original application had initially included reference to affordable housing with some indication that this would be for local people; consequently there was support from the Council's Affordable Housing Manager. There is no mention of this in the revised application.

In the applicant's Planning Statement:

1.3.1. The site enjoys access to several local facilities and services which are within a reasonable walking distance. These include schools, local shops, healthcare, employment and public transport links

However, in reality: the village school is full; there is one convenience store and a joint pharmacy/post office; the GP surgery is not accepting new patients; there is a limited weekday bus service, nothing on Sundays; one train per hour in each direction stops at Newington station. The 10 minute walk to the village is along narrow pavements besides the busy and polluted A2.

The December 2020 planning appeal decision

19/501773/OUT Land Off Jubilee Fields Upchurch (APP/V2255/W/20/3246265)

there is no specific evidence to suggest that the need for affordable homes in Upchurch is particularly pressing. In the short term, the school would face difficulties accommodating the extra 11 children

We believe the same argument applies to Newington.

The proposed housing development outside the established built-up area of the village cannot be described as 'sustainable development' as defined by the NPPF. We believe residents would drive to schools, doctors, shops and the better rail services from Rainham and Sittingbourne; that they would ignore the bus service which is very limited in terms of route and regularity; therefore increasing pollution further. The proposal does nothing to improve the *economy* of Newington, there are no obvious *social* benefits and clear *environmental* harm – Section 106 money for schools is going to schools in Sittingbourne as the local primary school cannot expand and is full further increasing car usage through the Bobbing AQMA.

The principle of consistency within planning decisions requires that a previous decision is capable of being a material consideration in a subsequent similar or related decision.

Please see:

- University of Kent Centre for Health Services Studies comments on the applicants Air Quality assessment (21 June 2022)
- Railton Transport Planning Consultancy Ltd comments on the applicants transport assessment (13 July 2022)

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PLANNING COMMITTEE – 8 DECEMBER 2022**PART 2**

Report of the Head of Planning

PART 2Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO - 21/503842/FULL & 22/500556/LBC		
APPLICATION PROPOSAL Change of use of disused stables into 4no.holiday-lets with the erection of single storey extensions and insertion of rooflights. Installation of 2 freestanding EV chargers on mounting post to the rear of the stables. Installation of PV array on roof slope of agricultural barn. Creation of wildlife pond.		
ADDRESS Former Stables and Wagon Lodge Woodsell Farm Hillside Road Stalisfield Faversham Kent ME13 0JF		
RECOMMENDATION Approve subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection. Called in by Ward Member.		
WARD East Downs	PARISH/TOWN COUNCIL Stalisfield	APPLICANT Artysea Ltd AGENT Affinis Design
DECISION DUE DATE 08/09/21	PUBLICITY EXPIRY DATE 31/03/22	CASE OFFICER Claire Attaway

Planning History

22/501243/ENVSCR

Environmental Screening Opinion- Change of use of disused stables and Wagon Lodge into 5no. holiday-lets with erection of single storey extensions and insertion of rooflights. Installation of 2 EV chargers on rear wall of stables. Installation of PV array on roof slope of agricultural barn. Creation of wildlife pond.

Environmental Impact Assessment Not Required Decision Date: 23.03.2022

SW/91/0068

Conversion of redundant agricultural buildings to three holiday let units.

Grant of Conditional PP Decision Date: 16.04.1991

SW/85/0153

Conversion of redundant agricultural buildings into 2 dwellings.

Refused Decision Date: 23.09.1985

1. DESCRIPTION OF SITE

- 1.1 The proposal relates to disused stables located alongside Woodsell Farmhouse, a Grade II listed building, which lies within the designated countryside and within the Kent Downs Area of Outstanding Natural Beauty (AONB). The Farmhouse and the former stables and wagon

lodge form a historic farmstead group of some historic interest. As such, the stables and wagon lodge are to be treated as curtilage listed.

- 1.2 The site lies in an isolated location on the northern side of Hillside Road and is predominately surrounded by grassland, as well as farmland and parcels of woodland. There are three parcels of ancient woodland within 500m of the site. To the northeast of the site is Great Spelty/Holbeam Wood, to the south is Spuckles Wood and to the southeast is Little Spelty Wood.
- 1.3 The site lies approximately 1km west of the village of Stalisfield Green and 9.5km south of Faversham town centre. A Public Footpath (ZR454) and a Public Bridleway (ZR455) converge at this site. To the south of the site, approx. 100m away is a detached property known as Hillside, and to the southwest, approx. 200m away is another known as Hillside Cottage. A Grade II listed dwelling known as The Old School House lies on the opposite of the road, but about 250m to the southeast.
- 1.4 The stables are a single storey L shaped building with a hipped slate roof. This building has not been used for some time and is in a poor condition. The flint faced masonry walls are in places overgrown with ivy and the slates to the roof are badly damaged. There is a poorly built extension to the side which has a corrugated iron mono-pitch roof. Behind the stables is another farm building known as the wagon lodge (which originally formed part of the proposed development), and a large modern agricultural building used for storing farm machinery. Alongside these buildings are a row of trees that are covered by Tree Preservation Order (TPO) reference TP-83-3.
- 1.5 Planning permission (SW/91/0068) was granted in 1991 to convert the stables into three holiday lets but this was never implemented.

2. PROPOSAL

- 2.1 The proposal as originally submitted sought planning permission and listed building consent to convert the Wagon Lodge into one holiday let (labelled as Cottage 1 on the original plans), alongside converting the stables to 4 holiday lets, proposing a total of five units. However, the proposed conversion of this building has now been deleted from the scheme and instead it will be repaired to ensure it is structurally stable.
- 2.2 As a result of the above amendment, planning permission and listed building consent is being sought to convert the stables into four holiday lets, and to install two EV chargers on mounted posts to the rear of this building, a 14.5Kw photovoltaic array mounted onto the southwest facing roofslope of the adjacent agricultural barn, and the creation of a wildlife pond within the grass meadow to the front of the site.
- 2.3 The existing lean-to extension to the stables will be demolished and replaced with an extension of a larger footprint, measuring approx. 13.5m long x 5m wide (representing a total increase in floorspace of 30m²) that has flint walls with brick quoins. The holiday lets labelled on the plans as Cottage 2 and 3 will have two bedrooms each and Cottage 4 and 5 will have one bedroom each. The existing rendered walls will be clad with weatherboarding and the entire roof re-covered in slate tiles. The existing rooflights will be replaced with new conservation rooflights, and a new conservation rooflight will be inserted on the northwest facing roofslope to serve a bathroom.

2.4 As originally proposed, the main driveway for visitors to the site would have been from the west, along a farm track that runs alongside Hillside Cottage. This would have led to a visitor car park situated in the corner of the wildflower field behind the farmhouse. Since submission the scheme has been amended, and the existing driveway to the farmhouse will now be used by visitors to the site. The applicant has agreed to erect new signage along Public Bridleway ZR455 to warn pedestrians and equestrians of vehicles. The parking area will be situated immediately behind the stables and will provide six parking spaces. The EV chargers will be installed on a dual mounting post, measuring 1.35m high x 0.24m wide, which will be sited approx. 2m from the rear wall of the stables.

2.5 The application is supported by the following statement:

The farm was purchased by Artysea Limited a company with its roots in the fields of education and training.

In the future the farm will be handed over to a charitable trust to own and manage as a place of research and conservation with limited facilities for visitors to stay and enjoy the peace and quiet of the surrounding countryside and experience the joys of a “dark skies” environment.

The fields and woodland of Woodsell Farm are potentially a rich habitat for many species of flora and fauna which sadly in has in the past been much reduced by the activities of intensive farming and pheasant shooting.

The project is very much in accordance with the stated aims of current planning policy and Swale’s own Climate and Ecological Emergency Action Plan.

We are working in close collaboration with the Woodland Trust, the Kent Wildlife Trust and the Countryside Stewardship Scheme amongst other environmental organisations.

We are planning to plant around 6 hectares of new woods, replant and repair the farms hedgerows, create wildflower meadows, and carefully manage the existing woodland.

There will be around 5 hectares set aside for commercial wildflower seed cultivation and this coupled with the income from residential visitors will enable the project to achieve long term financial viability. Elsewhere we have reported on the environmental credentials of the proposed conversion of the stables and wagon lodge as well as our plans for wastewater and sewage disposal. The project will result in the creation of the equivalent of 3 full time jobs.

It is to be emphasised that we are proposing a very low-key development designed solely for people who wish to stay somewhere peaceful and observe the surrounding wildlife and enjoy walking or cycling through the Kent Downs.

2.6 The Design and Access Statement (DAS) argues that all the cottages will be heated by sustainable ‘district’ heating which will not use any form of fossil fuel, that the income generated by the proposal will contribute to the ecologically positive running of the farm and that it will restore attractive former farm buildings and boost rural tourism in Stalisfield. Appendix 2 of the DAS states that the roof mounted PV array will generate approx. 15,000 kWh of electricity each year, equivalent to an annual saving of 8.5 tonnes of carbon dioxide versus mains electricity, and that a ground source heat pump will provide heating and

domestic hot water for the holiday lets, resulting in 70% lower carbon dioxide emissions than a gas boiler heating system. Appendix 3 of the DAS states that to further increase biodiversity on the site, a wetlands reed bed will be created within the grassland field to the southeast of the stables to enable the site to become self-sufficient in the treatment of wastewater and to feed treated water into a new pond.

- 2.7 Since submission, a Preliminary Ecological Appraisal (PEA) has been submitted which was followed by an Ecological Impact Assessment (ECIA). The ECIA states that bats were found in the stables but there were no evidence of barn owls or signs of badgers within the site. Appendix 1 of the ECIA provides mitigation measures to minimise any potential impacts to roosting bats, badgers, hedgehogs, reptiles, and nesting birds.

3. PLANNING CONSTRAINTS

- 3.1 Area of Outstanding Natural Beauty KENT DOWNS
- 3.2 The list entry description 1069197 for Woodsell Farmhouse is

TQ 95 SE STALISFIELD

6/118 Woodsell 24.1.67 GV II

House. C17 and C18. Timber framed and clad with chequered brick, with hung tile, and tile hung rear range. Plain tiled roof. Two storeys and hipped roof with stacks to left and projecting at end right. Regular fenestration of 3 glazing bar sashes on first floor and 2 on ground floor with central glazed door and flat hood on scrolled brackets. Recessed 2 storey late C20 extension to left.

Listing NGR: TQ9620853072

4. POLICY AND CONSIDERATIONS

The National Planning Policy Framework (NPPF)

- 4.1 The NPPF at paragraph 84 states that a positive approach should be taken to sustainable development to promote a strong rural economy and that support for all types of rural businesses and tourism developments can be achieved through conversion of existing buildings and well-designed new buildings which respect the character of the countryside. Paragraph 85 recognises that sites to meet local business and community needs in rural areas may have to be found outside existing settlements and in locations that are not well served by public transport.
- 4.2 At paragraph 176 of the NPPF the advice is that great weight should be given to conserving and enhancing the natural beauty of the AONB.
- 4.3 Paragraph 195 requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).

Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

4.4 Policies ST1 (Delivering sustainable development in Swale); ST3 (The Swale settlement strategy); CP4 (Requiring good design); DM3 (The rural economy); DM14 (General development criteria); DM24 (Conserving and enhancing valued landscapes) and DM32 (Development involving listed buildings) are most relevant here.

4.5 Policy DM3 supports the rural economy by encouraging economic development, especially by prioritising the re-use of rural buildings over new builds. The most relevant section of the supporting text to this policy is as follows:

For the rural tourism sector, given the outstanding environment in Swale and its potential contribution to the economy, the Council wishes to see an expansion of sustainable rural tourism initiatives that can benefit local communities, economically and socially as well as raising awareness and support for the conservation and enhancement of the Borough's natural assets.

4.6 Policy DM24 seeks to prevent the AONB from harmful development stating that

The value, character, amenity, and tranquillity of the Borough's landscapes will be protected, enhanced and, where appropriate, managed.

Within the boundaries of designated landscape areas, as shown on the Proposals Map, together with their settings, the status given to their protection, enhancement and management in development decisions will be equal with the significance of their landscape value as follows:

- 1. The Kent Downs Area of Outstanding Natural Beauty (AONB) is a nationally designated site and as such permission for major developments should be refused unless exceptional circumstances prevail as defined by national planning policy. Planning permission for any proposal within the AONB will only be granted subject to it:*
 - a. Conserving and enhancing the special qualities and distinctive character of the AONB in accordance with national planning policy;*
 - b. Furthering the delivery of the AONB's Management Plan, having regard to its supporting guidance documents;*
 - c. Minimising the impact of individual proposals and their cumulative effect on the AONB and its setting, mitigating any detrimental effects, including, where appropriate, improving any damaged landscapes relating to the proposal; and*
 - d. Being appropriate to the economic, social and environmental wellbeing of the area or being desirable for the understanding and enjoyment of the area.*

4.7 The Swale Landscape and Character Biodiversity Appraisal SPD 2011- The site is located within the Doddington and Newnham Dry Valleys. It describes the site as a gently sloping landscape with enclosed rolling farmland, extensive mature oak and ash woodlands, orchards and arable fields, small scale settlements, and historic parklands. The overall condition of the landscape is rated good, and landscape sensitivity is rated high. The guidelines focus on conserving the landscape and the rural setting of the AONB.

4.8 The Parking Standards Supplementary Planning document (SPD) May 2020- The guidance advises that secure and convenient cycle parking is essential to encourage people to use this mode of travel, and that new developments should incorporate electric vehicle charging points into the parking design.

4.9 The Supplementary Planning Guidance (SPG) entitled ‘The Conservation of Traditional Farm Buildings’. Paragraph 5.2 of the SPG states that

“The sole purpose of allowing agricultural buildings of architectural or historic interest to be converted to a new use is to ensure the preservation of structures recognised as symbolic of rural life. If the conversion changes the character of the building for example to that of a suburban dwelling, this policy is undermined.”

4.10 The relevant principles of the Kent Downs AONB Management Plan are as follows:

MMP2 The Kent Downs AONB is a material consideration in plan making and decision taking, and so local authorities will give a high priority to the AONB Management Plan vision, aims, principles and actions in Local Plans, development management decisions, planning enforcement cases and in taking forward their other relevant functions.

SD1 Ensure that policies, plans, projects, and net gain investments affecting the Kent Downs AONB take a landscape led approach are long term, framed by the Sustainable Development Goals appropriate to the Kent Downs, cross cutting and recurrent themes, the vision, aims and principles of the AONB Management Plan.

SD2 The local character, qualities, distinctiveness, and natural resources of the Kent Downs AONB will be conserved and enhanced in the design, scale, siting, landscaping and materials of new development, redevelopment and infrastructure and will be pursued through the application of appropriate design guidance and position statements.

SD3 Ensure that development and changes to land use and land management cumulatively conserve and enhance the character and qualities of the Kent Downs AONB rather than detracting from it.

SD5 Renewable and sustainable energy initiatives and energy efficiency measures will be pursued where they help to conserve and enhance the natural beauty and landscape character of the Kent Downs AONB and bring environmental, social, and economic benefits to local people and ensure proposals conform with the Kent Downs AONB Renewable Energy Position Statement and resisted where they do not.

SD9 The particular historic and locally distinctive character of rural settlements and buildings of the Kent Downs AONB will be maintained and strengthened. The use of sustainably sourced locally-derived materials for restoration and conversion work will be encouraged. New developments will be expected to apply appropriate design guidance and to be complementary to local character in form, siting, scale, contribution to settlement pattern and choice of materials.

LLC1 The protection, conservation and enhancement of special characteristics and qualities, natural beauty, and landscape character of the Kent Downs AONB will be supported and pursued.

VC6 The development of sustainable visitor and tourism facilities will be pursued where they enhance people's enjoyment and understanding of the AONB without detracting from its special characteristics and qualities. The Kent Downs AONB partnership will pursue sustainable tourism zone status.

5. LOCAL REPRESENTATIONS

5.1 Eight objections were received in relation to the originally submitted scheme. The comments may be summarised as follows:

- No pursuits/activities for the development are given apart from not wanting 'Wealthy Shooting Parties'
- The proposed car park in the corner of the wildflower meadow will be detrimental to the meadow
- What is the future of Woodsell Farmhouse? Is it part of the enterprise?
- A well/bore hole will be needed if the water supply is not upgraded
- Refuse and recycled waste disposal must be addressed
- Lighting required for parking and access will cause disturbance
- The access track is for agricultural use and will need upgrading
- Parking should be hidden from view
- Given the nature of the disused barns there might be protected species, but no report has been submitted
- The site location plan does not show my property (Hillside Cottage)
- The proposed new access road is unnecessary and problematic
- The access track should be included in the red line
- Number of properties is excessive and out of character
- Traffic on Hillside Road will be excessive which is unsuitable for the proposed larger volume of traffic
- Increasing the level of traffic to the extent proposed will have an adverse impact on the safety and amenity of the area to both residents and those who currently enjoy its rural, tranquil nature
- The new access road is unnecessary and has poor visibility when trying to join Hillside Road whereas visibility on the existing road is considerably better and the junction could be further improved
- The proposal intends to dig up various areas where the water supply runs meaning the pipes would be damaged

- The water supply needs to be addressed before any approval is granted, along with consideration of how not to disrupt the existing water pipe to neighbouring properties
- Lack of clarity about intentions for the whole site
- The outbuildings might be curtilage listed
- Loss of privacy if there is a new road running up the side of my garden
- Noise from the outside social areas will impact neighbouring properties on Hillside Road
- The new road and vehicles will spoil the view over the AONB and change the character of the area
- The new access road will make me vulnerable to crime
- The new road will require digging up the root protection area of the boundary hedge
- A bat survey should be commissioned
- Current light pollution is minimal but the addition of 50% more properties, cars, and the need for people to see where they are going would be a concern
- Building another new unnecessary hard surface road increases the risk of flooding
- The proposed overdevelopment in a very rural area, along with building a new unnecessary road does not conserve and enhance the natural beauty of the landscape
- The proposals are at odds with the NPPF from an environmental and landscape perspective and will impact existing recreational use of the area
- Construction activity will result in my dog barking with every person or vehicle that uses the new road next to my house which would make working from home extremely difficult so if permission is granted, I politely request that workmen use the existing drive to the property
- Hillside Road is a narrow twisty country road with a few blind bends and infrequent passing places, the road is normally used by local farmers. The increased traffic levels will cause congestion and difficulty for local drivers
- The site is in an AONB so the local authority must make sure that any proposal has regard for adding utility services such as water supply pipes, gas pipes, telecommunication cables
- There are no details on the location and method of heating 5 dwellings
- The block site plans show the layout of drainage and foul drainage pipes but not their relation to existing or new water supply pipes
- Risk of damage to and contamination of fresh water supply pipe
- The new pond will be located over the private water supply pipe to my property which will prevent future repair and maintenance

- Size of ponds extremely large and out of character for the landscape & AONB
- New tree planting over my private water supply will prevent future repair and maintenance and possibly cause damage to the existing pipe due to root growth
- The addition of 5 holiday lets for at least 14 holidaymakers will have a detrimental effect on water supply
- The permission granted in 1991 did not proceed due to costs associated with providing a new and separate water supply pipe for the proposed 3 holiday let development
- Lack of financial details and projected profit forecast
- Being a grade two listed building and trying to secure a future for the pub we are concerned these could dilute any business that has been built up and in addition the wedding/event business we get from the village hall could be displaced

5.2 Following the concerns raised by local objectors, revisions were made to the scheme, including re-positioning the parking area behind the stables, and inserting solar panels to the agricultural barn. This resulted in amending the red line around the site and amending the description of the proposal, of which residents and the Parish Council were re-consulted. In addition to that, an application for listed building consent (22/500556/LBC) was submitted given that the stables are treated as curtilage listed. 10 further objections were received, of which the majority had previously commented, although three were from addresses which had not responded to the initial consultation. They refer to the following matters:

- The proposal will damage existing local businesses such as The Plough and The Bowl Inn - Impact on local businesses and utilities supplies has not been addressed
- If the application is approved, conditions should restrict use of the farm track for farm vehicles only, require adequate tree screening and control external lighting to car park
- Hillside Road is a single-track road with no passing places and extra vehicles is totally inappropriate for the size of the road
- Speculation it will be a conference centre – there are no details of what other changes & development will be undertaken to host these seminars
- A site meeting is vital to properly assess the impact on our village
- There appears to be no economic study to back up the viability of the scheme
- There is no independent study from a qualified professional backing up the claims of environmental damage caused by previous activities on the sitend the appropriateness of the new land management that has been undertaken
- There appears to be no formal proposal (or approval) for the public footpath diversion that has taken place on site
- Other local businesses pay taxes whilst Woodsell Farm holiday lets will be registered as a charity so the council will lose tax revenue

- This “awkward-to-use” junction has not changed and will be problematic to traffic both entering and exiting the development
- The water pipe serving my property still runs uncomfortably close to the proposed Reed Beds and pond. My concern covers disturbance of pipe, accelerated corrosion of pipe and maintenance of pipe
- The developer has not addressed concerns voiced by other residents along Hillside Road about water pipe being at capacity with low pressure and water flow to my property at the end of the line in particular
- Hillside Road is a narrow twisty road, with blind bends, steep inclines and declines and very infrequent passing places. The increased traffic levels with strangers cars & delivery lorries will only lead to more serious accidents
- The data suggests that e-cars cause more pedestrian accidents
- Question the use of such a large area of solar panels in the curtilage of listed buildings and in an AONB
- The PEA has not listed Spelty Wood as ancient woodland even though it is 200mm East of the proposed development
- The development establishes a precedent for further development of housing/camping on the site
- The proposed solar panel arrangement on the elevated roof of the at-cost barn will negatively impact on the public visual amenity and views of the listed building on approach from the bridleway, footpath & main access drive
- The disturbance from smells & odours from the proposed reed bed has not been considered and it is not clear if there will be an air pump continuously running to aid primary treatment of the sewage and the constant noise this will create
- The proximity of the reed beds and public safety of families using the public footpath & bridleway has not been considered

5.3 The applicant responded to the above objections as follows:

The planning application is largely based on the scheme previously given planning permission. The main difference however is that whereas the previous application was entirely for the creation of holiday lets, in our proposal there will much more emphasis on education and research and the quiet enjoyment of the rural environment and the clear skies at night. The farm will be kept both dark and quiet.

At all times we have followed the guidance of the Kent Downs ANOB.

Competition of existing accommodation

We have no intention to promote our site on Air B&B/Tripadvisor. There is a very small demographic of visitors likely to come to Woodsell Farm. We reject that there is need for

concern that this project will be detrimental to existing holiday accommodation in local pubs. In fact, it is highly likely that it will result in extra sales of food and drinks for them.

Buildings

The rehabilitation of the dilapidated (and indeed in some cases collapsing) outbuildings will be undertaken to minimise any external change. Retaining the elevations much as they now, using similar building materials wherever possible. Internally the building will be insulated to the highest possible standards and heating will be supplied by a ground source heat pump. There will be minimal external lighting installed.

Water

The concerns of some neighbours about our putting excess demand on the existing water supply will be solved by the installation of a borehole. The existing water pipes will not be affected by the installation of the WET system/other works.

Power

A proportion of the electricity will be provided by a solar panel array on the roof of the existing modern barn. The Kent Downs AONB is supportive of this. Charging points for electric cars and bicycles will be incorporated. The accommodation will be heated using a Ground Source Heat Pump (open loop collector via the borehole).

Sewage Treatment

A modern WET system will provide a wetland reed bed within the meadow to the southeast of the buildings. This will allow the farm to become self-sufficient in wastewater treatment whilst helping to increase biodiversity. *see appendix 1.*

Noise/Traffic

We intend to reduce the impact on the local area to the very minimum and certainly produce significantly less disruption and noise than the shooting activities that occurred at the farm until February 2021. The Kent Downs AONB response states ‘the increase in day to day traffic would however, in our view, would be relatively modest and is likely to be dispersed throughout the day.’ Visitors will be encouraged to cycle or walk during their stay and bicycles will be provided for use.

Jobs

Our plans include the creation of at least three local jobs.

Communication

When we bought Woodsell Farm we were still formulating our plans for the site. We are happy to share our plans as they develop.

Cooperation

We are working closely with the following groups and organisations:

- *Kent Wildlife Trust*

- *The Woodland Trust*
- *The Durrell Institute of Conservation and Ecology*
- *The Kent Downs AONB*

We also intend to involve experts from other wildlife groups to produce a comprehensive record of flora and fauna present on the farm and woodlands. It is relevant to note that Woodsell will adjoin two areas managed by the Kent Wildlife Trust to provide an extensive corridor for the migration of many local species.

We intend to put a small area aside for local youth organisations to provide a supervised camping site for occasional use.

We are working with a local based Nursery business for provision of trees and a local farmer on a commercial wildflower project. It is worth pointing out that although cereal crops will no longer be grown, other areas of food production will be developed, such as fruit and nut orchards.

Appendix 1. Wetland Ecosystem Treatment (WET) System

A WET system is used to purify and absorb the sewage. If required, we can also create a Site Water System, this is an additional component which can receive, harvest and then put to productive use the rainwater runoff from the site as well.

The overarching aim is to put the water resource of the site to the best use possible – to allow it to ‘do its duty’ in the landscape and to be a productive and regenerative element of the total site design.

It provides an integrated wastewater purification system, a biomass resource production along with creating biodiversity. There are now over 200 WET Systems in successful operation, working at a range of scales for a variety of wastewater types.

The WET system will consist of a biodigester wastewater treatment plant which will remove solid materials from the sewage. It consists of four chambers that contain the solid waste for four years after which it is deemed an inert organic substance which can be used as compost. The digester will be buried below the surface to minimise any aesthetic impact it will have. The liquid element leaving the digester, is fed into a series of wetland reed ponds for further filtration. The resulting clean water will feed into a final wildlife pond.

6. CONSULTATIONS

6.1 Stalisfield Parish Council responded to application ref 21/503842/FULL as follows:

Councillors have considered the application and object to the proposals for the following reasons:

- *The access road is not suitable;*
- *The access across the footpath has not been addressed;*

- *There are issues with the water supply as the existing supply is a private supply and the additional accommodation will increase the number of properties by over 50%. Currently some residents have low water pressure at times and this will be exasperated if the development is linked to this;*
- *The ponds will be on top of the water pipe which could be detrimental to the integrity of the pipe and will make maintenance difficult;*
- *The social space would create a noise problem for neighbours and needs to be behind the development;*
- *The site plan does not show a neighbouring property which will be affected by the development;*
- *There will be loss of privacy to neighbours.*

6.2 Stalisfield Parish Council responded to application ref 22/500556/LBC as follows:

The Parish Council met to discuss the application for listed building consent for the Former Stables & Wagon Lodge Woodsell Farm Hillside Road Stalisfield Faversham Kent ME13 0JF on Wednesday 16th of March.

The Parish Council objects to the listed building consent because we feel that certain aspects of the plans fall outside of the local vernacular of Stalisfield agricultural buildings and any more recent change of use. Namely, we feel that the proposed roofing material for the wagon lodge is not in keeping with the vernacular, and the use of window shutters is not in keeping with the character of existing buildings in the area.

In addition, the Parish Council continues to strongly object to the planning application 21/503842/FULL for the reasons given in our initial comments on it, many of which have not been resolved in subsequent amendments that accompany this listed building consent application. We are re-iterating this to reflect the strength of opposition by many parishioners as expressed in the above meeting.

- 6.3 The KCC Ecology Officer initially requested additional surveys. The bat survey which was subsequently submitted identified two Common Pipistrelle bats emerging from the stable building. KCC Ecology raise no objection to the mitigation measures in the bat report to deal with this. Overall, and subject to conditions, they do not object to the development.
- 6.4 Kent Highways and Transportation consider this to be a non-protocol matter.
- 6.5 The KCC Public Rights of Way and Access Officer (PROW) initially responded to say they raised no objections but suggested that more details were provided relating to the footpath crossing the proposed new access road, as well as details of the proposed hedge planting. The revised scheme does not propose a new access road, and instead utilises the existing driveway. Nonetheless, the PROW raises concern that Public Bridleway ZR455 will be affected by an increase in vehicle use from both a user safety perspective as well as maintenance and recommends that new signage should be installed to warn of pedestrians and equestrians. The applicant has agreed to cover the cost of any new signage.

- 6.6 The Swale Footpaths Group responded to say that due regard must be shown for the safety of those using the footpaths and bridleway, and that as the development is near buildings, security will need to be addressed.
- 6.7 The Kent Downs AONB Unit acknowledges that a sensitive re-use of these farm buildings could help secure their future retention in line with the aims and objectives of the Management Plan, commenting as follows:

The stable and wagon lodge fit with these recognised characteristics of farmsteads in the local character area of the Mid Kent Downs. If conversion is to take place it is essential that it is carried out in a sensitive manner to protect the historic character of the original buildings. In that respect, the views of Swale's own Conservation Officers will be crucial. While the stable building appears to be capable of a residential conversion without any significant loss of character, the wagon lodge does not appear to lend itself so readily to conversion, with the proposals appearing to over domesticate it, as demonstrated in particular in the proposed southeast and southwest elevations. As such, this structure might lend itself better to a use that does not require as many interventions, for example as a parking barn to serve the other holiday lets or for storage. Furthermore, there appears to be discrepancies between the various plans and supporting material as to whether this would be reroofed in shingles or clay tiles; we consider clay tiles to be the more appropriate roofing material. We would also query whether the level of detail that has been provided is sufficient to properly assess the acceptability of the works on these historic structures, and would have liked to have seen reference to the Kents Downs Farmsteads Guidance in the submission.

The application includes aspirations for proposals for the wider estate including woodland planting, wildflower meadow creation and reinstatement of hedgerows. This is generally considered to be consistent with the aims and objectives for the AONB as well as to comply with the design guidance for historic farmsteads in this LCA as set out in the Farmsteads Guidance which includes taking opportunities to reinforce and enhance the historic character of farmsteads and link them to their surrounding landscapes and to reinforce and link boundaries to the existing hedge network and to shaws, including woodland boundaries.

The location and treatment of the proposed parking area is also considered appropriate in terms of impacts on the landscape, sited close to existing buildings and to be screened and softened with vegetative planting and we are supportive of the provision of solar panels on the roof of the existing modern agricultural building.

Clearly the proposal would result in an increase in vehicular traffic and we note that the site is accessed from a network of narrow rural lanes which are generally single track, the free flow of traffic along which relies on a number of informal passing places. The increase in day to day traffic would however, in our view, be relatively modest and is likely to be dispersed throughout the day. We note that it is the intention that visitors 'are to be encouraged to walk or cycle during their stay'. While such an intention is welcome, no details are provided as to how this will be achieved, for example bicycles (or even electric bikes) could be supplied for visitor use, which may reduce the amount of vehicular traffic on the rural lanes of the AONB and would be in line with Management Plan principle AEU11.

