

Agenda

Planning Committee Meeting

Date: Thursday, 20 July 2023

Time 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Mike Baldock (Chair), Andy Booth, Simon Clark, Kieran Golding, James Hall, Mike Henderson, James Hunt, Elliott Jayes (Vice-Chair), Peter Marchington, Claire Martin, Charlie Miller, Julien Speed, Paul Stephen, Terry Thompson, Angie Valls, Karen Watson 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 19 July 2023.

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- (a) The fire alarm is a continuous loud ringing. In the event that a fire drill is planned during the meeting, the Chair will advise of this.
- (b) Exit routes from the chamber are located on each side of the room, one directly to a fire escape, the other to the stairs opposite the lifts.
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- (d) Anyone unable to use the stairs should make themselves known during this agenda item.

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 22 June 2023 (Minute Nos. 127 - 132) and the [Minutes](#) of the Extraordinary Meeting held on 28 June 2023 (Minute Nos. 153 - 156) as correct records.

Part B reports for the Planning Committee to decide

To consider the attached report (Parts 2 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 19 July 2023.

Issued on Tuesday, 11 July 2023

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

20 JULY 2023

Standard Index to Contents

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 – 20 JULY 2023

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

PART 2

2.1	22/503236/REM	MINSTER	Land North of Plover Road
2.2	22/504598/FULL	MINSTER	Land At Queenborough Road

PART 5

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5.1	20/503267/FULL	MINSTER	Golden Leas Holiday Park Bell Farm Lane
5.2	20/503268/FULL	MINSTER	Estuary View Caravan Park Bell Farm Lane

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PLANNING COMMITTEE – 20 JULY 2023**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO - 22/503236/REM		
PROPOSAL Approval of Reserved Matters for the erection of 25no. dwellings (comprising two, three and four bedroom units) of two storey height with access from Yarrow Drive, parking and associated landscaping (Access, Appearance, Landscaping, Layout and Scale being sought) pursuant to Outline application 18/503855/OUT.		
SITE LOCATION Land North of Plover Road, Minster-on-sea, Kent, ME12 3BT		
RECOMMENDATION Grant subject to conditions with delegated authority to amend the wording of conditions as may reasonably be required.		
REASON FOR REFERRAL TO COMMITTEE Objection from Minster-on-Sea Parish Council		
Case Officer Carly Stoddart		
WARD Sheppey Central	PARISH/TOWN COUNCIL Minster-On-Sea	APPLICANT Development House (Plover Road 2) Ltd AGENT Hume Planning Consultancy Ltd
DATE REGISTERED 14/07/2022	PUBLICITY EXPIRY DATE 18/08/22	CASE OFFICER Carly Stoddart
BACKGROUND PAPERS AND INFORMATION https://pa.midkent.gov.uk/online-applications/		

1. DESCRIPTION OF SITE

- 1.1 The application site is located within the built confines of Minster and is part of a wider development site allocated within the Local Plan under A11. The wider site benefits from two outline planning permissions (15/507059/OUT and 18/503855/OUT). This application is for reserved matters for the smaller parcel of land to the south of the allocated site that is located between Coral Road and Yarrow Road, and with a frontage onto Plover Road.
- 1.2 Approval of the reserved matters has been granted under reference 19/506047/REM for 95 dwellings within the larger northern part of the wider allocated site.
- 1.3 The development site is approx. 0.7 hectares in area (in comparison to the 3 hectares of the adjacent site that forms the remainder of the allocation under Policy A11). The site currently comprises vacant shrub land with residential properties to the north-west and south-east, the wider Plover Road allocated site to the north-east and Plover Road to the south-west. The

area is predominantly residential in character, however, the Sheppey Community Hospital is located to the west of the site on the opposite side of Plover Road. Nearby to the east are local services and facilities including the Thistle Hill Academy, Thistle Hill Community Centre and the retail convenience store are located.

- 1.4 The site has a gently sloping topography, whereby the land falls gradually away from Plover Road in the south-west towards the north-eastern boundary.
- 1.5 The residential development immediately surrounding the site comprises a mixture of houses that vary in height between 2-3 storeys. The dwellings include a range of detached, semi-detached and terraced properties that have been constructed as part of the Thistle Hill development within the last 10-20 years.

PLANNING HISTORY

19/506047/REM, Approval of Reserved Matters following outline application 15/507059/OUT for the erection of 95no. dwellings, comprising a mixture of two-storey semi-detached, terraced and detached houses with a mix of 2no., 3no. and 4no. bedrooms. (Appearance, Landscaping, Layout and Scale being sought), Granted subject to conditions

18/503855/OUT, Outline application (with all matters reserved) for the residential development on the land off Plover Road, including associated access, parking and landscaping, Granted subject to conditions

15/507059/OUT, Outline application (with all matters reserved other than access into the site) for a residential development with associated landscaping, parking and public open space. Granted subject to conditions

15/505670, Erection of a 1366sqm foodstore, Granted subject to conditions

2. PROPOSAL

- 2.1 This is an application seeking approval of reserved matters of access, appearance, landscaping, layout and scale for erection of 25 dwellings pursuant to outline planning permission 18/503855/OUT for residential development.
- 2.2 There are a mix of dwelling types and sizes proposed as follows:
 - 2-bed Flat Over Garage (FOG) 1
 - 2-bed houses 8
 - 3-bed houses 15
 - 4-bed house 1
- 2.3 Dwelling types comprise terrace, semi-detached, detached dwellings and a flat over a garage (FOG) ranging between 1 (FOG) and 2 storeys.
- 2.4 The chosen palette of materials will include brick, weatherboard with man-made slate tiles.
- 2.5 Access is proposed from Yarrow Road along the north-western boundary of the site. From the access there would be one primary internal road with smaller roads branching from it,

one to the north-eastern side and one to the south-western side. A parking area would also be accessed from the southwestern side of the primary road.

- 2.6 Landscaping is proposed around the perimeter of the site. There would be small strips within the site along with street trees. Hard landscaping would comprise tarmac for the primary internal road and a differing material for shared surfaces and driveways.
- 2.7 The layout shows dwellings fronting Plover Road, Yarrow Road and the primary internal road to the north-eastern side to maximise active frontages to the street scene and natural surveillance.
- 2.8 Parking is proposed for each dwelling in the form of driveway spaces within the curtilage of individual dwellinghouses and parking courtyards. Garages or car ports are also provided for some dwellings. A total of 42 spaces are provided for the dwellings and 5 visitor spaces.

3. PLANNING CONSTRAINTS

- 3.1 The site is identified and allocated for housing within the Swale Borough Local Plan 2017 at Policy A11. This policy sets out the following requirements:

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

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

- 3.2 The site falls within an Area of Potential Archaeological Importance – This was covered by condition 8 as part of the outline planning permission.

4. POLICY AND CONSIDERATIONS

- 4.1 The Development Plan for the area comprises the Bearing Fruits 2031: The Swale Local Plan 2017 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2021 and are considered to conform.

- 4.2 Bearing Fruits 2031: The Swale Borough Local Plan 2017 (the Local Plan)

ST1	Delivering Sustainable Development in Swale
ST2	Development Targets for Jobs and Homes 2014-2031
ST3	The Swale Settlement Strategy

ST6	The Isle of Sheppey Area Strategy
CP2	Promoting Sustainable Transport
CP3	Delivering a Wide Choice of High Quality Homes
CP4	Requiring Good Design
CP7	Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
A11	Land at Plover Road, Minster
DM6	Managing Transport Demand and Impact
DM7	Vehicle Parking
DM8	Affordable Housing
DM14	General Development Criteria
DM17	Open Space, Sports and Recreation Provision
DM19	Sustainable Design and Construction
DM21	Water, Flooding and Drainage
DM24	Conserving and Enhancing Valued Landscapes
DM28	Biodiversity and Geological Conservation
DM29	Woodlands, Trees and Hedges
DM34	Scheduled Monuments and Archaeological Sites

Supplementary Planning Guidance (SPG)

Parking Standards, 2020

5. LOCAL REPRESENTATIONS

5.1 The application has been advertised in the press and individual neighbour notification letters have been sent to owners and occupiers of neighbouring properties. To date, 6 letters of representation have been received raising the following objections:

- No social housing
- Loss of habitat and wildlife including protected species
- Loss of open space
- Impact on health and wellbeing
- Highway safety hazards – Access points, roads too narrow and short of pavements
- Impact on the capacity of the highway – increased traffic and delays
- Increased parking pressure
- Impact on services – schools, doctors, dentists, limited bus service
- Increase in noise
- Loss of privacy
- Air pollution
- Impact on water supply
- Inadequate drainage

- Flooding
- Lack of electric vehicle charging points
- Lack of employment
- Impact from construction
- Overdevelopment

Minster-on-Sea Parish Council – 06/08/2022

- 5.2 Strong objection to the proposal.
- 5.3 The proposal will result in the over-intensive development of the site. For example, the site density is beyond cramped. As a consequence, the layout and design of the scheme will negatively impact on the amenity of future occupiers.
- 5.4 Access is inadequate with one proposed via private land. Parking is also insufficient with inadequate manoeuvrability for residents, visitors and/ or emergency / waste collection vehicles due to insufficient turning space etc. As such, the scheme fails to comply with policies CP4, and DM 14 of Bearing Fruits 2031 - The Swale Borough Local Plan 2017 and the National Planning Policy Framework.
- 5.5 There is a lack of infrastructure to serve the development in short term and for lifetime of the development.
- 5.6 There will be an adverse impact on the local highway network. More traffic on our already congested roads with many areas becoming impassable. The A249 has far exceeded its design capacity and is critically congested from the Island to the M2. The situation is so serious National Highways require improvements are made under the Roads Investment Strategy and Housing Infrastructure fund to both M2 Junction 5 and the A249 Grovehurst Junction before occupation of large-scale housing development.
- 5.7 In summary, there will be further impact on public services and water sustainability; access and highway capacity issues; and a negative impact on wellbeing of existing residents
- 5.8 These matters are addressed in the relevant sections of the report.

6. CONSULTATIONS

- 6.1 The following consultation responses comprise the latest comments received on the amended scheme. Consultation responses are available to view in full online. Where conditions are sought, they are indicated within the appraisal section.

The Environment Agency – 18/07/2022

- 6.2 The reserved matters proposal takes account of comments, conditions and informative given at the outline stage.

KCC Highways – 23/08/2023, 10/05/2023 & 20/06/2023

- 6.3 The parking spaces depicted by a triangle for the property fronting Plover Road are parallel spaces only accessed from one direction. Suggest these spaces are extended to a minimum of 6.5m to make entry and egress easier in this confined rear parking courtyard.
- 6.4 In their original consultation response KCC highways noted that cycle parking was conditioned as part of the outline application and it is a requirement to provide one cycle space per bedroom for each property, usually within a shed in the rear garden but that none had been shown.
- 6.5 A tracking diagram was also requested to show tracking for an 11.4m refuse vehicle and it was advised that a bin store needs to be provided for any properties which fall outside of the 25m carry distance to where the bin lorry can access.
- 6.6 Clarity was also requested with regard to any roads that are proposed to be adopted. A plan was required to show the extent of adoption.
- 6.7 The applicant subsequently submitted further information with regard to the cycle storage, vehicle tracking drawing and the roads proposed for adoption.
- 6.8 Overall and following amendments, no objection is raised by KCC Highways and conditions are recommended.

SBC Affordable Housing Manager – 18/07/2022

- 6.9 As noted in the Council's adopted Local Plan Policy DM8, there are no affordable homes required on this site.

Environmental Protection Officer – 21/07/2022

- 6.10 No objection.

KCC Flood and Water Management – 08/08/2022 & 16/05/2023

- 6.11 The proposed site layout as shown on the Proposed Master Plan drawing (22.042-010-1) was compared against the drainage proposals set out within the previously submitted Flood Risk Assessment (04/06/2018).
- 6.12 It was evident that the east and northern boundaries are still to be preserved and remain separate to the property gardens. The preservation of these boundaries is essential as they are existing ditches that convey surface water movement through the network. It is our anticipation that further works to the final levels of these features will need to be confirmed as part of the detailed design stage.
- 6.13 In terms of surface water management, the proposals set out within the FRA (04/06/2018 – Drawing No. 7267-1060) was for a series of four permeable paved systems to be situated within parking areas/ closes. These permeable paving systems were designed to attenuate surface water runoff, prior to a restricted discharge (2l/s) to an existing ditch to the north. The site layout appeared to change the overall size of these parking areas and as such impact the storage provided within these systems.

- 6.14 Confirmation was sought that the original storage recommendations of the permeable paving system can still be delivered within the latest development layout, as such the applicant submitted a Flood Risk Assessment and Drainage Strategy Report (23/01/2023).
- 6.15 The report has been reviewed and the previous comments from KCC Flood and Water Management are now addressed. No objections are raised.

KCC Ecological Advice Service – 05/08/2022

- 6.16 There is only one condition within the original outline permission that relates to biodiversity/ecology. We would reinforce the point that site clearance must not be carried out until this condition discharge has been satisfied. We also highlight that, whilst there appears to be no ecological enhancement condition, the curtilage boundaries must feature gaps to allow access for reptiles and other small mammals and retain ecological connectivity from north to south.
- 6.17 It is noted that the site's vegetation is becoming more mature (since the original ecology surveys) and, therefore, breeding bird habitat (scrub and trees) should be removed outside of the breeding bird season, but *not* with heavy machinery which could harm hibernating reptiles.

Kent Police – 08/08/2022

- 6.18 Request a condition for the site to follow Secure By Design (SBD) Homes 2019 guidance to address designing out crime.

Natural England 03/08/2022

- 6.19 No comments.

Lower Medway Internal Drainage Board (LMIDB) 28/07/2022, 18/05/2023 & 19/06/2023

- 6.20 The site is within the Internal Drainage District (IDD) of the Lower Medway Internal Drainage Board (IDB) and therefore the Board's Byelaws apply. Consent is required for discharge of surface water to a watercourse and works to alter a watercourse which is not adopted by the IDB (a riparian watercourse).
- 6.21 The layout amendments (the inclusion of gates and garden buildings) do not impact on the Board's interests however, according to the 'Proposed Drainage Strategy' a private storm drain running along the southeast boundary is replacing an 'existing watercourse no longer serving the site' and is proposed to be infilled. Land drainage consent is required from the Board.
- 6.22 Advice is provided to the applicant by the IDB in terms of what they consider acceptable and unacceptable in terms of the works to the ditch that requires their consent.
- 6.23 The Board welcomes the approach of utilising SuDS, attenuation, restricting the discharge rate and addressing the long-term management of the SuDS features. We also welcome that the open watercourse is outside the boundary of private gardens and encourage sufficient access is provided so maintenance of the watercourse is possible.

Southern Water – 08/08/2022

- 6.24 The sewer services at this location are the responsibility of ICOSA Water Service Limited. There is an inset agreement/NAV agreement in place between Southern Water and ICOSA Water Service Limited for the supply of water and sewerage services. The connection/discharge points to the public network and agreed discharge flow rates must be complied with inset/NAV agreements terms.

7. APPRAISALPrinciple of Development

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires applications for planning permission to be determined in accordance with development plan unless material considerations indicate otherwise.
- 7.2 The principle of development of the site for residential purposes is accepted by the allocation as set out in Policy A11 of the Local Plan and the grant of outline planning permission under application reference 18/503855/OUT.

This application considers the detailed matters of layout, appearance, scale, landscaping and access. Members should note that impacts not relating to these specific reserved matters, including traffic generation and impacts upon the highway network (other than the specific point of access), impacts upon infrastructure, affordable housing provision and ecology impacts, have all been considered acceptable at outline stage and cannot be reconsidered as part of the reserved matters.

Density of Development and Mix of Units

- 7.3 The mix of dwelling types and sizes proposed as follows:
- | | |
|--------------------------------|----|
| • 2-bed Flat Over Garage (FOG) | 1 |
| • 2-bed houses | 8 |
| • 3-bed houses | 15 |
| • 4-bed house | 1 |
- 7.4 Dwelling types comprise terrace, semi-detached, detached dwellings and a flat over a garage (FOG) ranging between 1 (FOG) and 2 storeys.
- 7.5 The mix of housing size and types is considered acceptable as it provides for a range of options within the site itself using the context and characters of the area to determine density as set out in Policy CP3 of the Local Plan.
- 7.6 The density of the development equates to 36 dwellings per hectare (dph) which is marginally higher than the 32 dph of the adjacent site. However, although not part of the adjacent wider Thistle Hill development, the density of the application proposal sits within the range of 31 to 56 dph set by Thistle Hill outline permission and therefore respects the character of the area.

Design and Layout

- 7.7 The Government attaches great importance to the design of the built environment. Paragraph 126 of the NPPF emphasises the importance of good design and paragraph 130 of the NPPF is key to achieving well designed places.
- 7.8 In line with the NPPF, Policies CP4 and DM14 of the Local Plan requires design of the development to be of a high quality that conserves and enhances the natural and/or built environments; is well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location. New development should create safe, accessible, attractive places that make safe physical and visual connections within the development itself and its surroundings.
- 7.9 The layout being considered as part of this reserved matters application is similar to that shown within the layout submitted with the outline application. The layout shows one vehicular access point from Yarrow Drive with one primary road into the site. One smaller road would branch off from the north-eastern side of the primary road and one from the south-western side. There is also access to a parking courtyard from the primary road from the south-western side. Although small, there is a distinct street hierarchy, making it easy to navigate around the development and the layout also fits with the character of the reserved matters that has been approved for the larger adjacent site and the layout of Clover Close to the north-west of Yarrow Road.
- 7.10 Pedestrian footways are located along the primary road, to the south-western cul-de-sac and to one side of the north-eastern cul-de-sac with shared surfaces and parking areas in between.
- 7.11 In general, the dwellings within the proposal present front elevations to the road as well as to the existing play space and the open space located on the opposite side of Yarrow Road, behind the properties in Clover Close. This creates an active frontage to the street scene as well as providing natural surveillance creating safer streets and spaces.
- 7.12 The layout allows for a continuation of dwellings fronting onto Plover Road and onto Yarrow Drive which facilitates connection with the existing residential development to the south-east at Coral Road and the north-west of the site at Clover Close, as well as to the development approved for the remainder of the wider site.
- 7.13 The site gently slopes down from Plover Road towards the north-eastern boundary and from the north-western side to the south-eastern side along Plover Road. In accordance with the requirements of condition 5 (sectional drawings) of the outline planning permission (18/503855/OUT) street scene drawings have been submitted which show the change in levels and how the proposed development relates to adjacent existing dwellings in Plover Road. The maximum height of the dwellings proposed is two storey. The proposed development shows two storey dwellings that are slightly taller than the existing development along Plover Road. However, given the separation distance between the proposed development and the existing dwellings within the vicinity, the difference in height would not significantly noticeable from the street scene.
- 7.14 The proposal would provide for a legible layout that respects the existing spatial pattern of development and that of the approved development for the wider site, with a good mix of unit

size and type in accordance with Policy CP3 of the Local Plan, paragraphs 126 and 130 of the NPPF. Whilst none of the dwellings are proposed to be affordable, this is compliant with outline planning permission and current Local Plan Policy DM8.

Architectural Design and Materials

- 7.15 The architecture and material palette proposed takes reference from the existing development along Plover Road and Yarrow Drive. The proposed materials for the application site include the use of red bricks, white weatherboarding and grey and brown roof tiles. The overarching design approach is based on a traditional vernacular, with conventional brick, and weatherboarded elevations under hipped and gable roofs. The dwellings incorporate a range of features including chimneys, bay windows, gauged arches, stone cills and canopy porches. The different house designs and use of materials, and the mix of detached, semi-detached, and terraced units, together with the sloping character of the site, create good interest, variety, and an attractive design.
- 7.16 The proposal takes reference from its surroundings where there are a mix of red, yellow and tan bricks, weatherboarding and clay roof tiles. The material palette is considered acceptable.

Overall, the layout, scale and appearance of the proposal takes reference from the surroundings and is in compliance with national and local planning policy. The proposals follow good urban design practice, with a design that respects its surroundings, topography and forms a legible layout incorporating secure by design principles, provides for amenity, which would result in an attractive and sustainable environment to live. The proposal is considered acceptable and in accordance with Policies A11, CP3, CP4, DM8, DM14 and DM19 of the Local Plan and paragraphs 112(e), 126, 130 and 154 of the NPPF.

7.17 Sustainable Design and Construction

A condition was imposed on the outline planning permission requiring details of sustainable construction measures prior to the commencement of development. As such this is not a matter for consideration under the reserved matters.

Landscaping

- 7.18 The application includes details of soft landscaping. This incorporates planting and landscaping proposals for planting on the street frontages of Plover Road and Yarrow Drive. It also shows street trees within the development as well as on plot planting and boundary planting, including proposals to strengthen and retain planting and hedging along the boundaries using native species.
- 7.19 The distribution of the landscape proposals across the site is welcomed and the use of native species has the potential for local biodiversity to be significantly enhanced. However, further details will be required specifying species, planting plans and management. A condition is therefore recommended to secure this detail. Within the inclusion of the condition, the landscaping is considered acceptable and in accordance with Policies A11, CP4, CP7, DM14, DM24 and DM29 of the Local Plan and paragraph 174 of the NPPF.

Living Conditions

- 7.20 There are two main considerations in terms of living conditions, firstly the impact of the proposed development on neighbours, and secondly, the living conditions which would be created for the future occupants of the development itself. Policy DM14 of the Local Plan and paragraph 130(f) of the NPPF relates to the provision and protection of these amenities.

Living Conditions of Future Occupiers

- 7.21 The proposed dwellings include house types that are of similar design as the dwellings approved for larger development parcel forming the remainder of the Policy A11 allocation, therefore they are of similar size. All house types have been drawn to show adequate internal space within each unit as well as private amenity space.
- 7.22 The layout of the development provides sufficient separation between the proposed dwellings within the site to ensure adequate levels of privacy, daylight, sunlight and outlook.
- 7.23 Refuse storage would be accommodated out of sight within the rear garden areas. The layout has been designed to allow for direct external access from the rear to the front of each dwelling to enable the refuse to be moved to kerbside collection points on refuse collection days without the need to travel internally through the dwelling.

Living Conditions of Neighbouring Occupiers

- 7.24 The closest existing residential dwellings to the proposal are those located in Yarrow Drive to the north-west and Plover Road and Mimosa Avenue to the south-east. The proposed dwellings fronting onto Yarrow Drive create a similar relationship to the dwellings in Clover Close whereby properties face each other on the opposite sides of the road. The majority of the new dwellings fronting onto Yarrow Drive would overlook the open space that forms part of the larger development site within the wider allocation.
- 7.25 The relationship of the proposed dwellings with the adjacent dwelling in Plover Road is a side-to-side where it relates to the proposed dwelling fronting onto Plover Road and a back-to-side relationship for another two dwellings proposed to be located behind. These two proposed dwellings would have their rear elevations facing the side boundary of the adjacent dwelling in Plover Road. However, the separation distance is considered sufficient to ensure there would be no harm in terms of loss of privacy.
- 7.26 With the dwellings in Mimosa Avenue, it is a side-to-side arrangement. The proposed dwellings are also set in from the side boundary to provide separation and allow for landscaping.
- 7.27 Concern has been raised in consultation responses regarding the impact on living conditions as a result of the construction phase. There are a number of conditions attached to the outline planning permission that have been included to ensure the impact is minimised (conditions 12 – dust suppression, 13 – loading and unloading of construction vehicles, 14 – parking for construction operatives, 15 – dealing with mud, 17 – hours of construction and 18 – hours of piling activity).

- 7.28 The layout and design is considered acceptable in terms of amenity both for the future occupiers and the occupiers of existing nearby residential properties. The proposal is in accordance with Policy DM14(8) of the Local Plan and paragraph 130(f) of the NPPF.

Ecology

- 7.29 The impact on ecology has been considered as part of the outline planning application. Condition 9 of the outline planning permission (18/503855/OUT) prevents development taking place until a statement has been submitted that confirms that the proposed off-site mitigation as detailed in the Reptile Survey report submitted as part of the outline can support the increased reptile population, along with a timetable for implementation and details of management.
- 7.30 KCC Ecological Service have reviewed this application for reserved matters and reinforce the point that site clearance must not be carried out until this condition discharge has been satisfied. They also highlight that, whilst there appears is no ecological enhancement condition, the curtilage boundaries must feature gaps to allow access for reptiles and other small mammals and retain ecological connectivity from north to south. This can be incorporated into the condition suggested as part of the further landscape details.
- 7.31 With the need for compliance with condition 9 of the outline planning permission, no objection is raised in this regard and the proposal is in accordance with Policies A11, CP7, DM14 and DM28 of the Local Plan and paragraph 174 of the NPPF.

Flooding and Drainage

- 7.32 KCC Flood and Water Management officers have compared the Flood Risk Assessment (FRA) (04/06/2018) that was submitted as part of the outline application with the proposed site layout.
- 7.33 The layout shows that the east and northern boundaries are to be preserved as previously stated and are to remain separate to the property gardens. The preservation of these boundaries is considered essential as they are existing ditches that convey surface water movement through the network. KCC Flood and Water Management anticipated that further works to the final levels of these features would need to be confirmed as part of the detailed design stage. This is covered by the requirements of condition 6 (detailed SUDs scheme) of the outline planning permission.
- 7.34 In terms of the surface water management proposals set out within the FRA (04/06/2018 – Drawing No. 7267-1060), it showed a series of four permeable paved systems to be situated within parking areas/ closes. These permeable paving systems were designed to attenuate surface water runoff, prior to a restricted discharge (2l/s) to an existing ditch to the north. There was concern raised that the latest site layout appeared to change the overall size of these parking areas and therefore would impact the storage provided within these systems.
- 7.35 Further information in the form of a Flood Risk Assessment and Drainage Strategy report (23/01/2023) was submitted by the applicant to address these concerns. This information was reviewed by KCC Flood and Water Management Officers. This further information was

considered sufficient to ensure that the layout as proposed is reasonable and no objection is raised in this regard.

- 7.36 Separate consent is required from the IDB for some works to the ditches. An informative will be included to highlight this.
- 7.37 The information submitted as part of this application is acceptable and the proposal is in accordance with Policy A11, DM14 and DM21 of the Local Plan and paragraphs 162, 167 and 169 of the NPPF.

Archaeology

- 7.38 The impact on archaeology has been considered as part of the outline planning application. Condition 8 of the outline planning permission (18/503855/OUT) prevents development taking place until the implementation of a programme of archaeological work, along with a timetable and specification which is to be agreed has been secured.
- 7.39 With the need for compliance with condition 8 of the outline planning permission, no objection is raised in this regard and the proposal is in accordance with Policy DM34 of the Local Plan and paragraphs 197, 201, 202 and 205 of the NPPF.

Highways

- 7.40 The application has been granted outline planning permission (18/503855/OUT), therefore the impact of the development on the existing strategic and local highway network has already been considered acceptable. KCC Highways have considered the reserved matters application and raise no objection with regard to the proposed access from Yarrow Road.

Layout

- 7.41 Given the size of the proposed development, the layout is fairly simple with a primary road into the development and smaller roads off either side. There would be footways to either side of the primary road. The smaller road branching from the primary road shows a footway to at least one side.
- 7.42 A tracking drawing has been submitted at the request of KCC Highways to demonstrate the ability for a refuse freighter to manoeuvre within the site. This has addressed their concern and no objection is raised.

Parking

- 7.43 The proposal has been revised to take account of the KCC Highways comments, particularly with regard to parking provision and cycle parking. The parking provision meets Swale Borough Council's adopted standards and cycle parking is now either provided within a shed within the rear garden or within garages/car ports not large enough to be counted as a parking space.
- 7.44 Every dwelling is to be provided with an electric vehicle charging point which complies with the Council's adopted 'parking' SPD. In terms of provision for cycling, a condition is recommended to require implementation of the cycle storage arrangements for the dwellings.

- 7.45 With the inclusion of the suggested conditions, the proposal is in accordance with Policies CP2, DM6 and DM7 of the Local Plan, Swale Borough Council Parking Standards and paragraphs 110, 111 and 112 of the NPPF.

Other Matters

- 7.46 The principle of development and the impact of the proposal on infrastructure was considered acceptable when outline planning permission granted. As such, issues of loss of open space, impact on drainage and impact on ecology have already been addressed.
- 7.47 In terms of the impact on services and infrastructure, again this was considered and addressed as part of the outline planning application and is covered by s106 that accompanies the outline planning permission. The s106 secured contributions towards: highways works, primary education, secondary education contribution, SPA mitigation, library services, wheelie bins and formal sports contribution.
- 7.48 With regard to the impact on the Medway Estuary and Marshes 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), it was concluded under consideration of the outline application that subject to mitigation, there will be no adverse effect on the integrity of the SPA.