- 6.8 The Council's Economy and Community Services (ECS) Manager initially responded to request more information on the long term viability of the holiday lets. The applicants responded as follows:

In regard to preparing a business plan for the accommodation, we believe its inappropriate as the enterprise will be run under the control of a charitable foundation and is already adequately funded, therefore we believe that the production of a business plan is not necessary. And further, as we understand the Planning Law, a business plan is not a material consideration when determining an application.

However, we would like to state that our accommodation will have a very different target audience to The Plough's holiday lets. Our aim is to provide accommodation for academics as part of their studies on subjects relating to the environment and biodiversity. It may be a base for environmentally minded organisations, like the Kent Downs AONB, (who have already expressed an interest) in using the farm to meet up although we can reassure you that the farm will not be used for large scale gatherings. We will also be marketing the accommodation to nature groups like RSPB members, as a quiet nature retreat. We will not be marketing our accommodation on TripAdvisor like The Plough, which caters more for the couple's weekend break/down from London visitors. If anything, we will be increasing business for The Plough, as our guests will be looking for a meal/drinks out and this is the closest pub and is within walking distance.

The ECS Manager was re-consulted on receipt of the above information, but she had no further comments to make.

- 6.9 The Council's Environmental Protection Team raises no objection subject to a construction hours and a land contamination condition.
- 6.10 The Environment Agency responded to say they have assessed the proposal as low risk and therefore they did not have any comments to add.

7. BACKGROUND PAPERS AND PLANS

- 7.1 Application papers and drawings referring to application reference 21/503842/FULL & 22/500556/LBC.

8. APPRAISAL

- 8.1 The application site is located within the designated countryside and the Kent Downs AONB, where policies ST3 and DM24 seek to resist development in the countryside unless supported by the NPPF and to protect valued landscapes. The site is also within the curtilage of a Grade II listed building, for which the income generated from the proposal is intended to support the restoration of Woodsell Farmhouse. I consider the key issues to be whether the proposal is in accordance with planning policies that promote rural tourism, but also seek to protect the rural setting of the AONB and the historic character of the listed farmhouse.

Principle of Development

- 8.2 In terms of the principle, I am content that the conversion of an existing rural building to provide four holiday lets is acceptable in terms of policy DM3 of the adopted Local Plan. Such a development will re-use and restore a historic farm building, and it will enhance the rural

character of the area and support the rural economy, helping to sustain nearby businesses and local tourist attractions.

- 8.3 On a national level, paragraph 84 of the NPPF states that planning decisions should enable the expansion of rural businesses and tourism development through conversion and well-designed new buildings. I therefore consider a sensitively designed extension to provide additional holiday accommodation within the stables also to be acceptable.
- 8.4 The Kent Downs AONB Management Plan pursues development for sustainable visitor and tourism facilities which does not detract from the natural beauty of the designated area. The proposal seeks an alternative use for a redundant farm building as well as woodland planting and reinstatement of hedgerows which I consider will conserve and enhance the special qualities and distinctive character of the AONB.

Impact on the setting of the listed building

- 8.5 Obligations fall upon the council in determining any application which affects a listed building or its setting or within a conservation area, including its setting. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 8.6 Furthermore, at section 72 it is required that Local Planning Authorities pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. When considering potential impacts, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be) at para 199 of the NPPF; and any harm/loss of a designated heritage asset requires clear and convincing justification (at para 200). The NPPF gives presumption in favour of the conservation of heritage assets and applications that directly or indirectly impact such assets require appropriate and proportionate justification.
- 8.7 Woodsell Farmhouse is a Grade II listed 17th-century building. The stables are not listed in their own right, but are located within the setting of Woodsell Farmhouse. As such, the Farmhouse and the stables form a historic farmstead group of some historic interest. As such the stables have been treated as curtilage listed.
- 8.8 Much of the significance and special interest of Woodsell Farmhouse is derived from its historic integrity, contributed in part by its architectural form and historic fabric. Significance is also derived from the continued legibility of the building as the principal structure in a small, integrated farmstead complex positioned within a rural context.
- 8.9 The main heritage consideration for this application, is the effect of the proposal on the setting of Woodsell Farmhouse and its significance as a designated heritage asset.
- 8.10 The former stables are of a utilitarian form, layout, and appearance and are currently in a state of disrepair. Their continued legibility of a historic functional relationship with Woodsell Farmhouse, as well as from the surviving historic form and fabric and the buildings primary elevations, which collectively denote the building's original use and construction contributes to the significance of Woodsell Farmhouse setting.

- 8.11 Apart from the main structures, there are a number of features of architectural merit worth preserving on the former stables such as the construction materials, the plan forms, and other features of historic merit. In my view, the proposed scheme will have some impact on those aspects of the building. As a result, the proposed conversion would change the character of what is essentially a very basic rural utilitarian farm building to the extent of diminishing the link with their agricultural past, and thereby eroding any interest they may possess through the proposed internal layout of the proposed cottages.
- 8.12 The setting of the listed building within open fields and remote from other development contributes in no small way to its character. The conversion would result in a change to that setting, through the creation of paths and the parking of vehicles. Nonetheless, the proposal will secure the future of the farm buildings and also support the long term conservation of the farm. I take the view that greater weight should be given towards saving these historic farm buildings from further decay, and as a result, I believe the proposal should be supported.

Impact on the landscape character and visual amenity of the AONB

- 8.13 The NPPF gives great weight to conserving landscape beauty and scenic value in an AONB. This is reflected in policy DM24 of the adopted Local Plan. At the same time, the NPPF indicates that support should be given to suitably located and well designed development necessary to facilitate local business and community needs. As I have said above the proposed development will preserve historic farm buildings which have fallen into a state of disrepair.
- 8.14 I have carefully considered the concerns of local residents and the Parish Council regarding the visual impact of the development on the AONB and the rural landscape. I shared the concerns of local objectors about the initial proposal, but I consider that the revised approach is acceptable. Changes have included the re-positioning of the visitor car park to a more discrete location, the use of an existing driveway to remove the need for creating a new access track and leaving the wagon lodge unconverted. As set out above, the proposal will re-use and restore historic farm buildings, and I consider the conversion has been sensitively designed. The Kent Downs AONB Unit considers the proposals for the wider site, such as woodland planting, wildflower creation and planting of hedgerows to be consistent with the aims and objectives for the AONB. Furthermore, they consider the siting of the proposed parking area to be acceptable and support the installation of solar panels on the roof of the modern agricultural building. I am therefore content that the proposed scheme will enhance the natural beauty of the AONB.

Residential Amenity

- 8.15 The closest neighbouring properties that are most affected by the proposal are situated in excess of 150m to the south. However, due to the position of the stables and the significant separation distance to other properties, I consider there is no identifiable harm to the amenities of these neighbouring properties.
- 8.16 Local concern refers to an increase in noise levels. Given the relatively low density of the development, I do not consider the proposal would give rise to significantly increased noise levels and it is important to note that the Council's Environmental Protection Team have raised no concerns in relation to this issue.

Highways

- 8.17 As originally submitted, the scheme proposed to upgrade the existing farm track that ran alongside Hillside Cottage which raised some concern amongst local residents and the Parish Council. However, the revised scheme will utilise an existing access off Hillside Road which is the main driveway to the farm. Despite that, I note there is still some concern regarding the impact of an increase in traffic along Hillside Road, particularly given that it is narrow with few passing places.
- 8.18 The site is in a rural location with limited access to public transport and in all probability, visitors would rely on a car for their journeys. However, it seems unlikely that the small number of holiday units being proposed here would generate a significant amount of traffic, and in any case, it will be dispersed throughout the day. Furthermore, Kent Highways and Transportation raise no concerns, neither does the Kent Downs AONB Unit. I consider the parking area is adequate to accommodate any visitors to the site therefore I do not see any reason for refusal of the application on highway or traffic grounds.
- 8.19 Public Bridleway ZR455 runs along the main driveway to the farm and continues past the stables and the wagon lodge. The KCC PROW Officer was consulted and raised the issue regarding the increase in vehicle use along the bridleway. It was suggested that additional signage will be required so that users of the access are aware of the bridleway. I have discussed this with the agent who has agreed to cover the costs of the signage and as a result I have recommended condition (23) below. On this basis, I consider the matter to be satisfactory resolved.

Landscaping

- 8.20 The development will involve the planting of new hedgerows and trees alongside the agricultural barn and stables, as well as for the wider site. I am therefore satisfied that the landscaped character of the site would not be adversely affected by the development and Members will note conditions (10), (11) and (12) below.

Ecology

- 8.21 The Preliminary Ecological Appraisal recommended various mitigation measures, and a bat survey was carried out at the request of KCC Ecology. These were deemed satisfactory, and conditions have been included to ensure the ecological enhancement factors are adhered to. However, a Landscape and Ecological Management Plan (LEMP) still needs to be undertaken. The KCC Ecologist is satisfied provided this is secured as a pre-commencement condition of which the applicant has agreed to accept. Members will note condition (22) below.
- 8.22 Local concern refers to the potential for light pollution given the countryside location. The KCC Ecologist has recommended a condition requiring a lighting design plan for biodiversity to contain any potential impact on bat activity. Members will note condition (21) below.

Other Matters

- 8.23 Local concern points out there are already holiday lets in the village and question the need for more holiday accommodation. However, opposition to business competition is not a material planning consideration.

8.24 I note that a number of premises in this area are served by a private water supply. I have included an informative to make the applicants aware of their need to register the supply with the Council so that the Environmental Protection Team can arrange to undertake regular sampling should they decide to use any private water supply available rather than mains water.

9. CONCLUSION

9.1 The proposal would enable the conversion of disused farm buildings. I have considered the potential impact of this proposal upon the character and appearance of the countryside and AONB, and the setting of the listed building, as well as the comments of local residents and the Parish Council. I am of the view that the impact will be minimal and considerably outweighed by the benefits it would bring to the Borough. On this basis I recommend that planning permission and listed building consent is granted, subject to the conditions which have been included below.

10. **RECOMMENDATION - GRANT** Subject to the following conditions

21/503842/FULL

CONDITIONS

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

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

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

Proposed Site Plan 2005/1C
Stables & Lodge, Proposed Layout 2005/22D
Proposed Block Plan 2005/23C
Proposed South-East & North-West Elevations of Holiday Cottages 2005/35
Proposed North-East & South-West Elevations of Holiday Cottages 2005/36

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

(3) No development beyond the construction of foundations shall take place until details of the weatherboarding and roofing materials to be used on the holiday lets hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall be implemented in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

(4) All new/replacement windows and doors shall be constructed of timber, and they shall be in accordance with detailed drawings at a scale of 1:10 elevation detail and a 1:2 plan and vertical section of all new joinery work and fittings together with sections through glazing bars, frames and mouldings, and specification and colours of finish, which shall first have been approved in writing by the Local Planning Authority. The

development shall be carried out in accordance with the approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (5) No new joinery shall be installed until details of the colour finish(es) to be used for the paint/stain finish to the new external joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with approved details.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (6) No development beyond the construction of foundations shall take place until a sample panel of the flintwork with brick quoins to be used has been erected on site adjacent to the building for inspection and approved in writing by the Local Planning Authority. The vertically erected sample panel shall be not less than 1m² in its vertical face dimension, and show the depth, colour, texture, lime mortar, and profile (to match existing) to be used in the formation of the flint work. The approved panel shall be retained on site for the duration of the flint work construction works to form a visual reference for the building contractor(s) carrying out the work.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (7) No rooflights shall be installed other than in accordance with details of conservation rooflights that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include a technical specification of the specific model/product and shall include a sectional drawing showing how the rooflight would sit near flush in the roof plane.

Reason: In the interest of preserving or enhancing the character and appearance of the surrounding area.

- (8) No development beyond the construction of foundations shall take place until details have been submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, and energy efficiency. Upon approval, the details shall be incorporated into the development in accordance with the approved details prior to the first use of any holiday accommodation.

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

- (9) The holiday accommodation hereby approved shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and no holiday accommodation shall be occupied unless the notice for that accommodation of the potential consumption of water per person per day required by the Building Regulations (As amended) has been given to the Building Control Inspector (internal or external).

Reason: In the interests of water conservation and sustainability.

- (10) No development beyond the construction of foundations shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs, and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

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

- (11) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

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

- (12) 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.

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

- (13) The holiday lets hereby permitted shall be used solely for the purpose of holiday accommodation; shall not be used by any person or persons as their sole or main residence and the accommodation shall not be occupied by any person or group of persons for more than four weeks in any calendar year.

Reason: As the site lies outside any area intended for new permanent residential development and as the permission is only granted in recognition of the applicant's intention and the Local Planning Authority's wish to encourage suitable provision of holiday accommodation in this attractive rural area.

- (14) No demolition/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 0800 – 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

- (15) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the

site shall have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the site indicating sources, pathways, and receptors
 - Potentially unacceptable risks from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure any land contamination is adequately dealt with.

- (16) The area shown on the submitted block plan drawing No. 2005/23C as vehicle parking spaces shall be provided before first occupation of the holiday accommodation, and shall be retained for the use of the occupiers of the holiday accommodation, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to these areas.

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

- (17) Prior to the first occupation of the holiday accommodation hereby permitted, two electric vehicle chargers shall be provided in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. All Electric Vehicle chargers provided must be to Mode 3 standard (providing a minimum of 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for

Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: To encourage the use of electric vehicles, in the interests of climate change and reducing pollution.

- (18) Prior to the first occupation of the holiday accommodation hereby permitted, provision and permanent retention of secure, covered cycle parking facilities shall be completed in accordance with details that shall first have been submitted to and approved by the Local Planning Authority.

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

- (19) From the commencement of works (including site clearance), all mitigation measures for bats will be carried out in accordance with the details in sections 12.3 through to 12.7 of the Ecological Impact Assessment (Native Ecology August 2022), unless varied by a Natural England Licence.

Reason: In the interests of conserving protected species.

- (20) From the commencement of works (including site clearance), all precautionary mitigation measures for protected species will be carried out in accordance with the details contained in sections 12.10 through to 12.19 of the Ecological Impact Assessment (Native Ecology August 2022).

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

- (21) Prior to the first occupation of the holiday accommodation hereby permitted, a lighting design plan for biodiversity will be submitted to and approved in writing by the Local Planning Authority. The plan shall show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.

Reason: In the interests of conserving protected species.

- (22) Prior to commencement of works (including site clearance), a Landscape and Ecological Management Plan (LEMP) will be submitted to and be approved in writing by the Local Planning Authority. The content of the LEMP will be based on the recommendations on section 10 of the Ecological Impact Assessment (Native Ecology August 2022) and include the following:

- Description and evaluation of features to be managed (including the Wetland Ecosystem Treatment System)
- A planting schedule of the native species-only landscape scheme

- Constraints on site that might influence management
- Aims and objectives of management
- Appropriate management prescriptions for achieving aims and objectives
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period)
- Details of the body or organization responsible for implementation of the plan, and
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To enhance biodiversity.

- (23) Before the holiday accommodation is first occupied, signage warning of pedestrians and equestrians, shall be installed along Public Bridleway ZR455, in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and amenity.

- (24) Notwithstanding the details shown on the proposed block plan 2005/23C, details of the installation design for the photovoltaic array to be provided on the adjacent modern agricultural storage building shall be submitted to and approved in writing by the Local Planning Authority. The construction detailing shall be designed to accord with the guidance set out in the related Informative 1 below and the photovoltaic panel array shall be implemented in strict accordance with the details approved by the Local Planning Authority prior to the first occupation of the holiday accommodation hereby approved and maintained and retained as such thereafter in perpetuity.

Reason: To ensure that the design of the photovoltaic array installation is of a suitably high and sensitive design standard and approach taking into account the need to carefully manage the change within the setting of the adjacent listed farmhouse and its associated curtilage listed farm buildings.

INFORMATIVES

- (1) The Local Planning Authority would expect the photovoltaic array to be grouped in small groups of panels along the length of the south-facing roof slope (with spacing between the panel groups suggested at a minimum of 0.5m) and set flush or near flush into the roof plane with an appropriate flashing detail to ensure an integrated design appearance in order to minimize the visual impact on the setting of the adjacent listed and curtilage listed buildings. Details to be provided in the submission to discharge the condition must include a brochure and technical data sheet of the specific photovoltaic panel product to be used and the associated support frame, together with a vertical part/broken section drawing at 1:2 scale showing the grouped panels set into the roof plane within the support frame and the flashing detail(s) to be used.
- (2) Any private water supply (such as borehole or rainwater harvesting system) should be

notified to Environmental Health. Under the Private Water Supplies Regulations 2016 (as amended), the Local Authority has a duty to register supplies, carry out Risk Assessments when required, oversee regular sampling regimes where appropriate, and take enforcement action when appropriate. To register the use of a private water supply, this should be emailed in the first instance to ehadmin@midkent.gov.uk

- (3) Although the Environment Agency have no specific comments on this planning application, the applicant may be required to apply for other consents directly from them. The term 'consent' covers consents, permissions, or licenses for different activities (such as water abstraction or discharging to a stream) and they have a regulatory role in issuing and monitoring them.

The applicant should contact 03708 506 506 or consult the website <https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit> to establish whether a consent will be required.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

22/500556/LBC

CONDITIONS

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

Reason: In pursuance of Section 18 of the Listed Building Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall not be carried out otherwise than in complete accordance with the following approved plans:

Proposed Site Plan 2005/1C
Stables & Lodge, Proposed Layout 2005/22D
Proposed Block Plan 2005/23C
Proposed South-East & North-West Elevations of holiday cottages 2005/35
Proposed North-East & South-West Elevations of holiday cottages 2005/36.

Reasons: In the interest of the special architectural or historic interest of the listed building.

- (3) No development beyond the construction of foundations shall take place until details of the roofing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority, and works shall

be implemented in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (4) All new/replacement windows and doors shall be constructed of timber, and they shall be in accordance with detailed drawings at a scale of 1:10 elevation detail and a 1:2 plan and vertical section of all new joinery work and fittings together with sections through glazing bars, frames and mouldings, and specification and colours of finish, which shall first have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (5) No new joinery shall be installed until details of the colour finish(es) to be used for the paint/stain finish to the new external joinery have been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with approved details.

Reason: In the interest of the special architectural or historic interest of the listed building.

- (6) No development beyond the construction of foundations shall take place until a sample panel of the flintwork with brick quoins to be used has been erected on site adjacent to the building for inspection and approved in writing by the Local Planning Authority. The vertically erected sample panel shall be not less than 1m² in its vertical face dimension, and show the depth, colour, texture, lime mortar, and profile (to match existing) to be used in the formation of the flint work. The approved panel shall be retained on site for the duration of the flint work construction works to form a visual reference for the building contractor(s) carrying out the work.

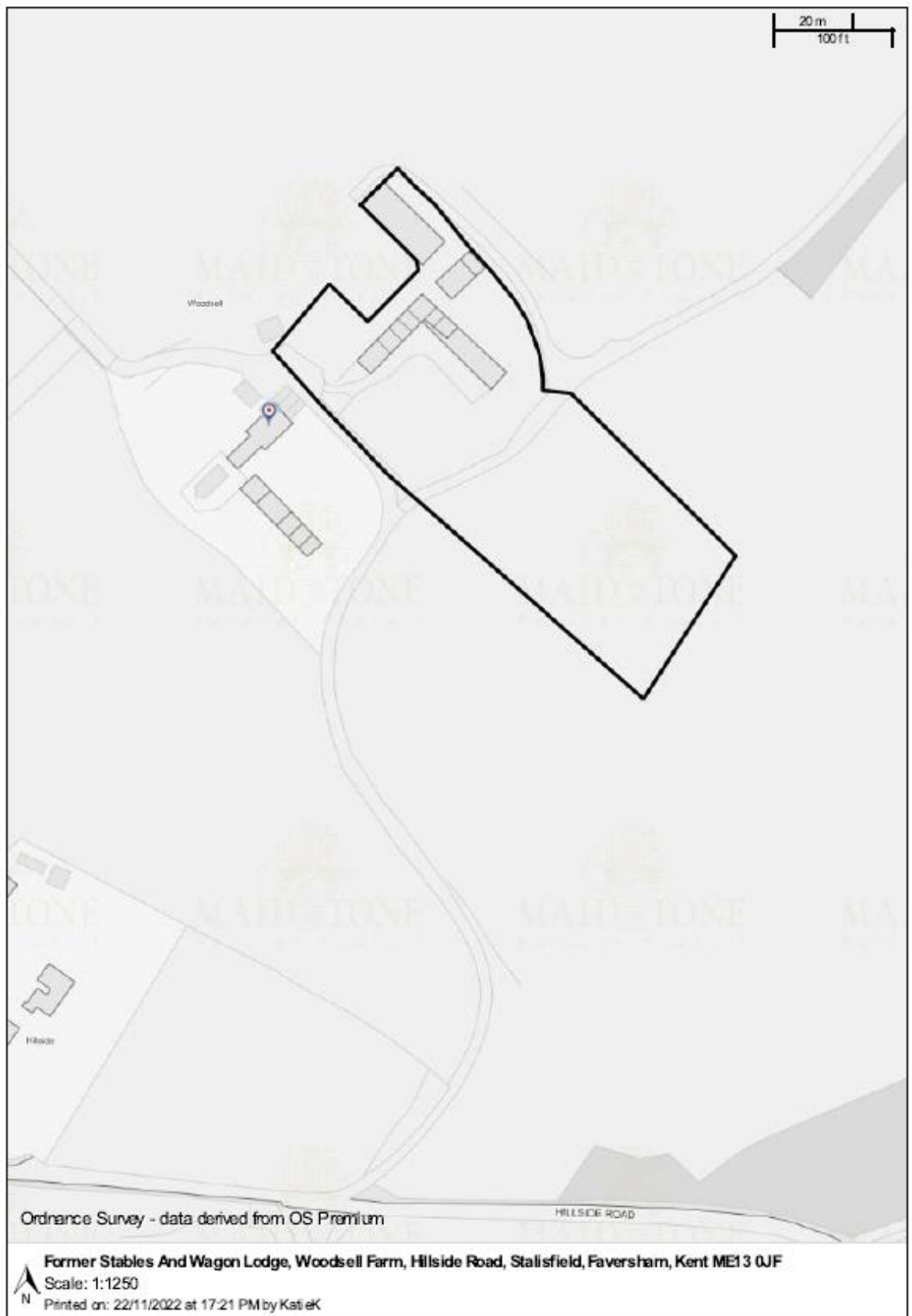
Reason: In the interest of the special architectural or historic interest of the listed building.

- (7) No rooflights shall be installed other than in accordance with details of conservation rooflights that have first been submitted to and approved in writing by the Local Planning Authority. These details shall include a technical specification of the specific model/product and shall include a sectional drawing showing how the rooflight would sit near flush in the roof plane.

Reason: In the interest of the special architectural or historic interest of the listed building.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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2.2 REFERENCE NO - 22/503623/FULL		
APPLICATION PROPOSAL Change of use of barn from agricultural to B8 storage and distribution use, with associated office space (retrospective).		
ADDRESS Hooks Hole Farm School Lane Borden Kent ME9 8DA		
RECOMMENDATION APPROVE, subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Borden And Grove Park	PARISH/TOWN COUNCIL Borden	APPLICANT Ian Kemsley Farms Ltd AGENT DHA Planning
DECISION DUE DATE 28/10/22	PUBLICITY EXPIRY DATE 28/10/22	CASE OFFICER Mandi Pilcher

Planning History

18/504063/LDCEX

Lawful Development Certificate for an existing B8 storage or distribution use and access.
Refused Decision Date: 18.12.2018

SW/09/0998

Variation of condition 3 of planning permission SW/08/0464 to allow a 7am start and to allow the use to operate on Saturday mornings.
Grand of Unconditional (stat 3yrs) Decision Date: 12.01.2010

SW/08/0464

Change of use of part of agricultural building to commercial use (scaffold storage) with associated parking.
Grant of Conditional PP Decision Date: 18.07.2008

1. DESCRIPTION OF SITE

- 1.1 The application site consists of a large building and associated hardstanding, situated on ground which falls away from Chestnut Street. The building is a large, modern barn which was approved in 2001, under planning reference SW/01/0190. The building measures approximately 60m x 30m In 2008, planning permission for approximately a quarter of the floorspace within the barn to be used for B8 storage use was approved under planning reference SW/08/0464.
- 1.2 The site is located on School Lane and is 1.06km from Borden Village (i.e. the Maypole Inn Public House and St Peter and St Paul's Church). The site can be accessed relatively quickly from the A2 and A249 (via School Lane).
- 1.3 The boundary of the conservation area has changed following a recent review, and now extends to the northeast side of School Lane, inter-alia to include the paddock area to

the northeast of the application site area. As such, although the site is not within the conservation area it sits immediately adjacent to it.

- 1.4 Adjacent to the junction of Chestnut Street and School Lane is a Grade II* listed building, Hooks Hole, which has a private garden that extends along School Lane. This lies approximately 90m from the closest part of the site.

2. PROPOSAL

- 2.1 This application seeks planning permission for retrospective change of use of the building from agricultural to B8 commercial storage and distribution use.
- 2.2 The Planning Statement submitted with the application states that *“The application building was approved as a hay storage barn, under SW/01/0190. The building, originally erected for an agricultural purpose, has been used for the past two years for the storage and distribution of commercial goods. Prior to this, the building has been used solely for agricultural purposes which included the storage of machinery, crops and other agricultural-related items, which generated a reasonable level of vehicle movements. A section of the building was subsequently used for scaffold storage, which had an associated number of vehicle movements.*

Simply Parcels, the company that has operated from the building since Jan 2021, act as a “courier” for the short-term storage and distribution of items such as sofas, gym equipment and kitchen equipment. These items are relatively large-scale items such that the number of related movements are relatively low. Simply Parcels have confirmed that there has been 6-10 people on site at any one time, and up to 5 no. 7 ½ tonne lorries. There are 2 containers per week unloaded on the site through an articulated HGV, while there are 3-5 vans loaded on site a day to distribute the items that are delivered to the site.

Simply Parcels are undertaking a review of its operations and a new operator is in negotiation to take over the site. The new operator will undertake operational improvements and continue to focus upon bulk goods thus requiring no substantive changes to vehicle movements to those reported above and in technical reports forming part of this application”.

- 2.3 The change of use does not require any external changes to the appearance of the building or any other operational development.
- 2.4 I have queried with the agent as to the reason that the building is no longer required for an agricultural use and received the following response:

“The barn was erected in 2001 when the farm had 2,000 cattle and was used as a hay barn. The number of cattle increased to 3,000 when they had a case of TB in 2007 and could not move any cattle due to the TB restrictions. As a consequence of TB and the constant testing (every 60 days), the decision to cease beef production was then made.

The applicant sold the cows in 2008 and the barn was no longer required for agricultural uses.”

3. PLANNING CONSTRAINTS

- 3.1 Within the setting of Conservation Area Chestnut Street, Borden
- 3.2 Environment Agency Flood Zone 2
- 3.3 Environment Agency Flood Zone 3

4. POLICY AND CONSIDERATIONS

- 4.1 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies

ST1: Delivering sustainable development in Swale

ST4: Meeting the Local Plan development targets

ST5: The Sittingbourne area strategy

CP1: Building a strong competitive economy

CP8: Conserving and enhancing the historic environment

CP4: Requiring good design

DM3: The rural economy

DM6: Managing transport demand and impact

DM14: General development criteria

DM21: Water, flooding and drainage

DM32: Development involving a listed building

DM33: Development affecting a conservation area

- 4.2 Supplementary Planning Guidance (SPG): 'Conservation Areas' & 'Listed Buildings'
- 4.3 NPPF – the followings paragraphs are relevant, 8, 84,85,191,206 and 207

5. LOCAL REPRESENTATIONS

None received

6. CONSULTATIONS

- 6.1 Borden Parish Council raised objections:

- *“This site is located on a very narrow rural lane which is widely used by pedestrians, cyclists and horse riders. Any extra traffic, especially large vehicles, will increase the risk to these and other road users.*
- *Vehicles emerging or entering this site will have to use all of School Lane to gain entry/exit to the premises thus creating danger to other road users in School Lane.*
- *There will be significant impact on the adjoining conservation area as a result of this development*
- *There is no footpath in School Lane between the bus stop in Chestnut Street and Borden Primary School for children and other walkers to use so any increase in traffic will increase the danger to these users of School Lane.”*

- 6.2 KCC Highways & Transportation made the following comments;

“A facility of this size could have lawfully been used for multiple purposes including storage of equipment, machinery/vehicles and animal feed. These uses will have been capable of generating multiple movements daily. As a large agricultural barn, the premises was already open to access by regular tractor plus trailer set up, which in size

is little different to the HGV deliveries with the proposed use. It should also be remembered that farms also received deliveries by HGV.

At 6m wide, the initial section of School Lane is of good width and only narrows approximately 25m from the site entrance. Background traffic movements on Borden Lane are low and as such this section is not considered a problem. Forward visibility between the junction and site access is good.

Chestnut Street is a wide road offering very close access to the A249 and A2 for further access to the wider highway network.

The junction between School Lane and Chestnut Street has no personal injury crash problem. Numbers of pedestrians in School Lane will be low and the road is wide enough for vehicles to pass safely. The narrower section has good forward visibility allowing drivers time to act accordingly.”

6.3 SBC Environmental Protection Team made the following comments:

“The information provided within the application explains no significant changes to the site and that there will not be a material increase in traffic movements. I have no significant concerns that would require a noise, air quality or contaminated land assessment” however, the following conditions [related to a Noise Management Plan] have been included due to the residential setting along the road, up from the application site. The operational hours should also be limited to reduce impacts to nearby residents (this can be included in the noise management plan - condition below). Hard standing surface within the site is not going to be developed, thus does not require a contaminated land assessment. If any construction to the site is considered in the future, we would require a contaminated land condition to applied.”

7. BACKGROUND PAPERS AND PLANS

7.1 The application was accompanied with a Flood Risk Assessment report, Transport Assessment, Heritage and Planning Statement.

7.2 The Planning Statement states that:

No operational development is proposed on the site, and no external works to the building are proposed

In terms of traffic use on site, the transport statement and tracking has demonstrated this to be acceptable and comparable with the previous agricultural and commercial storage uses.

The FRA demonstrates that the proposal is acceptable in flood risk terms

This proposal for a change of use complies with relevant policies of the development plan and national policy.

8. APPRAISAL

8.1 This site is located in the countryside, outside the built-up area of Borden, and adjacent to the Chestnut Street Conservation Area. The building in question was approved under application reference SW/01/0190, is located approximately 70m from School Lane and is substantial in size. Land to the east and west is used for grazing horses

and for agricultural purposes. A previous application for part change of use from agricultural to scaffold storage with associated parking was approved under SW/08/0464.