8. CONCLUSION

- 8.1 The proposal has been revised to ensure concerns raised by statutory consultees have been addressed. The proposal is considered to make an effective contribution in meeting the need for homes on a site allocated for residential development and which benefits from outline planning permission, whilst safeguarding the environment as well as being sympathetic to local character and the living conditions of the existing and future occupiers.
- 8.2 The scheme under this current proposal is considered to be acceptable and complies with Policies A11, CP2, CP3, CP4, CP7, DM6, DM7, DM8, DM14, DM19, , DM21, DM24, DM28, DM29 and DM34 of the Bearing Fruits 2031: The Swale Borough Local Plan 2017; Swale Borough Council Parking Standards, 2020; and paragraphs 110, 111, 112, 126, 130, 154, 162, 167, 169, 174, 197, 201, 202 and 205 of the National Planning Policy Framework 2021.

9. RECOMMENDATION

That planning permission is GRANTED Subject to the following conditions:

CONDITIONS

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Received 14 July 2022

041 Rev 01	Proposed House Type 2A-2A-2A
042 Rev 01	Proposed House Type 2A-2A-2A-2A-2A
043 Rev 01	Proposed House Type 3B
044 Rev 01	Proposed House Type 3C
045 Rev 01	Proposed House Type 3D
046 Rev 01	Proposed House Type 4A

047 Rev 01	Proposed House type 3D (Handed)
048 Rev 01	Proposed House Type 3C
060 Rev 01	Proposed Garages and Carports

Received 4 May 2023

22.042_010 Rev 02	Proposed Master Plan
22.042_011 Rev 02	Proposed Site Plan – Ground Floor
22.042_020 Rev 02	Proposed Street Scenes AA and BB
22.042_021 Rev 02	Proposed Street Scenes CC, DD and EE
22.042_030 Rev 02	Proposed Site Plan - Density
22.042_032 Rev 02	Proposed Site Plan - Highways
22.042_040 Rev 02	Proposed House Type FOG
12359/1050 Rev P1	Vehicle Tracking
12359/1060 Rev P2	Proposed Drainage Strategy

Received 13 June 2023

12359/1400 Rev P1	Highway Adoption Extent
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Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the Local Planning Authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan that details appropriate protective fencing around the existing trees and hedges to be retained together with areas designated for new landscaping.

Reason: Requirement prior to commencement of development to protect existing trees in the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 3 No development above ground floor slab level shall take place until details of root barriers and soil volumes for any tree planted within a roadside verge and a timetable for implementation has been submitted to and approved in writing by the Local Planning Authority. The tree planting within the roadside verges shall be implemented in accordance with the approved details and maintained thereafter.

Reason: In the interest of ensuring the establishment of trees in accordance with Policy DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 4 No development above ground floor slab level shall take place until details full details of both hard and soft landscape works and a timetable for implementation shall be submitted to and approved in writing by the Local Planning Authority. These details shall include all paving and external hard surfacing. Soft landscape works shall include details of planting plans, written specifications (including cultivation and other operations associated with grass and plant establishment, aftercare and maintenance); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The development shall be implemented in accordance with the approved details and any trees or plants which within 5 years of planting are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies CP4, CP7, DM14, DM24 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 5 No dwelling shall be occupied until a landscape management plan, has been submitted to and approved in writing by the Local Planning Authority. The Landscape Management Plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas (except for small, privately owned, domestic gardens) and arrangements for implementation. The development shall thereafter be implemented in accordance with the approved details.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policies CP4, CP7, DM14, DM24 and DM29 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 6 No dwelling shall be occupied until pedestrian visibility splays of 2metres x 2metres behind the footway on both sides of each access with no obstructions over 0.6m above footway level have been provided. The vision splays shall thereafter be maintained in accordance with the measurements set out in this condition.

Reason: In the interests of highway safety and in compliance with Policy DM6 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 7 No dwelling shall be occupied until the boundary treatment for that dwelling has been submitted to an approved in writing by the Local Planning Authority. The boundary treatment shall be implemented in accordance with the approved details prior to the occupation of the dwelling to which it relates and shall thereafter retained.

Reason: To ensure that the appearance of the development is satisfactory and without prejudice to conditions of visual amenity in the locality, in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 9 Each dwelling shall not be occupied until covered cycle storage arrangements for that dwelling have been provided. All covered cycle storage arrangements shall thereafter be retained.

Reason: To provide cycle storage facilities of an appropriate design and in a safe and secure location in accordance with Policy DM7 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

- 10 Each dwelling shall not be occupied until refuse storage arrangements for that dwelling, including provision for the storage of recyclable materials, have been provided. All refuse storage arrangements shall thereafter be retained.

Reason: In the interests of visual amenity and to ensure a satisfactory provision for refuse and recycling in accordance with Policy DM14 of Bearing Fruits 2031: The Swale Borough Local Plan 2017.

The Council's approach to the application

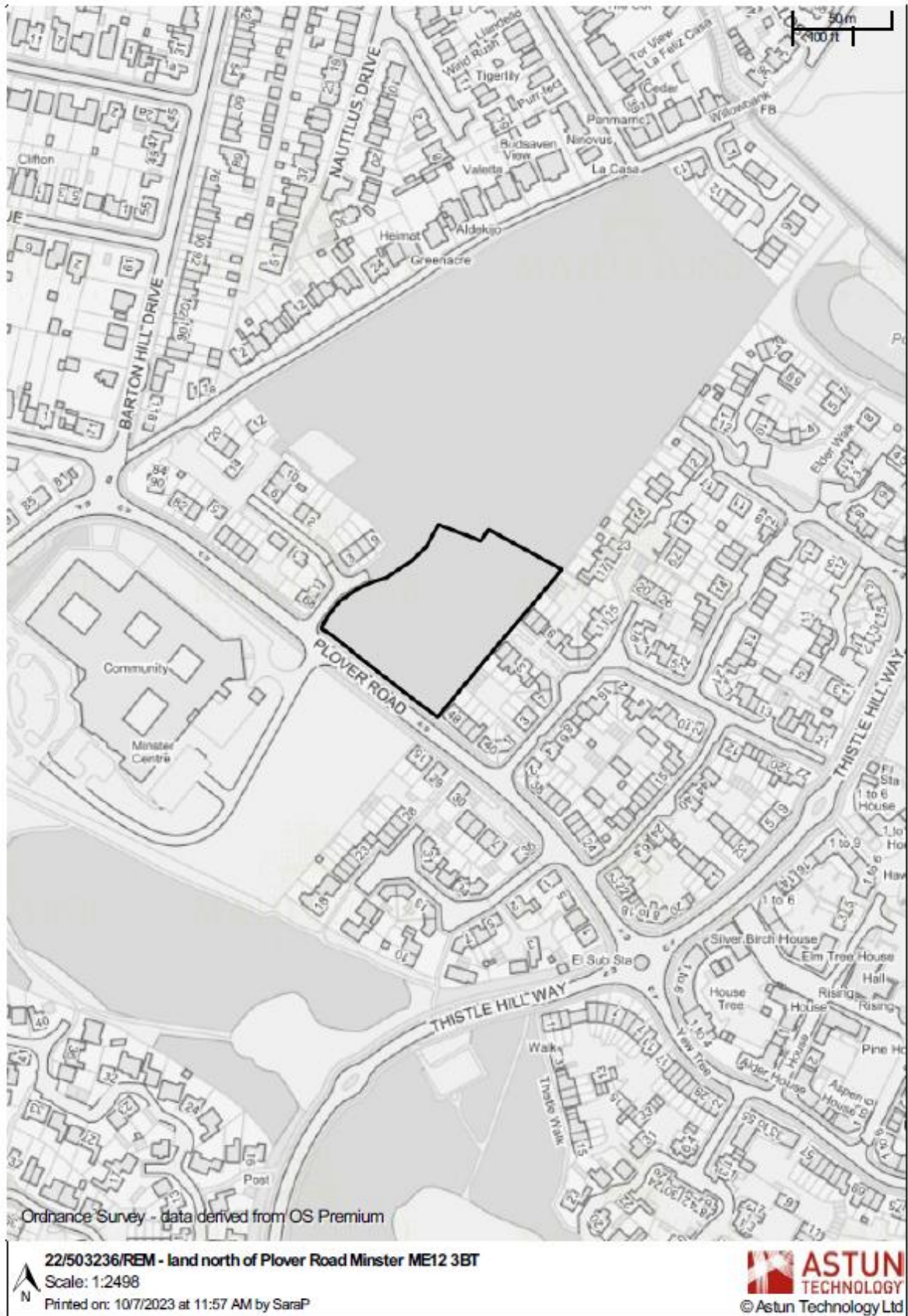
In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on

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.



2.2 REFERENCE NO - 22/504598/FULL		
PROPOSAL Erection of Class E(a) retail store with associated parking, access, servicing and landscaping.		
SITE LOCATION Land At Queenborough Road Isle of Sheppey Kent ME12 3RJ		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Large Major Retail Distribution/Serviceing		
REASON FOR REFERRAL TO COMMITTEE - Sheerness TC Objects		
WARD Queenborough and Halfway.	PARISH/TOWN COUNCIL Queenborough	APPLICANT Lidl Great Britain Ltd AGENT Carney Sweeney
DATE REGISTERED 14/10/2022	TARGET DATE 30/01/2023 (EoT to 31/07/2023)	CASE OFFICER Simon Dunn-Lwin
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RIKFCRTYI4800		

1. SITE LOCATION AND DESCRIPTION

- 1.1 The application site measures 1.16 hectares and is comprised of undeveloped grassland. It is sandwiched between Queenborough Road and the A249, immediately to the west of A2500 (Lower Road) roundabout and opposite Cowstead Cottages on Queenborough Road. The site is referred to in the planning history as Cowstead Corner. The site is largely flat and enclosed by a post and wire fence. There are no trees on the site. A ditch skirts the western perimeter fronting the main road.
- 1.2 The site is of an irregular shape, measuring 124m in width by 1120m in depth at its maximum. On the adjoining site is a battery storage facility.
- 1.3 The large Aldi regional distribution centre sits to the southwest along the A249 approach to the Thomsett Way roundabout and Neats Court Retail Park. The application site is set in open landscape south of Furze Hill in the north, with the conglomeration of Halfway and Minster-on-Sea lying on raised land beyond.
- 1.4 The site falls outside of the Queenborough & Rushenden regeneration area. It is located within the eastern edge of the Sheerness built up area confines. The site is currently allocated for a hotel. Neats Court, a Grade 2 Listed Building lies approximately 500m to the north-west of the site on Queenborough Road. Public Right of Way (PRoW ZS11) links Halfway Houses in the north over Furze Hill to

Queenborough Road in the south, terminating opposite the site adjacent to 1 Cowstead Cottage.

2. PLANNING HISTORY

Application site

- 2.1 **23/502916/ENVSCR**, Environmental Screening Opinion for 22/504598/FULL, EIA not required
- 2.2 **SW/09/0185**, Trunk road service area, consisting of petrol filling station with petrol and heavy goods vehicle forecourts, carwash and single storey sales building, 44 bedroomed 2 storey hotel with restaurant. Car and heavy goods vehicle parking areas. Refused - Decision Date: 09.06.2009. Appeal dismissed on 29.09.2010.

Neighboring sites

- 2.3 **17/503032/FULL**, Installation of an electricity battery storage facility within a new steel framed portal building and ancillary infrastructure including surface water attenuation, Granted subject to conditions
- 2.4 **19/502969/FULL**, Erection of a new food store with associated parking, servicing, landscaping and new vehicular access (Aldi Store), Granted subject to conditions

3. PROPOSED DEVELOPMENT

- 3.1 This application seeks planning permission for a food store of 1,906sqm (GIA) comprising 1266 sqm sales area with a 423sqm warehouse (including freezers/chillers and storage) and 217sqm ancillary staff facilities including a bakery, entrance lobby and a disabled WC. It is roughly rectangular in shape. At its largest, the sales area of the store will measure 59m in length by 21m width.
- 3.2 The food store will feature both curved and flat roof elements, measuring 8.8m in height to the highest curved point of the roof and 7m to the lower flat part to the rear (north). The materials proposed are a mixture of facing brickwork, glazing and cladding. The food store entrance will be in the southern portion of the site with the car park to the east. In the eastern and southern area of the site landscaped buffer areas are proposed to address ecological mitigation and provide habitat required to support the proposal.
- 3.3 A single vehicular access is proposed on Queenborough Road opposite Cowstead Cottages to the west of the A2500 (Lower Road) roundabout. The new junction proposed will enable customer and delivery access to the site. The car park will include a total of 119 parking spaces, 6 of which will be disabled spaces, 8 for parents with young children and 11 EV charging parking spaces with 7 motorcycle spaces and stands for 12 cycles. The delivery / service area is proposed to the rear (north) of the store elevation, facing the car park.

- 3.4 Off-site highway works to the shared cycle/footway from Cowstead Cottages up to Neats Court Cottages have been submitted and are to be carried out under a S.278 agreement.
- 3.5 In terms of landscaping and boundary treatment, tree planting and hedges are proposed on Queenborough Road and set within a linear lawn opposite Cowstead cottages with a 3m high acoustic timber fence behind to contain the delivery area. Tree planting is also proposed within the car park and landscaped buffer areas along the A249 main frontage in the south and to the east of the car park with wildflower seed beds in the landscaped buffer areas consisting primarily of wildflower meadow and bulb planting along the eastern and southern boundaries augmented by low level shrub/herbaceous borders. Hedging is also proposed to enclose the car park to the eastern edge and to the front of the store in the south.
- 3.6 Additional tree planting and low-level shrubs are proposed within the car park. A public art feature is also proposed to the front of the store adjacent to the A249 frontage. The proposed landscaping areas will be enclosed by a 1.1m high post and rail perimeter fence around most of the site on the main road frontages which will enable the landscaped areas to be visible from the A249 and Lower Road. A 2m high 'paladin' metal fencing borders the battery plant to the west.
- 3.7 The development will create a total of 40 jobs, which will be a mixture of full and part time roles, equating to approximately 23 full-time equivalent jobs.

4. CONSULTATION

- 4.1 One round of consultation with neighbours has been undertaken in letters were sent to neighboring occupiers. Site notices were displayed twice at the site and the application has been advertised twice in the local press in accordance with statutory requirements.
- 4.2 15 letters/online responses have been received to date. 7 are in support of the application and welcome Lidl providing retail choice. Full details of all comments are available online.
- 4.3 8 objections have been received, raising the following concerns: -
- Traffic impact and road safety
 - A2500 should be made a dual carriageway
 - Aesthetic/visual impact – design is 'boring'
 - Pedestrian safety with limited footway in Queenborough Road
 - Traffic and collision data inadequate
 - Non-car accessibility poor – insufficient footway
 - Traffic assessment inadequate
 - Retail impact on the town centre
 - Conflict with site allocation
 - Harm to heritage asset – Neats Court
- 4.4 **Minster-on-Sea Parish Council** acknowledge the benefits of the scheme and supports the creation of jobs. The full response is attached in Appendix 1. The Parish

Council comments that: -

- They are keen to ensure that the proposal meets the strategy criteria laid down by Policy ST4 in terms of the retail impact on the vitality of Sheerness Town Centre and the design and landscaping creates a gateway site.
- The Parish Council insists that off-site improvement works also provide a safe environment for pedestrians and cyclists from nearby housing in Queenborough Road, Rushenden, Thistle Hill/Barton Hill Drive. A footpath on the north side of Queenborough Road from Cowstead Cottages to Neats Court Cottages (120m) should be carried out under a S278 Agreement.