- 8.2 Whilst the site is located within the countryside, both local and national planning policies support the growth of businesses in the rural area and the diversification of farms. Employment uses (separate from farming) have, as set out above, been previously approved within this building. The NPPF also places significant weight on the need to support economic growth and on the basis of the above I am of the view that the principle of development is acceptable.

1 & 2 Florence Cottages, Chestnut Street, are the closest dwellings and located approximately 100m from the building. In addition, although the site is located in the midst of a farm I have consulted the Council's Environmental Protection Team. They have recommended a condition requiring a Noise Management Plan. In addition to this, I have further discussed hours of use with the Environmental Protection Team and have recommended this is restricted to 7.00am – 17.00 Monday – Friday and 7.00am – 12.00 on Saturdays and at no time on, Sundays and Bank Holidays. This includes vehicle movements to and from the site. These are the same as the previous application SW/09/0998. Subject to these conditions I am of the view that there would not be significant harm to residential amenities.

- 8.3 The site is set well back from both School Lane and Chestnut Street, and the area to the front of the building is used by the farm as a yard for parking. On this basis I do not consider that the use for loading/unloading of vehicles would cause significant harm to the character and appearance of the area. I do note that adjacent to the site access are existing grey galvanised steel barriers. These barriers have a utilitarian appearance and during the consideration of the scheme I was of view that the impact of these should be softened. Having discussed this matter with the agent, a proposal has been put forward to paint the barriers dark green and also plant native climbing plants which will assist in softening this existing part of the site. The agent has provided confirmation of this via an additional drawing and on this basis I believe that this will give rise to visual benefits. To ensure this is carried out I have included relevant conditions.

- 8.4 In addition to the above, I also felt that there were opportunities to provide additional landscaping on the eastern boundary of the site. Due to the scale of the building, I took the view towards it, and towards the conservation area from the east would be softened by the introduction of planting in this location. Having liaised with the agent regarding this I have received a drawing demonstrating that a mixed native hedge will be planted along the eastern boundary of the site. I am of the view that this will give rise to visual and biodiversity benefits and to secure this have recommended a related condition.

- 8.5 I note the concerns of the Parish Council (set out in full above) in respect of highway related matters. In terms of this issue, I have consulted KCC Highways & Transportation, the comments of whom are also set out in full above. I note that they raise no concerns stating that School Lane is of adequate width and the visibility between the junction and site access is good. It is also important to consider that the lawful use of the site would give rise to movements from large vehicles and as such KCC

Highways & Transportation do not believe that this proposal would give rise to any significant harm to highway safety or amenity.

- 8.6 The application lies within both Flood Zone 2 and 3, and therefore a Flood Risk Assessment, as required, has been submitted with the application. I have considered this in line with the Environment Agency's Standing Advice and note that due to the proposal being a change of use the sequential test does not apply. In addition due to the existing and proposed use (which are both classified as 'less vulnerable') that the exception test is not required. On the basis that the sequential and exception tests do not restrict this form of development, and that it a change of use application, I am of the view that the proposal would not give rise to unacceptable risk in terms of flooding and is compliant with local and national policies in this respect.
- 8.7 I also note that the Parish Council raise concerns regarding the impact upon the setting of the adjacent conservation area. Firstly, it is important to note that as this is a change of use application, the physical nature of the site in respect of the building and the surrounding hardstanding will remain unaltered. As such, the impact upon the setting of the conservation would in my view be neutral in this regard. As set out above, I am of the view the painting of the steel barriers and the introduction of a not insignificant amount of landscaping around the site would assist in softening its appearance. On this basis I am of the view that the proposal would satisfy the test of preserving, and in respect of the landscaping, enhancing the setting of the conservation area, in accordance with the requirements of policy DM 33 of the Local Plan.
- 8.8 The application site also lies approximately 90m away from the grade II* listed building 'Hooks Hole'. The Town & Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) at section 66 places a duty on the Local Planning Authority to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Policy DM 32 of the Local Plan is consistent with this. In this respect, as set out, the appearance of the site will remain unaltered, save for the painting of the barriers and the landscaping will in my view have a positive impact. The Council's Conservation Officer did consider the impact of traffic movements upon the listed building, however, concluded that based upon the estimated number of movements this would not be a serious issue. On this basis, I am of the view that the setting of the listed building would not be unacceptably harmed.

9. CONCLUSION

- 9.1 This application seeks retrospective planning permission for change of use of an agricultural building at Hooks Hole Farm to B8 Storage and Distribution use. On the basis of the discussion above I consider the use to be acceptable in principle and do not envisage harm to visual or residential amenity nor to the setting of the Chestnut Street conservation area or listed building. I recommend that planning permission is granted subject to the conditions below.

10. RECOMMENDATION

GRANT Subject to the following conditions:

CONDITIONS

- (1) The development hereby approved shall be carried out in accordance with the following approved drawing 1464/14 rev B and 1464/15 rev A.

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

- (2) The premises shall not be used except between the hours of 7.00am – 17.00 Monday – Friday and 7.00am – 12.00 on Saturdays and at no time on, Sundays and Bank Holidays. This includes vehicle movements to and from the site.

Reason: In the interests of residential amenity.

- (3) Within two months of the date of planning permission being granted, a noise management plan, which includes details related to the control of noise from plant and machinery shall be submitted to the Local Planning Authority. Once approved the plan shall be implemented in accordance with the approved details.

Reason: In the interests of residential amenity.

- (4) Within two months of the date of planning permission being granted, a detailed soft landscaping scheme shall be submitted to the Local Planning Authority. These details shall be based upon the soft landscaping as shown on drawing 1464/14 rev B and include precise planting details noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, and an implementation programme.

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

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

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

- (6) The development hereby approved shall be restricted to the following use - Class B8 Storage and Distribution - and not for any other purpose including any uses otherwise provided for by the operation of The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 or The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).

Reason: In the interests of the amenities of the area.

- (7) No external storage shall take place at this site.

Reason: In the interests of residential and visual amenities.

- (8) The area shown on drawing 1464 - 14 B as loading, off loading and parking space shall be used for or be available for such use at all times when the premises are in use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) shall be carried out on that area of land or in such a position as to preclude vehicular access to this area.

Reason: In the interest of highway safety and convenience.

- (9) Within 2 months of the date of planning permission being granted the galvanised steel barriers, as shown on drawing 1464 - 14 B shall be painted in a dark green colour.

Reason: In the interest of visual amenities.

INFORMATIVE

As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expect. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

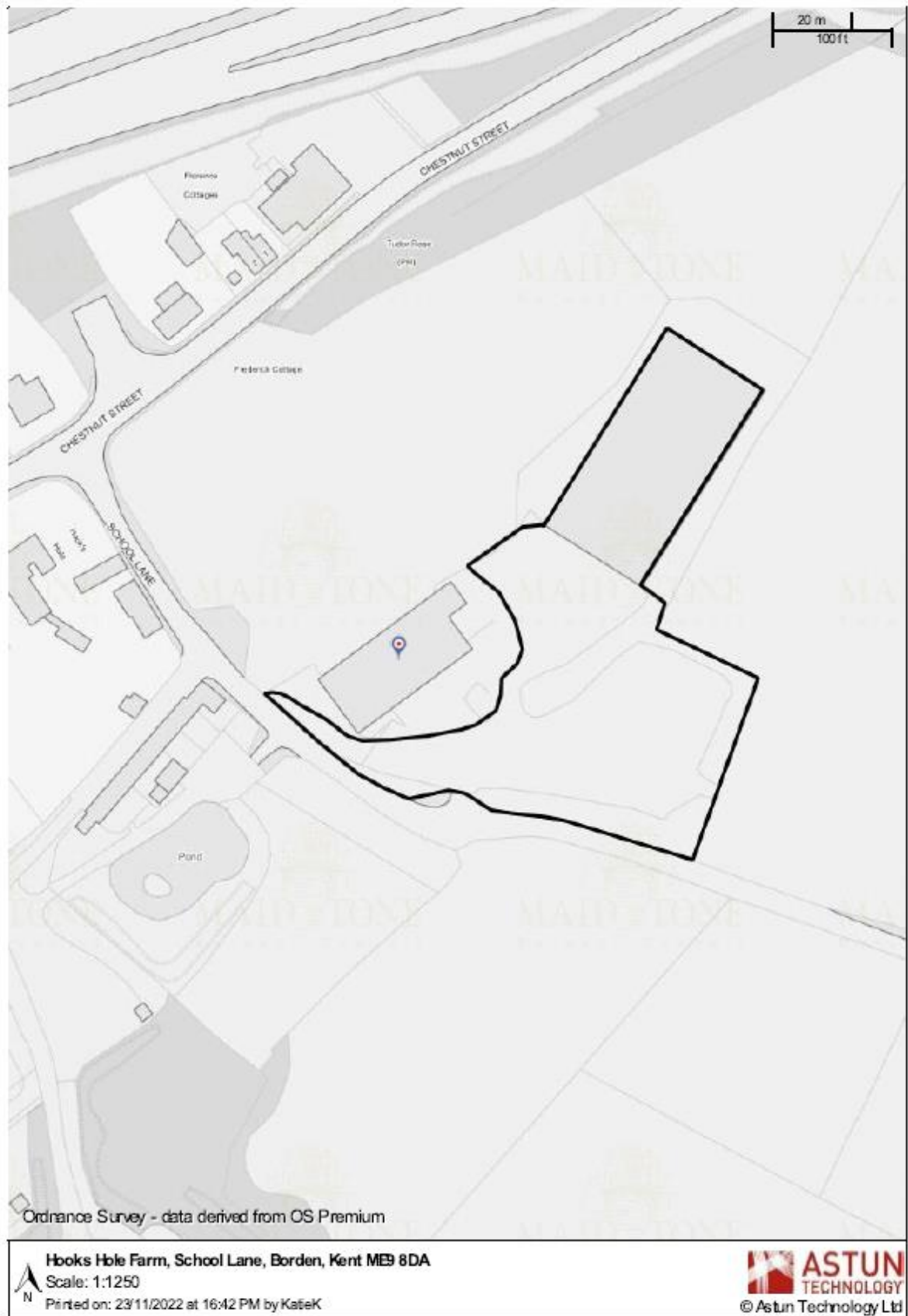
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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2.3 REFERENCE NO - 22/502712/FULL		
APPLICATION PROPOSAL Replacement of existing wooden single glazed windows and doors with double glazed uPVC windows and doors in a heritage style sash (Resubmission -22/501409/FULL).		
ADDRESS 1 Fielding Street Faversham Kent ME13 7JZ		
RECOMMENDATION Grant planning permission subject to conditions		
REASON FOR REFERRAL TO COMMITTEE Town Council Objection		
WARD St. Ann's	PARISH/TOWN Faversham Town	COUNCIL APPLICANT Elizabeth Macklin AGENT AJW-CS Property Services
DECISION DUE DATE 15/12/2022	PUBLICITY EXPIRY DATE 26/07/22	CASE OFFICER Kelly Sharp

Planning History

22/501409/FULL - Replacement of existing wooden single glazed windows and doors with double glazed uPVC windows and doors. Refused 16th May 2022.

19/505285/FULL – (4 Fielding Street) - Replacement of existing 1980s front door for one with a more sympathetic Victorian design using uPVC material. Approved 10th December 2019.

SW/13/1217 – (12 Fielding Street) – Replacement of existing ground floor bay window and two first floor windows to front with uPVC sliding sash windows. Granted Approval at Planning Committee 22nd November 2013.

1.0 DESCRIPTION OF SITE

1.01 1 Fielding Street is a traditionally designed two-storey, mid terraced property which forms part of a row of traditionally designed properties located within the Faversham conservation area.

1.02 It is subject to an Article 4(2) Direction dated May 2007 which was issued in order to prevent piecemeal degradation of the streetscape of the town via incremental Permitted Development changes and, ideally, to raise the standard of appearance of properties when changes are being made. This only affects public elevations, not the rear of any property.

1.03 The property is a modest, Victorian two storey house with a bay window on the front elevation and despite being subject to an Article 4(2) Direction, the house has been detrimentally altered at some time in the past by the removal of the original windows and their replacement with unsuitable fenestration of a 1960's design with top hung fanlights, which although of timber construction detract from the original character of the property. Unfortunately, many nearby properties have similar styled replacement windows, some of which are uPVC. All of the existing windows on the dwelling are timber framed.

2.0 PROPOSAL

- 2.01 This proposal seeks to replace the existing wooden single glazed windows to the front and rear of the dwelling with heritage style Ultimate Rose uPVC sliding sash windows.
- 2.02 The front and rear doors to the dwelling which are currently timber will be replaced with uPVC doors. The front door will be a four panel uPVC door with the existing fanlight above the door restored with glazing.
- 2.03 The application is supported by a Heritage Statement which states the following:

‘The installation of new UPVC windows and doors will restore the original design of the properties windows and doors while providing an opportunity for improved insulation and maintenance of the property. These improvements have been approved for other properties along Fielding Street, contributing to the well-maintained appearance of the road’.

- 2.04 Following discussions with the Council’s Conservation Officer the manufacturer of the proposed windows has been changed to the use of heritage style ‘Ultimate Rose’ uPVC sliding sash windows, which have been approved on a number of similar Victorian properties within Fielding Street as well as approved on a number of properties within the Faversham Conservation Area.
- 2.05 This application follows refused planning application 22/501409/FULL for the same proposed works, however the proposed design of the windows were considered inappropriate as they matched the later 1960’s design of the existing windows.

3.0 PLANNING CONSTRAINTS

- 3.01 Potential Archaeological Importance
- 3.02 Faversham Conservation Area
- 3.03 Article 4(2) Direction

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 The NPPF, at paragraph 199, advises that great weight should be given to the conservation of heritage assets.
- 4.02 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017 policies:
- CP4 (Requiring good design)
 - DM14 (General Development Criteria)
 - DM16 (Alterations and extensions)
 - DM33 (Development affecting a conservation area)
- 4.03 The Council’s Supplementary Planning Guidance (SPG): “Designing an Extension A Guide for Householders” and “Conservation Areas”.
- 4.04 Planning (Listed Buildings and Conservation Areas) Act 1990, as amended:

s72(1) In the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The implementation of Policy DM33 (Development affecting a conservation area) of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 is consistent with the above-mentioned legislation.

5.0 LOCAL REPRESENTATIONS

None received.

6.0 CONSULTATIONS

6.01 Faversham Town Council has objected to the proposal questioning whether their previous comments on the refused application 22/501409/FULL concerning whether the wooden windows being replaced were original or of original features had been taken on board: The comments received in relation to this current application are as follows:

- Members questioned if the wooden door was original or of original design and felt this was an opportunity for a more appropriate door to be installed.
- It was noted that a heritage style sash window was now proposed, however the Town Council would prefer this to be of wooden construction in the Conservation Area and not UPVC.

6.02 Kent County Council Archaeology have confirmed that given the lack of ground excavations they are satisfied that no archaeological measures are necessary.

7.0 BACKGROUND PAPERS AND PLANS

7.01 All plans and documents to application 22/502712/FULL.

8.0 APPRAISAL

8.01 The main consideration in the determination of this planning application is whether the replacement windows and door (uPVC) would preserve or enhance the special character of the conservation area.

8.02 This application follows a previous application (22/501409/FULL) which was refused due to the inappropriate design of the replacement windows to the front elevation which would have replicated the existing later 1960's windows and used uPVC materials. This proposal now proposes to replace the existing windows with heritage style sash windows, albeit that these would also use uPVC.

8.03 Discussions have taken place with the agent with regards to the possibility of amending the proposal to timber framed windows to which the agent has confirmed that *'unfortunately the costs associated with timber windows of this style makes it unaffordable for the property owner and given the urgency of the repair works and associated energy fees, they would still like to apply for UPVC materials'*. The agent has however now opted to use a manufacturer of uPVC sash windows that have a range specifically designed to be sympathetic to the requirements of conservation areas as detailed within the supporting 'Ultimate Rose' brochure provided with the application, examples of which have been approved on a number of properties within the Faversham Conservation Area, as well as within Fielding Street.

- 8.04 I acknowledge the fact that uPVC is not generally accepted within a conservation area, and timber is the preferred material, but I believe that the proposed replacement windows are a more appropriate design and configuration than the existing glazed windows that are not original. Whilst the proposed window frames would be in uPVC, I consider the overall design and appearance of the windows to be more sympathetic than the existing non-period timber windows, which will enhance the character of the area in line with the Council's consistent approach to the issue of replacement windows within the Article 4(2) Direction area.
- 8.05 This application is very similar to one allowed on appeal at 8 Newton Road in 2009 (a similar house also within the conservation area) where the proposal was to replace modern timber windows with a large single pane and louvres at the top with uPVC sash windows. The Inspector said that the lack of subdivision of the large single pane of glass in the existing windows was incongruous and detrimental to the character and appearance of the conservation area; and that the fact that the proposed uPVC windows re-introduced the appropriate subdivision of the windows ensured that the appearance of the building is more in keeping with its neighbours.
- 8.06 I note that although many of the surrounding dwellings have unsuitable fenestration there are examples of sash windows which remain along Fielding Street, particularly at no.12 which forms part of this row of properties. No.12 received approval at Planning Committee, under planning application SW/13/1217 to replace the same, non-original timber windows which are present on 1 Fielding Street with uPVC sash windows. The committee report advised that *'it must be demonstrated that the proposal will preserve or enhance the character and appearance of the area. I would contend that the application does just that, in removing some windows which are not aesthetically pleasing with ones which are of a design and appearance more suitable for both the property and the area'*. I therefore consider that this current proposal has the same advantages in terms of the character of the conservation area notwithstanding the use of uPVC.
- 8.07 This application also proposes to replace the existing front and rear doors with uPVC. The front door which is protected by the Article 4(2) direction is not considered to be original and the replacement door, although of uPVC would be of a more traditional design with four panels. The plans also show the existing fan light would be restored with glazing. I note no.4 Fielding Street received approval in 2019 under planning application 19/505285/FULL for the replacement of an existing 1980s front door for one with a more sympathetic Victorian design using uPVC material. Under this approval the officer agreed with the Conservation Officer that the proposed replacement door is of a more appropriate design, which will actually enhance the character of the area, in line with the Council's consistent approach to the issue of replacement windows and doors within the Article 4(2) Direction area. The Council's Conservation Officer has also raised no objection to the replacement of the front door on no.1 Fielding Street with uPVC considering the design to be more appropriate and an improvement to the existing later addition.

9.0 CONCLUSION

- 9.01 On the basis of the above assessment I would therefore suggest that to replace the existing windows and doors, albeit in uPVC but with well-designed details, will be an improvement to this property and the area in terms of design and appearance, complying with both the Council's policy and the legislative requirement under the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) to preserve or enhance the character and appearance of the conservation area. The proposal is considered to demonstrate good design and is therefore in

accordance with CP4 and DM33 of the Swale Borough Council Local Plan, and the Supplementary Planning Guidance: Conservation Areas. As a result I recommend that planning permission is granted.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

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

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

- (2) The replacement windows to be installed shall be of the Ultimate Rose uPVC sash window as detailed on the submitted manufacturer's technical specifications and associated drawings. For the avoidance of doubt these shall only include the single vertical sash bar in accordance with drawing PL 001 Rev 3 (Existing and Proposed Elevations and Floor Plans).

Reasons: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (3) Before any development commences, a 1:10 elevation detail and a 1:2 plan and vertical section for each new / and / replacement window type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority (please see Informative A, below). The development shall thereafter be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (4) Before any development commences, a 1:10 elevation detail and a 1:2 plan and vertical section for each new / and / replacement external door type to be used shall first have been submitted and subsequently approved in writing by the Local Planning Authority (please see Informative A, below). The development shall thereafter be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the conservation area.

- (5) Prior to the installation of the front door the colour finish (which shall be a dark colour and not white, off-white or cream) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reasons: In the interest of preserving or enhancing the character and appearance of the conservation area.

INFORMATIVES

Informative A:

The sections to be provided shall include part of the surrounding masonry or joinery bordering the window or door opening and shall be set out clearly (annotated as necessary) to show the following details, as applicable:

- Depth of reveal
- Window head and cill/sub-cill detailing
- Glazing section (thickness of glass and in case of double glazing, dimension of spacing between the panes of glass)
- Glazing bar profile(s)
- Door frame / window frame
- Weatherboard and threshold detail (for doors only)

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



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2.4 REFERENCE NO - 22/502600/FULL		
APPLICATION PROPOSAL Erection of a one and a half storey side extension, Garage conversion with the erection of roof extension including raising the ridge height and 2no. dormers to front, new front door and erection of brick wall to side of property to replace existing fence.		
ADDRESS 6 Coultrip Close Eastchurch Sheerness Kent ME12 4ST		
RECOMMENDATION- that planning permission is granted subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The amended proposal would be subservient in scale and would not cause significant harm to residential or visual amenities, and the conversion of the garage is acceptable due to the ample parking at the property.		
REASON FOR REFERRAL TO COMMITTEE Parish Council objection		
WARD Sheppey East	PARISH/TOWN COUNCIL Eastchurch	APPLICANT Mr Callum Aindow AGENT JAT-Surv Ltd
DECISION DUE DATE 25/07/22	PUBLICITY EXPIRY DATE 01/11/22	CASE OFFICER Megan Harris

Planning History

SW/03/0106

Conservatory.

Grant of Conditional PP

Decision Date: 14.03.2003

1. DESCRIPTION OF SITE

- 1.1 6 Coultrip Close is a large detached two storey property located within the built up area boundary of Eastchurch. The property has a detached double garage to the north, with a driveway to the front of this. To the south of the property is another area of hardstanding used for parking, whilst to the front of the dwelling itself is soft landscaping. On the rear elevation of the property is a conservatory. The rear garden is located to the east of the property, and contains an outbuilding which has recently been constructed.
- 1.2 The property is located at the end of a cul-de-sac, accessed via a shared driveway. It is situated on a modern housing estate, surrounded by large detached dwellings of various designs.

2. PROPOSAL

- 2.1 This application seeks planning permission for the erection of a one and a half storey side extension, a garage conversion incorporating a roof extension with two front dormers and raising of the garage roof height with the erection of two dormers to facilitate first floor accommodation, a new front door and the erection of a brick wall to the side of the property to replace the existing fence.

- 2.2 The plans were amended during the course of the application to reduce the bulk and scale of the side extension and address visual and residential amenity concerns raised by the case officer. The proposed side extension will connect the existing garage to the main dwelling. It will have an eaves height of 3.4m and a ridge height of 6.5m and will have a depth which matches the garage. The first floor would be largely contained within the roof of the proposed extension and a dormer window is proposed on the front elevation of the extension, with three roof lights proposed at the rear.
- 2.3 The ridge height of the garage would be raised to 5.5m in height, and two dormer windows proposed to the front elevation. One bay of the double garage will be partially converted to a utility room. Internally, the works will create a larger kitchen on the ground floor, and additional bedroom with dressing room and en-suite on the first floor.
- 2.4 The new front door features a double door rather than the original single door with windows to either side, and is light grey in colour. The existing fence which runs to the south of the property and encloses the rear garden will be replaced with a brick wall and gate, which will be 2.1m in height.

3. PLANNING CONSTRAINTS

- 3.1 Within an Area of Potential Archaeological Importance

4. POLICY AND CONSIDERATIONS

- 4.1 The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 4.2 Development Plan: Policies ST3, CP4, DM7, DM14, DM16 and DM36 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.
- 4.3 Supplementary Planning Guidance (SPG): 'Designing an Extension: A Guide for Householders' and SBC Parking Standards SPD 2020.

5. LOCAL REPRESENTATIONS

- 5.1 Nine objections have been received from four properties during the application process – including a re-consultation exercise following receipt of the amended plans. All respondents set out that the amended plans do not address all of their concerns. Their comments are summarised below:

- Plans don't show new outbuilding constructed in the rear garden or existing conservatory – does the outbuilding need planning permission and should these features be included on the plans?
- Proposal is out of keeping with design of properties in cul-de-sac and amounts to overdevelopment on this executive estate where properties are already very large.
- The two-storey link will remove the openness that is currently present in the streetscene.

- The extension will result in overshadowing/loss of light to neighbouring gardens and properties due to the proximity of the development to the boundary of the site.
- Development will impact the outlook of surrounding properties, from both their garden and windows – neighbours will look out onto two storey brick wall.
- The new window on the 1st floor at the back of the proposed development will have a view directly into a neighbouring kitchen and bedroom above, resulting in loss of privacy to both rooms.
- Concerned about the potential obstruction of the shared driveway by construction vehicles, which could also damage the block paving – condition should be added to avoid this.
- Hours of construction should be limited via condition if the application is granted.
- Concerned about impact to surface water drainage.
- Development will adversely impact the resale value of neighbouring properties.
- There are covenants that restrict the erection of buildings on the site, without the consent in writing from the developer. A condition should be added to ensure this takes place.
- Single storey extension to connect the garage to the dwelling would be more appropriate.
- It is misleading to refer to the extension as one and a half storey as there does not appear to be any significant difference in height to the proposed extension.

6. CONSULTATIONS

6.1 Eastchurch Parish Council provided the following comments initially on the application:

“The Planning Committee of Eastchurch Parish Council objects to this application and wishes to make the following comments: The development would be overbearing on the surrounding properties in a residential cul-de-sac. It is out of keeping with the street scene. The application removes any garage facilities for vehicles and therefore a reduction in parking provision, despite there being an increase in bedroom numbers.”

Following the submission of amended plans, the Parish Council were reconsulted and provided the following comments:

“The Planning Committee of Eastchurch Parish Council makes the following comments:

The Committee confirmed their previous objection and see no reason with the amended plans, to change the decision. The concern from neighbours of obstruction of access to the other properties is also valid. The development would be overbearing on the surrounding properties in a residential cul-de-sac. It is out of keeping with the street scene. The application removes any garage facilities for vehicles and therefore a reduction in parking provision, despite there being an increase in bedroom numbers. The second building mentioned in letters of objection from neighbours is clearly visible on satellite map images of the area. This building needs to be brought to the attention of Planning Enforcement before a decision by SBC is made, as this cannot be done on incorrect information and a site visit by officers needs to clarify existing buildings on the application site.”

6.2 KCC Archaeology – Advise that no archaeological measures are required.

7. BACKGROUND PAPERS AND PLANS

7.1 Plans and documents provided as part of application 22/502600/FULL.

8. APPRAISAL

Principle of Development

8.1 Policy ST3 of the Swale Local Plan 2017 supports the principle of development within the built-up area boundary of established towns and villages within the borough.

8.2 The application site is located within the built-up area boundary of Eastchurch, where the principle of domestic extensions and alterations are acceptable, subject to the proposal meeting the requirements of more detailed local plan policies, particularly policies DM14 (general development control criteria) and DM16 (extensions and alterations to buildings), and which are considered further below.

Visual Impact

8.3 Policy DM16 of the Local Plan supports alterations and extensions to existing buildings where they reflect the scale and massing of the existing building, preserve features of interest and reinforce local distinctiveness.

8.4 Policy CP4 of the Local Plan requires development proposals to be of high-quality design and to be in keeping with the character of the area. It states that particular regard should be paid to the scale, height, materials, detailing, mass, bulk, articulation and site coverage of any future proposals.

8.5 The property is located in a cul-de-sac, on a large plot. The surrounding area is characterised by large two storey properties, on generous plots with large gaps between dwellings.

8.6 The original plans proposed a large two storey side extension that connected the garage to the main dwelling and raised the eaves and ridge height of the garage significantly to roughly the same height as the main roof on the dwelling. The Council's SPG entitled "*Designing an Extension – A Guide for Household*" sets out that extensions should be subservient to the main dwelling. Following concerns raised by the case officer that the bulk and scale of the extension was excessive and not in accordance with the local plan or SPG, the application was amended.

8.7 The revised plans occupy a similar footprint and connect the existing detached garage to the main house, but have reduced the bulk of the extension considerably. The link extension that would connect the existing house to the existing garage would contain much of the first floor within the roof space, with an eaves height approximately 1.8m lower than the eaves height of the dwelling, and a ridge height approximately 1.1m lower than the main roof. The garage roof would be raised by approx. 1.2m to facilitate a first

floor in the roof space, with two front dormers. The garage roof would be around 1.2m lower than the ridge height of the proposed link extension.

- 8.8 As the design and scale of the proposed extension now incorporates a much lower eaves and ridge line than the main house, and steps further down where the garage connects to it, I am satisfied that this represents a subservient feature which relates comfortably to the main property, and accords with policy and the SPG.
- 8.9 The pitched roof dormers proposed on the front elevation of the garage and link extension would be modest in form and of appropriate pitched roof design, which accords with the SPG in design terms.
- 8.10 When considering the visual impact of the works on the wider area, I note that the development would result in the extended dwelling being within 0.7m of the side boundary of the site. The SPG recommends that for two storey side extensions, a gap of at least 2 metres is normally maintained to a side boundary. However, it is important to note that the development near this boundary consists of the existing detached garage being integrated into the extended dwelling – and the external works to the garage are limited to a minor increase in the ridge height of the garage roof and insertion of dormers. In my opinion, the scale and design of the works to the existing garage would not result in a two-storey form of development that the SPG seeks to avoid. In addition, No 5 Coultrip Close is orientated at approximately 90 degrees to No 6 with a gap of approximately 11 metres between this dwelling and the garage. Whilst the development is therefore in close proximity to the boundary, taking into account the orientation of the property and the surrounding dwellings in Coultrip Close, I do not consider the extension of the dwelling close to the boundary will be harmful to the visual amenities of the area. When approaching the site from Coultrip Close, views of the extension will be partially shielded by the existing property due to the location of the property within a cul-de-sac.
- 8.11 The replacement front door is of an acceptable design which does not appear out of place, and the proposed wall to the side of the dwelling will represent an improvement in visual amenity terms when compared to the existing fence line in this position. I have included a condition below to ensure the brick wall, and extension are constructed using materials which match the existing dwelling. This will ensure these elements of the proposal blend in with the existing property.
- 8.12 Overall, I am satisfied that the scheme, as amended, is acceptable in terms of its impact upon the form of the existing dwelling and will not harm the character and appearance of the property or wider area, and would accord with policies CP4, DM14 and DM16 of the Local Plan and the SPG.

Residential Amenity

- 8.13 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of

daylight or sunlight, give rise to an unreasonable loss of privacy, or result in an unreasonable loss of outlook or in excessive noise or odour pollution.

- 8.14 The garage is located approximately 11m from the front elevation of No. 5 to the north west, whilst the link extension will be sited approximately 17m from this property. Due to these distances and the limited increased height proposed to the garage roof, I do not consider that the development will have any significantly harmful overshadowing or overbearing impacts to the windows in the front elevation of No. 5. I note the occupant of this property has raised concerns regarding the impact on outlook from these windows, however following the amendments reducing the bulk and scale of the works, I am satisfied that the development, when taking into account the separation distances referenced above, will not cause unacceptable harm to the outlook at this neighbouring property. Notably the garage extension will be located closest to No. 5, and this element is more limited in scale than the link extension, which is set further away from No. 5.
- 8.15 The extension will be sited approximately 1.2m from the boundary with No. 7 Court Tree Drive to the north east. There would be a gap of 15.5m between the extension and the main dwelling at No 7, and 11.5m to a rear conservatory attached to No 7. Given the siting of the extension close to this boundary, careful consideration has been given to this relationship. Officers had previously raised significant concern over the original plans submitted for this application. Following the amendments, the eaves and ridge heights of the extension have been reduced. Although the extensions would be visible from No 7 and would have some impact on light and outlook, I consider that this would be within acceptable parameters. Whilst not adopted by the Council, I note that the development would accord with the Building Research Establishment (BRE) recommendations for daylight and sunlight. Given the lower eaves lines and recessive nature of the sloping roof to the extensions, I do not consider that this would result in an unacceptable impact on outlook from No 7.
- 8.16 There are three roof lights proposed on the rear roof slope of the link extension, which could potentially overlook No. 7. I impose a condition below to ensure that these are constructed as high-level windows and sited at least 1.7m from the internal floor height. On this basis I am satisfied that unacceptable overlooking impacts will be avoided.
- 8.17 The extension will lie roughly 28m from No. 5 Court Tree Drive at its closest point, and due to this distance, I do not envisage there will be any significantly harmful impacts to this neighbour to the east. Similarly the extension will lie approximately 24m from No. 4 Coultrip Close and again, due to this separation distance I don't consider the extension will cause harm to amenity at this neighbour to the west.
- 8.18 The replacement front door and brick wall to the south of the property will not have any harmful impacts to residential amenity in my opinion due to the nature of these works, which are of a similar scale and will be located in the same position as the existing features.
- 8.19 A neighbour has requested that hours of construction are restricted via condition should planning permission be granted. Typically the Council only imposes this type of condition on larger scale developments. I do not consider it is appropriate in planning

terms to restrict hours of construction on householder applications such as this. I note that should construction take place at unsociable hours, there are powers under the Environmental Protection Acts to deal with this.

Highways

- 8.20 Policy DM7 states that parking requirements in respect of any new proposed developments should be in accordance with Kent County Council vehicle parking standards, until such time that Swale Borough Council adopts its own parking standards. As Members are aware, Swale has now adopted its own Supplementary Planning Document (SPD) entitled 'Parking Standards', which I will consider the proposals against as follows.
- 8.21 The development will involve the conversion of part of one of the garage bays to a utility room. It was also appear from the drawings that access to the second bay would be restricted by an internal wall. As such the impact of the loss of the garage as parking space must be considered. The development will increase the number of bedrooms at the property to five. In line with the adopted Parking Standards SPD, three parking spaces should be provided for a property of this scale in a suburban location such as this. The drive and parking forecourt to the dwelling can easily accommodate in excess of 3 cars. As such, whilst the development will result in the loss of the garage and does increase the number of bedrooms in the property, there is ample parking available and as such I have no concerns from this perspective.
- 8.22 Neighbours have raised concerns regarding the impact of the development upon the shared driveway during the construction phase, and have requested that a condition is imposed to ensure vehicles don't block this access. It is not possible to add a condition to this effect, as this relates to a private matter that is not controlled under the Planning Acts.

Other Matters

- 8.23 Most of the comments received from neighbours and the Parish Council have been addressed in the relevant sections above, however the remaining points are addressed below.
- 8.24 Objectors have raised concerns regarding an outbuilding located within the rear garden of the property, which does not form part of this application and has recently been constructed. It is possible to construct an outbuilding without the need for planning permission, provided it falls within the requirements of Class E of the Town and Country Planning (General Permitted Development) Order. When conducting my site visit, I measured the outbuilding, and I am satisfied it falls within the requirements of Class E and as such amounts to permitted development and does not require planning permission.
- 8.25 Concern has also been raised regarding a loss in value of surrounding properties should the development be approved. This is not a planning matter, and as such cannot be taken into account here. Similarly covenants or any requirements set out in the deeds of

a property are separate from the planning process, and as such cannot be considered as part of the planning assessment. Finally, concerns over surface water drainage have been raised. I note that the link extension will not reduce the amount of soft landscaping at the property or result in an increase in hard surfaced areas, as this area of the site is already laid with hard standing. As such, I am satisfied the development will not have an adverse impact on the existing surface water drainage in the area.

9. CONCLUSION

9.1 Following the submission of amended plans which have significantly lowered the height and bulk of the proposed extension, I am satisfied that the development is subservient to the main dwelling and would not adversely impact the character and appearance of the area. The reduction in the scale of the proposal also has reduced its impact upon neighbouring properties, and in my view the development will not cause unacceptable harm to residential amenity. The conversion of the garage is acceptable due to the remaining parking provision available on the driveways at the property. On this basis, I consider that the development would accord with policies CP4, DM14 and DM16 of the Local Plan and I recommend that planning permission is granted.

10. RECOMMENDATION – That planning permission is GRANTED Subject to the following conditions:

CONDITIONS

(1) The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which the permission is granted.

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

(2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those on the existing building in terms of type, colour and texture.

Reason: In the interests of visual amenity.

(3) The three rooflights serving the bedroom in the east facing (rear) roof slope of the extension shall be installed with a cill level at a minimum height of 1.7m above the finished floor level. The rooflights shall subsequently be maintained as such. No further openings shall be inserted in the east facing roof slope of the extension.

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.

(4) The development hereby permitted shall be carried out in accordance with the following approved plans: PL03 Rev F and PL04 Rev D.

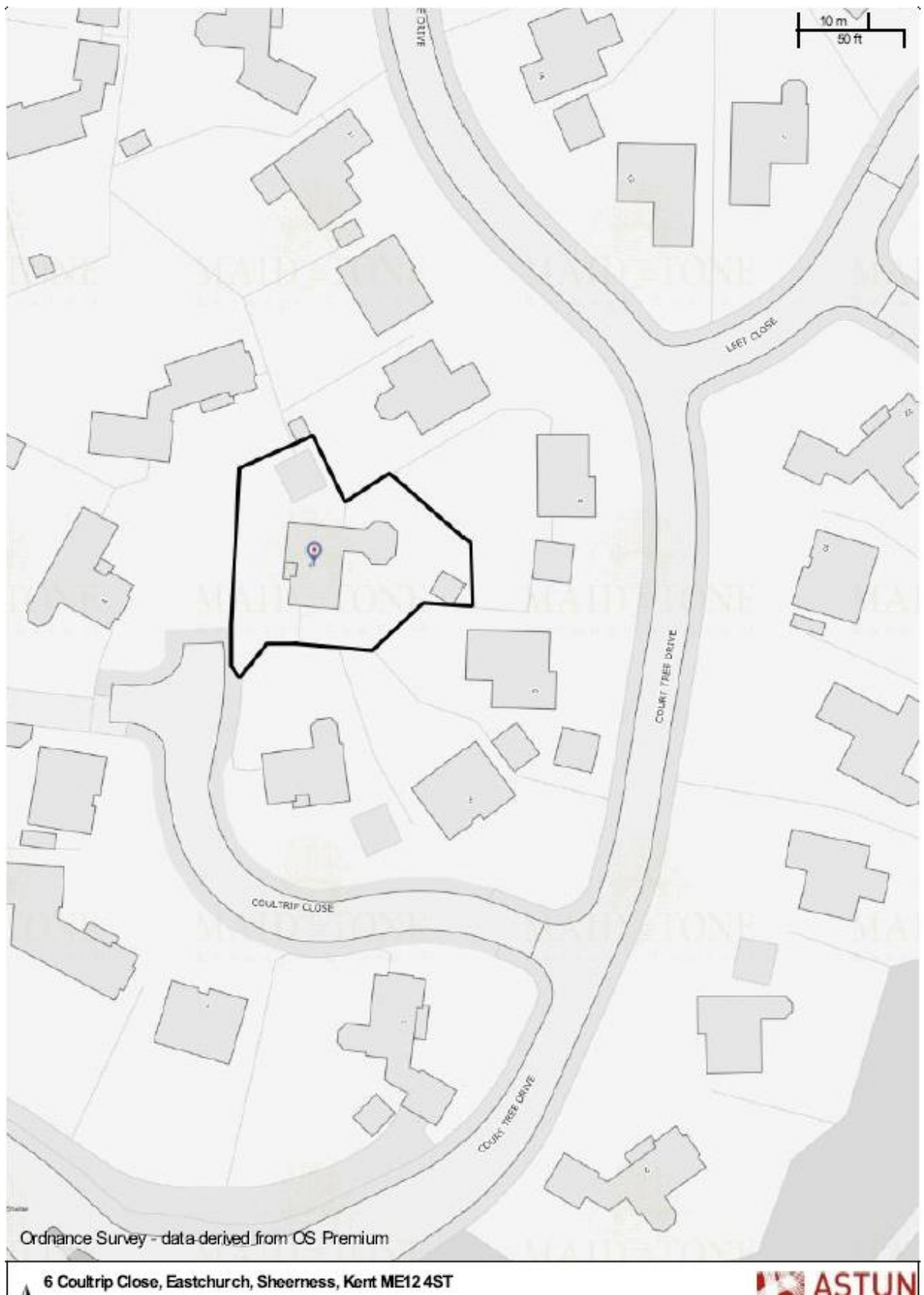
Reason: For the avoidance of doubt and in the interests of proper planning.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.



PLANNING COMMITTEE – 8 DECEMBER 2022**PART 3**

Report of the Head of Planning

PART 3Applications for which **REFUSAL** is recommended

3.1 REFERENCE NO - 19/502969/FULL		
APPLICATION PROPOSAL Erection of a new food store with associated parking, servicing, landscaping, and new vehicular access		
ADDRESS Land to the East of Queenborough Road Queenborough Kent ME12 3RH		
RECOMMENDATION Refuse, for reasons as set out.		
SUMMARY OF REASONS FOR RECOMMENDATION The retail impact of the scheme has been independently assessed and the advice provided is that the proposal would give rise to a significantly adverse impact upon Sheerness town centre. Harm is also identified upon the setting of a designated heritage asset. On balance, these harms would not be outweighed by the benefits of the proposal, primarily in respect of the economic benefits and job creation.		
REASON FOR REFERRAL TO COMMITTEE Significance (as Members have previously resolved to approve the development)		
WARD Queenborough and Halfway	PARISH/TOWN COUNCIL Queenborough	APPLICANT ALDI Stores Ltd AGENT Planning Potential Ltd
DECISION DUE DATE 24/09/19	PUBLICITY EXPIRY DATE 08/09/20	CASE OFFICER: William Allwood

Planning History

22/504107/ENVSCR - Environmental Screening Opinion-Erection of a new foodstore with associated parking, servicing, landscaping and new vehicular access. Decision – Environmental Impact Assessment not required.

(Adjacent site) 17/501010/FULL - Construction of a new two storey building comprising a manufacturing and distribution facility complete with administrative offices and associated access, parking and servicing areas etc. all for Use Classes B2 (with associated B1 administrative office space) and B8 on land that is currently vacant and used for grazing. Approved 12.04.2019.

(Adjacent Site) 20/506001/FULL Commercial development comprising of 7 no. terraces of small business units, 1 no. terrace of larger business units, 1 no. self-storage unit and 3 no. office buildings. Approved 14.04.2022

(Adjacent Site - Lidl) 22/504598/FUL Erection of Class E(a) retail store with associated parking, access, servicing and landscaping. Current application not determined

SW/98/0509 - Change of use to open storage with creation of a hard surface, permanent fence, lighting towers and landscaping for vehicles imported or exported through the port of sheerness – Approved 05.05.1999.

SW/98/0462 - Outline application for the erection of dewax bays, PDI building and offices for use in connection with the storage and distribution of vehicles imported and exported through the port – Approved 05.05.1999.

SW/95/0100 - Outline application for industrial and business park – Never determined.

The applications submitted under SW/98/0509; SW/98/0462; and SW/95/0100 covered a much wider area than the site relevant to the current application.

1. DESCRIPTION OF SITE

- 1.1 The application site measures 1.23 hectares and is comprised of undeveloped grassland. It is sandwiched between Queenborough Road and the A249, immediately to the north of the A249 / Thomsett Way roundabout which provides access to Neatscourt Retail Park (which sits on the opposite side of the A249 to the application site). The site is largely flat, located at Ordnance Datum and covered in low level vegetation. There are no trees on the site. Ditches, which makes up part of a wider network, are located centrally, in the north-western and the southwestern part of the site. Two mains' pipes (gas and water) run beneath the site.
- 1.2 The site is of an irregular shape, measuring 120m x 150m at its largest, and wraps around, on two sides, an existing residential property, known as 'The White House', which fronts onto Queenborough Road. On the adjacent site immediately to the north-west (known as 'Medichem'), planning permission has been granted for B class employment uses, although the permission has not been implemented and the site remains undeveloped grassland.
- 1.3 The grade II listed Neats Court Manor lies approximately 85m to the east of the application site. Neats Court Manor is a two-storey property and is currently in residential use. Several disused outbuildings lie to the east of the listed building. To the south of the site (on the opposite side of the A249) sits a very large regional distribution centre, also operated by Aldi.

2. BACKGROUND

- 2.1 Members may recall that this proposal was presented to them at the 16th November 2020 Planning Committee meeting. The report that was presented at that time recommended approval for the scheme and Members resolved the following:

“That application 19/502969/FULL be delegated to officers to approve subject to conditions (1) to (35) in the report as amended by the tabled update dated 12 November 2020; and subject to agreement with Ward Members and Chair of Planning Committee regarding a footpath/cycle route from Cowstead Corner to Queenborough Corner; and a route from the application site to the existing retail area at Neats Court and enter into the requisite agreement or secure an appropriate condition as necessary.”

- 2.2 Discussions regarding the above subsequently took place and both the Ward Members

and Chair of Planning Committee agreed to the matters as required by the resolution. On this basis planning permission was granted on 7th January 2021.

- 2.3 Following this, on 1st February 2021, the Council received from legal representatives acting for Tesco Stores Limited, a letter pursuant to the Pre-Action Protocol for Judicial Review, challenging the decision of the Council to grant planning permission. The challenge was submitted on three grounds, which in summary were 1) related to the assessment of retail impact carried out by the Council's retail consultant to be based on an erroneous interpretation of the defined 'town centre'; 2) the permission having been granted without the matters required by the resolution having been agreed; 3) the failure to screen the development to consider whether it was EIA development.
- 2.4 The Council sought legal advice on the above matters, and it was concluded that on the basis of grounds 1 and 3, it would be difficult to defend the challenge. As a result of this the Council conceded on these points. As a result of this, on 4th August 2021 a Consent Order was issued by the High Court of Justice (Planning Court) which quashed the planning permission. Therefore, the application is required to be reconsidered. Members should note that in respect of ground 3, a Screening Opinion has now been issued by the Council which concluded that an Environmental Impact Assessment was not required.

3. PROPOSAL

- 3.1 This application seeks planning permission for a foodstore of 1,933 sqm (gross) / 1,315 sqm (net) and is roughly rectangular in shape. At its largest, the footprint of the store will measure 37m x 64m. The foodstore will feature both curved and flat roof elements, measuring 9m in height to the highest point of the roof and 5.2m to the lowest part. The materials proposed are a mixture of facing brickwork and cladding. The foodstore will be in the southern portion of the site with the car park in the western part. In the north-western area of the site an ecological mitigation area is proposed, which will provide habitat required to support both this site and the adjacent site, which already benefits from planning permission under ref 17/501010/FULL, as set out in the history section above.
- 3.2 Vehicular access to the site is proposed to be provided by a new arm to the existing A249 / Thomsett Way roundabout. A new junction will then be provided to allow for access to the site. The car park will include a total of 143 spaces, 8 of which will be disabled spaces, 15 for parents with young children and 9 staff parking spaces. The delivery / service area is proposed on the north-eastern elevation of the store with the main entrance located on the north-western elevation, facing the car park.
- 3.3 Off-site highway works are also proposed which would provide a footpath along Queenborough Road from the A250 Queenborough Corner junction to Neats Court Farm. A contribution towards funding the continuation of this footpath has been secured via an application further to the east for employment uses, approved under ref. 20/506001/FULL. In addition to this, having discussed the matter with KCC Highways & Transportation, either contributions to or requirement to deliver the remainder of the route to Cowstead Corner will be sought from developers of additional sites.
- 3.4 In respect of the landscaping, a line of tree planting is proposed close to the southwestern elevation of the foodstore, which will be visible from the A249 / Thomsett Way roundabout. Further to this, tree planting is proposed on both sides of the newly created

access within the site, including a planting buffer close to the boundary that the site shares with the existing residential property – The White House. Further tree planting is proposed along the western boundary of the site, within the car park and within the ecological mitigation area. Hedges, wildflowers, and bulb planting are also proposed, predominately close to the margins of the site.

- 3.5 The application sets out that the existing store in Sheerness no longer meets the trading needs of the operator and that there is no scope to expand the store and as such, regardless of whether this application is approved, it would be required to close. However, Members should note that regardless of whether this application is approved or refused, the decision would not require the existing store to close, this would be a separate commercial decision taken by the operator.
- 3.6 The development will create a total of 50 jobs, which will be a mixture of full and part time roles, equating to approximately 25 full-time equivalent jobs.
- 3.7 As the original planning permission was quashed, in part due to the way in which the assessment of the retail impact of the scheme was carried out, the Council instructed an alternative a retail consultant (Lambert Smith Hampton (LSH)) to provide independent advice in respect of the sequential retail impacts and those effects of the proposal upon the vitality and viability of existing centres.

Statement on behalf of applicant

“Retail Considerations

- 3.8 *As officers are aware, there has been extensive exchange of correspondence between ourselves and Lambert Smith Hampton (LSH) and it is disappointing to note their ‘on balance’ view expressed in the 05.10.22 response that the proposals could have an adverse impact on Sheerness town centre. Whilst we respectfully disagree with LSH, we recognise that in order to move forward there are certain aspect on which we may need to ‘agree to disagree’.*
- 3.9 *In this respect we do not intend to provide a ‘line by line’ rebuttal to LSH’s response, but instead highlight fundamental points that, throughout the process LSH do not adequately address and that are material considerations to be given weight in support of the application.*
- Future of existing Aldi store. It is important to reiterate the background to the proposals and the key objective of maintaining and retaining Aldi’s presence on Sheppey. We have made clear from the outset the considerable challenges with the existing Sheerness store and that continued trading from the premises is not possible in the long term. Notwithstanding, LSH have throughout questioned Aldi’s motives and suggested that more could be done to continue trading at the existing store. We do not intend to repeat the reasons why the existing site no longer meets Aldi’s requirements (this is comprehensively set out within the various application documents), other than to confirm, once again, that the store will close. Indeed, we are grateful that, at the 07.11.12 meeting, officers recognised that the Sheerness store is substandard and that continuing was not sustainable. In this context, we have already drawn officer’s attention to Paragraph 93 of the NPPF, which states that, “...established shops,*

facilities and services are able to develop and modernise, and are retained for the benefit of the community [emphasis added]”. This principle is firmly reflected in Aldi’s commitment to retaining their presence on Sheppey and is a point that LSH do not appear to have considered

3.10 (**Officer comments:** Aldi have secured a deal to let the vacated unit in Sheerness to Home Bargains. This will represent a new retailer locating on the island with the nearest currently being in Sittingbourne. The proposed occupation will bring a new mixed-use retailer into the centre, creating the potential for linked trips and also create additional job opportunities. Home Bargains operation within the discount or value retail centre. Approximately 70% of the stock is regular lines with 30% continually changing. The principal product range includes:

- Health and beauty products;
- Medicines;
- Baby products;
- Household products;
- Toys and games;
- Pet food;
- Home furnishings and ornaments;
- Seasonal products;
- Food and drink products; and
- Limited clothing and footwear range.)

• Turnover of existing Aldi Store – within our May 2022 Retail Addendum (RA), we drew attention to the inflated turnover of the existing Sheerness Aldi as derived from the telephone survey results (circa £22m p.a.) compared to the store’s actual trading figures (£12.9m p.a.). However, given that we were unable to obtain actual trading figures from other stores (e.g. Tesco and Morrisons, and as neither operator in their objections has provided alternative figures), we produced an analysis based on the telephone survey results (i.e. the higher Aldi turnover) to enable a ‘like for like’ assessment. However, once again LSH have given very little weight, if any, to this anomaly and indeed appear to question the validity of the claim. We have provided written confirmation from Aldi as to the actual annual turnover of the store (see Appendix 1 of the May 2022 RA, attached again for ease of reference) and respectfully question what more proof the Council requires. It necessarily follows that if the true figure were applied, then potential impacts would be significantly reduced. The analysis is therefore based very much on a worst-case scenario, which in reality is likely to be a significant overestimation and will, in any event, be offset by other benefits.

Impact on Sheerness Town Centre – we have consistently highlighted that it is relevant to consider the existing Aldi store is already attracting local trade. Regardless of what this represents as a monetary figure, this is a percentage of local people who currently choose to shop and spend money at Aldi now and will continue to do so once the store relocates. LSH’s approach suggests any money being spent at Aldi has to be factored in when assessing the wider impact on Sheerness Town Centre, albeit in reality this is not an actual reflection on potential ‘knock on effects’ of the proposals elsewhere. Irrespective of whether those trips take place at the existing store, or the relocated store, it is still money being spent at Aldi and this situation does not change.

The more relevant impact to assess are the potential consequences for the wider town centre, for example as a result of a loss of linked trips. Our analysis considers this approach and concludes that potential impacts would be circa 3.6%. In this context, we would also draw attention to (5.1 – 5.11) of our August 2022 Response for fuller commentary on this matter. It is also noted that, with the exception of Tesco and Morrisons, no other businesses on Sheppey (including, specifically, shops and services in Sheerness Town Centre), have raised objections to the proposals

- *Reoccupation of existing Aldi store – we have confirmed that terms have been agreed with Home Bargains to re_occupy the existing store. LSH question the extent to which reoccupation of the existing Aldi store will offset potential negative impacts as a result of Aldi relocating. Again, this conclusion is reached having regard to the existing Aldi store’s inflated survey derived turnover compared to the company average estimate that Home Bargains is expected to achieve, which is significantly lower. Nevertheless, we have drawn attention to the fact that Home Bargains would not only enhance Sheerness’ non-food offer, but also would help to offset some of the linked trips lost as a result of Aldi’s relocation. Again, this is a point that LSH do not consider in depth and with respect underestimate the offsetting that reoccupation of the existing store will bring.*

- *Wider benefits of the proposals – LSH ultimately conclude that “on balance” their recommendation is permission is refused due to the potential unacceptable impacts that, in their view, could arise. As noted above, in reaching this conclusion LSH have not fully considered a number of factors that, if applied, would necessarily mean that such impacts would be reduced and indeed in our view fall within acceptable tolerances and could even be fully offset. Notwithstanding and without prejudice, even if LSH’s on balance worst case impacts are accepted, there are other policy and material considerations associated with the proposals that must also be taken into account (LSH themselves acknowledge that they have not considered such factors). This position is entirely consistent with the requirements of s.38(6) of the Planning and Compulsory Purchase Act 2004 and the NPPF. In this respect it is helpful to note the following commentary in *Asda v Leeds City Council* ([2019] EWHC 3578).*

“The NPPF has to be read as a whole, and in a way that makes sense of the document as a whole. In para 11-14 of the NPPF the Secretary of State has used the specific term “presumption” in relation to sustainable development and has set out a structure by which that presumption is to be applied, and in particular circumstances outweighed. This includes footnote 6 which explains how the presumption works in particular types of case (not including those that fall within para 90)” [emphasis added].

*“By contrast in NPPF90 the word “presumption” is not used, nor is there any suggestion of a tilted balance; or any attempt to tell decision makers that they should put more weight on one factor rather than another. It is not entirely clear whether the Secretary of state could lawfully mandate a decision maker to accord a particular factor particular weight, given the words of s.38(6) and the judgement of Lord Hoffman in *Tesco Stores*, that weight is always a matter for the decision maker. However, the breadth of that issue is not before me in this case. What is clear is that the Secretary of State has not tried to do so in NPPF90. It is again notable that there are paragraphs in the NPPF where the Secretary of State does say, as a matter of policy, that particular*

weight should be given to particular matters, e.g. para 80 where significant weight is to be accorded to economic growth” [emphasis added].

3.11 *There considerations are similar to current application proposals, including, specifically the economic considerations associated with the proposals, which carry ‘significant weight’. In this context, we have set out below some of the many benefits that the proposals will secure:*

- *The proposals will help to maintain and enhance the retail shopping offer on Sheppey. This is in accordance with paragraph 93 of the NPPF, which states that, “...established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community” [emphasis added], and also para. 81, which advises that, “decisions should help create the conditions in which businesses can invest, expand and adapt”. Para. 81 continues that “significant weight” should be attached on supporting economic growth.*
- *The enhanced Aldi offer will create an uplift in 20 new jobs. This is afforded significant weight by paragraph 81.*
- *The proposals will bring forward an allocated site for employment generating development. In addition, it should be noted that the proposed access will not only serve the proposed Aldi but will also link to the neighbouring plot of land to the southeast and in turn help to unlock that for future development proposals. This is afforded significant weight by paragraph 81.*
- *As part of the proposals, Aldi will be responsible for delivering a new pedestrian and cycle way along approximately half of the Queenborough Road. This will in turn link with further enhancements being brought forward on future schemes on land to the south of the site. This will not just benefit Aldi but is putting in place important infrastructure for future businesses and residents in accordance with para. 104 of the NPPF.*
- *Throughout the course of the last few years’ discussions, Aldi have worked closely with the council to bring forward a building that is a landmark design for the site, fully benchmark for others to follow. This is in accordance with para. 126 of the NPPF including helping to create, “...better places in which to live and work and helps make development acceptable to communities”.*

3.12 *In all other respects, the proposals have not raised objections from any statutory consultees, who have all recommended that permission is granted, including subject to conditions, which Aldi are willing to accept.*

Biodiversity Net Gain

3.13 *We have also been asked to clarify the position in respect of biodiversity net gain. At present, submission of a metric is not currently part of the development plan, whilst further regulations are required under the Environment Act 2021 before BNG becomes a mandatory requirement. The scheme before the council has effectively been in place for almost 3 years now and was not designed with such specific considerations in mind.*

- 3.14 *Nevertheless, whilst a specific assessment against the metric is not required, the proposals will nonetheless result in biodiversity and ecological enhancements in other ways. The application is accompanied by a detailed ecological and enhancement strategy, which includes a dedicated new grassland area to be sown with coastal wildflower mix and shall be managed to provide opportunities for reptiles and other wildlife whilst elevating the on-site floristic diversity from a predevelopment position. Additional measures such as log piles and hibernacula will provide further new habitat features to enhance its potential.*
- 3.15 *The overall mitigation strategy also includes utilising the Natural England District Licensing Scheme. The district licence focuses on the provision of Great Crested Newt habitats where surveys show it will be most effective to connect and expand Great Crested Newt populations, through financial contributions made by developers to facilitate habitat provision and long-term management. Under the scheme, for every pond that is known to support Great Crested Newts that is to be lost to the development, four new compensatory ponds will be created. The newly created ponds will be monitored and maintained for no less than 25 years from the point of impact.*
- 3.16 *The mitigation measures associated with both schemes will offer new compensatory habitats including ponds, wet ditch, grassland, hedgerow, hibernacula and log piles both within the site and wider area, and combined results in significant improvement to the habitat quality. Additional elements such as bird and bat boxes shall provide further opportunities. The provision of such measures ensures the proposed development accords with current planning policy.*
- 3.17 *The overall development is also complemented by dedicated planting and soft landscaping areas. This again includes native planting and new hedgerows, which is a further net ecological benefit of the proposals. Such matters can also be secured through appropriate worded conditions.*
- 3.18 *In summary, I trust the above is helpful in terms of providing some further context in respect of retail matters and BNG considerations. We have highlighted that potential retail impacts have been assessed on a worst-case scenario and has overlooked key considerations, for example in respect of the actual turnover of the existing Aldi store. However, even if the worst-case is accepted, as the council's own consultants have acknowledged this is 'on balance' and must be assessed against the many benefits that the proposals will bring. We trust officers find this correspondence helpful and enables them to progress with a positive recommendation for the application."*

4. PLANNING CONSTRAINTS

- 4.1 Potential Archaeological Importance
- 4.2 Environment Agency Flood Zone 3 (high flood risk)
- 4.3 Affects the setting of grade II listed Neats Court Manor
- 4.4 Ecology - given the proximity to national and international designations

5. POLICY AND CONSIDERATIONS

5.1 The National Planning Policy Framework (NPPF)

Chapter 7 of the NPPF is entitled ‘Ensuring the vitality of town centres’ and is central to the consideration of this application. Within chapter 7, in respect of the sequential test, paragraphs 86 and 87 state the following:

- “86. *Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.*
87. *When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.”*

Whilst in terms of the impact assessment, paragraph 89 sets out:

- “89. *When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:*
- a) *the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and*
 - b) *the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).”*

Paragraph 90 goes on to state:

- “90. *Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 89, it should be refused.”*

In addition, paragraph 93 states:

- “93. *To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:*
- a) *plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural*

buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;*
- c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;*
- d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and*
- e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services”.*

Other relevant policies in the NPPF are as follows:

Paragraphs 2 (determination of applications), 7 (sustainable development), 8 (the three objectives of sustainable development), 10 (presumption in favour of sustainable development), 54-57 (use of conditions and planning obligations), 80 (building a strong economy), 85-90 (ensuring the vitality of town centres), 108-111 (sustainable transport), 117-121 (Making effective use of land), 124-131 (good design), 149-154 Planning for climate change, 155-165 (flood risk and drainage), 174-177 (biodiversity), and 189, 192, 193-196, & 202 (Heritage assets).

5.2 National Planning Practice Guidance (NPPG)

Air Quality; Climate Change; Design: Process and Tools; Determining a planning application; Historic Environment; Noise; Renewable and low carbon energy; Town centres and retail; Travel Plans, Transport Assessments and Statements; Use of planning conditions.

5.3 Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017

The parcel of land upon which the application site is located is allocated under policy A 1 (Existing committed employment locations) which states:

“Planning permission will be granted for land allocated for 'B' class employment uses, as shown on the Proposals Map, at:

- 1. Ridham and Kemsley, Sittingbourne; and*
- 2. Neatscourt, Isle of Sheppey.*

Development proposals will accord with the approved development briefs for the sites and satisfactorily address landscape, biodiversity, archaeological and existing power line issues.”