4.5 **Sheerness Town Council** have objected to the application on the following grounds:

- Sheerness will lose out on job opportunities and low paid worker options.
- No benefit to the population with no proposed public transport.
- Contrary to site allocation.
- Traffic congestion and impact on highway safety
- No provision for active travel from Sheerness or Rushenden.
- No mitigation for social and economic impact on Sheerness.

The full response is attached in Appendix 2.

4.6 **Queenborough Parish Council** have been formally consulted but no reply has been received to date.

REPRESENTATIONS

4.7 **SBC Conservation and Design:** No objection subject to conditions

4.8 **SBC Tree Officer (Landscaping):** No objection.

4.9 **SBC Climate Change Officer:** No objection subject to a condition to achieving BREEAM 'very good' accreditation.

4.10 **Mid Kent Environmental Health:** No objection subject to conditions on land contamination, noise mitigation and construction method statement.

4.11 **KCC Ecology:** No objection subject to lighting condition. (**Officer comment:** At the time of finalising the report updated comments on the final planting details are awaited (see para. 6.39 and 6.40 below). Any adverse comments will be reported verbally at the meeting).

4.12 **KCC SUDs:** No objection subject to conditions

4.13 **KCC Archaeology:** No objection subject to condition

4.14 **KCC Highways:** No objection subject to conditions

4.15 **National Highways:** No objection subject to conditions

4.16 **Natural England:** No objection

4.17 **Environment Agency:** No comments to make.

4.18 **Lower Medway Internal Drainage Board:** No objection to principle of discharging of both surface water and treated foul water into the LMIDB drainage district and to consent these discharges subject to further detail including the location of the discharge point. The developer will need to make an application for land drainage consent to the Board after the detailed drainage design has been undertaken and there is a high degree of certainty that the scheme will remain unchanged.

4.19 **Kent Police (Design Advisor):** No objection.

4.20 **Southern Water:** No objection raised.

5. POLICY AND CONSIDERATIONS

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

- **ST 1** (Delivering sustainable development);
- **ST 2** (Development targets for jobs and homes 2014-2031);
- **ST 6** (The Isle of Sheppey area strategy);
- **A4** (Land At Cowstead Corner, Queensborough)
- **CP 1** (Building a strong, competitive economy);
- **CP 4** (Requiring good design);
- **CP 8** (Conserving and enhancing the historic environment);
- **DM 2** (Proposals for main town centre uses);
- **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 32** (Development involving listed buildings).

6. ASSESSMENT

Principle of Development

- 6.1 The application site lies outside but abuts the eastern boundary of the Queenborough and Rushenden regeneration area on land allocated for a hotel use. The application has been advertised as a departure from the Local Plan. The main issue to consider is whether the proposed retail store is acceptable in this location.
- 6.2 In support of the application Lidl have submitted a hotel marketing assessment which surveyed 27 hotel operators. None of the major and minor operators expressed any interest for the site as they require town centre locations or did not see there being demand for a hotel in this location, particularly given the limited number of bedrooms allowed for in the allocation. In light of the marketing survey of potential hotel operators undertaken, it is evident that there is no demand for a hotel in this location, notwithstanding the site's allocation.

Retail Impact

- 6.3 The application proposes a retail use which would not accord with policy. The supporting text of the Local Plan recognises that recent development has seen the emergence of a retail centre that complements Sheerness Town centre at Neats Court Retail Park. However, it is important to ensure that future retail proposals do not undermine the role and retail function of Sheerness Town centre. This is an important factor in the consideration of this application, and it needs to be carefully considered whether the introduction of a retail use on this site would undermine the vitality and viability of existing retail centres.
- 6.4 The NPPF and Local Plan 2017 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 on the impact of the retail development on the vitality and viability of existing centres. Policy DM 2 requires a retail impact assessment for proposals elsewhere outside of the defined town centres. In the absence of a locally set threshold for size the default is the NPPF threshold. The application proposal comprises 1906 sqm (GIA) of floorspace. Any such assessment should consider:
- The impact of the proposal on existing, committed and planned public and private sector investment in a centre or centres within the catchment area of the proposal; and
 - The impact on town centre vitality and viability, including local consumer choice and trade in the centre and wider area.
- 6.5 A 'Planning and Retail Statement' (essentially the Retail Impact Assessment (RIA)) was submitted in support of the proposal which includes the following: -
- Sequential test

- Retail impact comprising as set out above on Sheerness Town Centre, Neats Court Retail Park and wider catchment areas of Minster-on-Sea, Sittingbourne Town Centre, Halfway House and Iwade Local Centres.

6.6 The independent retail consultants Lambert Smith Hampton (LSH)) were engaged to review the submitted RIA and advise the Council. on the validity and robustness of the findings. They considered that the site search parameters in respect of Sheerness and the town centre were in line with the NPPF and Policy DM 2. The LSH Review is available online.

6.7 LSH concludes that:

6.7.1 The application site is sequentially preferable and passes the sequential test.

6.7.2 The impact assessment against the two impact tests set out in NPPF para.90 also passed on: -

- 1) Existing and planned public and private investment in a town centre or centres in the catchment area (para.90 (a)); and
- 2) Town centre vitality and viability including local consumer choice and trade in the town centre and wider catchment (as applicable to the scale and nature of the scheme) (para. 90(b))

6.7.3 They accept the trade diversion estimates put forward by Lidl results in a low percentage 'solus' (single) impact on Sheerness Town Centre, with a negligible impact on other defined town centres in Swale. However, the cumulative impact remains a concern due to the loss of retail turnover from the town centre associated with the committee Aldi store.

6.7.4 An updated health check of Sheerness Town Centre confirms that the town is vital and viable although certain indicators point to vulnerabilities. However, we consider the town centre can absorb the 'solus' impact associated with the Lidl store which will mainly draw trade from the relocated Aldi store.

6.7.5 For cumulative impact, whilst the impact is considered to be significantly adverse on Sheerness Town Centre, the impact principally relates to the Aldi scheme rather than the uplift in cumulative impact associated with the proposed Lidl. Therefore, LSH consider that an exception can be made and that the proposed Lidl passes the impact test in respect to para. 90(b) of the NPPF and Policy DM2 of the Adopted Swale Local Plan.

6.7.6 If the Council are minded to grant planning permission LSH strongly advise that appropriate planning conditions are put in place that restricts the occupation of the food store for a LAD (Limited Assortment Discounter), as this is basis of the appraisal of the retail planning merits of the proposal. The store size, including the split between convenience and comparison goods sales area proposed should be conditioned.

- 6.8 Officers are satisfied that robust marketing has been undertaken demonstrating that there is limited demand for a hotel use in this location. Furthermore, following the independent assessment of the Planning and Retail Assessment, it has been successfully demonstrated that the introduction of a retail use in this location will not undermine the vitality and viability of the nearby town centers. While officers consider there to be limited harm from the introduction of a retail use in this location, this will need to be considered against the benefits of the scheme.

Design

- 6.9 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.
- 6.10 The site is prominent in views from public vantage points and is of a scale that will be readily noticeable. It was initially considered that the proposal fell short of the overarching aims of policy CP 4 and the NPPF. The concerns related to the architectural detailing, the use of materials, and how the site responded to the local landscape character in response to the Tree Officer concerns. It was also considered that in lieu of a bespoke building design for the site a unique design element could be a public art feature adjacent to the south elevation of the building or in the eastern landscaped area adjacent the roundabout junction.
- 6.11 A series of design discussions took place with the applicant to refine the proposal resulting in the introduction of brick piers in a contrasting engineering brick to provide texture and profile to the elevations, larger window openings to the staff facilities facing the car park to the east, with additional planting within the car park and frontages and appropriate boundary treatment which can be seen in the final design before the committee. In brief, the while the massing and scale remains as described above under paragraphs 3.1 and 3.2, the changes to the elevational treatment and extensive landscape buffers to the east and south have been materially improved and are now considered fully acceptable. A public art feature has also been agreed to the front of the store facing the A249 which should complement the appearance of the store. Details of the public art feature is recommended to be dealt with by means of a planning condition.
- 6.12 Several amendments have also been made to the landscaping proposals and the Swale BC Tree Officer and KCC Ecology concerns for native planting have been addressed satisfactorily. The soft landscaping details are covered under paragraph 3.3 and 3.4 above. The planting in many parts of the site has been well considered and will provide benefits in respect of both visual amenity and biodiversity.
- 6.13 Overall, it is considered that the design of the building in the final form achieves a sufficiently high standard of design as part of the development scheme, set within an

extensive landscape setting, which is compliant with national and local policy, including the requirements of Policy A 4 for a gateway site as discussed above.

Landscape Impact

- 6.14 The application site is not located within or immediately adjacent to any designated landscape of national or local importance. It is, however, within the countryside on the edge of Queenborough and Minster-on -Sea and forms part of the low-lying landscape character area 'LCA Central Sheppey Farmlands,' on the western fringe as defined within the Swale Landscape Character and Biodiversity Appraisal SPD (2011). Due to the proximity of the existing and proposed commercial development it has a closer relationship with the urban LCA with a stronger visual connection.
- 6.15 In terms of the impact of the proposed development, it would have low to medium impact on the LCA given the setting and commercial context. would therefore have a neutral impact upon the sensitivities of the LCA, consistent with the provisions of Policy DM24 of the Local Plan 2017 and paragraph 174 of the National Planning Policy Framework.

Living conditions

- 6.16 As set out above, the site sits opposite Cowstead Cottages on the north side of Queenborough Road which are the nearest neighbours located approximately 25m from the site boundary (56m from the nearest point to the rear of the store). Neats Court to the west at approximately 500m away and as such in light of the distance of separation would not be negatively impacted by the proposal. While residents of Cowstead Cottages would be impacted on their outlook it is considered that an allocated development for a hotel on the site would also have the same or a greater impact.
- 6.17 Concern was raised by the Environmental Health Officer (EHO) on potential noise impacts from the Lidl Store, particularly deliveries to the rear servicing yard close to Cowstead Cottages. A noise report has been submitted in support of the proposal and reviewed by the EHO. The proposed mitigation measures include a 3-meter-high wooden acoustic fence along the northern boundary of the site opposite the cottages with a landscaping strip along the road edge.
- 6.18 The EHO recommends that any permission granted should be subject to conditions. This will enable the noise elements of the development to be regulated. The conditions relate to construction hours and acoustic measures set out in the submission. It is also considered that delivery hours, details of mechanical ventilation and a Delivery Management Plan to include specific measures to ensure deliveries and noise generating plant are strictly controlled.
- 6.19 The applicant has set the store opening hours in the submission under paragraph 3.15 (07:00-22:00 Monday to Saturday and Bank Holidays, and either 10:00-16:00 or 11:00-17:00 on Sundays). The EHO considers that this would be acceptable.

- 6.20 In view of the above, it is considered that the proposal, would not give rise to significant harm to living conditions of nearby dwellings and as such would accord with Policy DM14.

Highway Impacts

- 6.21 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.
- 6.22 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. The applicant has submitted a Transport Assessment with a Travel Plan and updated technical notes for additional clarification to both KCC and National Highways.
- 6.23 The application proposes that vehicular access to the site is provided by a new access to the west of the Lower Road (A2500) roundabout on Queenborough Road. Due to the location of the site, there are potential impacts upon both the local and strategic highway network. As a result, both KCC Highways and National Highways (NH) have been consulted. Both authorities have considered the proposal and additional information submitted by the applicant to KCC and NH to address concerns.
- 6.24 In terms of the local road network, KCC Highways consider that the net effect of the development on the assessed junctions is marginal compared with background growth and committed development. KCC have sought off-site improvements to extend the footway on Queenborough Road from Cowstead Cottages to Neats Court. Approximately 190m in length of new or improved footway on the north side of Queenborough Road is to be secured via a S278 agreement. The applicant has agreed to the off-site works and confirmed with KCC Highways to be delivered before first occupation. This would address the concerns expressed by Minster-on-Sea Town Council as referred above and accessibility concerns raised by Sheerness Town Council, Tesco and Aldi representations.
- 6.25 KCC Highways have confirmed that the additional information submitted by the applicant including revised plans to demonstrate turning areas and provision of 11 EV charging parking spaces are satisfactory and would not cause an adverse impact on the highway. No objection is raised to the proposal subject to conditions which are set out below.
- 6.26 National Highway (NH) have also considered the transport and highway impact of the proposal wider network. NH assessment of the submissions confirm the following conclusions: -
- *“the A249/A2500 junctions are close to but not quite yet at a state of capacity where we could confidently recommend a refusal per se.*

- *the likely trip generation/distribution from the proposed Lidl is unlikely to tip the junction into definite over capacity.*
- *therefore, these proposals of themselves do not warrant the need for a specified form of mitigation, subject to the successful implementation of a C1/22 compliant Travel Plan covering staff, visitors/customers and deliveries.*
- *given the site's location adjacent to the SRN various other conditions are required to avoid the risk of unacceptable impacts on the safety, reliability and/or operational efficiency of the SRN."*

6.27 NH also considered the Travel Plan and acknowledge the target of 10% modal shift from single occupancy private cars. The TP includes monitoring to be undertaken annually, together with setting targets and identifying the needs for additional measures to be considered. However, there is a need for firm financial commitments to support its objectives and this needs to be provided within the document.

6.28 NH have also added an advisory note to the Council that all other applicants in the area that this is likely to be the last set of proposals capable of being accommodated ahead of improvements to the A249/A2500 junction(s) to be promoted via applications and/or the emerging Local Plan. NH confirm that "*we are content to recommend No Objection subject to the imposition of the following conditions on any consent granted.*" The conditions are set out below within the recommendation.

6.29 The total parking provision of 119 spaces, including 8 dedicated parent and child spaces, with 6 DDA compliant spaces, 7 motorcycle spaces and 12 bike stands are considered compliant with the parking standards SPD (2020) for mixed convenience(food)/comparison (non-food) store based on the proposed floor space split of 80%/20% respectively of internal sales area. 11 EV charging points are also provided which is considered by the Climate Change Officer to be acceptable.

6.30 Overall, the proposal is considered acceptable in terms of local and national highway network impacts to accord with the NPPF and Local Plan Policies DM6, DM7 and DM14.

Impact on Heritage Assets

Listed Building

6.31 The application site is situated approximately 500m from the Grade II Listed Neats Court Manor which is a heritage asset positioned closer to the approved Aldi store site approximately 900m to the NW. 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 to preserve the setting of the listed building which is also reflected in local and national policies.

6.32 A detailed Heritage Statement has been submitted in support of the application which concludes that "*due to the eroded contribution of the site to the significance of Neats*

Court, the much altered setting of the listed buildings, and the scale and form of the proposals, the proposed development would have no impact on the significance of the Grade II listed Neats Court. The proposals would therefore preserve the special architectural and historic interest of the listed and curtilage listed buildings.” The submission has been considered by the Council’s Conservation and Design Manager who broadly concurs. Officers consider the heritage impact would be less than substantial in NPPF terms and the proposal is considered acceptable. Subject to the application of relevant planning conditions, in particular focused on ensuring a high standard of design and a strong landscaped setting to the building, it is therefore considered that the proposed development complies with national legislation, the NPPF and local policy on built heritage.

Archaeology

6.33 The site is located within an area of archaeological potential and KCC Archaeology were consulted. KCC Archaeology have considered the proposal and comment as follows: -

- The application has not included a supporting assessment of the archaeological potential, but we have provided advice on adjacent sites for the development related to the Neats Court distribution centre, the Aldi development, Medicham and the adjacent generating site.
- As advised previously, 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. The present site is close to the focus of the clusters of Iron Age and Roman cremations at Cowstead Corner.
- A staged programme of archaeological investigation is an appropriate response and that can be secured through an appropriate condition. The archaeological programme should commence with a stage of trial trenching which would inform subsequent stages of the programme of mitigation.

6.34 KCC Archaeology recommend a similar condition to that on the approved Aldi development nearby for intrusive field investigation and evaluation which is set out below.

6.35 In view of the above, it is considered that the proposal is acceptable in terms of heritage impacts to accord with the NPPF and Local Plan Policies CP8.

Biodiversity

6.36 As described above, the application site is comprised of undeveloped rough grassland, with ditches passing around the site outside the site perimeter boundary. The applicant’s Preliminary Ecological Appraisal (PEA) demonstrates that there is little

protected species interest. KCC Ecology have considered the PEA and concur with its findings.

- 6.37 A BNG assessment and Defra Metric 3 has also been submitted to demonstrate an overall net gain of 10.93% or 0.36 biodiversity units. The pre-development score for hedgerows is 0. The post development score for hedgerows is a gain of 100% 0.37 units. The PEA also recommends a Landscape and Ecological Management Plan to cover 25-30 years as well as a recommended external low lighting to mitigate the impact on foraging Bats. Both are secured recommended conditions below.
- 6.38 KCC Ecology questioned the evidence presented within the BNG Metric. However, the KCC Ecologist acknowledge that “in the absence of more evidence, we would be willing to accept that a net-gain is achievable if the landscaping is altered to feature native species-only (as specified in our previous response) and that glyphosate use is omitted from the submitted landscape plan (we cannot support a plan that uses glyphosate herbicide as this actively harms biodiversity and is unnecessary most of the time). The applicant has submitted amended plans and a planting schedule to address KCC Ecology’s concerns for native plans and omission of the use of glyphosate herbicide. KCC also requested a sensitive lighting design and, importantly, ensure that the development is not illuminated throughout the entire night. Lighting details will be secured by condition as above.
- 6.39 KCC Ecology’s final confirmation on inclusion of native planting and omission of the use of glyphosate is awaited at the time of finalising the report. Any adverse comments will be reported verbally.
- 6.40 With regard to a Habitats Regulations Assessment (HRA) Natural England (NE) have considered the proposal and confirm that the proposed development will not have a significant adverse impact on statutorily protected nature conservation sites or landscapes. However, to meet the requirements of the Habitats Regulations NE advise that the LPA record a decision that a likely significant effect can be ruled out.

Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017

- 6.41 The application site is located within the 6km buffer of (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 6.42 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, as far as these would be significant having regard to the objectives of this Article.
- 6.43 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Modifications stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88

per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are ecologically sound.

- 6.44 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein from recreational use. The proposal is for a retail store where recreational pressure is absent and does not have the potential to affect said site's features of interest, although NE advises an Appropriate Assessment to establish the likely impacts of the development.
- 6.45 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment (HRA).
- 6.46 Given the nature of the proposed development for a retail store which is absent of recreational pressures, a likely significant effect on European sites can be ruled out. Furthermore, NE also confirm that the proposed development will not have likely significant effects on statutorily protected sites and has no objection to the proposed development. Standard guidance is provided on SSI Impact Risk Zones, but they are not considered material to this proposal. The HRA is therefore recorded as advised by NE.
- 6.47 In view of the above, it is considered that the biodiversity and HRA impacts of the proposal are considered acceptable to accord with the NPPF and LP Policy DM 28.

Drainage

- 6.48 Local Plan as Policy DM21 sets out a raft of criteria aimed at preventing or reducing flood risk. The revised NPPF at chapter 14 sets out government views on how the planning system should consider the risks caused by flooding. The planning practice guidance under the chapter titled 'flood risk and climate change' gives detailed advice on how planning can take account of the risks associated with flooding in the application process. Local Plan Policy CP7 requires new development to be supported by the timely delivery of green infrastructure, including SuDS.
- 6.49 The site is located in a low-risk Flood Zone 1. The application is supported by a Flood Risk Assessment and Drainage Strategy. The Environment Agency confirm they have no comments to make on the proposal and delegated the matter to the LLFA
- 6.50 The KCC Flood and Water Management (LLFA) have considered the proposed drainage scheme and raise no objection, subject to the imposition of conditions. The same is true of the Lower Medway Internal Drainage Board (LMIDB), whose comments are set out under paragraph 4.18. The LMIBD has agreed in principle to the discharge of both surface water and treated foul water into the LMIDB drainage district and to consent these discharges subject to further detail including the location of the discharge point. The applicant has applied for the license separately with further details to comply with the LMIBD's requirement.
- 6.51 Southern Water have also not raised an objection. Technical drainage matters are a matter for the applicant to resolve directly with Southern Water's interest and

coordinate with the LMIBD.

- 6.52 The imposition of the LLFA requested conditions will ensure that the scheme can meet the requirements of Policies DM21 and CP7 of the Local Plan. On this basis drainage is, considered to be satisfactorily addressed.

Sustainable design and construction

- 6.53 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.”*
- 6.54 The applicant’s BREEAM Pre-Assessment Report and Energy Strategy supports the proposal which set out a number of ways, including building fabric performance (passive design); air permeability; ventilation; heating; lighting; re-usable energy and efficient refrigeration as to how a BREEAM ‘very good’ rating can be achieved. A roof top solar array consisting of 303 panels (circa 606 sqm or 121kWp) is integrated into the design for on-site renewable energy generation, together with heat pumps for both heating and cooling. Sustainability measures are projected to provide 177% on-site renewable energy and 133% CO2 emissions reduction.
- 6.55 The Council’s Climate Change Officer supports the sustainability/renewable energy measures subject to a condition on BREEAM ‘very good’ rating compliance. On this basis it considered that the application is compliant with Policy DM 19 and the NPPF Chapter 14 on Climate Change.

7 CONCLUSION

- 7.1 In view of the relevant material considerations set out above, no significant harm in respect of the impact of the development on the vitality and viability of Sheerness Town Centre is identified. However, the proposal is acknowledged to be a departure from the Local Plan allocation for a hotel as set out in Policy A 4. However, that as assessed on its own is not considered to outweigh the inherent economic, social and environmental benefits of the proposal, including BNG of 10.93%, carbon emissions reduction of 133% and job creation for up to 40 jobs. Additionally there would also be off-site improvements for active travel with a footway/cycleway extensions of 190m along the north side of Queenborough Road to Neats Court.
- 7.2 Furthermore, there is not any unacceptable harm to highway safety and access, living conditions or heritage assets. The proposal is sustainable development as evidenced by other technical considerations on drainage, energy and ecological impacts. On the balance when all material considerations of the proposal are considered, the scheme is considered to constitute sustainable development in accordance with the Local Plan 2017 and the NPPF.
- 7.3 It is recommended that planning permission for the scheme be granted subject to safeguarding conditions.

8 RECOMMENDATION

Delegate to the Head of Planning to **grant planning permission** subject to the conditions set out below with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.

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 drawings: AD100, AD110 rev G, AD111 rev B, AD112 rev A, AD113 rev H, AD114 rev H, AD115 rev E, AD118 rev G, AD119 rev A, 600 rev C, 601 rev C, 9003-P06 and 9004-P06.

Reason: For clarity and in the interests of proper planning.

- (3) Prior to commencement of the development above ground level, the following stated junction details between the key architectural elements of the building shall first have been submitted to and approved in writing by the Local Planning Authority:

- (i) 1:5 vertical section showing the roof/wall junction detailing;
- (ii) 1:5 vertical section showing cladding/brickwork junction detailing; and
- (iii) 1:5 vertical section showing external reveals to glazed areas and the associated glazing and brickwork or cladding junction detailing

The approved details shall be implemented in strict accordance with the details approved in relation to this planning condition, and thereafter and maintained as such in perpetuity.

Reason: In the interest of visual amenity.

- (4) The building hereby approved shall be constructed to achieve a minimum of BREEAM 'Very Good' rating. Within 6 months of the store first opening to the public, written documentary evidence proving that the development has achieved a minimum 'Very Good' rating against the BREEAM Standard in the form of post construction assessment and certificate as issued by a legitimate BREEAM certification body, shall be submitted to and approved in writing by the Local Planning Authority.

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

- (5) Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period

for the development hereby approved and shall include:

- (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) Measures to prevent the transfer of mud onto the public highway including the provision of wheel washing facilities
- (e) Temporary traffic management / signage

Reason: In the interests of highway safety and residential amenity.

- (6) Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The document shall be produced in accordance with the Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites, the Control of Dust from Construction Sites (BRE DTi Feb 2003) and the Institute of Air Quality Management (IAQM) 'Guidance on the Assessment of Dust from Demolition and Construction'. The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: In the interest of residential amenity.

- (7) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a Construction Traffic Management Plan have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction of the development shall proceed in strict accordance with the approved Construction Traffic Management Plan unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 continues 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 and paragraph 111 of the National Planning Policy Framework (2021).

- (8) No works shall commence on the site hereby permitted (including site clearance or preparation) until the details of a scheme to safeguard and maintain the geotechnical stability of, and safety of the travelling public on, the A249 during construction, occupation and maintenance of the site have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways). Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 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 and paragraph 111 of the National Planning Policy Framework (2021).

- (9) No occupation of the site hereby permitted shall occur until the details of the scheme of external lighting (covering all land and works capable of being seen from the A249) have been submitted to and approved in writing by the local planning authority (who shall consult with National Highways and KCC Ecology).

Thereafter the construction, occupation and maintenance of the development shall be in strict accordance with the approved scheme unless otherwise agreed in writing by the local planning authority (who shall consult National Highways).

Reason: To ensure that the A249 continues 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 and paragraph 111 of the National Planning Policy Framework (2021) and in the interest of ecology.

- (10) The site preparation, construction, use and/or maintenance of the development hereby permitted shall be managed in order to ensure that no surface water runs off on to the highway or into any drainage system connected to the Strategic Road Network. No drainage connections from the development hereby permitted shall be made to any Strategic Road Network drainage systems.

Reason: To ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980, to satisfy the reasonable requirements of road safety and to prevent environmental damage and paragraph 111 of the National Planning Policy Framework (2021)

- (11) No part of the development hereby permitted shall be occupied until a detailed Travel Plan, has been approved in writing by the local planning authority (who shall consult with National Highways) and implemented. The Travel Plan shall include such details as required by DfT Circular 01/2022, particularly paragraph 44. The Travel Plan shall also include details regarding responsibilities and arrangements for monitoring, review, amendment and effective enforcement in perpetuity.

Reason: To minimize traffic generated by the development and to ensure that the A249 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980.

- (12) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:

Monday to Friday 0730 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

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

Monday to Friday 0900 - 1700 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.

- (14) The provision for delivery vehicle loading, unloading, and turning within the development hereby permitted shall be provided as shown on drawing SCP/210746/ATR04_1 Rev A and ATR04_2 rev A prior to the first opening of the development to the public and retained and maintained in perpetuity unless

otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity.

- (15) The provision and permanent retention of the cycle parking facilities shown on the submitted plans (23007_ AD_110 REV G) prior to the use of the site commencing.

Reason: In the interests of promoting active sustainable travel and highway safety.

- (16) Prior to the use hereby permitted commencing, details of electric vehicle charging points, to serve 11 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the building and maintained thereafter.

Reason: In the interests of sustainable development.

- (17) The Provision of the off-site highway works to construct a footway/cycleway along Queenborough Road as indicated on drawings SCP/210746/D05 in accordance with technical details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of sustainable travel and highway safety.

- (18) The landscaping scheme and planting specification shown on drawing nos. JSL4227-RPS-XX-EX-DR-L-9003_P06 and JSL4227-RPS-XX-EX-DR-L-9004_P06 shall be carried out within 12 months of the completion of the development. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

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

- (19) Details of the design, materials and scale of the public art feature shown on drawing no. 230613_23007_AD 110 rev G, including CGIs from long distance views, shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the date of this planning permission. The approved scheme shall be implemented prior to the opening of the store.

Reason: To ensure the design of the approved development befits the gateway location in the interest of the visual amenities of the area.

- (20) Details of any mechanical ventilation system that will be installed, including details of the predicted acoustic performance, shall be submitted for approval by the LPA. No building works shall commence on any mechanical ventilation system until approval has been given by the LPA. Upon approval, the system shall be installed, maintained, and operated to prevent the emission of odours, fumes, noise and vibration to neighbouring properties.

Reason: In the interest of residential amenities.

- (21) The proposed mitigation measures detailed in the Noise Impact Assessment 9314/RD revision 6 including the acoustic fencing opposite Cowstead Cottages shown on drawing no, 230613_23007_AD 114 Rev H shall be implemented fully prior to the first use of the development. The mitigation measures shall be maintained and operated in accordance with the approved report unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interest of residential amenity.

- (22) Prior to the use of the site hereby approved commencing, a Delivery Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The DMP shall detail all recommended noise mitigation measures to be undertaken during deliveries, as contained in the Environmental Noise Report submitted with this application, and shall include but not limited to, a limit of one delivery at a time and no audible reversing alarms.