The supporting text to this policy at paragraph 6.2.4 sets out that *“Recent development has seen the emergence of the area as a retail centre to complement Sheerness town centre, but it is important that any further proposals for retail uses do not undermine*

the role and retail functioning of the town and other local centres or the role of this site in meeting the Island's (and Swale's) industrial floorspace needs for the plan period."

5.4 Policy DM 2 (Proposals for main town centre uses) relates to retail development as proposed in this application. The policy states "Planning permission will be granted for main town centre uses subject to:

1. *"Taking into account the scale and type of development proposed in relation to the size, role and function of the centre,*
2. *Being located within the town centres as defined on the Proposals Map; or*
3. *Where demonstrated that a town centre site is not available, being located on a site on the edge of a town centre, subject to criteria 4a to 4c; or*
4. *Where demonstrated that there are no suitable sites available at locations within 2. and 3. above, proposals elsewhere within the built-up areas of Faversham, Sheerness and Sittingbourne, as shown on the Proposals Map will only be permitted if:*
 - a. *it is demonstrated by an impact assessment (when the proposal is above the defined floorspace threshold in national planning policy) that it would not individually, or cumulatively with those trading or proposed, undermine the vitality and viability of existing town centres, or of other local centres and the facilities and services of other locations;*
 - b. *it does not materially prejudice the provision of other land uses, particularly the supply of land for 'B' use class uses, housing, community use and open space; and*
 - c. *it is well located in relation to the main road network and easily accessible by public transport, pedestrians and cyclists.*
5. *Elsewhere, proposals will be permitted where they address the tests set out in national policy and accord with criteria 4a to 4c."*

5.5 Other policies in the Local Plan which are relevant to this application are as follows:

- ST 1 (Delivering sustainable development);
- ST 2 (Development targets for jobs and homes 2014-2031);
- ST 6 (The Isle of Sheppey area strategy);
- CP 1 (Building a strong, competitive economy);
- CP 4 (Requiring good design);
- CP 8 (Conserving and enhancing the historic environment);
- Regen 2 (Queenborough and Rushenden: Regeneration Area)

This Policy states that:

A regeneration area for Queenborough and Rushenden is designated as shown on the Proposals Map. Within this area, proposals will support the objective of regenerating the area for residential, employment and community uses to achieve the integration of communities. Development proposals will, as appropriate:

- 1. Accord with the adopted Masterplan Supplementary Planning Document and its addendum;*
- 2. Contribute towards the creation of a distinctive sense of place for the planned new settlement that also reflects the area's waterside location and historic environment;*
- 3. Demonstrate sensitive and innovative design, which responds to the challenge of creating new townscape and be subject to scrutiny by the Swale Design Panel;*
- 4. Achieve high standards in terms of sustainable design and construction, including the design and specification of the buildings and sustainable urban drainage;*
- 5. Accord with an integrated landscape strategy through the creation of a new landscape structure for the area, supporting the creation of a network of areas for play, walking and informal recreation, as well as achieving a net gain in biodiversity overall;*
- 6. Assess biodiversity interests, including a Habitats Regulations Assessment. Proposals will 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 CP 7 and DM 28, including a financial contribution towards the Strategic Access Management and Monitoring Strategy;*
- 7. Improve the quality of the environment and housing choice to restore the local housing market area;*
- 8. Achieve a mix of housing in accordance with Policy CP 3, including provision for affordable housing, in accordance with Policy DM 8;*
- 9. Provide, at Neatscourt, commercial floorspace unless this would adversely impact upon the vitality of Sheerness town centre or compromise the achievement of meeting industrial floorspace needs as required for the Local Plan period;*
- 10. Secure those improved services and facilities necessary for a sustainable community;*
- 11. Where appropriate, assist with alternative accommodation for the displacement of existing businesses;*
- 12. Through physical, environmental and economic measures, integrate the existing and new communities;*
- 13. Assess the need for, and provide such transport initiatives and improvements as are necessary;*
- 14. Assess and respond to any risk from flooding; and*

15. *Provide infrastructure needs arising from the development, including those matters identified by the Local Plan Implementation and Delivery Schedule, in particular those relating to transport, education and health.*

- DM 1 (Maintaining and enhancing the vitality and viability of town centres and other areas);
- DM 6 (Managing transport demand and impact);
- DM 7 (Vehicle parking);
- DM 14 (General development criteria);
- DM 19 (Sustainable design and construction);
- DM 21 (Water, flooding and drainage);
- DM24 (landscape)
- DM 28 (Biodiversity and geological conservation);
- DM 29 (Woodlands, trees and hedges);
- DM 32 (Development involving listed buildings).

Queenborough and Rushenden Masterplan

5.6 The Queenborough and Rushenden Regeneration will provide new homes and flats for a wide range of people, community facilities and services, a school, jogs, employment space, new open spaces, pedestrian parks and a new marina. It will be located between Queenborough and Rushenden, on the former Caradon Works site and on Sheppey Industries land (Klondyke).

Swale BC Landscape and Biodiversity SPD

5.7 Identifies the application site within the *Elmley Marshes*, which has the following key characteristics:

- Flat alluvial marshland with sinuous reed filled ditches. Traditional gates and fences leading into ditches prevent cattle crossing into other fields
- Atmospheric and tranquil landscape with large open and often dramatic skies
- Rough grassland largely used for cattle and sheep grazing
- Important wetland habitats designated for their internationally important assemblages of wildlife.
- Important transport routes A249, railway and link bridges onto island
- Large-scale landscape with little sense of enclosure
- Boats in the Swale

- Strong sense of place, remote and isolated

6. LOCAL REPRESENTATIONS

6.1 When the application was originally submitted the application was publicised via letters sent to neighbouring occupiers, a site notice and a press advert. A total of 5 objections were received, 3 of these from neighbours and 2 from agents acting on behalf of Morrisons and Tesco. I also received 5 letters of support and 1 making general comments. I will firstly summarise the objections from residents:

The proposal would be detrimental to the economy of Sheerness;

- A number of people including the elderly, those without cars and parents with young children who walk to this store would be required to rely on Tesco;
- A number of people visit Aldi and also visit other shops and services in the town centre;
- The proposal will cause a negative impact upon community spirit;
- The foot / cycle path provided between the store and Queenborough Road will be used as a 'drop off point' – the highway is not wide enough to deal with cars stopping and will give rise to highway safety impacts;
- There should be access from the site to the existing Neats Court development where there are existing onward travel options;
- The proposals use a proportion of the same land designated for ecological mitigation as the scheme granted consent on the adjacent site under ref 17/501010/FULL, however, there is a foot / cycle path running through this land;
- The foot / cycle path is located along the boundary with the neighbouring residential property ('The White House') and should be located significantly further away;
- The proposal to include a 1.8m high fence along the boundary with 'The White House' will not be sufficient to address overlooking and privacy issues;
- The development will give rise to unacceptable harm to the residents of 'The White House' on the basis that the submitted noise report outlines that noise levels will be above WHO [World Health Organisation] night time guidelines.
- The site should not be considered in isolation but as part of the wider context;
- Consideration should be given to altering the current Local Plan so that it reflects the contents of the "Sheerness, Queenborough and Minster Local Plan" (adopted January 1988);
- The supporting documents have reached the conclusion they do as they are being employed directly by the applicant;
- The existing Sheerness store should be remodelled;
- The details of pedestrian links outside of the site have not been provided;
- The site should be retained in its current undeveloped form;
- The site is not appropriate for pedestrians and cyclists;
- There is no detail of the proposed opening hours;
- Regular checks of vehicle noise should be undertaken within the vicinity of the site;
- Figures provided in the 'Statement of Community Involvement' are dubious;
- Has a strategy been put forward to access the water or gas mains within the site if the need ever arose;
- There are inconsistencies and unanswered questions relating to surface water drainage;

- Flood risk as a result of the development to surrounding land has not been addressed or considered;
- There are longstanding and on-going drainage issues affecting the surrounding area which have not been resolved;
- Development of the site will have net negative effects upon wildlife;
- The Heritage Statement has not properly considered the history of the listed Neats Court Manor and is not a fair assessment of the impact of the proposal on the listed building;
- A number of the heritage assets have been left to deteriorate which is advantageous for the applicant in considering the impacts on these buildings;
- The authors of the Heritage Statement did not contact the occupier of the grade II listed Neats Court Manor to provide further historical background;
- The Neats Court Manor farmstead appears on the ‘List of Buildings of Special Architectural or Historic interest’ and no reference is made to this in the heritage Statement;
- If the connection to the public sewer be denied then there appears to be no other alternative;
- This section of Queenborough Road is unsafe;

6.2 As set out above, objection letters were also received from agents acting on behalf of Morrisons (x2) and Tesco (x1). I firstly summarise the points made in the initial letter from the agent acting on behalf of Morrisons:

- *“it is contrary to the statutory development plan, which allocates the Application Site for ‘B’ class employment uses and seeks to protect Sheerness town centre and other centres of acknowledged importance;*
- *additional shopping provision of the proposed nature and scale, alongside the established Morrisons and Iceland stores, would effectively create a critical mass of ‘self-sufficient’ food retailing in an out-of-centre location that would primarily serve car borne shoppers. This would negate the need to visit Sheerness town centre and other centres of acknowledged importance, and it would have ‘real’ implications for the Council’s sustainability objectives;*
- *allied to this, the relocation of the Aldi store would draw shoppers and trade away from Sheerness town centre to an out-of-centre location and would have a significant adverse impact on its overall health, performance and prospects at a time of economic uncertainty; and*
- *the failure of the Applicant to submit a retail impact assessment runs directly contrary to the requirements of the pre-application advice and Council’s Retail and Leisure Needs Assessment.”*

The second letter submitted by the agent acting on behalf of Morrisons objects to the application for the following summarised reasons (the letter also reiterate the matters set out above):

- The independent audit carried out by White Young Green (WYG) on behalf of the Council notes the failure of the applicant to provide a detailed retail impact assessment

and offer any meaningful justification – in terms of the sequential approach and retail impact - for relocating the town centre store to an out of centre location;

- The applicant has failed to address questions in respect of minimum site size requirements; average Aldi store sizes; evidence regarding the capacity issues of the car park or the need for it to be a certain size; and evidence regarding conflict between cars and service vehicles;
- In respect of the sequential assessment, the applicant has not demonstrated the necessary flexibility on issues such as format and scale so that opportunities to utilise suitable town centre or edge of centre sites are fully explored. The application should be refused for failing to satisfy the sequential test;
- The store on the existing site could be extended upwards and the internal layout re-configured;
- Aldi operate a number of stores on plots of a similar size, configuration and layout;
- The car parking issue can be resolved by parking controls;
- The existing store promotes sustainable travel patterns by being located in an area which maximises opportunities to use public transport, cycling and walking. This reduces dependency on the private car, meeting the challenge of moving to a low carbon future;
- The WYG audit makes a 'judgement' on the potential retail impacts, however, without any information being provided by the applicant there is no certainty as to whether it would have a significant adverse impact;
- The applicant has 'threatened' that if they do not obtain planning permission then they will close their existing store, removing their offer from the Isle of Sheppey – 'this is nonsense'.

6.3 The objection letter received from the agent acting on behalf of Tesco made the following summarised points:

- Tesco has a well-established presence in Sheerness and includes a wide range of food and other facilities. The store draws a number of customers into the town centre from beyond Sheerness and encourages linked trips with other town centre stores and facilities;
- In contrast to the above, Aldi's proposal relates to an out of centre site, with few links to the surrounding area. The store will primarily be reached by car on single purpose journeys;
- The application is not supported by a retail impact assessment and although the NPPF sets a threshold for requiring one at 2,500sqm (which this proposal falls below), paragraph 90 of the NPPF states that if a proposal is likely to have a significant adverse impact on the vitality or viability of a retail centre, then it should be refused;
- The Council's Retail and Leisure Needs Assessment recommends that a local threshold for retail impacts should be set at 500sqm – this indicates that proposals larger than this

could have an adverse significant impact on existing centres. The proposal is considerably larger than this and therefore, according to the assessment, presents a risk;

- WYG, in reviewing this application does not raise the issue that the Retail and Leisure Needs Assessment sets a lower threshold and instead relies on their 'judgement';
- WYG's appraisal of the application is fundamentally flawed, as it only reviews the effect of the uplift in floor area rather than the total floor area of the replacement store. This approach may be appropriate if the existing store was out-of-centre and proposed to be enlarged. However, in the circumstances the loss and the uplift in floor area should be taken into account, as they both impact upon the town centre. On this basis the Council should review the advice given and if necessary secure future independent advice;
- In respect of the sequential test, no information is provided confirming that the immediately adjacent land is not available [n.b this land includes public highway and the Sheerness Jobcentre];
- Policy A 1 of the Local Plan allocates the site for B class employment uses with the aim to address the local need for industrial floorspace and provide new jobs – compelling reasons should be provided as to why the site should not be brought forward for employment uses;
- The lack of an objection from the Council's Economic Development Officers regarding the loss of employment land does not overcome the policy requirements;
- This development will deliver very few new jobs;

6.4 The letters of support raised the following summarised points:

- The store will provide an improved range of products;
- Access to the site will be easier than the current location;
- This proposal will reduce congestion in the town centre;
- This is a better site for delivery vehicles;
- There are good bus routes to the site;
- Increased amounts of parking is welcome;
- The development will provide much needed jobs;
- This proposal will increase competition between retailers which will be good for the shopping experience [the letter which provides this comment also sets out that there should be a pedestrian link between the site and the A249 in order to allow for easier connections];
- Sheppey needs a superstore that offers us better prices with improved facilities;
- One of the letters states that they support the proposal for a larger store but should keep the Sheerness store open as some customers of the existing store would be unable to visit the proposed location.

6.5 The response which did not explicitly state whether they were objecting to, or supporting the scheme, commented that although they support the applicant's offer in general, they wished for the existing Sheerness store to remain open. The reason for this is proximity to the site, limited public transport options and the mobility of the author of the comments.

- 6.6 In addition to the above, after the planning permission being quashed, the application was republicised via letters to neighbouring occupiers, a press advert and a site notice.
- 6.7 In response to this consultation, a letter was received from the agent acting on behalf of Morrisons, making the following summarised points:
- 1) non-compliance with the site allocation in the statutory development plan
 - 2) undermining the role and retail functioning of Sheerness town centre
 - 3) failure to satisfy the sequential test
 - 4) significant adverse impact
 - 5) non-sustainable development.

7. CONSULTATIONS

- 7.1 Queenborough Town Council – *“object to the proposals for planning application SW/19/502969/FULL in respect of public safety.*

There is no pedestrian pathway or cycle link between the A250 Junction at Queenborough Corner and the A2500 Junction at Cowstead Corner, along the entire length of Queenborough Road between these junctions.

There is no pedestrian pathway or cycle link between the Neat's Court Retail Park and the proposed site.

There is no pedestrian crossing in the proximity to any access area, of the planned site.”

- 7.2 KCC Minerals and Waste – No comment.
- 7.3 Kent Police – Request that an informative is included to address the points that the agent has made in the Design and Access Statement and to deal with issues such as boundary details; lighting and CCTV; doorsets and roller shutters; meeting ‘Secure by Design’ guidelines and the need for a further application if a cash machine is proposed.
- 7.4 Southern Water – There is a public water main which crosses the site - *“All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 6 metres of the public water main without consent from Southern Water. No new soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public water mains.”* A condition is recommended in respect of measures to protect the public water supply main. In addition an informative is recommended setting out the requirement for a formal application for connection to the public sewerage system.
- 7.5 Environment Agency – *“We have reviewed the submitted information and have no objection to the proposal. The site is located within flood zone 3, and at risk of tidal flooding. However existing flood defences protect the site to a 1 in 200 year standard of protection. We hold modelling of a breach / Queenborough Barrier failure scenario. This shows the residual risk to the site to be low.”*

7.6 Natural England – “Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.”

7.7 Highways England [now known as National Highways] – Initially raised the following points that will be required to be addressed / provided:

- There are discrepancies in the details provided regarding the number of parking spaces;
- The Transport Assessment (TA) needs to be undertaken in accordance with the correct policies;
- Further details required as to how the development will prevent queuing onto the SRN related to deliveries and car park capacity;
- Raw data of the traffic assessment and junction modelling has not been provided;
- Details as to how the new arm from the A249 / Thomsett Way roundabout will link in with the rest of the network is not provided;
- Details of lighting will be required to be provided;
- Full drainage details will be required to demonstrate that no connections are made to Highways England drainage or allow surface water to drain to it;

I provided the above comments to the agent and following this the applicant's Transport Consultant provided a Technical Note in response and an updated TA. On this basis I re-consulted with Highways England who commented as follows:

- Although the TA has been revised, it will need to be further amended to take into account the Highways England publication: *Planning for the Future – A guide to working with the Highways England on planning matters* (September 2015);
- The further details provided demonstrate that queues caused by deliveries / car park capacity will not require vehicles to wait on the SRN [Strategic Road Network];
- The raw data has been provided in respect of the traffic assessment and this is considered acceptable;
- Further information has been provided in respect of junction modelling, however, Highways England require further time in order to audit the traffic models that have been provided;
- The Stage 1 Road Safety Audit (RSA) and Walking, Cycling and Horse-Riding Assessment and Review (WCHAR) has been provided but not carried out in accordance with the relevant standards, this will be required after the access design has been agreed;
- Still unable to tell how the new arm from the A249 / Thomsett Way roundabout will link in with the rest of the network;
- Still require details of lighting;

- Although the applicant has indicated that the ditch into which site drainage is shown to outfall is within the site boundary – there is no information to show whether the outfall would connect to Highways England drainage.

I provided the above comments to the agent and in response the applicant's Transport Consultants provided a Highways Drainage Note; a Highways Technical Note in response to the comments; RSA Audit Brief; a revised TA and a WCHAR. On this basis I re-consulted with Highways England who commented as follows:

- The revised information in respect of trip generation, traffic assessment and site access has answered the questions set by Highways England. The details indicate that there will be *“an increase in the volume of traffic associated with the A249 and the proposed development.”* This traffic, along with predicted growth *“indicates that the northern arm of the A249/A2500 Lower Road Roundabout will be likely to exceed operational capacity by the year 2024 + baseline and committed development traffic during all peak periods and exceeding the recommended level of service. This is also applicable to the A2500 Lower Road/Sheppey Way Roundabout junction, which exceeds capacity and level of service for the same time period onwards. The evidence means that the applicant needs to provide a nil-detriment scheme for the proposed development at the identified junctions above.”*
- An updated RSA and WCHAR is required which Highways England will then appoint an audit team to carry out an assessment.
- Further information in respect of drainage is currently being reviewed.

On the basis of the above the Stage 1 RSA and the WCHAR was updated and provided to Highways England. Highways England provided the following comments:

- Further investigation has demonstrated that with the agreed access and taking into account other mitigation on the Kent road network, *“the overall safety and operation of the A249/A2500 Lower Road Roundabout would not be materially worsened by the proposed development, if permitted.”*
- The RSA and WCHAR have been completed and are agreed. It is considered that the proposed access *“will not materially, adversely affect the safety or operation of the proposed access nor the A249.”*
- The drainage ditch running alongside the A249 is part of previously agreed environmental compensation, therefore no connection to or reliance upon the drainage ditch can be made by the development.
- A statement has been provided in respect of luminance levels;
- *“Having assessed the application and agreed necessary mitigation, Highways England is now content that, subject to the imposition of conditions, the development will not materially affect the safety, reliability and / or operation of the SRN”.* These comments are subject to conditions relating to a construction management plan; completion of the site access; provision for vehicle loading, unloading and turning; external lighting and no surface water run off to the highway or any highway drainage system.

- Further to the above, the issue regarding the drainage condition has been raised again by Highways England who have required confirmation in terms of the location of a drainage ditch and within who's ownership it falls. It has been clarified that it falls within the application site and Highways England have accepted this. Highways England have also requested confirmation that the water vole mitigation will be carried out, which is covered by separate conditions, discussed below.

7.8 KCC Highways & Transportation – Initially raised the following points:

“Highway Impact of Development

Having examined the Traffic Assessment, I would need to draw attention to previous advice given on trip attraction and question the uninterrogated application in section 4.5.1 of the sub land use 'discount food stores' from the TRICS database. From the outset we were of the view that Aldi may not sit squarely in that historical category now as they continue to expand and enlarge their store formats and the use of this data subset would require careful scrutiny and justification. I also note that this category does not possess any free-standing sites among their surveys and instead the extracted data relies upon surveys from suburban and edge of town locations, which I do not consider to be representative of this particular site, being relatively remote from the closest residential areas and the nearest bus stops. A recent Transport Assessment carried out for the development of an Aldi store on the A251 at Faversham has utilized data for the 'food superstores' sub land use from the TRICS database and this was considered acceptable by us. In order to create a more robust base for a thorough assessment of traffic impact I am of the view that this site is treated in the same manner and that the following parameters are therefore applied in TRICS:

- Sites in England, outside of Greater London
 - Gross Floor Area up to 6,000 sqm
- No surveys earlier than 2010
- Edge of town, suburban or neighbourhood centre locations

I note that further to our request for the junction of the A250 Halfway Road/B2008 Minster Road to be included in the Traffic Assessment, the only data provided relates to 'net traffic effect' and it has not been included in the Junction Capacity Analysis. This would also need to be included, once the more robust methodology suggested above has been applied to trip generation.

Accident Report

The Transport Assessment demonstrates that the frequency of personal injury collisions at roundabouts that fall within the study area are below the national average for comparable junction configurations. The study also shows that the one accident classified as fatal, and the remaining serious accidents do not evidence a pattern that can be attributed to road layout deficiencies.

Site Access

The proposed vehicular route on drawing 2435-CHE-109 shows the site being served off a new section of road constructed to serve the wider development parcel north of the A249 Brielle Way, which would be accessed in turn via a new fourth arm of the existing A249 Brielle Way/Thomsett Way roundabout. It is not likely that KCC would wish to adopt this new road as it would not connect to any of our existing network, the A249 being administered by Highways England. The land parcel this new road would serve is also allocated in the local plan for commercial and industrial uses, which would be another reason for us not seeking to adopt it. Having examined the submitted plans, however, I am satisfied that the access arrangements as proposed should be able to meet relevant standards for visibility and road geometry. The design of the new roundabout arm, its impact on their highway and the interaction of the new road with the A249 will need to be assessed by Highways England who are the statutory authority in this instance.

I note that servicing is also being proposed now via this same access which I assume is in order to facilitate the turning and safe egress of delivery vehicles from the service yard. My concern with the current plan is that HGV movements will come into conflict with the proposed pedestrian crossing, which forms part of a wider link through the site from Queenborough Road and follows a natural desire line to the proposed store. The Transport Assessment proposes the use of a 'Pedestrian Marshall' in section 3.4.10 but it is my view that ensuring this is consistently applied each time a delivery vehicle seeks to encroach onto the pedestrian crossing will prove difficult to manage in the long term. Our preference would be to ensure that such conflict is designed out.

Parking

I am generally satisfied with the amount and quantum of vehicle parking spaces provided but with reference to section 3.7 of the Transport Assessment, disability parking provision in SPG4 is a minimum standard, which would require the provision of at least one additional disability bay within the parking layout. Cycle parking provision appears to be in line with our standards.

I am also satisfied that the dimensions and layout of the parking area also adheres to current design guidance as given in SPG4.

We have begun to engage with new developments over the inclusion of electric vehicle (EV) charging facilities, where for a development of this type we would typically want to provide 10% of the total parking provision as EV bays. The installation of rapid car chargers would make this a viable and attractive option for shoppers and given the more remote location of this site would enhance its sustainability credentials.

Off-site Improvement Works

The proposals offer to provide a pedestrian/cycle link along Queenborough Road between the site and the A250 junction. The sustainability of the store however needs to be considered in the wider context of developer funded pedestrian/cycle provision currently being implemented along the A2500 Lower Road as far as Cowstead Corner and the opportunity this creates to extend this link along the whole length of Queenborough Road. We now have a fully costed scheme to complete the link with the A250 junction, amounting to a total of £132,426.31, which we would ask this development to cover the full cost of. This link would greatly enhance access from existing and planned

communities to the east and the overall sustainability of the site. We would therefore request as a condition on this application coming forward that this sum be secured by way of a Section 106 agreement, (if approved).

Additionally, we would, in consultation with Highways England, strongly encourage the creation of a pedestrian crossing in the proximity of the existing A249/Thomsett Way roundabout, in order to facilitate access from Neats Court Retail Park and the Aldi RDC. The Transport Statement includes linked trips with Neats Court in its assessment and this would only prove fully viable with the implementation of a controlled crossing linking the two, along with associated linkages to the respective stores either side.

Other Matters

The on-site section of the proposed pedestrian/cycle link that runs alongside open land does not yet have any details for lighting and I would consequently need to see this detailed on a plan.

It is noted that a workplace Travel Plan has not been submitted with the application. It is therefore requested that this is provided by way of an appropriately worded condition in due course.”

In response to the above comments, the applicant’s Transport Consultants provided a Technical Note. This prompted further comments from KCC Highways & Transportation stating that there was general satisfaction regarding the majority of the points made above, aside from the Junction Capacity Analysis had not been updated in accordance with the relevant assessments. In addition, a further assessment of the A250/Queenborough Road and Halfway junction was requested and that this should be integrated with data regarding Sheerness residents who would now visit this store.

Further to the above, the applicant’s Transport Consultants provided a further Technical Note in response. As a result, I re-consulted with KCC Highways & Transportation who commented as follows:

“1) The updated Transport Assessment has demonstrated that the net effect of development on the assessed junctions is marginal compared with background growth and committed development. Additional assessment was sought for the A250/B2008 Halfway junction which has also concluded that development impact on that junction is marginal, with a demonstrated 11 additional vehicle movements in the AM peak, 25 in the PM peak and 31 in the Saturday peak. This represents an additional vehicle movement approximately every 5 1/2 minutes, 2 1/2 minutes and 2 minutes respectively at this junction.

2) Our initial consultation response encouraged the creation of a pedestrian crossing on the A249, in order to facilitate access from Neats Court Retail Park and the Aldi RDC, although it was noted that Highways England would need to be consulted on this matter, the A249 being part of their network and administered by that authority. Consultation was conducted and this option was subsequently ruled out by Highways England.”

As a result of the above no objection is raised subject to conditions relating to a Construction Management Plan; provision and retention of the parking spaces, loading

areas, cycle facilities and electric vehicle charging points; lighting detail for the pedestrian link; implementation of the travel plan and provision of off site highway works.

- 7.9 SBC Climate Change – Initially responded setting out that although the intention is to achieve BREEAM ‘very good’, the pre-build assessment is very close to the lower end of the range for this rating. This was raised with the agent who provided a response to the points. On this basis I re-consulted with the Climate Change Officer who considers that the points have been suitably argued. As a result of this, on the basis that the intention is to achieve BREEAM ‘very good’ this is acceptable. Requests a condition requiring this is met, including the requirement for post construction certification.
- 7.10 Lead Local Flood Authority (KCC) – Initially raised a number of points leading to a holding objection which required addressing. These related to conflict with paragraph 165 of the NPPF and the lack of information setting out through evidence why a sustainable drainage system is inappropriate; the proposed infilling of two ditches on the site which would only be accepted with the agreement of the Lower Medway Internal Drainage Board; although a petrol interceptor is proposed to remove oils, it is not evident which other control methods will be incorporated to remove other pollutants and contaminants – all pollution control methods are required to be submitted; it is proposed to pump surface water which should only be carried out if expressly demonstrated to be necessary; the site falls within the jurisdiction of the Drainage Board and any works whatsoever that may have the potential to affect any adjacent watercourse (or the network’s ability to convey water) will require their formal prior written permission.

As a result of the above a ‘Sustainable Drainage Note’ and an ‘Indicative Drainage Layout’ was submitted to address the points made. As a result, I re-consulted with the Lead Local Flood Authority who responded as follows:

“It is noted from the Sustainable Drainage Note that consideration for further SuDs features were considered however, the ecological area has already been agreed and therefore larger scale SuDs features cannot be accommodated. It is welcomed that permeable paving is to be incorporated into the parking bays and the off site discharge rate has been lowered 2 litres a second. Both of these alterations are welcomed and will provide both additional pollution controls and reduce the pressures on the receiving watercourse network.

As mentioned within our previous response, the LLFA resists the infilling of ditches on site. It is highlighted from Stirling's note that the infilling of these ditches is the only practicable way of delivering this scheme on site. The LLFA accepts this and welcome that discussions have taken place between the Internal Drainage Board and the consultants. Please note that the works to the watercourses will require a consent process through the IDB that is separate from the planning process. As always, we would advise that this is done so as soon as possible.

With all major developments, the LLFA would require full drainage details, construction/layout drawings and supporting calculations to be provided. To facilitate the submission of this further information, we would advise the detailed design condition be attached to the application.”

As a result of the above conditions are recommended requiring a detailed sustainable surface water drainage scheme, and a verification report.

- 7.11 Lower Medway Internal Drainage Board (LMIDB) – Initially objected to the application for the following reasons:

“I am a little concerned that there will be a loss of natural surface water storage ditches within the boundary of the site. I would like to see these ditches replaced elsewhere.

I also have concerns the southern boundary ditch which is being retained has no access strip for future maintenance because the ditch is sandwiched between the A249 and the boundary fence. It means should the boundary ditch ever require to be dredged out there is no room for a machine.

The applicant will need to apply for Land Drainage Consent from the LMIDB to get permission to move or remove or infill any current ditches and to discharge any surface water into them.”

Discussions continued to take place between the applicant and the LMIDB, and further to updated details being provided I received further comments as follows:

“I am writing to officially announce that the LMIDB is removing it’s holding objection on the planning application 19/502969, Aldi development, Neats Court, Sheppey.

We have recommended that the developer continues to work with the KCC SuDS team as the planning phase progresses in order to search out potential areas for improvement to the proposed system. This would be especially welcome in areas that could retain natural watercourse where possible.

However, we are now satisfied that ecological, flood risk and maintenance issues presented by Mike Watson and Peter Dowling on behalf of the LMIDB have been addressed under the plans presented. This does not represent consent from the LMIDB regarding discharge, as this is a separate issue that will be addressed in the future.”

- 7.12 SBC Environmental Protection Team – *“Having reviewed this application, I have paid particular attention to the Sharps Redmore Noise Report submitted with the application, and the recommended mitigation measures contained therein. I have previously worked on similar applications by Aldi where nearby residential properties were potentially affected, whereby a Delivery Management Plan was submitted, detailing all the measures to be imposed to prevent noise nuisance to neighbouring premises from the service/delivery area. As the noise report recommends a number of specific measures, along with the production of a Delivery Management Plan itself (details can be found in para 6.13) I have recommended that such a document be submitted by condition.”* Conditions recommended relating to hours of construction; details of any mechanical ventilation system; code of construction practice; details of acoustic barrier; and a delivery management plan.