Reason: In the interest of residential amenities.

- (23) Development shall not begin 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 Flood Risk Assessment and Drainage Strategy dated September 2022 prepared by Mayer Brown Ltd. The submission shall also 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.

- (24) The development hereby permitted shall not 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.

- (25) 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 have been submitted to and approved, in writing, by the local planning authority:
- 1) A site investigation, based on the Phase 1 site investigation and preliminary risk assessment 892.01.03 to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) 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.
 - 3) 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: In the interest of public health.

- (26) 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 in writing by the local planning authority.
- 1) 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.

- 2) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.
- 3) 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.
- 4) The measures outlined in the Post-Excavation Assessment Report shall be implemented in full and in accordance with the agreed timings.

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with the Swale Borough Local Plan and the National Planning Policy Framework.

- (27) No deliveries shall take place outside the hours of 0600 - 2300 hours Monday to Saturday, and 07:00 - 23:00 hours on a Sunday, Bank or Public holiday.

Reason: In the interests of residential amenity.

- (28) The food store hereby approved shall only be used as a Class E(a) retail food store and shall be restricted to 'limited product line deep discount retailing' and shall be used for no other purpose falling within Class E of the Town and County Planning (Use Classes) Order 1987 (as amended) (or any order revoking or re-enacting or amending that Order with or without modification). 'Limited product line deep discount retailing' shall be taken to mean the sale of no more than 3,500 individual product lines.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre.

- (29) The total Class E(a) (retail) floorspace hereby permitted shall not exceed 1,906 sqm gross internal area. The net sales area (defined as all internal areas to which customers have access, including checkouts and lobbies) shall not exceed 1,266 sqm without the consent of the Local Planning Authority.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre.

- (30) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), the Class E(a) (retail) floorspace hereby permitted shall be used primarily for the sale of convenience goods with a maximum of 253 sqm of the net sales area devoted to comparison goods.

Reason: To control the extent of comparison goods retailing, to prevent unacceptable impacts upon the vitality and viability of Sheerness Town Centre.

- (31) The Class E(a) (retail) unit hereby permitted shall be used as a single unit and shall not be sub-divided into two or more units, and no concessions shall be permitted within the unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre.

- (32) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting or amending that Order with or without modification), no mezzanine floor or other form of internal floor to create additional floorspace other than that hereby permitted shall be constructed in the hereby permitted Class E(a) (retail) unit.

Reason: To prevent unacceptable impacts arising from the development upon the vitality and viability of Sheerness Town Centre.

- (33) The class E(a) retail use hereby permitted shall not be open to customers or any other persons not employed within the business operating from the site outside the following times 0800 - 2200 on Monday-Friday, Saturdays and Bank and Public Holidays and any 6 hours between 1000 - 1800 on Sundays.

Reason: In the interests of residential amenity.

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. Interested third parties were also provided with an opportunity to speak to the committee at the meeting held on the 20th July 2023.

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



Appendix 1: Minster-on-Sea PC

Comments for Planning Application 22/504598/FULL

Application Summary

Application Number: 22/504598/FULL

Address: Land At Queenborough Road Isle Of Sheppey Kent ME12 3RJ

Proposal: Erection of Class E(a) retail store with associated parking, access, servicing and landscaping.

Case Officer: Thomas Webster

Customer Details

Name: . Minster-on-Sea Parish Council

Address: Minster Parish Council, Love Lane, Minster-on-sea Sheerness, Kent ME12 2LP

Comment Details

Commenter Type: Parish

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: While Minster-on-Sea Parish Council can see some benefits to the proposal and it supports the creation of jobs, it would not want this to be at the expense of Sheerness Town Centre,

As such the Parish Council is keen to ensure the proposal meets the strategy criteria laid down by Policy ST6 - "Where sites cannot be made available in the town centre, planning permission will not be granted for retail and leisure proposals at other sites where these would undermine the vitality of the town centre ..."; The Parish Council's approach also conforms with the NPPF 2021 Chapter 7 Ensuring the vitality of town centres, in that "Planning policies and decisions should support the role that town centres play at the heart of local communities..." (P.86). To this end, it would want the Local Planning Authority to 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..." (P.87) As the development proposed in the planning application is located outside of Sheerness Town Centre and is of a scale of retail development in excess of 2,500m², the site must both be subjected to a site-specific sequential test, and through a retail impact assessment demonstrate that the development is unlikely to have a significantly adverse impact on Sheerness Town Centre.

If permission is granted, it also needs to be for a development that creates a gateway into an area that includes a main road route into Sheerness and the Queensborough and Rushenden Regeneration Area. As presented, the developments design and landscaping does not reflect what would be a prominent gateway site".

Furthermore, regarding off- site improvement works which the Parish Council insists must be a

APPENDIX 1

mandatory requirement if permission is granted:- Given the proximity of the development site to nearby housing (Queenborough Road residential section, Rushenden, Thistle Hill/Barton Hill Drive, it is likely that people will walk/cycle to the store and will need to do so in a safe environment. Safe pedestrian links to the site will therefore need to be provided to cater for this. Given the wider development in the area, a proportionate approach has been determined to be taken between several development sites (20/506001/FULL and 19/502969/FULL to provide a footpath on the Northern side of Queenborough Road. The applicant will need to form the section from the point where the existing footway/cycleway ends in the vicinity of Cowstead Cottages up to Neats Court Cottages (Approx 120m) to be carried out under a S.278 Agreement. This will provide a continuous link between A2500 Lower Road/Cowstead Corner, along the whole length of Queenborough Road."

Appendix 2: Sheerness TC

From: clerk@sheerness-tc.co.uk
To: [Planning Comments](#)
Cc: [Cllr Dolley White](#)
Subject: Lidl's, Neat's Court, 22/504598/FULL:
Date: 02 February 2023 15:56:07
Importance: High

Dear Sir/Madam,

Could we please add the following comments to the planning application.

Lidl's, Neat's Court, 22/504598/FULL:

Council agreed to object

Councillors agreed that Sheerness is an area of high deprivation and will be losing out to job opportunities and development benefits of having low-cost supermarkets within the Sheerness ward. There is no benefit to the population, there is no proposed public transport to enable the high percentage of public in Sheerness who do not drive to access the location. The application will only benefit Minster, Halfway and Queenborough.

Bearing Fruits 2031, policy CP1 it states '7. Avoid proposals that would result in the diminishing of existing employment sites and allocations where appropriately located and suitable, viable for users under normally functioning economic conditions or required to meet the identified needs for the plan period'

The land at West Minster is part of the local plan allocation whereas the proposed location of this application is not. Its location will add congestion to a regularly over crowded area of road which falls down every day on safety to motorists let alone any plan to allow active travel users to access the site from areas such as Sheerness or Rushenden. Areas of more affluence like Minster and Queenborough have the option of car travel. This application in its current form changes the reception to the entire Island and removes low paid work options from the communities that need it most let alone any access argument for the eastern end of the island but that is for their representation to make that case. The application does not go far enough to mitigate the long term affect this and others will have on Sheerness social and economic factors that are already precarious in the area.

Kind Regards

Zoe O'Brien

Town Clerk and RFO

Office - 01795 668787

Hours of work Monday, Tuesday and Thursday 9-5pm



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PLANNING COMMITTEE – 20 JULY 2023

PART 5

Report of the Head of Planning

PART 5

Decisions by County Council and Secretary of State, reported for information

- **Item 5.1 – Golden Leas Holiday Park Bell Farm Lane Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Please see below

- **Item 5.2 – Estuary View Caravan Park Bell Farm Lane Minster**

APPEAL DISMISSED

DELEGATED REFUSAL

Observations

Given the close proximity of these adjoining holiday parks to each other, and the similarity of the proposed development on each site to allow the year-round residential use of caravans (20 caravans at Golden Leas and 17 caravans at Estuary View), the Inspector held a combined Hearing.

In dismissing both appeals, the Inspector found that the developments would be significantly harmful to the character and tranquillity of the countryside through year round residential occupation of the caravans. He also considered that the developments would not promote sustainable patterns of development, being located where there would be a reliance on the private car to reach services and facilities, and gave moderate weight to this harm. The Inspector also concluded that the proposal would result in a loss of potential tourism and some adverse effect on rural employment and the tourist economy through the loss of holiday units to permanent residential use, but in light of the significant number of holiday parks in the area, he gave minimal weight to this adverse impact. In the case of the Estuary View site, the Inspector did not agree with the Council's concerns that the site layout and close relationship between units and adjacent parks would be harmful to living conditions if the units were used as permanent residences.

The Inspector gave little weight to the Council's Interim Park Homes Policy.

In weighing up the proposals in the context of the Council's lack of a 5 year housing supply, the Inspector gave positive weight to the contribution these would make towards housing supply, and the provision of low-cost single storey housing for over 55's. However he considered the cumulative harm arising from the location of the development, loss of tourism and impact upon the character of the countryside to be highly significant, and that these adverse impacts significantly and demonstrably outweighed the benefits of the development.

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Appeal Decision

Hearing held on 22 March 2023

Site visit made on 24 March 2023

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/V2255/W/21/3279116

Golden Leas Holiday Park, Bell Farm Lane, Minster-on-Sea ME12 4JA

- 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 a condition subject to which a previous planning permission was granted.
 - The appeal is made by Mr Raoul Fraser, Golden Leas Holiday Park, against the decision of Swale Borough Council.
 - The application Ref 20/503267/FULL, dated 21 July 2020, was refused by notice dated 24 March 2021.
 - The application sought planning permission for development described as 'variation of condition 3 of permission NK/8/57/82 to allow 10-month occupancy' without complying with a condition attached to planning permission Ref SW/11/1588, dated 3 February 2012.
 - The condition of permission SW/11/1588 which is in dispute is No 2. This states:
(2) No caravans shall be occupied between 1st March and 2nd January in the following calendar year unless there is a signed agreement between the owners or operators of the park and all caravan owners within the application site, stating that:
 - (a) The caravans 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 shall be used as a postal address; and
 - (c) No caravan shall be used as an address for registering, claiming or receipt of any state benefit; and
 - (d) No caravan 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 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.
 - The reason given for the condition is: In order to prevent the caravans from being used as a permanent place of residence, and in pursuance of policies E1 and E6 of the Swale Borough Local Plan 2008.
-

Decision

1. The appeal is dismissed.
-

Appeal Decision APP/V2255/W/21/3279116

Preliminary Matters

2. Because this appeal, and the appeal¹ on the neighbouring site, Estuary View, raised issues and concerned policies common to both, they were conjoined. While a single Hearing was held, and a single site visit made, each appeal has been considered on its own merits, and against its particular circumstances.
3. The initial application was to remove conditions 2, 3, and 4 across the whole site. Before the Council determined it, the application was amended to vary condition 2 to permit permanent, year-round residential use of 20no. caravans (age restricted to occupiers over 55) as identified by drawing no. 4348-510 (The remainder of the site to continue in use for the stationing of caravans as holiday accommodation and for a maximum 10-month period each year).
4. The implications of the operative part of the planning permission and the potential for conflict with the omission or variation of this condition were discussed at the opening of the Hearing. The 2012 permission² which the appellant seeks to vary here, restricts occupancy to 10 months in a year. This 2012 permission was in effect a variation of the original permission NK/8/57/82 which granted development for 'use as caravan camp' with a restriction on use to 8 months in a year. It is on these bases that I have considered the appeal.
5. On opening the Hearing, the acceptability of the Council's late documents and plans, referenced at the end of this decision letter were reviewed. The appellant did not object to their inclusion. I saw no risk of prejudice in accepting them. They have therefore formed part of the appeal. During the Hearing, both parties referred to documents either published, or on public file with the Council, already familiar to them, as listed at the end of this decision. As these were not in the appeal, I accepted them after the Hearing.

Main Issues

6. These are whether the condition is reasonable or necessary having regard to:
 - the effect of the development on the character of the countryside;
 - the location of the development, in terms of access to services and facilities and the objectives of a sustainable pattern of development; and,
 - the effect of the development on tourism.

Reasons

The effect of the development on the character of the countryside

7. Policy DM5 of the Local Plan³ (LP) says that to ensure a sustainable pattern of development and to protect the character of the countryside, wherein there is no dispute the appeal site lies, planning permission will not be granted for the permanent occupancy of caravans and chalets.
8. I have taken into account that the built-up area boundary in the development plan is only around 100m away. A housing estate has been built on the other

¹ Appeal Ref: APP/V2255/W/21/3279125

² LPA Ref: SW/11/1588 of February 2012

³ Bearing Fruits 2031: The Swale Borough Local Plan, adopted July 2017

Appeal Decision APP/V2255/W/21/3279116

side of Plough Road, within that boundary. This is partially visible from the Plough Road entrance to the appeal site. Moreover, more established housing, again albeit within the settlement boundary, stands a few metres further to the west of that estate. This urban edge has a bearing on the character of the countryside which here is largely to the north of Plough Road.

9. However, the mature and generally dense line of trees which enclose Plough Road contains the estate spatially and lessens its visual bearing on the countryside beyond the boundary. From what I could see, the countryside here is characterised as much by its isolation and its open, exposed form, which foregrounds views to the coast and the sea, as it is by its mature trees, hedgerows, fields, and grazing animals. That landscape character is underpinned by the surviving tranquillity of the countryside here, which is largely undeveloped, and which is an equally important component of its character.
10. I appreciate that there are dwellings in this countryside and to the northwest of this site there is a lawful development certificate for residential park homes. However, homes are relatively few and scattered, unlike the concentrated housing in the built-up area to the south. The number and location of homes have not changed to any significant degree the character of the countryside identified above.
11. I have taken into account that the proposal would be largely contained, visually, by caravans. But holiday parks containing caravans are characteristic of the countryside, especially here. They are perhaps now as much part of the character of this part of the countryside as the other landscape features which define it. The proposal would not appear out of place.
12. Regarding the restriction on occupancy in terms of character, I appreciate that the caravans here are largely owner-occupied, unlike the caravans in the corporate holiday parks with a brisker turnover of occupiers. In terms of external or landscape changes or personalisation and their effect on character, I accept the appellant's argument that here the distinction between a caravan in permanent occupancy and one restricted, is too narrow to distinguish.
13. I acknowledge the appellant's point that a caravan in permanent occupancy may create fewer trips and less activity than a caravan not in permanent occupancy. However, the opposite may be equally true. Unfortunately, there is no substantive evidence from either side to draw comparisons on the profiles of caravan occupancy here in terms of frequencies of visits, lengths of stays, modes of transport, numbers of occupiers, trips, visitors, and the activity generated. In these circumstances, the logic of the Council's argument, that a caravan in permanent occupancy must for the most part, by definition, have more activity or comings-and-goings than a caravan which is not in permanent occupancy, and not occupied at all for two months of the year, is compelling.
14. Moreover, the occupancy restriction provides a 2-month long respite from the effects of occupation on the character of the countryside, particularly its isolation, and its exposure and tranquillity, which may perhaps be reasons the

Appeal Decision APP/V2255/W/21/3279116

area is such a draw for holidaymakers, visitors, and residents alike, in the first place.