- 7.13 KCC Archaeology – Advised that with respect to buried archaeology, we would have expected the application to include a desk-based assessment to explain the potential impact on archaeological remains. An assessment has however been previously provided for the adjacent Medichem development proposals and the archaeological potential of the

present site is similar. The site lies on the former shoreline of Sheppey on the edge of the former marshlands. These have been exploited since prehistoric times and excavations both for the construction of the Queenborough bypass and the business and retail development at Neats Court to the south and southeast have identified a range of important archaeological remains of Bronze Age, Iron Age, Roman, Saxon and medieval date. These included a rare, submerged Bronze Age barrow with Iron Age burials inserted and clusters of Iron Age and Roman cremations on the former shorelines.

My advice, as for the adjacent site is that a staged programme of archaeological investigation is an appropriate response and that can be secured through an appropriate condition for a programme of archaeological work. The archaeological programme should commence with a stage of trial trenching which would inform subsequent stages of the programme of mitigation.

- 7.14 KCC Ecology – Initially advised “*that that there is a need for additional information to be submitted prior to determination of the planning application.*”

The submitted ecological information has detailed the following species are present/likely to be present within the site: • Water vole • Slow Worms and Common Lizards • Great Crested Newts • Foraging/commuting Bats • Breeding and Wintering Birds • Hedgehogs (likely) • Invertebrates (Likely)

A joint ecological mitigation strategy has been produced in conjunction with the adjacent development 17/501010/FULL. During the determination of planning application 17/501010/FULL we had detailed discussions with the ecologist and we agreed that the proposed joint mitigation approach was acceptable.

We have re-reviewed the Ecological Mitigation Strategy (Native Ecology; February 2019) and we highlight that the layout within the mitigation strategy does not match the site layout for this application – in particular this application is proposing to create a footpath along the eastern boundary of the mitigation area and therefore reducing the mitigation area.

We advise that the principle of the ecological mitigation is still acceptable, but we advise that it must be updated to take in to account the revised site plan for this application OR the site plan must be revised to reflect what is detailed within the ecological mitigation strategy.

We highlight that if the option of updating the ecological mitigation strategy is implemented there may be a need for additional enhancements to be incorporated into the mitigation area and wider site to increase the carrying capacity of the receptor site. We highlight that from reviewing the site plan there are opportunities within the wider site to include enhancements – particularly along the northern boundary where currently it is proposed to have amenity grassland.

Prior to determination we advise that there is a need for an updated Ecological Mitigation Strategy and/or Site plan to be submitted to demonstrate that the proposed mitigation can be implemented.”

As a result of the above a further Ecological Assessment and Ecological Mitigation Strategy was submitted. On this basis I re-consulted with KCC Ecology who commented as follows:

“We previously raised concerns about the proposed water vole mitigation as the main water vole mitigation is to be carried out as part of application 17/501010/FULL which has yet to be implemented.

The submitted information has detailed that any water voles in ditch 1 will be moved into the adjacent habitat (not within the applicant’s ownership) – to address this concern the ecologist has provided the following information:

[Applicant’s ecologist] *“The development will result in the loss of approximately 36 metres of ditch D1. The aim of the displacement exercise is to encourage any Water Vole present within the development site into the remaining 183 metres of ditch D1 present off-site.*

Ecology Solutions conducted an update Water Vole survey on 4th June 2020 with an employee from Derek Gow Associates (DGA) to determine the size of the Water Vole population present on site, and the level of mitigation required. All ditches across the site (and adjacent area) were reviewed and surveyed for the presence of Water Voles.

Both of the on-site ditches, along with the ditch adjacent to the southern boundary were dry - and although there was some old evidence of feeding and a potential old burrow - there was no recent field signs to suggest that Water Voles are using the ditches at this time.

If Water Vole repopulates the ditches over the course of 2020, it is not considered likely to be at a level that cannot be accommodated within the off-site length of ditch D1. This is also the assessment of DGA and shall ensure the loss of the ditch on site can be complete under their licence.

The surveys and assessment of the ditch and particularly the lengths that will be affected by the proposals demonstrates these are not of high importance to any local Water Vole population and potentially only used as their suitability with high levels of precipitation occurs. If the adjacent scheme comes forward then they shall implement the necessary mitigation as required to ensure the favourable conservation status of the local Water Vole is maintained if this does not come forward the loss of the small section of ditch from the ALDI site would have a negligible impact on the Water Vole population.”

[KCC Ecology] *We have reviewed the additional information and we are satisfied that the proposed mitigation is appropriate. We advise that if planning permission is granted the water vole mitigation detailed within the Ecological Assessment, Ecology Solutions, October 19 is implemented prior to any works commencing.*

Evidence of water vole were recorded in ditch 2 - We acknowledge that the proposal will result in enhancements to ditch 2 however it is directly adjacent to the A249 and therefore there is a need to ensure that any enhancements implemented will not be impacted/lost by ongoing highways maintenance requirements.

Therefore, to address this point we suggest that any enhancements implemented are designed to ensure they will not be impacted by highways maintenance, and we are satisfied that this can be provided via a condition.

We previously raised concerns about the proposal to displace the reptiles to the southern boundary which may be impacted by on going highways maintenance. To address this point the applicant has provided the following information confirming that a reptile translocation will be carried out and moved to the onsite receptor site.

[Applicant's Ecologist] "Although the Ecological Assessment recommends passive displacement as the most suitable mitigation measure at the time of writing, it goes on to say that - However, it is possible that passive displacement may not prove to be the most appropriate method in all circumstances, for example if the direction of displacement would not encourage reptiles to move into areas of larger suitable habitat, or where fragmentation is an issue. In such cases a more formal capture and translocation exercise will be undertaken - We have already taken the view that a full translocation will be required with the receptor site being isolated from the wider grazing regime to ensure a suitable sward structure can and will develop."

[KCC Ecology] We advise that this information has address our concerns but advise that since it's unclear within the Ecological Assessment an updated mitigation strategy must be submitted, and it must demonstrate that it will be capable of supporting the reptiles when they are translocated. We are satisfied that this can be provided as a condition.

We previously raised concerns about the proposed landscaping plans for the receptor site and our concerns that there were too many trees/shrubs are to be planted within the ecological mitigation area within the NW of the site.

[Applicant's Ecologist] "We have reviewed the proposals and count six trees and no shrubs in the mitigation area on the Landscape Plan. All other symbols are hibernacula and log piles. We were consulted during the design of the area and will ensure it is fit for purpose for supporting the moved reptiles. As you will note this is connected to the wider area and until the adjacent scheme comes forward and delivers its own mitigation any reptiles will have sufficient habitat provision to ensure they are maintained at a favourable conservation status."

[KCC Ecology] Based on this information we are satisfied that the proposed landscaping plan is appropriate.

We advise that the site must be managed appropriately to retain the ecological interest of the site. If planning permission is granted there is a need for simple management plan to be produced if planning permission is granted.

There is suitable habitat for foraging/commuting bats within the site. Therefore, we recommend that any lighting condition requires the lighting plan to demonstrate the recommendations within the Bats and artificial lighting in the UK document (Bat Conservation Trust and Institution of Lighting Professionals) have been implemented."

8. BACKGROUND PAPERS AND PLANS

8.1 The application is supported by the following documents:

- BREEAM Pre Assessment;
- Design and Access Statement
- Heritage Statement and Addendum
- Ecological Assessment;
- Economic and Retail Statement;
- Employment Note
- External Lighting Plan
- Environmental Noise Report;
- Flood Risk Assessment;
- Statement of Community Involvement;
- Sustainability Statement;
- Transport Assessment;
- Travel Plan;
- Landscape Plans,
- Site Layout Plan;
- Elevations and Floorplans.

9. APPRAISAL

Principle of Development

- 9.1 The application site lies within the built-up area boundary, the Queenborough and Rushenden regeneration area (policy regen 2 of the Local Plan) and on land allocated for employment uses (policy A 1 of the Local Plan).
- 9.2 Although the parcel of land subject to this application is an undeveloped greenfield site, the allocation of the land for development, whilst also being located within the built-up area boundary means that the principle of development is accepted.

Site Allocation and Retail Impact

- 9.3 Notwithstanding the points made above regarding the principle of development, as also referred to, the site is allocated for employment uses under policy A 1 of the Local Plan. The policy states that planning permission will be granted for 'B' class employment uses, and notwithstanding that the use classes order was amended on 1st September 2020, this would relate to offices, research and development, industrial processes, general industrial uses and storage and distribution. The application proposes a retail use and as such in

this respect would not accord with the aims of the policy. Having said this, I note the supporting text to the policy at paragraph 6.2.4 which states:

“Recent development has seen the emergence of the area as a retail centre to complement Sheerness town centre, but it is important that any further proposals for retail uses do not undermine the role and retail functioning of the town and other local centres or the role of this site in meeting the Island's (and Swale's) industrial floorspace needs for the plan period.” [my emphasis]

As a result of the above, I am therefore of the view that to understand fully whether the proposal would give rise to unacceptable harm in respect of this policy that the following two issues will need to be assessed:

- whether the introduction of a retail use upon this site would undermine the vitality and viability of existing centres.

- whether the introduction of a retail use on this site would undermine the ability to meet the Isle of Sheppey and Swale's industrial floorspace needs for the plan period.

9.4 In terms of the first point, both the NPPF and policy DM 2 of the Local Plan seek to protect the vitality and viability of existing centres. In terms of the process for assessing this, firstly proposals for main town centre uses should follow a sequential test to assess potential town centre or edge of centre sites, and secondly, where the proposed floorspace is above a certain threshold, include a retail impact assessment to demonstrate what the impact of the retail development would be on the vitality and viability of an existing centre. Policy DM 2 uses the NPPF threshold that a retail impact assessment should be provided if the development exceeds 2,500sqm of gross floorspace.

9.5 A 'Planning, Economic and Retail Statement' was submitted in support of the planning application which includes a sequential approach. The sites and their assessment were as follows (n.b. the definition of 'edge of centre' is within 300m of the primary area – as defined by the Local Plan proposals map):

- Rose Street and Rose Street South Car Parks, Sheerness (edge of centre) – these sites were discounted as they were not available due to being in use as car parks and not suitable as they are too small and dissected by Rose Street. The site is also used for Sheerness Market.
- Cross Street Car Park, Sheerness (edge of centre) – this site was discounted as it is not available due to being used as a car park and is not suitable as it is too small.
- Land at Trinity Road, Sheerness (edge of centre) - this site was discounted as it is not available due to planning permission being granted for residential development and not suitable as it is too small.
- Tesco Car Park, Bridge Road, Sheerness (edge of centre) - this site was discounted as it is not available due to its continued use as the car park for Tesco, regardless that it is considered suitable.

- Arriva Bus Depot, Bridge Road, Sheerness (edge of centre) - this site was discounted as it is not available as it is in continued use as a bus depot and not suitable as it is too small.
 - Existing Aldi store, Millennium Way, Sheerness (edge of centre) – although the site is available on the basis that it is operated by the applicant, the site was discounted because it is too small for the operator’s modern business requirements.
- 9.6 To assess the applicant’s approach to the sequential assessment, a retail consultant (Lambert Smith Hampton (LSH)) was employed to firstly advise on this matter, but also to provide advice in respect of the retail impact of the proposal upon the vitality and viability of existing centres.
- 9.7 Officers considered that the site search parameters in respect of Sheerness and the town centre, in line with policy DM 2 was appropriate.
- 9.8 As advised, LSH were tasked to review the applicant’s Retail Impact Assessment by Planning Potential (PP), and in December 2021 provided Swale Borough Council with their initial findings, and concluded that:
- The Sequential Test had been passed
 - The applicant is seeking permission for a new Class A1 ‘Limited Assorted Discounter’ (‘LAD’) store of 1,933 sqm gross to be operated by ALDI. The proposal will facilitate the relocation of Aldi from its existing store in Sheerness to Neatscourt.
 - Our review has focused on the impact assessment prepared by Planning Potential (‘PP’) on behalf of the applicant and set out in their ‘Planning and Economic Retail Statement’ (‘PERS’). The review has been prepared in the context of national and local plan policy. We have also taken account of other important material considerations (including evidence-based studies).
 - Based upon our detailed review and appraisal of the retail planning evidence submitted by the PP in support of their impact assessment, we have concerns that PP have not fully explored the potential impact of the proposed scheme, particularly in respect to:
 1. the sales densities applied to estimate the uplift in convenience goods floorspace, which we consider to be undervalued.
 2. no attempt to estimate the total comparison goods turnover of the proposed store and associated trade diversion and impact.
 3. no consideration on the potential for the proposed store to draw trade from other centres in the retail catchment through an uplift in market share; and
 4. not undertaking a new assessment on the impact of the proposal on linked trips with town centre businesses.
 - However, the assessment as it stands already points to a significant adverse impact on not just the convenience goods turnover of Sheerness Town Centre, but also its total retail turnover. Therefore, at this stage we recommend that planning permission is

refused on the basis that the proposal would lead to an unacceptable and significantly adverse impact on Sheerness Town Centre in line with para. 90b and 91 of the NPPF. However, we consider that the applicant and PP should be given the opportunity to respond to the comments raised in this appraisal before a final recommendation is made by officers.

- Finally, as the decision-taker in this case the local planning authority will have to apply the planning balance and weigh our advice against any wider impacts and/or benefits arising from the planning application.

9.9 Subsequently, the applicant produced Addendum Reports in May and August 2022, which were again reviewed by LSH, and in October 2022 advised (see section 6 of the report, which is attached in full as Appendix 1 to this Report):

- In LSH's Appraisal we highlighted that Sheerness Town Centre serves an important food shopping role. At the time, the market share evidence from the Swale Borough Council Retail and Leisure Needs Assessment 2018 ('RLNA') showed that convenience goods turnover accounted for 61% of the town's total retail turnover in 2021. PP's updated market share assessment informed by a new HTIS shows that convenience goods turnover accounts a higher proportion of total retail turnover in 2022 at 64%.
- Foodstores have a very important role in supporting footfall in town centres and there are many examples where the loss of foodstore anchors to out of centre locations has undermined the vitality and viability of a town centre.
- We do not accept PP's position that the displacement of Aldi Sheerness's turnover from Sheerness Town Centre does not represent an impact. This turnover or catchment expenditure captured by Aldi forms part of the town's overall economy. It represents retained expenditure that could move between different stores.
- The HTIS has identified linked trips, but only assessed those linked to trips made by respondents who choose Aldi as their first-choice store for main food shopping. It does not take account of linked trips made by other customers and it does not take account of the value that other businesses place on having Aldi as trading partner in the town centre. The relocation of Aldi to an out of centre location some 2.5 miles from the town centre could impact investor confidence in the town centre. The intention for Home Bargains to open in the town centre will provide some mitigation in respect of investor and shopper confidence but it does not have the same brand impact and does not make up for the town centre losing a top four grocery retailer.
- It has been highlighted that based on data contained in the revised RIA in the RA that the relocation of Aldi will result in an impact of a around third on Sheerness' convenience goods turnover even after allowing for potential uplift in town centre turnover from Home Bargains. Given that the majority of town centre's retail turnover is supported by convenience retail it is material to consider impact on the town's convenience turnover separate from total turnover. On that basis we consider that impact associated with the relocation of Aldi to Queenborough Road will have a significant adverse impact on Sheerness Town Centre.
- Turning to impact on total turnover, the level of impact remains significantly high and

reducing only slightly if Home Bargains occupies Aldi's existing unit.

- Aldi has stated their intention to close their store in Sheerness if planning permission is not obtained. While this would still result in an impact on the town center's retained turnover it is reasonable to expect there would be a better opportunity for existing stores in Sheerness to capture Aldi's market share of catchment expenditure than if Aldi relocates to Queenborough Road.
- While Sheerness Town Centre appears to be performing adequately based on the findings of the health check assessment (contained in the PERS), the application is being considered at a time when town centre economies are particularly vulnerable to economic uncertainties. Many businesses are still recovering from the impact on trade from the Government's response to the COVID-19 pandemic, while the cost-of-living crisis and rise in interest rates is impacting household expenditure. Even putting these cautions aside, we consider that the monetary and percentage impact levels on Sheerness's total retail turnover (and particularly more critically on convenience goods turnover) represents a significant adverse impact on consumer choice and threatens the vitality and viability of Sheerness Town Centre.
- Therefore, on balance we recommend that planning permission is refused on the basis that the proposal would lead to an unacceptable and significantly adverse impact on Sheerness Town Centre in line with paragraph 90b and 91 of the NPPF.
- Finally, as the decision-taker in this case the local planning authority will have to apply the planning balance and weigh our advice against any wider impacts and/or benefits arising from the planning application.

Queenborough and Rushenden: Regeneration Area and Queenborough and Rushenden Masterplans

- 9.10 As set out above, the site also lies within the Queenborough and Rushenden Regeneration Area (policy regen 2). The supporting text to this policy sets out that *"Recent development has seen the emergence of the Neatscourt area as a retail centre to complement Sheerness town centre. However, it is important that if further proposals for retail uses are brought forward, they do not undermine the role and retail function of Sheerness town centre and other local centres or undermine the ability of the site to meet the identified needs for industrial floorspace for Sheppey (and the Borough) for the local plan period."*
- 9.11 Considering the assessment carried out above, I have concluded that the proposed development would give rise to significant harm to existing centres (notably Sheerness)
- 9.12 However, the proposal would not give rise to material harm in respect of allowing industrial floorspace needs to be met. The policy itself includes very similar wording where it states, *"proposals will, as appropriate provide, at Neatscourt, commercial floorspace unless this would adversely impact upon the vitality of Sheerness town centre or compromise the achievement of meeting industrial floorspace needs as required for the Local Plan period."* As such, I am of the view that the proposal would be in accordance with this aspect of the policy. There are other matters required to be addressed as part of this policy, such as design, sustainable design and construction, landscaping and

biodiversity which will be explored in further detail below, however, subject to these matters being considered acceptable I can identify no conflict with this policy.

- 9.13 These proposals would also prejudice the Queenborough and Rushenden Masterplans, which do not include retail development.

Visual Impact

- 9.14 Policy CP 4 of the Local Plan requires that development proposals should be of high-quality design, appropriate to their surroundings, deliver safe attractive places, promote / reinforce local distinctiveness, make safe connections, and provide high standard of planting and trees. The NPPF also states that good design “*is a key aspect of sustainable development*”, also setting out amongst other matters that decisions should ensure that developments add to the quality of the area; are sympathetic to local character and history, including the built environment and landscape setting.
- 9.15 Upon submission of the application, I was disappointed with the design of the building on the basis that, in most respects, it was what I considered to be the applicant’s standard approach to new development. The site is prominent in views from public vantage points and is of a scale that it will be readily noticeable. Therefore, I considered that the proposal fell short of the overarching aims of policy CP 4 and the NPPF. My concerns related to how the design failed to respond to the surrounding patterns and form of development including the use of materials, and also how the site responded to the local landscape character. As a result, I informed the agent of my concerns and requested amendments to address these.
- 9.16 Following the above assessment, a significant amount of discussion has taken place between the agent, the applicant’s architect, and Officers. Initially, an attempt was made to justify the development which had been submitted, without seeking to make substantial changes. I was not convinced by the arguments put forward and reiterated that the design should promote local distinctiveness, paying attention to design cues from surrounding built development and the form of the landscape in respect of Furze Hill. I was also of the view that the building should have a horizontal emphasis. Further to detailed discussions regarding this point, a substantial amendment was made to the design of the building. Most noticeably, a curved roof element has been introduced over approximately 40% of the building. The curved roof element is located on the south-western side of the building, and as such will be readily seen when passing the site from the A249, in either direction. I believe that this is appropriate as it relates to existing patterns of development in the vicinity of the site and the landscape character in terms of Furze Hill. In relation to the horizontal emphasis, this has been reinforced by the introduction of vertical coloured banding and is in my view much more responsive to the site context. In respect of materials, a mixture of brickwork and cladding is proposed. I consider this to be appropriate. Overall, I am of the view that the design of the building, based on the amendments received, now performs well in respect of the requirements of both national and local policy, including the requirements for the Queenborough and Rushenden regeneration area as discussed above.
- 9.17 As set out above, aside from the building itself, the site includes a dedicated surface level car park and areas of landscaping. Upon receipt of the original application, I raised

several points in respect of the landscaping details and considered that additional landscaping should be introduced within and around the car park, along the eastern boundary of the main access road and to the rear of the building. I also took the view that some of the species should be amended to reflect the surrounding landscape character more appropriately and to ensure the long-term benefits of the planting.

- 9.18 Several amendments have been made to the landscaping proposals and most of the points raised have in my opinion been addressed satisfactorily. A mixed species native hedge runs around the perimeter of approximately 75% of the store, along the western side of the car park, around much of the ecological mitigation area (discussed in more detail below) and the northern boundary of the site close to access road. There is additional tree planting along the western boundary of the site, close to the store on the eastern boundary and lining either side of the access road providing the route from the existing roundabout to the service area and the car park. There is also a substantial amount of buffer planting close to the boundary with the adjacent residential property. In total 48 trees are proposed along with hedges, buffer planting and wildflowers.
- 9.19 Having said the above, as set out, I did seek additional planting in the car parking and along the boundary of the site adjacent to the A249. Apart from the existing landscaping along the boundary of the site, and a section of proposed hedge adjacent to the boundary of the existing store there is no additional planting in this area. The agent has set out that this is due to the drainage ditch which runs along this part of the site, and the restrictions in terms of planting in this area. Although this would appear to be a reasonable argument, this does leave the site, and in particular the car park quite visually exposed from the south-west. Furthermore, in terms of planting in the car park, there have been a limited number of trees and a landscaping bed introduced. This provides some softening of this hard landscaped area, but I believe that the proposals could have gone further in this regard. The agent's reasoning for not providing more is due to the service margins within the site (gas pipeline and water mains) and the requirement for the below ground drainage attenuation tank. Although this is the case, the car park will introduce a large expanse of hardstanding with limited planting.
- 9.20 Overall, I am of the view that the planting in many parts of the site has been well considered and will provide for both benefits in respect of visual amenities and biodiversity. However, I have identified some harm caused by the areas of the site where I consider that, although quite possibly for understandable reasons, there is a lack of planting. Taking these on balance I believe that the positive aspects of the landscaping outweigh the harm that has been identified. Furthermore, taking the site in respect of the design of the building and the landscaping I believe that many of the aims of local and national policy regarding these issues have been satisfied. Therefore, on balance I consider the proposals to be acceptable in this regard.

Landscape Impact

- 9.21 In terms of landscape Impact, there are Areas of High Landscape Value (AHLV) within close proximity of the applications site, and in this regard, Policy DM24 of the adopted Local Plan seeks to conserve and enhance these valued landscapes; in addition, paragraph 174 of The National Planning Policy Framework establishes the same principles as Policy DM24.

- 9.22 In terms of the impacts of the proposed development upon the AHLV, the site is situated approximately 500 metres to the north of the nearest point of the landscape area. The proposal would therefore have a neutral impact upon the sensitivities of the Areas of High Landscape Value, consistent with the provisions of Policy DM24 of the adopted Local Plan and paragraph 174 of the National Planning Policy Framework.
- 9.23 The proposal has also been assessed against the Swale BC Landscape and Biodiversity SPD as set out in paragraph 5.7 of this Report, as again, is considered to have a neutral impact upon the sensitivities of the *Elmley Marshes*.

Residential Amenity

- 9.24 As set out above, the site wraps around on two sides an existing residential property, known as 'The White House.' The next closest residential property is Neats Court Manor, approximately 85m to the east of the application site and then immediately to the east of this property a further six dwellings fronting Queenborough Road.
- 9.25 The closest part of the proposed foodstore lies approximately 40m from the closest residential property. The foodstore is 9m in height to the highest point of the roof and 5.2m to the lowest part. The lowest part of the roof is the part of the proposed building with the closest relationship to the residential property. However, due to this separation distance I do not believe that the proposal would give rise to harmful impacts in respect of overshadowing or loss of light.
- 9.26 I do note the objection that has been raised in respect of the proposed 1.8m fence along the boundary with the adjacent residential property and that the foot / cycle path should be located further away. The path is located, at its closest point, 4m away from the boundary of the property. The fence is in my view of a standard height. The path, if it was located further away would be located towards the centre of the ecological mitigation area, the location of which has already been agreed in conjunction with the planning permission issued for the neighbouring site. However, I consider the distance, combined with the height of the fence to be sufficient to limit any overlooking opportunities.
- 9.27 An objection has also been raised on the basis that noise levels will be above WHO [World Health Organisation] guidelines and therefore give rise to unacceptable harm. In respect of this issue, a noise assessment has been submitted in support of the application and considers that there are three main noise sources associated with the development. These are car parking activity; fixed mechanical plant noise; and the service area / deliveries. Current noise levels have been measured, which predominately relates to traffic noise from the A249, and an assessment made of the predicted noise levels caused by the activities associated with the development. The conclusion drawn is that the noise from car parking activity will be below both day and night time guidelines, the plant noise could be controlled by condition requiring details and the noise from deliveries will be acceptable if they are restricted to the following hours – Monday to Friday 0600-2300; Saturday and Sunday 0700-2300). In addition to this, a Delivery Management Plan is recommended by the report, to ensure there is no use of tonal reversing alarms, switching off refrigeration units, no use of roll cages and no more than 1 delivery vehicle in the service yard at one time. An acoustic fence, 1.8m in height has also been proposed along the boundary of the site with the adjacent residential property.

- 9.28 To reach a view on the above assessment I have consulted with the Council's Environmental Protection Team. Very careful attention has been paid to the contents of the noise assessment. The conclusions drawn by the Environmental Protection Team are that any permission granted should be subject to a number of conditions, if approved. This will enable the noise elements of the development to be controlled. The conditions relate to construction hours, details of mechanical ventilation, a code of construction practice; details of the acoustic fence; delivery hours and a Delivery Management Plan to include details of the specific measures as set out in the noise assessment.
- 9.29 In terms of the store opening hours, these were not set out when the application was first submitted. I have subsequently discussed this with the agent who has sought opening hours of 8am to 10pm on Monday to Saturdays, Bank Holidays and Public Holidays, and on Sundays, any 6 hours between 10am and 6pm. On this basis I have liaised with the Council's Environmental Protection Team who believe that considering the conclusions of the noise assessment that this would be acceptable. I have also discussed the requested code of construction practice condition with the Council's Environmental Protection Team. I was of the view that several the measures were either unnecessary due to the context of the development (such as a programme for carrying out the work) or would be dealt with by separate consultees (such as surface water).
- 9.30 Considering the above assessment, I am of the view that the proposal, would not give rise to significant harm to residential amenities.

Highway Impacts

- 9.31 Policy DM6 of the Local Plan requires developments that generate significant traffic to include a Transport Assessment with any application. Where impacts from development on traffic generation would be more than the capacity of the highway network, improvements to the network as agreed by the Borough Council and Highway Authority will be expected. If cumulative impacts of development are severe, then the development will be refused.
- 9.32 Policy DM6 also requires developments to demonstrate that opportunities for sustainable transport modes have been taken up. Developments should include provision for cyclists and pedestrians and include facilities for low emission vehicles.
- 9.33 In this case, the application proposes that vehicular access to the site is provided by a new dedicated arm from the Thomsett Way / A249 roundabout. Due to the location of the site, there are potential impacts upon both the local and strategic highway network. As a result of this I have consulted with both KCC Highways & Transportation and Highways England.
- 9.34 In terms of the local road network, further to additional information being provided, as set out in the consultations section above, KCC Highways & Transportation consider that the net effect of the development on the assessed junctions is marginal compared with background growth and committed development.
- 9.35 There was an initial request for an additional pedestrian crossing point being provided across the A249 from this site to the existing retail units at Neats Court, a point which I note that Queenborough Town Council also raised in their objection. However, Highways

England have ruled out this possibility and as such it has not been pursued. There is however provision for a foot / cycle path running from Queenborough Corner to Neats Court Farm. This corresponds with the extent of the link which was agreed by the Chair of Planning Committee and the Ward Members as per the resolution when the proposal was previously reported to Planning Committee.

- 9.36 I also note that the Town Council have objected on the grounds that *“There is no pedestrian crossing in the proximity to any access area, of the planned site.”* I have assumed this to mean to the foot / cycle path on the opposite side of Queenborough Road. I have raised this with KCC Highways & Transportation who do not believe that a controlled crossing is required. The reason for this is due to the levels of visibility along Queenborough Road and the width of the carriageway that uncontrolled crossing is acceptable in respect of highway safety. It should be noted that outside of the planning process it is proposed to reduce the speed limit along Queenborough Road from 40mph to 30mph. This will in my opinion make the situation safer, however, KCC Highways & Transportation have confirmed that even if it were to remain at 40mph, there would still not be a requirement for a controlled crossing from a highway safety perspective.
- 9.37 KCC Highway & Transportation also initially raised the potential for conflict between delivery vehicles and the pedestrian crossing point within the site. However, further details have been provided in that it would take the delivery vehicle less than 1 minute to complete the required manoeuvre impacting upon this part of the site. KCC Highways & Transportation accepted that the occasions upon which pedestrians would have to wait would be limited and were satisfied on this point. Upon first submission of the scheme KCC Highways & Transportation also took the view that the number of parking spaces was acceptable aside from there needing to be an additional disabled space. This has now been provided and as such this element of the scheme is considered acceptable. Upon assessment of the access details, it has also been confirmed that these meet the relevant highway standards in terms of highway amenity and safety.
- 9.38 A discussion has taken place in respect of electric vehicle charging points and KCC Highways & Transportation initially requested that 10% of the spaces are provided with electric vehicle charging points. The applicant’s Transport Consultant disputed this on the basis that Aldi customers usually come from within a 5-minute drive and the length of time that customers are in the car park is not sufficient to make this worthwhile. In addition, it is considered that the power required to supply 10% of the spaces would be in excess of the power supply required for the entirety of the store. As such the applicant’s Transport Consultant considered that the requirement for 10% was unnecessary and unreasonable, and therefore did not meet the tests for a planning condition to be imposed. They were however, prepared to provide 2 electric vehicle charging points. KCC Highways & Transportation agreed with this assessment and recommended a condition on this basis.
- 9.39 Having considered this, I firstly consider Swale’s adopted (May 2020) Parking Standards SPD. This sets out that for non-residential uses, 10% of spaces will be provided with electric vehicle charging facilities. I also recognise that there is technology which allows for faster charging times and that it is reasonable to assume that technology will develop in this respect. On this basis, I believe that this matter could be dealt with via a condition, if necessary and approved.