15. Given the location of the site in the countryside, the intrinsic character and beauty of which the Framework says⁴ policies and decisions should recognise, I find that restricting the caravans from permanent occupancy is necessary to protect the tranquillity of the countryside, which is part of its character.
16. I conclude that, without the condition, the proposal would cause very significant harm to the character of the countryside, placing it in direct conflict with LP policy DM5 where it seeks to protect the character of the countryside by not granting planning permission for the permanent occupancy of caravans or chalets. It would also run against the Framework which indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The location of the development

17. The Local Plan, in policy ST3, does not generally permit development in the open countryside outside the built-up area boundaries. Instead, it seeks through policies ST6 and CP3, to make settlements within the West Sheppey Triangle the focus of development, and to steer housing to within the built-up area boundary or to allocated sites. The Framework, in paragraph 80, indicates that decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply, none of which pertain in this case.
18. The parties agree that the area north of Plough Road, wherein the site lies, is characterised by undeveloped countryside, holiday parks and scattered dwellings. I saw that the site is surrounded on three sides by caravans or park homes and on the fourth side by an access road. Though the location of the development would not, strictly, follow the locational policies of the development plan, in these circumstances I cannot find that the development would be isolated. Because of the factors above, the weight I can accord this locational conflict with the development plan is limited.
19. I saw a small site shop on the access road leading to the site. This sold a few essential groceries. It would not though, to any significant degree, reduce the need for future occupiers to travel further afield for access to a wider range of services and facilities.
20. The closest settlement with a range of services and facilities is Minster, around 1.9km to the west. It is classified in the Local Plan as an 'other urban local centre,' with a limited or variable range of services, but likely to be the focus of developments seeking to meet the needs of their own and wider needs. There is also a convenience shop, around 1km from the site, close to the road to Minster.

⁴ National Planning Policy Framework, paragraph 174(b)

Appeal Decision APP/V2255/W/21/3279116

21. To the east, around 2.1km away, is Eastchurch, described in the Local Plan as a rural local service centre, and likely to serve rural populations for day-to-day services. Sheerness, a borough centre, is around 6km away. The Local Plan recognises that populations will travel to different centres for different needs. These are the closest settlements that could serve the needs of future occupiers.
22. The roads to Minster and Eastchurch are long, and they do not have footways or streetlights for their entire lengths, making them unlikely destinations to reach by walking. Given the road widths and amount of traffic on these roads, cycling, for those able and inclined, appeared to me a reasonable option in both directions.
23. The closest bus stops to the site are around 350m away, on Eastchurch Road, served by school morning and afternoon buses, and by approximately, hourly public buses in both directions between 07:30 and 19:30. The frequency of the buses would offer an alternative means of access to the services and facilities in the neighbouring settlements.
24. However, I saw that part of the route to these bus stops passes along a byway with extremely poor surfacing and no street lighting. Reaching the bus stops would be challenging for those with poor sight, poor mobility, or those with small children to push. This makes the bus an unlikely choice in poor weather or poor light.
25. There are alternative bus stops a little further to the west. However, the footway from the site to them is not continuous – the corner by Bell Farm Lane is a relatively tight bend with limited intervisibility, on rising ground, without footway or lighting. Even taking into account the infrequency of traffic here, this bend exposes walkers directly to traffic from behind, in each direction, with little or no refuge. It is not a suitable option to rely on for access to bus services.
26. For this reason, and notwithstanding that the site has access to supermarket deliveries and broadband, future occupiers would depend largely on the private car to reach the services and facilities they need to meet their daily needs. The proposed development would not be a sustainable pattern of development. It would therefore conflict with LP policies ST3, ST6, and CP3 above, as well as LP policies ST1, DM5 and DM14 which, to ensure a sustainable pattern of development do not grant permission for the permanent occupancy of caravans and chalets and seek sustainable development and convenient routes and facilities for pedestrians. It would also conflict with section 9 of the Framework which encourages the planning system to actively manage patterns of growth in support of the objectives of promoting sustainable transport.
27. Notwithstanding this, in favourable conditions there would be access to public transport. Moreover, trips could result from the permitted use of the land for occupation during 10 months of the year, and without more permissions.

Appeal Decision APP/V2255/W/21/3279116

Taking these factors and the physical circumstances into account, as well as the Framework, which indicates in paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the adverse impact of the location of the development, in terms of access to services and facilities and the objectives of a sustainable pattern of development would be no more than moderate.

The effect of the development on tourism

28. The appellant pointed out that there is no prohibitive policy in the Local Plan protecting existing holiday accommodation. However, LP policy ST6 requires development to support the existing tourism offer or to help its modernisation and diversification. LP policy CP1 requires development to consolidate or widen the Borough's tourism potential, and LP policy DM3 requires residential development not to reduce the potential for rural employment. The Framework also says in paragraph 84 that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
29. There would be some loss of potential tourism use because of the development of the ground which would no longer be available. Similarly, there would be some adverse effect on rural employment and the tourist economy as a result of a diminished demand for services and facilities that cater for tourists. Without substantive evidence to the contrary, I am not convinced that caravans in permanent occupancy would make up for the economic benefit lost to the tourism industry from the consented use.
30. Notwithstanding this, the area of the site involved compared to the extensive area of the remainder of the holiday park and the number and area of holiday parks in this area, is comparatively limited. The appellant counted 1,239 caravans within 1.5km of this site. Without evidence that there is a pressing tourism need for this site or the number of caravans it could support, the potential effect on tourism and on rural employment would be relatively minimal. Moreover, no existing holiday caravans would be lost.
31. In these circumstances, while I acknowledge the conflict of the proposal with the Local Plan, specifically policies ST6, CP1, and DM3, in terms of its effect on tourism, for the reasons above, any adverse impact would be only very minimal.

Other Matters

32. I have noted the Council's Interim Planning Policy (IPP), adopted in June 2020. It says that proposals for residential park homes will be granted provided that, amongst other criteria, the site is in a sustainable location. This is inconsistent with policy DM5 of the Local Plan which has a presumption against the permanent occupancy of caravans and chalets. However, the IPP was not subject to the full public consultation and examination in public necessary for it to be part of the development plan. The IPP is a material consideration, but these factors limit the weight I can accord it.

Appeal Decision APP/V2255/W/21/3279116

33. I appreciate that a policy reflecting the IPP was included in the Council's emerging Local Plan Review. However, the Council confirmed at this Hearing that the LPR was postponed in October 2022. It is preparing a new timetable for the LPR and anticipates reaching Regulation 19 stage in spring 2024. I cannot be sure that the LPR will not be subject to significant change. This limits the weight I can accord its policies, including DM18 which reflects the IPP.
34. The appellant has referred to a similar appeal⁵ allowed in West Sussex. While the Inspector found the loss of twelve units was relatively moderate, she nonetheless concluded that the removal of the condition would be harmful to the provision of visitor accommodation. It is unclear if the housing supply situation in Arun which informed the planning balance in that case is similar to the circumstances in Swale. More decisively, my finding in this appeal of harm to the character of the countryside appears not to have factored in the planning balance in Arun. It is not possible to draw sufficiently close parallels between the appeals to change my planning balance.
35. Though one of the reasons for refusal of the application in this appeal was the lack of any contributions to mitigate the impact of the development on local services and infrastructure, and on the Swale and Medway Estuary Special Protection Areas, a unilateral undertaking was provided after the Hearing. The Council has confirmed that this has resolved their concerns. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider these other matters in any further detail.

Planning Balance

36. The proposal would bring considerable benefits, particularly the additional housing it would provide, on previously developed land, at a time when the Council's latest, published 5-year supply of deliverable housing sites is only 4.83 years. Though the proposal may not resolve that policy gap and its contribution to housing supply may be relatively modest, to those suffering its ill effects, the development would be a shift towards a more balanced situation.
37. Moreover, the development would help to meet the identified, local need for low-cost, single-storey housing, attractive to the expanding demographic of those over 55 years of age, and in short supply. In addition, the proposal would release larger homes to the general housing market as older occupiers downsize. It would bring economic benefits too from employment during implementation, and the spending in the local economy of future occupiers.
38. Notwithstanding all the benefits of the proposal, and though I have found that the adverse impact of the location of the development would be no more than moderate, and that in terms of its effect on tourism, any adverse impact would be only very minimal, it would nonetheless cause very significant harm to the character of the countryside.
39. The development plan policies referred to by the Council in these respects are generally consistent with the Framework; I give substantial weight to the

⁵ Appeal Ref: APP/C3810/C/19/3222033

Appeal Decision APP/V2255/W/21/3279116

conflict with them. Despite the benefits, the proposal would not accord with the development plan when considered as a whole.

40. The lack of a 5-year supply of deliverable housing sites means that the tilted balance of the Framework is engaged. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
41. The Framework indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. It encourages the planning system to actively manage patterns of growth in support of the objectives of promoting sustainable transport and to enable sustainable rural tourism which respects the character of the countryside.
42. Taking account of the shortfall in the 5-year supply of deliverable housing sites, the benefits of the development carry considerable weight in favour of the proposal. However, the harm resulting, in this case, leads me to conclude that the proposal would not contribute to or enhance the local and natural environment, promote sustainable transport, and enable sustainable rural tourism which respects the character of the countryside, as sought by the Framework.
43. The overall, combined level of harm that would arise in terms of the character of the countryside, the location of the development, and tourism would cumulatively be highly significant. The adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

44. The proposal would be contrary to the development plan and the other material considerations do not suggest that the decision should be taken otherwise than in accordance with the development plan. Accordingly, despite the absence of a 5-year supply of deliverable housing sites, the present condition is reasonable and necessary to make the development acceptable. The appeal is therefore dismissed.

Patrick Whelan
INSPECTOR

Appeal Decision APP/V2255/W/21/3279116

conflict with them. Despite the benefits, the proposal would not accord with the development plan when considered as a whole.

40. The lack of a 5-year supply of deliverable housing sites means that the tilted balance of the Framework is engaged. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
41. The Framework indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. It encourages the planning system to actively manage patterns of growth in support of the objectives of promoting sustainable transport and to enable sustainable rural tourism which respects the character of the countryside.
42. Taking account of the shortfall in the 5-year supply of deliverable housing sites, the benefits of the development carry considerable weight in favour of the proposal. However, the harm resulting, in this case, leads me to conclude that the proposal would not contribute to or enhance the local and natural environment, promote sustainable transport, and enable sustainable rural tourism which respects the character of the countryside, as sought by the Framework.
43. The overall, combined level of harm that would arise in terms of the character of the countryside, the location of the development, and tourism would cumulatively be highly significant. The adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

44. The proposal would be contrary to the development plan and the other material considerations do not suggest that the decision should be taken otherwise than in accordance with the development plan. Accordingly, despite the absence of a 5-year supply of deliverable housing sites, the present condition is reasonable and necessary to make the development acceptable. The appeal is therefore dismissed.

Patrick Whelan
INSPECTOR

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Appeal Decision

Hearing held on 22 March 2023

Site visit made on 24 March 2023

by **Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/V2255/W/21/3279125

Estuary View Caravan Park, Bell Farm Lane, Minster-on-Sea ME12 4JA

- 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 Estuary View Caravan Park against the decision of Swale Borough Council.
 - The application Ref 20/503268/FULL, dated 21 July 2020, was refused by notice dated 24 March 2021.
 - The application sought planning permission for variation of condition (3) of NK/8/53/116A to allow 10-month holiday use without complying with conditions attached to planning permission Ref SW/12/0195, dated 4 April 2012.
 - The conditions in dispute are Nos 2, 3, and 4 which state:
 - (2) No caravans shall be occupied between 1st March and 2nd January in the following calendar year unless there is a signed agreement between the owners or operators of the Park and all caravan owners within the application site, stating that:
 - (a) The caravans 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 shall be used as a postal address; and
 - (c) No caravan shall be used as an address for registering, claiming or receipt of any state benefit; and
 - (d) No caravan 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 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.
 - (3) Any caravan that is not the subject of a signed agreement pursuant to condition 2 shall not be occupied at any time.
 - (4) 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 reasons given for the conditions are: In order to prevent the caravans from being used as a permanent place of residence, and in pursuance of policies E1 and E6 of the Swale Borough Local Plan 2008.
-

Decision

1. The appeal is dismissed.
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Preliminary Matters

2. Because this appeal, and the appeal¹ on the neighbouring site, Golden Leas, raised issues and concerned policies common to both, they were conjoined. While a single Hearing was held, and a single site visit made, each appeal has been considered on its own merits, and against its particular circumstances.
3. The implications of the operative part of the planning permission and the potential for conflict with the omission or variation of these conditions were discussed at the opening of the Hearing. The 2012 permission² which the appellant seeks to vary here, restricts occupancy to 10 months in a year. This 2012 permission was in effect a variation of the original permission NK/8/53/116A which granted development for 'use of land as caravan and chalet site' with a restriction on use to 8 months in a year. It is on this basis that I have considered the appeal.
4. On opening the Hearing, the acceptability of the Council's late documents and plans, referenced at the end of this decision letter were reviewed. The appellant did not object to their inclusion. I saw no risk of prejudice in accepting them. They have therefore formed part of the appeal. During the Hearing, both parties referred to documents either published or on public file with the Council, already familiar to them, as listed at the end of this decision. As these were not in the appeal, I accepted them after the Hearing.

Main Issues

5. These are whether the condition is reasonable or necessary having regard to:
 - the effect of the development on the character of the countryside;
 - the location of the development, in terms of access to services and facilities and the objectives of a sustainable pattern of development;
 - the effect of the development on tourism; and,
 - the living conditions of future occupiers.

Reasons

The effect of the development on the character of the countryside

6. Policy DM5 of the Local Plan³ (LP) says that to ensure a sustainable pattern of development and to protect the character of the countryside, wherein there is no dispute the appeal site lies, planning permission will not be granted for the permanent occupancy of caravans and chalets.
7. I have taken into account that the built-up area boundary in the development plan is only around 200m away. A housing estate has been built on the other side of Plough Road, within that boundary. Moreover, more established housing, again albeit within the settlement boundary, stands a few metres further to the west of that estate. This urban edge has a bearing on the character of the countryside which here is largely to the north of Plough Road.