- 9.40 Overall, I note that KCC Highways & Transportation raise no objection subject to several conditions. On this basis I do not believe that the proposal would give rise to unacceptable impacts upon the safety or amenity of the local highway network.
- 9.41 As stated above, I have also consulted with Highways England. As set out in the consultation section above, there has been a detailed assessment carried out on the impact of the proposal upon the SRN. Highways England have, further to the submission of revised technical information considered that subject to conditions, the impact upon the safety, reliability and operation of the SRN would not be unacceptable.
- 9.42 After Highways England providing their comments, further points of clarification have been required in respect of the ownership of a drainage ditch, close to the boundary with the A249. Further to detailed discussions between the parties it has been confirmed that the ditch lies within the application site (and I have not received an objection from the Lead Local Flood Authority KCC who are the statutory consultee for these matters). Highways England have also requested a condition requiring that no surface water shall run off the site onto the highway or onto any drainage system connected to the highway.
- 9.43 In addition, , Highways England also raised the point that they have maintenance responsibilities in respect of water vole habitat in the ditch referred to above (which it has been confirmed lies within the site boundary). KCC Ecology have assessed this point and consider that although there is evidence of water vole in this ditch, the proposal will result in enhancements. Conditions have been recommended in this respect, in addition to a condition which will require the applicant to carry out the long-term management of the ditch in question. The applicant accepts this requirement. As a result, I am of the view that the relevant consultees have provided the responses necessary for me to conclude that this issue has been satisfactorily dealt with.

Impact upon designated heritage assets

- 9.44 The application site lies approximately 85m away from the grade II listed Neats Court Manor. The listed building is a two-storey dwelling of red brickwork (browns, reds and touches of cream polychromatic brickwork laid in Flemish bond) on an L-shape plan with a red tiled roof with shallow eaves, having two small rooftop chimneys positioned symmetrically to each gable end. The Council has a statutory duty which is also reflected in local and national policies to preserve the setting of the listed building.
- 9.45 A Heritage Statement was submitted in support of the application and having considered the details I was of the view that further information should be provided in respect of the buildings which surround the heritage asset; a visual impact assessment of the development in the context of the heritage assets and further details in respect of whether any of the surrounding buildings are curtilage listed.
- 9.46 The Heritage Statement submitted with the application concluded that the impact upon the setting of the listed building would be 'negligible'. However, based upon the scale, but more importantly the standardised approach to design I considered at this point that the proposal, in line with paragraph 196 of the NPPF, would give rise to 'less than substantial' harm to the setting of the listed building. Based on the above, a response from the agent was provided setting out that not only is the site allocated for large scale employment uses, but land closer to the listed building is also allocated for the same uses. As a result,

the Council has already undertaken a significant assessment as to the principle of development coming forward in these locations in terms of the impact upon the heritage asset.

- 9.47 Although the principle of development on this site is recognised, I remained of the view that the further information set out above should be provided and reiterated this. As a result, an addendum to the Heritage Statement was submitted. This provided more information regarding the buildings surrounding Neats Court Manor, although not to the extent that had originally been requested. Notwithstanding this, the visual impact assessment submitted leads me to conclude that I remain of the view that the proposal would lead to 'less than substantial harm' to the setting of the listed building.
- 9.48 Further to the above, the design of the building and the landscaping has been amended as discussed above. Although, on balance, I believe that the harm has reduced further, I still believe it lies within the definition of 'less than substantial'. As a result, this would, as required by paragraph 196 of the NPPF be required to be balanced against public benefits of the scheme. In relation to this, I believe that whilst the job creation should be given weight in this context, this does not outweigh the "less than substantial harm" to heritage assets locally.

Biodiversity

- 9.49 As described above, the application site is comprised of undeveloped grassland, there are also ditches passing through the site. The ecological information provided demonstrates that several species – water vole; slow worms and common lizards; great crested newts; foraging / commuting bats; breeding and wintering birds; hedgehogs; invertebrates - are either present, or likely to be present within the site. The application site includes a receptor site, intended to provide a joint mitigation strategy for both this site and the adjacent parcel of land (approved under ref 17/501010/FULL) to support any protected species on the site(s). Detailed discussions were held at that time, including with the Biodiversity Officer at KCC who still considers that this approach is acceptable. However, when this application was first submitted, it was noted that there was a discrepancy between the layout of the receptor area as agreed and the site layout for this scheme. As such, further information was required in respect of being able to demonstrate that the proposed mitigation can be implemented.
- 9.50 Further supporting information was provided and set out that the discrepancy has occurred due to the requirement for a footpath within the site (which sits inside the receptor site). As a result of this, further measures, such as additional hibernacula within the receptor site will ensure that although there is a slight reduction in the footprint, it retains the same habitat capacity for the number of species required. This will also allow either this development (or the development on the adjacent site) to come forward independently of one another. The details also set out that there will be enhancements to the ditch adjacent to the A249.
- 9.51 The Biodiversity Officer considers the above approach to be appropriate. In assessing the impact upon the species listed, the view reached is that subject to several conditions, including a management plan, that the impact upon protected species will be acceptably mitigated. As discussed in more detail above, there is also a range of planting proposed

on various parts of the site. As a result, I am of the view that overall that the approach to protected species and landscaping and the resultant impact upon biodiversity will be acceptable in respect of policy DM 28 and the requirements of the NPPF.

Drainage

- 9.52 As stated, the site includes ditches, and it is proposed to infill two of these. This would generally be sought to be avoided, on the basis that it would provide natural drainage features which would also offer other benefits including from a biodiversity and visual perspective. As a result, I note that the Lead Local Flood Authority (LLFA) initially questioned the need for this. The response received was that as the location ecological receptor site was fixed, and the ditches in question were not simply confined to the perimeter of the site, development would be undeliverable on this parcel of land if the ditches were to be retained.
- 9.53 The LLFA accepted this view and having assessed the location of the ditches, although unfortunate, I also consider it to be a reasonable conclusion to draw and note that the ditch being retained is to be enhanced (as discussed in the Biodiversity section above). It should also be noted the LMIDB would need to give their consent (outside of the planning process) for these works, although as per the consultation section above, they do not raise an objection to the proposal. Aside from this, the drainage strategy is to provide permeable paving within the car park and a below ground storage tank. The scheme would also lead to the reduction in off site discharge rates, which the LLFA welcome. It is noted that the LLFA, on the basis of the receipt of further information do not object to the scheme and have requested conditions. As such consider that the proposal is acceptable in this regard.
- 9.54 Southern Water have commented that there is a public water main which crosses the site. They set out the requirements in respect of this and also recommended a condition. On this basis, consider this matter to be satisfactorily addressed.

Sustainable design and construction

- 9.55 Policy DM 19 of the Local Plan sets out that *“All new non-residential developments over 1,000 sq m gross floor area should aim to achieve the BREEAM “Very Good” standard or equivalent as a minimum.”*
- 9.56 A Sustainability Statement has been provided with the application which sets out a number of ways, including building fabric performance; air permeability; ventilation; heating; lighting; re-usable energy and building materials as to how a BREEAM ‘very good’ rating will be achieved.
- 9.57 I have consulted with the Council’s Climate Change Officer who initially considered that information should be provided as to why the ‘very good’ score provided in the pre assessment could not be higher. The agent provided a response setting out that as the land is undeveloped and in an area of higher flood risk, credits are difficult to achieve for these aspects. In addition, the BREEAM requirements changed after the applicant had carried out their own public consultation exercise, which meant that credits were lost as the applicant was working to the previous requirements. As a result, the agent considered that the physical aspects of the building will achieve a higher score than

demonstrated in the statement submitted. On this basis the Council's Climate Change Officer considered the point to have been acceptably addressed. However, to ensure the required 'very good' rating is met, a condition would be needed to require evidence of this in the form of the relevant certification. On this basis I consider that the application is compliant with policy DM 19.

Archaeology

9.58 Although a desk-based assessment was not provided, the KCC Archaeological Officer notes that an assessment has been carried out for the adjacent site which will have similar archaeological potential. As a result of this, and other developments in close proximity a range of important archaeological remains of Bronze Age, Iron Age, Roman, Saxon and medieval date have been identified. Due to this, the KCC Archaeological Officer has advised that a staged programme of archaeological investigation is appropriate and has recommended a condition requiring a programme of archaeological work. As such consider that this matter has been acceptably dealt with.

10. OVERALL PLANNING BALANCE AND CONCLUSION

10.1 In summary, I have been able to identify significant harm in respect of the impact of the development on the vitality and viability of Sheerness town centre, and as set out in the Heritage section above, it is considered that the proposal would cause 'less than substantial' harm to the setting of the listed building, although I believe that as assessed, on its own, this would not be outweighed by the public benefits, including job creation

10.2 The application will, however, very likely lead to the closure of the existing foodstore operated by the applicant at Millennium Way in Sheerness, however, the applicants have lined up a new retailer to potentially take the unit on.

10.3 In concluding, I have been able to identify clear conflict with the adopted local and national policies. I believe that there is some harm caused by the closure of the existing store and the impact upon the setting of the listed building, as identified above, I take the view that the benefits of the scheme, including job creation, would not outweigh these. As a result, having taken all relevant matters into consideration I recommend that planning permission is refused

11. RECOMMENDATION

REFUSE, for the following reasons,

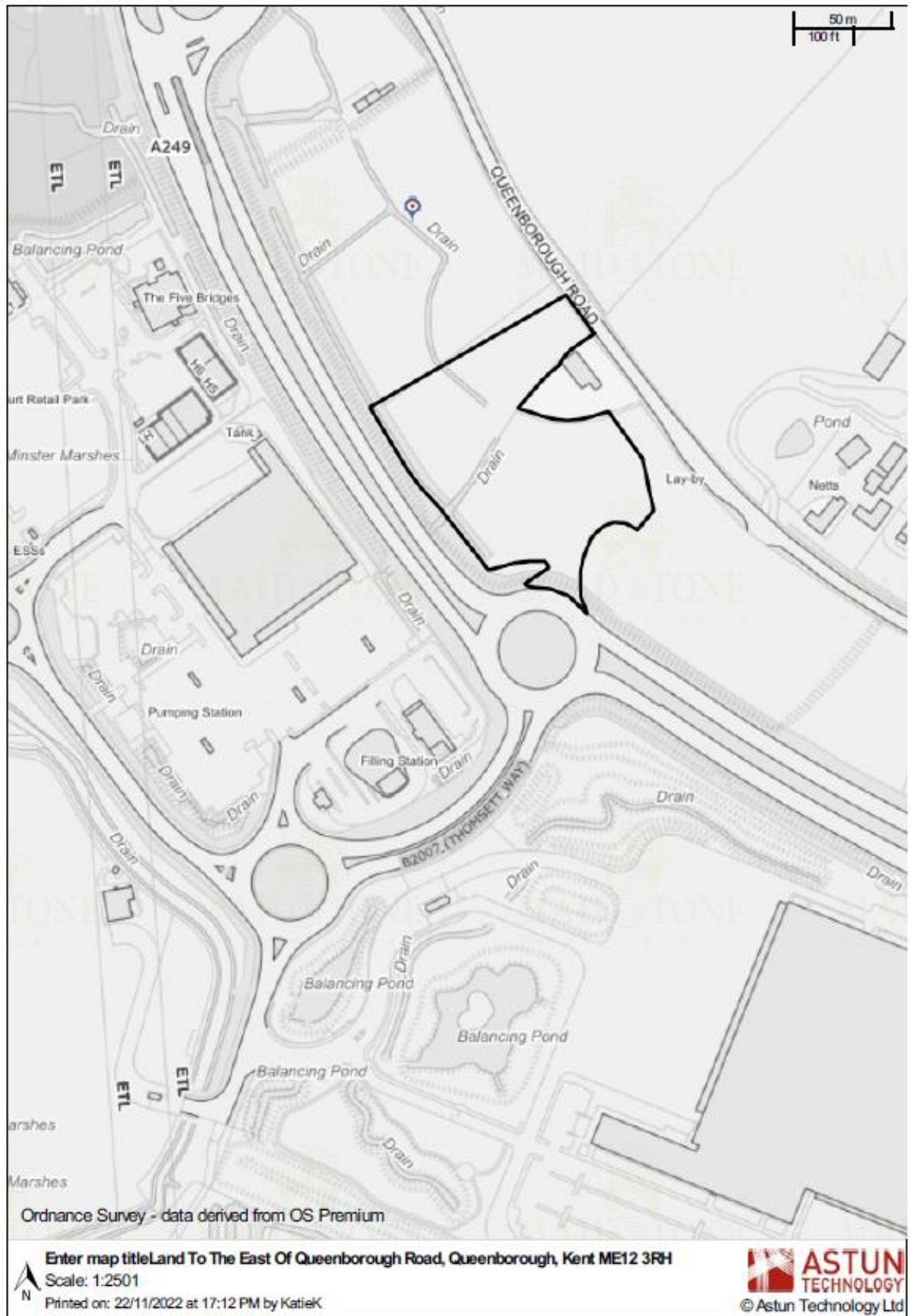
1. The proposal would lead to an unacceptable and significantly adverse impact on Sheerness Town Centre contrary to Policies A1 and DM2 (Parts 4a & b) of the Adopted Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017, and in line with paragraph 90b and 91 of the National Planning Policy Framework 2021.
2. The proposal would result in the "less than substantial harm" to the heritage assets locally in the building included in the List of Special Architectural or Historic Interest as Grade II at Neats Court Manor, contrary to Policy CP 8 (Parts 1 & 2) of the Adopted Development Plan: Bearing Fruits 2031: The Swale Borough Local Plan 2017, together with paragraph 196 & 202 of the National Planning Policy Framework 2021.

The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), February 2019 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

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.





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SENT BY EMAIL ONLY

Your ref: 19/502969/FULL

05 October 2022

Dear Mr Gregory

**RETAIL APPRAISAL: PROPOSED ALDI FOODSTORE, QUEENBOROUGH ROAD,
QUEENBOROUGH (REFERENCE: 19/502969/FULL)**

1. Introduction

- 1.1. This letter sets out LSH's review of additional supporting retail evidence prepared by Planning Potential ('PP') on behalf of the applicant (Aldi Stores Ltd) for the above proposal. The additional evidence was submitted in response to the appraisal ('the Appraisal') undertaken by LSH in December 2021 of the Planning, Economic and Retail Statement ('PERS') that was also prepared by PP and submitted in support of planning application.
- 1.2. LSH's Appraisal of the PERS considered the sequential and impact tests and whether PP had robustly assessed these two tests. The Appraisal concluded that the sequential test was passed but deferred a final view on whether the impact test was passed until further information was provided on key areas of the supporting retail impact assessment.
- 1.3. To recap paragraph 9.3 of the Appraisal, LSH highlighted concerns that PP had not fully explored impact of the proposed scheme, and further clarity and/or further assessment was requested on the following:
 - the sales densities applied to estimate the uplift in convenience goods floorspace, which we consider to be undervalued;
 - no attempt to estimate the total comparison goods turnover of the proposed store and associated trade diversion and impact;
 - no consideration on the potential for the proposed store to draw trade from other centres in the retail catchment through an uplift in market share; and

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- not undertaking a new assessment on the impact of the proposal on linked trips with town centre businesses.
- 1.4. The RIA contained in the PERS assessed impact separately for two different elements: Assessment A) impact associated with the uplift in turnover of the proposed new Aldi store; and Assessment B) impact associated with the diversion of expenditure captured from the existing Aldi at Millennium Way, Sheerness ('Aldi Sheerness') to the proposed new store and the uplift in floorspace (Assessment A).
- 2. Further Evidence**
- 2.1. PP submitted two documents in response to LSH's Appraisal. The first document titled "*Retail Addendum May 2022*" ('RA') sought to respond to the queries highlighted by LSH and was informed by the findings of a new household telephone interview survey (HTIS) commissioned by the applicant and conducted by NEMS market research in March 2022.
- 2.2. The HTIS was focused on a study area that comprised Zones 1A, 1B and 2 of the adopted study area for the Council's retail evidence base; the Swale Borough Council Retail and Leisure Needs Assessment 2018 ('RLNA'). The updated HTIS allows for further consideration of shopping patterns on the Isle of Sheppey and the new survey provided the opportunity to gauge linked shopping trips with food shopping.
- 2.3. An initial review was undertaken by LSH on the RA, which raised further questions by LSH on the methodology employed by PP in their updated assessment of impact. Questions were put to PP via an email (dated 27 June 2022) to you, the case officer. In response, PP submitted a further note titled "*Response to Comments on the Retail Addendum*" in August 2022 ('Response Note').
- 2.4. This review focuses on the evidence presented in the RA and draws on further evidence submitted in PP's Response Note where required.
- 3. New Household Telephone Interview Survey (HTIS) – Key Findings**
- 3.1. We welcome the applicant's decision to commission a new HTIS to provide a more up to date assessment on shopping patterns, which will have taken account of any changes to shopping habits as a result of the COVID-pandemic.
- 3.2. From a review of the HTIS we have noted the following points of relevance to the applicant's proposal and PP's revised RIA:
- Use of Limited Assortment Discounters (e.g. Lidl/ Aldi)*
- 3.3. 72% of respondents in Zone 1a indicated that they currently visit a discounter, while 68% of respondents in Zone 1b (rest of Isle of Sheppey) visit a discounter. Over 85% of respondents in each zone use the Aldi store in Sheerness.
- 3.4. The survey findings indicate Zone 1a and Zone 1b broadly reflects a primary catchment area for Sheerness. Zone 2 makes up a secondary catchment but the findings suggest that residents are primarily visiting Sheerness Town Centre to visit Aldi or are visiting Neatscourt for food shopping.
- 3.5. Aldi Sheerness is chosen by 14.4% of catchment area respondents as their household's first choice destination for main food shopping, increasing to 21.9% of Zone 1a respondents, and

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20.3% of Zone 1b respondents. The store is not as popular with Zone 2 respondents and was not identified as the preferred store for main food shopping.

- 3.6. The most frequently cited reasons given by respondents for choosing the named store as the first choice destination for main food shopping related to the store being 'close to home' and 'lower prices'.
- 3.7. The response to Q04 was filtered down in Appendix 3 of the Response Note August 2022 to identify the main reason why customers choose Aldi, which was revealed to be 'lower prices' and 'value for money'. Compared to responses given by all respondents to this question, proximity to home is not as big a factor for Aldi customers.
- 3.8. Aldi is identified by 19.5% of catchment respondents as a secondary destination for main-food shopping increasing to 28.1% and 23.9% of Zone 1a and Zone 1b respondents, respectively.
- 3.9. In respect to top-up shopping, the survey findings show that Aldi Sheerness is an important foodstore for this form of shopping for respondents in Zone 1a, with close to a third of respondents choosing the store over others. Some 14% of respondents in Zone 1b choose the store for top-up shopping.

Linked Trips

- 3.10. Zone 1a and 1b respondents are more likely than not to undertake linked shopping trips. The most popular type of linked trip is non-food shopping. Respondents from Zone 1b are then more likely to state window shopping/ browsing, while for Zone 1a the second most popular linked trip is further food shopping.
- 3.11. The linked trip activity question indicates that respondents from Zone 1a are more likely to engage in linked trip activities in Sheerness Town Centre, such as non-food shopping, visiting services, visiting food and beverage establishments, and window shopping/browsing. This is further supported in the response to Q06 where it is confirmed that over half (51.7%) of respondents that engage in linked trips do so in Sheerness. Only 3.1% undertake linked trips at Neatscourt.
- 3.12. When we look at the responses for Zone 1b, the evidence suggests that while over a third of respondents choose to carry out linked trips in Sheerness Town Centre, a much higher proportion of respondents (compared to Zone 1a) prefer to do follow on trips at Neatscourt, which reflects a higher propensity of Zone 1b respondents to visit foodstores at Neatscourt. For example, when considering first choice foodstores, over a third of Zone 1b residents choose Morrisons Neatscourt compared to 7.5% from Zone 1a. Similarly, 16.6% of Zone 1b respondents identify Morrisons Neatscourt as their second choice foodstore compared to 6.9% from Zone 1a. Respondents from Zone 1b overwhelmingly access foodstores by car with only 3.4% accessing by foot. In contrast, over a third of respondents from Zone 1a normally travel by foot. It is reasonable to conclude that shoppers who use Aldi as their first choice destination for main food shopping and follow up with trips to Morrisons will be less inclined to visit the town centre. This could establish new patterns of linked food shopping trips whereby those who currently visit Aldi followed by other stores in the town centre will instead do follow up shopping at Neatscourt. In other words, it is natural to expect that shoppers will choose linked trips with other shops that are conveniently accessible and for that reason we

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expect that there will be strong relationship between the proposed Aldi store and shopping facilities at Neatscourt.

Robustness of Survey Sample / Aldi Sheerness Market Share

- 3.13. PP has sought to caveat the robustness of the HTIS by drawing attention to the market shares (responses) identified for Aldi Sheerness, which results in what PP and Aldi consider to be an overestimate of market share derived turnover. PP highlight that the HTIS has a margin of error of 5% meaning that 1 on 20 responses may not be true. NEMS were asked by PP to provide a view on this and their response is set out in Appendix 3 of the RA. Here, NEMS state the very same explanation that is stated in every survey report they produce: *“The standard error can be estimated using statistical calculations based on the sample size, the population size and the level of response measured. To help understand the significance of this error, it is normally expressed as a confidence interval for the results. The usual confidence interval used is 95% - this means that you can be confident that in 19 out of 20 instances the actual population behaviour will be within the confidence interval range.”*
- 3.14. In respect to the new HTIS, NEMS has sought to reconcile PP’s concern that the market share turnover is over estimated, which is based on an alternative turnover level put forward by Aldi. Here NEMS state that taking account of the standard margin of error that Aldi’s market share of responses for identifying the first choice location for food main shopping is somewhere between 10.7% and 18.1% compared to 14.4%, and that there is a 1 in 20 chance that the actual value is outside of this range.
- 3.15. The question of whether Aldi’s main food market share has been over estimated cannot be accurately resolved. However, both the new HTIS and the HTIS that informed the 2017 Study identify a very similar value for survey derived turnover. Thus even considering a 1 in 20 likelihood of error (which could be a value higher or lower than what is identified) and given the evidence available, we consider that the market share data is a more robust method for assessing the store’s turnover. Whilst Aldi has offered an alternative turnover estimation, this can only be appropriately considered if the offered turnover value can be fully scrutinised rather than just a figure simply presented in report.

4. The Value of Linked Shopping Trips

- 4.1. PP has sought to quantify the monetary value of linked trips made by customers visiting Aldi to other businesses in the town centre. PP highlight the difficulty in accurately assessing the value of linked trips, a point that we acknowledge.
- 4.2. The assessment of linked trip value is set out in Table 5.1 in the Response Note. The assessment is based on the following responses identified in the filtered survey data contained in Appendix 3 of the Response Note:
- The response to Q01 identified that 14.4% of the catchment area undertake their main food shop at Aldi Sheerness.
 - The response to Q06 identified that 37.7% of those that visit Aldi for main food shopping combine that with a linked trip.
 - The response to Q07 identified that of those who visit Aldi and combine a link trip 48.4% do their linked trip in Sheerness Town Centre.

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- Based on responses given to Q06 and Q07 of the HTIS PP quantify that 18.2% of Aldi customers undertake a linked trip elsewhere within Sheerness town centre.
- 4.3. These percentage figures are taken as statistics in quantifying the proportion of the catchment population that will be undertaking linked shopping trips (1,780 persons) in 2027 and by applying a mean spend (£25.09 per person), PP estimate a weekly and annual linked trip value of £44,660/week and £2.3m/pa. This value is then incorporated into PP's revised RIA as summarised in Table 5.2 and Table N11 of the Response Note.
 - 4.4. The assessment is an appropriate first step in quantifying the value of linked trips made by Aldi customers to other businesses in the town centre. However, PP's assessment does not represent the full picture on linked trip value as it is only focused on linked trips associated with those whose first preference for main food shopping is Aldi Sheerness.
 - 4.5. As highlighted earlier in this review, 19.5% of respondents from the catchment identified Aldi Sheerness as their second preference store for main food shopping increasing to well over a quarter of respondents from Zone 1a and nearly quarter of respondents from Zone 1b. In respect to top-up shopping, 13.9% choose Aldi as their preferred store increasing to close to a third of respondents from Zone 1a and 14% from Zone 1b. It is therefore reasonable to assume that a proportion of these two customer bases (i.e. those choosing the store as their secondary main food shopping destination and as their primary top up shopping destination) will generate sales for other town centre businesses via linked trips.
 - 4.6. It is unfortunate that the HTIS did not assess the linked trip shopping patterns with those who use Aldi as a secondary main food shopping location and for top-up shopping. In the absence of this evidence, we must conclude that the linked trip value associated with customers visiting Aldi Sheerness and other town centre businesses is undervalued by PP on the basis that the assessment is only based on those who use the store as their first choice location for main food shopping.

5. Revised Impact Assessment

- 5.1. The findings of the HTIS, namely the more up to date shopping patterns are applied to a revised RIA prepared by PP. The shopping patterns have informed the distribution of convenience and comparison goods expenditure which identify a survey share derived turnover for stores and centres across the catchment area (Zones 1a, 1b and 2).
- 5.2. A revised RIA was first contained in the RA which updates the assessment contained in the PERS using the results of the HTIS. The revised RIA also provides an alternative scenario to retail impact based on the potential for current Aldi Sheerness store to be occupied by Home Bargains. Evidence of Home Bargain's interest in acquiring the site was provided to LSH and it is reasonable to assume that the deal will follow through if Aldi cease trading from the site.

Notes on Methodology, Population and Expenditure

- 5.3. The revised RIA contained in the RA at first follows the same approach taken in the original RIA contained in the PERS.
- 5.4. The calculations on catchment population and expenditure are set out in Appendix 4 of the RA. We note that PP has made adjustments to the population by discounting prison

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populations on the Isle of Sheppey, an adjustment that we confirmed to be reasonable with Experian who generated the data on catchment population.

- 5.5. Forecast expenditure per head for convenience retail is derived from Experian MMG3 software for the three catchment zones and is projected to the design year using annual growth rates identified in Retail Planner Briefing Note 19, January 2022.
- 5.6. Available catchment expenditure for convenience goods is split between first and second choice in spend on main and top-up food shopping. The ratios are set out in the note accompanying Table 5 (Appendix 4) of the RA.

Market Share Turnover

- 5.7. On applying market shares identified for main and top up shopping (Table 5, Appendix 4, RA May 2022) to catchment expenditure PP have been able to estimate how expenditure is distributed across the catchment's stores and centres. The monetary values are set out in Table 6, Appendix 4 of the RA and in Table N11 of the Response Note.
- 5.8. Of relevance to this application, the market share assessment identifies a survey derived turnover for Aldi Sheerness of £22.25m in 2022, increasing to £23.23 by 2027. By comparison, PP's estimation of survey derived turnover in 2021 in the PERS RIA which was based on the RLNA 2018 market share data was £20.7m; increasing to £21.5m by 2026. Therefore, we have two different market research data sets that provide very similar turnover estimations and projections for Aldi Sheerness.
- 5.9. Yet, PP and the applicant maintain that the turnover is an over estimate and as previously highlighted PP has sought to query the robustness of the survey data by pointing to inaccuracies in survey data. Instead, PP has offered an alternative turnover estimate for the Aldi store of £14m which is based on a figure promoted by the applicant (Aldi). Without the benefit of scrutinising Aldi's figure on turnover and to ensure the impartiality it is more appropriate to rely on the survey derived data particularly given it is backed up by two household surveys.
- 5.10. Turning to turnover estimates for other stores in the catchment the market share assessment identifies an overall turnover for Sheerness Town Centre of £59.94 in 2022, increasing to £62.66m by 2027.
- 5.11. Out of centre, the market share assessment identifies Neatscourt Retail Park's market share turnover at £26.04m, the majority of which is generated by Morrison. The Retail Park's turnover is projected to increase to £27.19m by 2027. By comparison, turnover estimates provided in PERS, which was informed by the RLNA 2018 market share analysis identified a turnover of £21m in 2021 and £21.8m in 2026, which is broadly in range with the updated market share estimations for 2022 and 2027.

Turnover of the Proposed Extension

- 5.12. PP set out the turnover estimates of the proposed new Aldi store and the uplift in turnover associated with a larger store compared to the current store size in Sheerness. The estimates are set out in Tables 10a to 10c.
- 5.13. The estimated turnover of Home Bargains is estimated in Table 10d, which we return to later in this review.

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Trade Diversion and Impact

- 5.14. PP set out their trade diversion and impact estimates in Table 11 of the RA for convenience goods turnover and in Table 12 for comparison goods turnover. The calculations in both tables take account of expenditure captured by Home Bargains trading from the Aldi Sheerness site. LSH raised queries on how the trade diversion and impact was quantified in this table, which we considered difficult to verify.
- 5.15. In response, PP provided another version of the trade diversion and assessment table for convenience goods turnover, which excluded the Home Bargains scenario. The assessment is contained in Table N11 of the Response Note.
- 5.16. For ease, we have considered Table N11 first.
- 5.17. As was estimated in the original RIA contained in the PERS, PP have stripped out convenience goods turnover in Table N11 that was previously identified for Aldi Sheerness and have repositioned this turnover to out of centre. They then revise Sheerness's turnover to allow for 15% of Aldi's turnover to be redistributed to other stores in the town centre. This is the same approach taken in the PERS RIA.
- 5.18. This revised turnover in 2027 for Sheerness Town Centre (£42.91m) identified in Table N11 serves as the benchmark for assessing impact associated with the proposed scheme.
- 5.19. PP have assessed the impact of the Aldi store based on two elements:
- Assessment A) the impact associated with the difference in floorspace between the existing and proposed Aldi store; and
 - Assessment B) the impact associated with Assessment A and the reduction in convenience goods turnover that would occur with the relocation of Aldi to Queenborough Road.
- 5.20. The resulting impacts for the revised assessments identified by PP in Table N11 (Appendix 1) of the Response Note are summarised below, and focus on Sheerness Town Centre only:
- Assessment A (impact from additional floorspace for proposed Aldi): -2.9%
 - Assessment B (impact from loss of retained town centre expenditure): -48.31%
- 5.21. On testing the impact figures in a replica retail model we have identified an error in how PP calculate impact. PP appear to calculate impact as the reduction of the post development turnover. The correct approach is to calculate impact based on the pre-development turnover.
- 5.22. We have set out a revised impact table based on the Assessment B approach (impact from uplift in floorspace for proposed Aldi and displacement of existing Aldi turnover) in the accompanying Appendix A. The assessment is informed by figures quoted for various assessment variables in PP's evidence documents. The following impacts are identified for Sheerness (excluding Home Bargains and loss of turnover associated with linked trips):
- Impact on Sheerness Convenience Goods Turnover: -33.1%
 - Impact on Sheerness Comparison Goods Turnover: -6.7%
 - Impact on Sheerness Convenience Goods Turnover: -23.3%

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- 5.23. The impact figures are considerably lower than those identified by PP and on which we appraised PP's previous RIAs. Nonetheless, the levels of impact identified are still significantly high in terms of percentage values.