¹ Appeal Ref: APP/V2255/W/21/3279116

² LPA Ref: SW/12/0195 of April 2012

³ Bearing Fruits 2031: The Swale Borough Local Plan, adopted July 2017

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8. However, the mature and generally dense line of trees which enclose Plough Road contains the estate spatially and lessens its visual bearing on the countryside beyond the boundary. From what I could see, the countryside here is characterised as much by its isolation and its open, exposed form, which foregrounds views to the coast and the sea, as it is by its mature trees, hedgerows, fields, and grazing animals. That landscape character is underpinned by the surviving tranquillity of the countryside here, which is largely undeveloped, and which is an equally important component of its character.
9. I appreciate that there are dwellings in this countryside and to the north there is a residential park homes site with permission for nine units. However, homes are relatively few and scattered, unlike the concentrated housing in the built-up area to the south. The number and location of homes have not changed to any significant degree the character of the countryside identified above.
10. I have taken into account that the proposal would be largely contained, visually, by caravans. But holiday parks containing caravans are characteristic of the countryside, especially here. They are perhaps now as much part of the character of this part of the countryside as the other landscape features which define it. The proposal would not appear out of place.
11. Regarding the restriction on occupancy in terms of character, I appreciate that the caravans here are largely owner-occupied, unlike the caravans in the corporate holiday parks with a brisker turnover of occupiers. In terms of external or landscape changes or personalisation and their effect on character, I accept the appellant's argument that here the distinction between a caravan in permanent occupancy and one restricted, is too narrow to distinguish.
12. I acknowledge the appellant's point that a caravan in permanent occupancy may create fewer trips and less activity than a caravan not in permanent occupancy. However, the opposite may be equally true. Unfortunately, there is no substantive evidence from either side to draw comparisons on the profiles of caravan occupancy here in terms of frequencies of visits, lengths of stays, modes of transport, numbers of occupiers, trips, visitors, and the activity generated. In these circumstances, the logic of the Council's argument, that a caravan in permanent occupancy must for the most part, by definition, have more activity or comings-and-goings than a caravan which is not in permanent occupancy, and not occupied at all for two months of the year, is compelling.
13. Moreover, the occupancy restriction provides a 2-month long respite from the effects of occupation on the character of the countryside, particularly its isolation, and its exposure and tranquillity, which may perhaps be reasons the area is such a draw for holidaymakers, visitors, and residents alike, in the first place.
14. Given the location of the site in the countryside, the intrinsic character and beauty of which the Framework says⁴ policies and decisions should recognise, I

⁴ National Planning Policy Framework, paragraph 174(b)

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find that restricting the caravans from permanent occupancy is necessary to protect the tranquillity of the countryside, which is part of its character.

15. I conclude that, without the conditions, the proposal would cause very significant harm to the character of the countryside, placing it in direct conflict with LP policy DM5 where it seeks to protect the character of the countryside by not granting planning permission for the permanent occupancy of caravans or chalets. It would also run against the Framework which indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside.

The location of the development

16. The Local Plan, in policy ST3, does not generally permit development in the open countryside outside the built-up area boundaries. Instead, it seeks through policies ST6 and CP3, to make settlements within the West Sheppey Triangle the focus of development, and to steer housing to within the built-up area boundary or to allocated sites. The Framework, in paragraph 80, indicates that decisions should avoid the development of isolated homes in the countryside, unless particular circumstances apply, none of which pertain in this case.
17. The parties agree that the area is characterised by undeveloped countryside, holiday parks and scattered dwellings. I saw that the site is surrounded on three sides by caravans. Though the location of the development would not, strictly, follow the locational policies of the development plan, in these circumstances I cannot find that the development would be isolated. Because of the factors above, the weight I can accord this locational conflict with the development plan is limited.
18. The closest settlement with a range of services and facilities is Minster, around 1.9km to the west. It is classified in the Local Plan as an 'other urban local centre,' with a limited or variable range of services, but likely to be the focus of developments seeking to meet the needs of their own and wider needs. There is also a convenience shop, around 1km from the site, close to the road to Minster.
19. To the east, around 2.1km away, is Eastchurch, described in the Local Plan as a rural local service centre, and likely to serve rural populations for day-to-day services. Sheerness, a borough centre, is around 6km away. The Local Plan recognises that populations will travel to different centres for different needs. These are the closest settlements that could serve the needs of future occupiers.
20. The roads to Minster and Eastchurch are long, and they do not have footways or streetlights for their entire lengths, making them unlikely destinations to reach by walking. Given the road widths and amount of traffic on these roads, cycling, for those able and inclined, appeared to me a reasonable option in both directions.

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21. The closest bus stops to the site are around 350m away, on Eastchurch Road, served by school morning and afternoon buses, and by approximately, hourly public buses in both directions between 07:30 and 19:30. The frequency of the buses would offer an alternative means of access to the services and facilities in the neighbouring settlements.
22. However, I saw that part of the route to these bus stops passes along a byway with extremely poor surfacing and no street lighting. Reaching the bus stops would be challenging for those with poor sight, poor mobility, or those with small children to push. This makes the bus an unlikely choice in poor weather or poor light.
23. There are alternative bus stops a little further to the west. However, Bell Farm Lane is a narrow, unlit country lane with hedgerows, with little refuge for pedestrians from vehicles. Moreover, the corner on Plough Road by Bell Farm Lane is a relatively tight bend with limited intervisibility, on rising ground, without footway or lighting. Even taking into account the infrequency of traffic here, this bend exposes walkers directly to traffic from behind, in each direction, with little or no refuge. It is not a suitable option to rely on for access to bus services.
24. For this reason, and notwithstanding that the site has access to supermarket deliveries and broadband, future occupiers would depend largely on the private car to reach the services and facilities they need to meet their daily needs. The proposed development would not be a sustainable pattern of development. It would therefore conflict with LP policies ST3, ST6, and CP3 above, as well as LP policies ST1, DM5 and DM14 which, to ensure a sustainable pattern of development do not grant permission for the permanent occupancy of caravans and chalets and seek sustainable development and convenient routes and facilities for pedestrians. It would also conflict with section 9 of the Framework which encourages the planning system to actively manage patterns of growth in support of the objectives of promoting sustainable transport.
25. Notwithstanding this, in favourable conditions there would be access to public transport. Moreover, trips could result from the permitted use of the land for occupation during 10 months of the year, and without more permissions. Taking these factors and the physical circumstances into account, as well as the Framework, which indicates in paragraph 105 that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the adverse impact of the location of the development, in terms of access to services and facilities and the objectives of a sustainable pattern of development would be no more than moderate.

The effect of the development on tourism

26. The appellant pointed out that there is no prohibitive policy in the Local Plan protecting existing holiday accommodation. However, LP policy ST6 requires development to support the existing tourism offer or to help its modernisation and diversification. LP policy CP1 requires development to consolidate or widen

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the Borough's tourism potential, and LP policy DM3 requires residential development not to reduce the potential for rural employment. The Framework also says in paragraph 84 that decisions should enable sustainable rural tourism and leisure developments which respect the character of the countryside.

27. The change of these caravans to permanent residential occupancy would diminish the tourism offer. Similarly, there would be some adverse effects on rural employment and the tourist economy as a result of diminished demand for services and facilities that cater for tourists. Without substantive evidence to the contrary, I am not convinced that caravans in permanent occupancy would make up for the economic benefit lost to the tourism industry from the consented use.
28. Notwithstanding this, the area of the site involved compared to the extensive area of the remainder of the holiday park and the number and area of holiday parks in this area, is comparatively limited. The appellant counted 1,239 caravans within 1.5km of this site.
29. Without evidence that there is a pressing tourism need for these caravans, the effect on tourism and rural employment would be relatively minimal. In these circumstances, while I acknowledge the conflict of the proposal with the Local Plan, specifically policies ST6, CP1, and DM3, in terms of its effect on tourism, for the reasons above, any adverse impact would be minimal.

The living conditions of future occupiers

30. The Council is concerned that the caravans would be surrounded at close quarters by holiday accommodation, that the caravans would be insufficiently separated, and that they would have insufficient amenity space.
31. The appellant maintained at the Hearing that the proposal would have to meet the Model Standards 2008 for Caravan Sites in England, the standards normally to be expected as a matter of good practice on caravan sites, and considered in connection with site licences. The Council insisted that while the development may have to meet these licence standards, they do not relieve it of its statutory duty under section 38(6) of the Planning and Compulsory Purchase Act 2004, and the requirement of LP policy DM14, which says proposals should cause no significant harm to amenity.
32. Notwithstanding this, and whichever the case, the site is enclosed by close-boarded fencing and the caravans are set back sufficiently from the boundaries. They retain an appropriate degree of privacy from the surrounding caravans, in holiday use. While the separations may not meet the distances expected between houses, I have to have regard to the nature of caravan occupation and the location in a caravan park in the countryside, which provides other amenity benefits. The caravans appeared to have small, raised terrace decks beside and in front of them which provide private amenity space, albeit overlooked. There would also be a common area of amenity space in the field to the north, and the facilities of the Golden Leas Caravan Park would be available to future occupiers.

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33. Moreover, the present situation, which is similar, allows for ten months occupancy of the caravans, albeit not as a main residence. In these circumstances, and taking into account the nature of caravan occupation and the location of these in the countryside, I find, on balance, that there would in any event be no conflict between the amenity standards of the proposal with LP policy DM14. Nor would the proposal conflict with the Framework, which says in paragraph 130(f) that developments should provide a high standard of amenity for future users.

Other Matters

34. I have noted the Council's Interim Planning Policy (IPP), adopted in June 2020. It says that proposals for residential park homes will be granted provided that, amongst other criteria, the site is in a sustainable location. This is inconsistent with policy DM5 of the Local Plan which has a presumption against the permanent occupancy of caravans and chalets. However, the IPP was not subject to the full public consultation and examination in public necessary for it to be part of the development plan. The IPP is a material consideration, but these factors limit the weight I can accord it.
35. I appreciate that a policy reflecting the IPP was included in the Council's emerging Local Plan Review. However, the Council confirmed at this Hearing that the LPR was postponed in October 2022. It is preparing a new timetable for the LPR and anticipates reaching Regulation 19 stage in spring 2024. I cannot be sure that the LPR will not be subject to significant change. This limits the weight I can accord its policies, including DM18 which reflects the IPP.
36. The appellant has referred to a similar appeal⁵ allowed in West Sussex. While the Inspector found the loss of twelve units was relatively moderate, she nonetheless concluded that the removal of the condition would be harmful to the provision of visitor accommodation. It is unclear if the housing supply situation in Arun which informed the planning balance in that case is similar to the circumstances in Swale. More decisively, my finding in this appeal of harm to the character of the countryside appears not to have factored in the planning balance in Arun. It is not possible to draw sufficiently close parallels between the appeals to change my planning balance.
37. Though one of the reasons for the refusal of the application in this appeal was the lack of any contributions to mitigate the impact of the development on local services and infrastructure, and on the Swale and Medway Estuary Special Protection Areas, a unilateral undertaking was provided after the Hearing. The Council has confirmed that this has resolved their concerns. However, as I am dismissing the appeal for other reasons, it has not been necessary for me to consider these other matters in any further detail.

⁵ Appeal Ref: APP/C3810/C/19/3222033

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Planning Balance

38. The proposal would bring considerable benefits, particularly the additional housing it would provide, on previously developed land, at a time when the Council's latest, published 5-year supply of deliverable housing sites is only 4.83 years. Though the proposal may not resolve that policy gap and its contribution to housing supply may be relatively modest, to those suffering its ill effects, the development would be a shift towards a more balanced situation.
39. Moreover, the development, which, given its context, I have found would provide a high standard of amenity, would help to meet the identified, local need for low-cost, single-storey housing, attractive to the expanding demographic of those over 55 years of age, and in short supply. In addition, the proposal would release larger homes to the general housing market as older occupiers downsize. It would bring economic benefits too from employment during implementation, and the spending in the local economy of future occupiers.
40. Notwithstanding all the benefits of the proposal, and though I have found that the adverse impact of the location of the development would be no more than moderate, and that in terms of its effect on tourism, any adverse impact would be minimal, it would nonetheless cause very significant harm to the character of the countryside.
41. The development plan policies referred to by the Council in these respects are generally consistent with the Framework; I give substantial weight to the conflict with them. Despite the benefits, the proposal would not accord with the development plan when considered as a whole.
42. The lack of a 5-year supply of deliverable housing sites means that the tilted balance of the Framework is engaged. Permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
43. The Framework indicates that decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. It encourages the planning system to actively manage patterns of growth in support of the objectives of promoting sustainable transport and to enable sustainable rural tourism which respects the character of the countryside.
44. Taking account of the shortfall in the 5-year supply of deliverable housing sites, the benefits of the development carry considerable weight in favour of the proposal. However, the harm resulting, in this case, leads me to conclude that the proposal would not contribute to or enhance the local and natural environment, promote sustainable transport, and enable sustainable rural tourism which respects the character of the countryside, as sought by the Framework.
45. The overall, combined level of harm that would arise in terms of the character of the countryside, the location of the development, and tourism would

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cumulatively be highly significant. The adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

46. The proposal would be contrary to the development plan and the other material considerations do not suggest that the decision should be taken otherwise than in accordance with the development plan. Accordingly, despite the absence of a 5-year supply of deliverable housing sites, the present conditions are reasonable and necessary to make the development acceptable. The appeal is therefore dismissed.

Patrick Whelan

INSPECTOR

Appearances

FOR THE APPELLANT:

Michael Rudd, of Counsel	instructed by Laister Planning Ltd
Peter Griffiths MRTPI	Laister Planning Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Byrne MRTPI	Area Planning Officer, Swale Borough Council
Jill Peet MRTPI	Planning Policy Manager, Swale Borough Council

INTERESTED PARTIES:

Derek Wager	Local resident
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Late evidence at the Hearing

From the Council:

1. Copy of appeal ref: APP/V2255/W/21/3274740 & Costs & aerial photo
2. Copy of appeal ref: APP/V2255/W/21/3287086
3. Copy of appeal ref: APP/V2255/W/21/3277288 & site layout and location plan
4. Aerial photo of Estuary View site

Evidence after the Hearing

From the appellant:

1. DCLG model standards for caravan sites in England 2008
2. Decision notices NK/8/57/82 & NK/8/53/116A

From the Council:

1. Swale Borough Council Open Spaces and Play Area Strategy 2018-2022
2. Swale Borough Council Developer Contributions SPD 2009
3. Bird Wise North Kent Mitigation Strategy 2018
4. Kent and Medway CCG consultation response on Golden Leas application

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