Home Bargains Scenario

- 5.24. In a considering the potential for Home Bargains to mitigate impact from the relocation of the Aldi store we have taken turnover data identified in the RA RIA and factored this into the trade diversion and impact assessment set out in Table N11 of the Response Note.
- 5.25. PP set out Home Bargain's turnover in Table 10c (Appendix 4) of the RA. Here, Home Bargain's turnover is estimated to be £5m in 2027 of which £2.25m (45%) is assumed to be generated from convenience goods sales and the remainder (£2.75m/ 55%) generated by comparison goods sales. Turnover is based on an equivalent sales density of £5,112.47/sqm.
- 5.26. It should be noted that the turnover generated by Home Bargains will not equate to additional retained expenditure for the town centre. This would only be the case if Home Bargains was able to generate 100% of its turnover from new customers coming to the town centre and/or expenditure clawed back from out of centre retailers and the relocated Aldi store. Instead, LSH has assumed that 70% of the store's turnover would be drawn from other discount convenience and comparison goods retailers in the town centre, notably Iceland and Poundstretcher. The remaining 30% would be drawn from comparable out of centre retailers at Neatscourt Retail Park, such as B&M and Poundland. This 30% of turnover would be treated as additional new turnover for town centre.
- 5.27. PP states in the RA the potential for Home Bargains to retain expenditure captured by Aldi. However, given that Home Bargains has an assessed convenience good floorspace footprint of 440 sqm net sales (akin to convenience store) and focuses on store cupboard goods the potential to capture market share expenditure will be very limited.
- 5.28. The revised RIA contained in the RA takes account of the Home Bargains store, however, LSH has been unable to verify a number of the calculations in the assessment table. It should be noted that there is some divergence in turnover figures quoted in Table 11 of the RA May 2022 and Table N11 of the Response Note.
- 5.29. Instead, LSH has modelled the Home Bargains scenario using figures quoted in Table 5.2 and Table N11 (Appendix 1) of the Response Note. We have then relied on the impact assessment tables for comparison goods turnover contained in Table 12, Appendix 4 of the RA.
- 5.30. Even when the town's convenience turnover is uplifted by Home Bargains capture of Aldi turnover this has a minimal impact on mitigating the impact of the store's relocation in percentage impact terms.
- 5.31. Based on our assessment, the Home Bargains scenario will only reduce the impact of Aldi's relocation to Queenborough on Sheerness' convenience goods turnover by less than half a percentage point; reducing from -33.1% to -32.7%. Against total retail turnover, impact reduces from -23.3% to -22.9%.
- 5.32. If PP's estimations on the loss of linked trips are included then total town centre impact increases to -25.6% reducing to -25.2% if Home Bargains opens. As highlighted before, the

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value for loss of linked trips is likely to be higher as PP has not assessed the value of linked trips generated for all Aldi customers.

6. Interpretation of Impact

- 6.1. In LSH's Appraisal we highlighted that Sheerness Town Centre serves an important food shopping role. At the time, the market share evidence from the RLNA 2017 showed that convenience goods turnover accounted for 61% of the town's total retail turnover in 2021. PP's updated market share assessment informed by a new HTIS shows that convenience goods turnover accounts a higher proportion of total retail turnover in 2022 at 64%.
- 6.2. Foodstores have a very important role in supporting footfall in town centres and there are many examples where the loss of foodstore anchors to out of centre locations has undermined the vitality and viability of a town centre.
- 6.3. We do not accept PP's position that the displacement of Aldi Sheerness's turnover from Sheerness Town Centre does not represent an impact. This turnover or catchment expenditure captured by Aldi forms part of the town's overall economy. It represents retained expenditure that could move between different stores.
- 6.4. The HTIS has identified linked trips, but only assessed those linked to trips made by respondents who choose Aldi as their first choice store for main food shopping. It does not take account of linked trips made by other customers and it does not take account of the value that other businesses place on having Aldi as trading partner in the town centre. The relocation of Aldi to an out of centre location some 2.5 miles from the town centre could impact investor confidence in the town centre. The intention for Home Bargains to open in the town centre will provide some mitigation in respect of investor and shopper confidence but it does not have the same brand impact and does not make up for the town centre losing a top four grocery retailer.
- 6.5. It has been highlighted that based on data contained in the revised RIA in the RA that the relocation of Aldi will result in an impact of a around third on Sheerness' convenience goods turnover even after allowing for potential uplift in town centre turnover from Home Bargains. Given that the majority of town centre's retail turnover is supported by convenience retail it is material to consider impact on the town's convenience turnover separate from total turnover. On that basis we consider that impact associated with the relocation of Aldi to Queenborough Road will have a significant adverse impact on Sheerness Town Centre.
- 6.6. Turning to impact on total turnover, the level of impact remains significantly high and reducing only slightly if Home Bargains occupies Aldi's existing unit.
- 6.7. Aldi has stated their intention to close their store in Sheerness if planning permission is not obtained. While this would still result in an impact on the town centre's retained turnover it is reasonable to expect there would be a better opportunity for existing stores in Sheerness to capture Aldi's market share of catchment expenditure than if Aldi relocates to Queenborough Road.
- 6.8. While Sheerness Town Centre appears to be performing adequately based on the findings of the health check assessment (contained in the PERS), the application is being considered at a time when town centre economies are particularly vulnerable to economic uncertainties. Many businesses are still recovering from the impact on trade from the Government's

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response to the COVID-19 pandemic, while the cost of living crisis and rise in interest rates is impacting household expenditure. Even putting these cautions aside, we consider that the monetary and percentage impact levels on Sheerness's total retail turnover (and particularly more critically on convenience goods turnover) represents a significant adverse impact on consumer choice and threatens the vitality and viability of Sheerness Town Centre.

- 6.9. Therefore, on balance we recommend that planning permission is refused on the basis that the proposal would lead to an unacceptable and significantly adverse impact on Sheerness Town Centre in line with paragraph 90b and 91 of the NPPF.
- 6.10. Finally, as the decision-taker in this case the local planning authority will have to apply the planning balance and weigh our advice against any wider impacts and/or benefits arising from the planning application.
- 6.11. I trust our advice set out in this letter is clear. However, if you do require further clarification and/or advice please do not hesitate to me directly.

Yours sincerely,

A black rectangular redaction box covering the signature of Bláthnaid Duffy.

Bláthnaid Duffy
Director, Planning

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Appendix A



Table 1: LSH Impact Assessment - Development Scenarios

	Updated Turnover 2027 (£m)	Trade Diversion - Uplift in Floorspace (Assessment A) (£m)	Existing Aldi Turnover (£m)	15% Aldi Turnover Retained by stores in Sheerness (£m)	Trade Diversion - Relocation of Aldi Turnover (£m)	Total Trade Diversion - Uplift & Relocation (Assessment B) (£m)	Impact Assessment B	Linked Trips Diversion ('LTD') (£m)	Total Trade Diversion incl LTD (£m)	Impact Incl Linked Trips
Development Scenario - Excluding Home Bargains Opening										
Convenience goods turnover	62.66	0.98	23.23	3.48	19.75	20.73	-33.1%			
Comparison goods turnover	37.27	0.81			1.70	2.51	-6.7%			
Total retail turnover	99.93	1.79			21.45	23.24	-23.3%	2.3	25.54	-25.6%
Development Scenario - Including Home Bargains Opening										
Home Bargains convenience goods turnover	2.25									
LSH assume 70% diverted from existing stores	1.58									
LSH assume 30% diverted from elsewhere (new turnover)	0.68									
Revised Convenience Goods Turnover (Incl HB turnover)	63.34					20.73	-32.7%			
Home Bargains comparison goods turnover	2.75									
LSH assume 70% diverted from existing stores	1.93									
LSH assume 30% diverted from elsewhere (new turnover)	0.83									
Revised Comparison Goods Turnover (Incl HB turnover)	38.10					2.51	-6.6%			
Total retail turnover (Incl HB turnover)	101.43					23.24	-22.9%	2.3	25.54	-25.2%

Assessment A trade diversion figure quoted by PP in Table 4.1 and Table N11 (Appendix 1), Response Note August 2022 and Table 3.1 in note.

Sourced from Table 5.2, Response Note August 2022.

Sourced from Table 3.1, Retail Response August 2022, and Table 10c (Appendix 4), Retail Addendum May 2022

Sourced from Table 3.1 and Table 5.2, Response Note August 2022.

Sourced from Table 5.1, Response Note August 2022

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PLANNING COMMITTEE – 8 DECEMBER 2022

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Meadow View Park Irwin Road Minster**

**APPEAL DISMISSED
COSTS REFUSED**

DELEGATED REFUSAL

Observations

A good decision where the Inspector agreed with the Council that the site was not suitable as a residential park homes site due to its location within Flood Zone 3 and a Coastal Change Management Area. The Inspector also identified harm and conflict with local plan policy through the loss of a tourism facility, albeit he did not consider this would have a harmful economic impact. The Inspector acknowledged that an interim planning policy on park homes had been adopted by the Council, but that this only carried limited weight as a material consideration and did not override national or locally adopted policies. An application for costs made by the appellant was refused.

- **Item 5.2 – Unit A Howt Green Sheppey Way Bobbing**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

A good decision where the Inspector agreed with the Council's main case that the site was in an unsustainable location for residential development and that the loss of commercial floorspace had not been justified.

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Appeal Decision

Site visit made on 2 November 2022

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/V2255/W/21/3287086

Meadow View Park, Irwin Road, Minster On Sea, ME12 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Boswell Park Homes against the decision of Swale Borough Council.
 - The application Ref 20/505122/FULL, dated 29 October 2020, was refused by notice dated 17 May 2021.
 - The application sought planning permission for the stationing of 37 static caravans including associated hardstanding and landscaping without complying with conditions attached to planning permission Ref 18/506323/FULL, dated 3 June 2019.
 - The conditions in dispute are Nos 3, 4 and 5 which state that:
 - 3) No caravans or chalets shall be occupied except between 1st March and 2nd January in the following calendar year, and no caravan or chalet shall be occupied unless there is a signed agreement between the owners or operators of the Park and all caravan or chalet owners within the application site, stating that: (a) The caravans and chalets are to be used for holiday and recreational use only and shall not be occupied as a sole or main residence, or in any manner which might lead any person to believe that it is being used as the sole or main residence; and (b) No caravan or chalet shall be used as a postal address; and (c) No caravan or chalet shall be used as an address for registering, claiming or receipt of any state benefit; and (d) No caravan or chalet shall be occupied in any manner, which shall or may cause the occupation thereof, to be or become a protected tenancy within the meaning of the Rent Acts 1968 and 1974; and (e) If any caravan or chalet owner is in breach of the above clauses their agreement will be terminated and/or not renewed upon the next expiry of their current lease or licence. On request, copies of the signed agreement[s] shall be provided to the Local Planning Authority.
 - 4) Any caravan or chalet that is not the subject of a signed agreement pursuant to condition 2 shall not be occupied at any time.
 - 5) The owners or operators of the Park shall at all times operate the Park strictly in accordance with the terms of the Schedule appended to this decision notice. The reason given for the each of the conditions is: In order to prevent the caravans from being used as a permanent place of residence, in pursuance of policies St1, DMS, and DM14 of the Swale Borough Local Plan 2017.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. The application for costs made by the appellant against the Council is the subject of a separate decision.

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/V2255/W/21/3287086

Preliminary Matters

3. The appeal site is a static holiday caravan site that has been in use for many years and operates under the terms of the planning permission granted in 2019. It is proposed to remove conditions attached to that permission which limit the use to holiday accommodation and not as a person's main home or registered address and also limit occupation to 10 months of the year. The effect would be that the units could be occupied for residential purposes all year round. Therefore the proposal is for 37 permanent park homes.

Main Issues

4. These are:
 - Whether the proposed development would be in a suitable location having regard to the risk of flooding and the effect on a Coastal Change Management Area;
 - The effect of the proposal on the tourism industry and the economy of the Isle of Sheppey; and
 - The effect on the integrity of the Medway Estuary and Marshes Special Protection Area (SPA).

Reasons

Flood risk

5. The National Planning Policy Framework establishes that development should be directed away from areas at highest risk of flooding. Where development is necessary in such areas then it should be made safe for its lifetime. Policy DM21 of the Swale Borough Local Plan reiterates national policy. The appeal site is within Flood Zone 3 where there is a high probability of flooding.
6. As part of the appellant's sequential test 310 sites were reviewed. No potential alternatives for the proposed residential park homes were identified. The Council suggests that further sites may come forward through the call for sites associated with the on-going Local Plan review. However, nothing reasonably available has been referred and the methodology and findings of this document have not been challenged.
7. Even if it is not possible for the development to be located in an area with a lower risk of flooding, the exception test also needs to be applied. Park homes intended for permanent residential use are classified as Highly Vulnerable in Annex 3 of the Framework. Table 2 of the Planning Practice Guidance (PPG) on *Flood risk and coastal change* indicates that such development should not be permitted within Zone 3 and the proposal is therefore incompatible with this flood zone. This position is not altered if the exception test is satisfied.
8. The flood modelling indicates that the majority of the site would be unaffected up to and including the 1 in 200 year defended event, including an allowance for climate change. In this scenario two plots in the south-west corner would be liable to flood to a maximum depth of about 330mm. However, all homes would be raised 800mm above ground level. Similar results are predicted for the 1 in 200 year (2016) defence breach flood event. Furthermore, in the 1 in 200 year defended event in the present-day epoch (2016), the site is not predicted to flood.

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9. However, although the appeal site benefits from coastal flood defences, neither their existence, nor the predicted impact of flood events nor the use of a flood evacuation plan affects the inherent unsuitability of the proposed use within Flood Zone 3.
10. In June 2020 the Council adopted a new interim planning policy which outlined how planning applications for park homes across the Borough would be considered. This followed consultation with operators to establish if there was demand for 12 month occupancy. One of the criteria was that if a site is within an area at high risk of flooding, the risks must be mitigated through design solutions to the satisfaction of the Environment Agency. This policy was taken forward as draft Policy DM18 in a pre-submission consultation on the Local Plan review which commenced in February 2021.
11. However, the Council decided not to proceed with this version of the draft Plan but has undertaken further consultation on issues and options with a view to producing a further draft Plan. It is unclear whether the Council anticipates that a specific policy for park home sites will be progressed. Nevertheless, because of its informal status and as the previous draft Local Plan is not being pursued, the interim policy can only have limited weight as a material consideration. These findings broadly concur with those of the Inspector in the Plough Leisure Caravan Park appeal (Ref: APP/V2255/W/21/3277288).
12. Consequently this interim policy does not justify an exception to national policy which establishes that the proposal is objectionable in principle.
13. The appellant also refers to a decision from Chelmsford in 2014 where park home development was permitted in Flood Zone 3 notwithstanding Environment Agency objections. An isolated example such as this does not represent a good reason to set aside the provisions of the Framework.
14. Based on the evidence provided, the actual risk of flooding affecting future occupiers of the development is not great given the defences in place. Nevertheless, the additional occupation proposed would occur in the winter months when the likelihood of flooding events is at its highest. Furthermore, national policy in the Framework, which is reflected in the Local Plan, seeks to avoid flooding issues occurring by adopting a strict approach to the location of this type of development. There is no good basis to depart from this at Meadow View Park.
15. The appeal site is also within a Coastal Change Management Area (CCMA) as defined in the Local Plan. The Framework establishes that plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas. Local Plan Policy DM23 sets out the type of development that will be granted permission within the CCMA but this does not include residential park homes. Furthermore, the PPG advises that permanent new residential development (including through change of use) will not be appropriate within a CCMA. These considerations reinforce the objection on flooding grounds.
16. Therefore the proposed development would not be in a suitable location having regard to the risk of flooding and the effect on a CCMA. It would be contrary to Policies DM21 and DM23 and is not justified by any of the other considerations put forward in this respect.

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Tourism and the economy

17. Local Plan Policy CP1 on building a strong, competitive economy seeks to safeguard or enhance Swale's 'Principal Tourism Assets' which includes holiday parks. It also aims to consolidate or widen the Borough's tourism potential. Support for the existing tourism offer is reiterated in Policy ST6 which contains the Isle of Sheppey area strategy. Policy DM3 establishes that planning permission for residential development will not be permitted where this would reduce the potential for rural employment. However, the existing caravan park is not an employment site as such.
18. Nevertheless, holiday parks provide direct employment and their users support shops, pubs, restaurants and visitor attractions. That said, residents of the proposed park homes would also spend money locally on goods and services and there is no evidence that expenditure would be less than at present. There is therefore no clear economic objection to the proposal.
19. The tourism industry is particularly significant for Sheppey with the island containing the largest concentration of holiday parks in Kent and also around 2% of the United Kingdom total. It is estimated that there are some 7,000 chalets and caravans on Sheppey so that the loss of 37 units would have a negligible overall impact. It is also suggested that the management does not allow the hiring out of caravans for holiday or recreational use and so the benefits for wider tourism are currently modest. There are no on-site leisure facilities but the site is well placed to access the sea and local services and despite its comparatively small size there is no evidence that it is not viable.
20. The loss of a holiday park to another use would run counter to the general strategies that seek to promote and increase tourism. Accepting the proposal would also send a message to other operators that similar changes may be possible elsewhere and so potentially dilute the wider value of the tourism sector. However, there are no specific policies that directly oppose the loss of existing static holiday caravan sites. As the actual harm to the tourism sector arising from the proposal would be limited the objection relates solely to the conflict with the broad thrust of relevant policies and is not a strong one.
21. Policy DM5 provides that planning permission will not be granted for the permanent occupancy of caravans and chalets in order to secure a sustainable pattern of development and to protect the character of the countryside. Given the location of the site and the existing permitted use, no objections are raised in either of these respects. Nevertheless, the breach of the specific terms of the policy also counts against the proposal.
22. The appeal decision at Harts Holiday Park is not directly comparable as it sought occupation of the holiday park for 11 and a half months of the year (Ref: APP/V2255/W/16/3165477). The decision in the Beverley Caravan Park appeal is somewhat dated and the concern was that all year round occupancy would be contrary to policy objectives of limiting new residential development to sustainable locations and protecting the character and appearance of the countryside (Ref: APP/V225/A/11/2143536/NWF). None of those objections apply in this case.
23. At the end of the day, the loss of holiday accommodation would be contrary to the Council's aspirations in Policies CP1 and ST6. There would also be conflict with the terms of Policy DM5. There is no objection purely on economic

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grounds. The effect of the proposal on the tourism industry would nonetheless be a negative one but the actual impact of this would be limited.

Integrity of the SPA

24. The Medway Estuary and Marshes SPA provides habitats for overwintering birds. Because the appeal site is within 6km of the SPA, the proposal has the potential to affect its features of interest. In combination with other development in Swale, the year round residential use of 37 caravans would be liable to lead to increased recreational disturbance compared to holiday occupation for 10 months of the year. There would therefore be a likely significant effect on the SPA. To mitigate this impact the Council expects that a financial contribution is made.
25. The appellant does not wish to avoid payment but there is no mechanism in place to achieve this should planning permission be granted. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPA. Moreover, in these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matters

26. The Council cannot demonstrate a five year housing land supply. As at spring 2021 this was equivalent to 4.6 years. However, paragraph 182 of the Framework confirms that the presumption in favour of sustainable development, set out in paragraph 11, does not apply in cases such as this, where it has been concluded that the plan or project would adversely affect the integrity of a habitats site. Furthermore, the proposal would be within an area at risk of flooding and this provides a clear reason to refuse the development proposed. Therefore the presumption does not apply for that reason too.
27. Nonetheless, the proposal would provide low cost housing contributing to the shortfall in supply. If occupation were age restricted, the park homes would meet the needs of older people as referred to at paragraph 62 of the Framework. The standard of the homes would be higher than that for caravans and would meet the specifications of BS 3632. The site is also well located for local amenities and access to public transport. All of these considerations favour the proposal.
28. The Council seeks financial contributions towards a range of services including education, community learning, youth services, libraries, social care, waste and bins. This is on the basis that permanent residential occupiers would use them but current occupiers do not. However, the 'take up' of the various services may not necessarily be zero at present. For example, if occupation were limited to over 55s by condition, then it is unlikely that those living at Meadow View Park would require education or youth services. However, as the appeal is to be dismissed, there is no need for further consideration to be given to this matter or firm conclusions reached.

Conclusions

29. The permanent accommodation proposed would not be in a suitable location having regard to the risk of flooding and the effect on a CCCMA. There would also be a limited adverse impact on the tourism industry. The benefits associated with 37 park homes for residential occupation do not override these objections. In particular, in meeting the challenge of flooding, national policy is

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clear that risks should be avoided. Furthermore, the proposal would adversely affect the integrity of the SPA. This is an overriding consideration.

30. Therefore, the proposed development would not accord with the development plan and there are no other material considerations which outweigh this finding. So, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR



Costs Decision

Site visit made on 2 November 2022

by **David Smith BA(Hons) DMS MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **14 November 2022**

Costs application in relation to Appeal Ref: APP/V2255/W/21/3287086 Meadow View Park, Irwin Road, Minster On Sea, ME12 2DB

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Boswell Park Homes for a full award of costs against Swale Borough Council.
 - The appeal was against the refusal planning permission for the stationing of 37 static caravans including associated hardstanding and landscaping without complying with conditions attached to planning permission Ref 18/506323/FULL, dated 3 June 2019.
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Decision

1. The application for an award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. As explained in the appeal decision, the Council introduced an interim planning policy in June 2020 which outlined how it would consider planning applications for park home sites across the Borough. A similar policy was included in the pre-submission consultation on the draft Local Plan Review which commenced in February 2021. However, the Council subsequently decided not to proceed with that version of the draft Plan.
4. The report to the Council meeting in June 2020 explained that the interim policy would not have the full weight of adopted local plan policy but would nonetheless be a material consideration of some weight. The appellant indicates that information and news updates about the interim policy were all over social media and the Council's website. It is therefore understandable that the Council was seen as taking a positive approach to park home development, including in areas at high risk of flooding.
5. The Council was nevertheless perfectly entitled to bring forward an informal policy in response to issues identified in relation to, amongst other things, the affordability of housing in the Borough and the absence of a five year housing land supply. At the time the application was determined in May 2021, the park homes policy was included as Policy DM18 of the draft Local Plan. The delegated report refers to its status and it was technically correct that the policy should attract little weight when deciding the application. However, it seems strange that the Council gave it so little importance when considering

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the application, especially given that it was promoting the policy with the intention of supporting proposals for park homes.

6. The policy is no longer part of the draft Local Plan as progress on its preparation has been halted. Furthermore, the Council has explained its objections to the proposed development with regard to policies in the adopted development plan. Whilst it is possible to appreciate the applicant's disquiet about the way that the planning policy landscape changed after June 2020, there was no unreasonable behaviour. Rather what occurred was an evolution of policy, a change of tack on the draft Local Plan and a legitimate balancing of the interim policy against the development plan.
7. Given the way that events unfolded, it was reasonable for the Council to give primacy to the Local Plan over the interim policy. Therefore, a costs award is not warranted.

David Smith

INSPECTOR



Appeal Decision

Site visit made on 2 November 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2022

Appeal Ref: APP/V2255/W/21/3284794

Unit A, Howt Green, Sheppey Way, Bobbing, ME9 8QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Brian Nash against the decision of Swale Borough Council.
 - The application Ref 21/501972/FULL, dated 9 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is change of use from Class B8 (storage and distribution) to Class C3 (residential) – as required for the conversion of extg storage unit to create 1 nos 3 bedroom dwelling with associated access and parking.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - Whether the proposed dwellings would be in a suitable location having regard to relevant development plan policies;
 - The effect on the provision of commercial floorspace within the Borough;
 - Whether future occupiers would have satisfactory living conditions having regard to the proximity of existing commercial uses; and
 - The effect on the integrity of the Medway Estuary and Marshes Special Protection Area (SPA).

Reasons

Location

3. The appeal site comprises a commercial unit at the end of a row of 4 similar units. It is served by an access from Sheppey Way. There are also houses and other industrial uses behind the frontage development along the main road. It is proposed to convert the premises to a 3-bedroom dwelling involving significant external alterations and an increase in the roof height.
4. The new dwelling would be outside of any built-up area boundaries. This is where development will not generally be permitted according to Policy ST3 of the Swale Borough Local Plan. Policy CP3 also indicates that homes will be steered towards the locations identified in Policy ST3 which focuses on the main urban centres in the Borough. The proposal involves the re-use of an existing building and there would be no adverse impact on the countryside.

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However, this is not a location that is favoured for new housing as part of the spatial strategy and this counts against the proposed use.

5. There is a small cluster of development at Howt Green but it is not near day-to-day services and facilities. The Council indicates that schools and supermarkets are a minimum of 1.3km from the appeal site. There is a bus stop along Sheppey Way but services are infrequent. Kemsley railway station is a 15 minute walk away but the route is via an isolated rural footway and cycle path that is unlikely to be attractive in the dark.
6. The map in the Local Plan shows the site to be within an area that is accessible to most or all services. However, this is indicative and is based on distances 'as the crow flies'. The reality is that future occupiers would be separated from Sittingbourne by the A249 and there is no continuous footpath to Iwade to the north. Because of these factors it is likely that future occupiers would be reliant on private vehicles for most trips. As a result the proposal would not fulfil the aim of Policy CP2 of promoting sustainable transport as there would be very limited access to modes other than the car.
7. As noted in the Local Plan, the distinction between built up development and open countryside may sometimes be blurred. However, the appeal site is beyond the defined built up area boundary. It is not well related to destinations that are likely to be visited frequently so they are most likely to be accessed by car. Consequently the proposal would not be in a suitable location having regard to relevant development plan policies. In turn, it would not accord with Policy ST1 which seeks to deliver sustainable development by, amongst other things, expecting that the settlement strategy is adhered to.

Commercial floorspace

8. Local Plan Policy DM3 stipulates that planning permission for residential development will not be permitted where this would reduce the potential for rural employment and/or community facilities. This is unless the building is demonstrated as having no demand for such purposes. The supporting text indicates that evidence of demand should include the results of efforts made to market the building and that it is neither viable nor likely to become viable.
9. The current use of the building is limited to storage and previous applications for use within Class B1 and retail have been refused due to the proximity to dwellings. Therefore, the scope for alternative commercial uses may be limited. Nevertheless, the policy approach prioritises the retention of employment and community uses over and above residential. There is no evidence of whether there is any demand for the activities supported by the policy so that converting to residential is not obviously a logical outcome.
10. The unit is small and so the overall consequences for commercial floorspace within the Borough would be limited, albeit negative. Nevertheless, accepting the residential use without any indication that Unit A is now surplus to requirements would harmfully dilute the intentions of Policy DM3. The proposal would be contrary to it and is therefore objectionable in this respect.

Living conditions

11. The proposed dwelling would be immediately adjacent to the remaining three units to the north as well as the other businesses to the south that are also served by the access road. The National Planning Policy Framework refers to

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the need to prevent new development from being put at unacceptable risk from unacceptable levels of noise pollution. In this location there is potential for noise and disturbance to be caused that would be disruptive to future occupiers of the proposed dwelling, including traffic generated along the access road.

12. However, there is nothing to suggest that the use of the adjoining commercial units is anything other than low-key. Equally there is already a close relationship between the existing businesses and the housing at Layfield Cottages and no indication that this is problematic. The Council maintains that there is insufficient information for it to be satisfied that there would be no harm to amenity. On the other hand, nothing has been provided to indicate that future living conditions would be unacceptably poor. Given the nature of the surrounding area and the likely activities undertaken, it is most likely that the living environment would be reasonable, even if slightly unusual.
13. Therefore, having regard to the proximity of existing commercial uses, living conditions for future occupiers would be satisfactory. There would be no conflict with Policy DM14 which requires that development causes no significant harm to amenity.

Integrity of the SPA

14. The Medway Estuary and Marshes SPA provides habitats for overwintering birds. Because the appeal site is within 6km of the SPA the proposal has the potential to affect its features of interest. In combination with other development in Swale, an additional dwelling would be liable to lead to recreational disturbance and so have a detrimental impact on the birds. There would therefore be a likely significant effect on the SPA.
15. To mitigate this impact the Council expects that a financial contribution is made to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy. The appellant is willing to make a payment but there is no mechanism to achieve this should planning permission be granted. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPA and would be contrary to Local Plan Policy DM28 which protects designated sites. Moreover, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matters

16. The Council cannot demonstrate a five year housing land supply. The latest information is that supply is equivalent to 4.6 years and the shortfall amounts to 400 dwellings per annum. However, paragraph 182 of the Framework confirms that the presumption in favour of sustainable development, set out in paragraph 11, does not apply in cases such as this, where it has been concluded that the plan or project would adversely affect the integrity of a habitats site.
17. In rural locations the Swale Vehicle Parking Supplementary Planning Document (SPD) expects 3 parking spaces to be provided per dwelling. Policy DM7 refers to the SPD as providing guidelines for residential development. Two spaces would be made available on the opposite side of the access road and Kent Highways raise no objection in this respect. Any short-term overspill parking could be accommodated along the access road if necessary and there is no clear indication that a shortfall of one space would create difficulties along

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Sheppey Way. As the number of spaces would be adequate there would be no conflict with Policy DM7 or with the general criteria in Policy DM14.

18. There is concern that the premises have previously been operated as industrial works. The Framework indicates that a site should be suitable for its proposed use taking account of any risks arising from contamination. However, there is no detail about past activities or how they might impact on the proposed use. Further information could have been sought at application stage but there is insufficient detail to conclude that this represents an objection to the proposal or that there would be a conflict with Policy DM14.
19. The dwelling would be of sustainable design and construction but that is to be expected. The building would be more attractive to look at than the existing nondescript unit but it would not be prominent in views from surrounding residential properties. The Local Plan envisages that outdated or unsuitable industrial sites will present opportunities for windfall development on previously-developed land. However, not all brownfield land is suitable for development and in this case the site is not well located for new housing.

Conclusion

20. There are no objections in respect of future living conditions, parking or contamination. The proposal would increase the supply of housing in a Borough where existing supply is less than Government expectations but it would not be well located to access services and facilities by means other than the car. New housing here would not accord with the spatial strategy for Swale. There is nothing to indicate that the policy that generally favours the retention of rural employment or community uses should be set aside. These are significant objections. Moreover, the proposal would adversely affect the integrity of the SPA. This is an overriding consideration.
21. Overall the proposed development would be contrary to the development plan and there are no other material considerations which outweigh this finding. Therefore the appeal should not succeed.

David Smith

INSPECTOR