

Agenda

Planning Committee Meeting

Date: Thursday, 7 March 2024

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 6 March 2024.

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1. Emergency Evacuation Procedure

Visitors and members of the public who are unfamiliar with the building and procedures are advised that:

- (a) 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.
 - (c) In the event of the alarm sounding, leave the building via the nearest safe exit and gather at the assembly point on the far side of the car park. Do not leave the assembly point or re-enter the building until advised to do so. Do not use the lifts.
 - (d) Anyone unable to use the stairs should make themselves known during this agenda item.
2. Apologies for Absence
 3. Minutes

To approve the [Minutes](#) of the meeting held on 8 February 2024 (Minute Nos. 616 – 623) and the Minutes of the Extraordinary meeting held on 28 February 2024 (Minute Nos. to be confirmed) as correct records.

4. 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.

Part B reports for the Planning Committee to decide

5 - 8

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 6 March 2024.

5. Planning Working Group

To approve the Minutes of the Meeting held on 22 February 2024 (Minute Nos. to follow).

To consider application 23/502365/FULL 77 – 83 and 87 London Road, Sittingbourne, Kent, ME10 1NL.

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|----|---|---------|
| 6. | Deferred Item 1 - Land south of Dunlin Walk | 9 - 40 |
| 7. | 2.1 - Plumb Pudding Lane, Dargate | 41 - 74 |
| 8. | Part 5 applications | 75 - 80 |

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

Part 5 Index added 05.03.2024

Issued on Wednesday, 28Thursday, 29 February 2024

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 democraticservices@swale.gov.uk. To find out more about the work of this meeting, 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

7 MARCH 2024

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

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

PART 2 Applications for which permission is recommended

PART 3 Applications for which refusal is recommended

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

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

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

ABBREVIATIONS: commonly used in this Agenda

CDA Crime and Disorder Act 1998

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

HRA Human Rights Act 1998

SBLP Swale Borough Local Plan 2017

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INDEX OF ITEMS FOR PLANNING COMMITTEE – 7 MARCH 2024

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

DEFERRED ITEMS

Def Item 1 23/500878/REM IWADE Land south of Dunlin Walk

PART 2

2.1 22/504863/FULL HERNHILL Land at Plumpudding & Highstreet Road

PART 5

5.1 23/502589/FULL DODDINGTON Temple Lodge Frangbury

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PLANNING COMMITTEE – 7 MARCH 2024

DEFERRED ITEM

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

DEF ITEM 1 REFERENCE NO: 23/500878/REM		
PROPOSAL Approval of Reserved Matters for erection of 20 no. residential dwellings (Appearance, Landscape, Layout and Scale being sought).		
SITE LOCATION Land South of Dunlin Walk, Iwade, Kent ME9 8TG		
RECOMMENDATION Delegate to the Head of Planning to grant approval of reserved matters subject to appropriate safeguarding conditions as set out in the report, 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.		
APPLICATION TYPE Major - Approval of reserved matters		
REASON FOR REFERRAL TO COMMITTEE Deferred item from Planning Committee held on 11 th January 2024		
Case Officer Simon Greenwood		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Riverdale Developments AGENT John Brindley
DATE REGISTERED 22/02/2023	TARGET DATE 24/05/2023	
BACKGROUND PAPERS AND INFORMATION: All relevant background papers and information are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZF44OTY0N800		

1. INTRODUCTION

1.1 This application was initially reported to Planning Committee on 11th January 2024, with a recommendation that the reserved matters be granted. The Planning Committee resolved to defer the application to secure revised details of tree screening (heavy standard) to the school grounds; lowering of the roof levels of the 2.5 storey houses and improvements to the design of the houses, in particular to provide more interesting elevational treatments. The design quality of the two affordable houses was identified as a particular opportunity for securing improvements.

1.2 The committee minutes set out the following resolution:

Resolved: That application 23/500878/REM be deferred to secure revised details of tree screening (heavy standard); lowering of the roof level and improved design in order to accord with Local Plan policy DM14.

1.3 The original Committee report is attached to this report as Appendix A.

2. REVISED PROPOSALS

2.1 The applicant has updated the reserved matters submission in response to the Planning Committee deferral as follows:

- Revised Detailed Planting Plan indicating 'semi-mature' tree planting;
- House type DW1 revised to feature half-hipped roof (reduced in height by 0.55m) and revised porch;
- House type DWAF1 amended to feature half-hipped roof (reduced in height by 0.59m), weather boarding and revised porch;
- House type DWAF2 amended to feature re-orientated roof (reduced in height by 0.59m), weather boarding and revised porch;
- House type DW2 amended to feature full hipped roof (reduced in height by 0.69m), revised door/porch and revised window arrangement;
- House type DW3 amended to feature revised half hipped roofs and crown roofs (reduced in height by 0.59m), revised porch, revised dormer windows and revised door/window arrangement;
- House type DW4 amended to feature re-orientated roof (reduced in height by 0.21m) and weatherboarding;
- House type DW5 amended to feature half-hipped roof (reduced in height by 0.55m) and weatherboarding.

3. APPRASIAL

3.1 The applicant has reviewed the design of all of the proposed house types and has submitted revised proposals which incorporate lower roof heights, the introduction of hipped, half hipped and re-orientated roofs, amended door, window and porch details and revised details of materials.

3.2 It is considered that the proposed revisions to the elevational treatment of the houses represent an improved standard of design and provide added interest to the street scene. Furthermore, the amendments to the roof designs and arrangements significantly reduce the bulk and massing of the development on the street scene and provide an improved appearance.

3.3 The applicant has submitted a revised landscaping plan indicating that the proposed tree planting for the boundary screening to the school grounds will now comprise 'semi-mature' trees with a girth of 18-25m and a height of 4.5-5.5m. The proposed trees are expected to reach a height of 6.75-7.75m after 5 years. The proposed tree planting

involves more mature specimens than the 'heavy standard' requested by the Planning Committee and the previously proposed tree planting. The applicant advises that it will be impractical for the developer to plant any larger specimens than those now proposed, whilst larger trees take longer to settle and grow again following planting. It is considered that these revised details will ensure that effective tree screening to the school grounds will be established sooner and will address concerns regarding overlooking of the school grounds.

4. ECOLOGICAL MITIGATION LAND

- 4.1 The discussion at the 11th January 2024 Planning Committee meeting involved a query regarding the parcels of land included within the application. The outline application had included a second site comprising an area of land identified for ecological mitigation to the rear of the Woolpack Public House, whereas this was not included within the reserved matters application. Officers confirmed that the ecological mitigation works on the second site would be secured under pre-commencement condition No. 15 which was attached to the outline consent. The applicant has provided further assurance that the ecological mitigation works can be secured through the submission as the land is in the ownership of the applicant.

5. CONCLUSION

- 5.1 It is considered that the proposed revisions satisfactorily address the design and landscaping concerns identified by Members at the 11th January 2024 Planning Committee. The details of reserved matters for 20 residential dwellings are considered to align with the development parameters established by the original outline planning consent. Furthermore, the reserved matters planning application is in accordance with national and local planning guidance in respect of matters associated with access, layout, scale, landscaping and appearance.
- 5.2 As such the proposals are considered acceptable and compliant with NPPF guidance and Local Plan policies. In view of the above it is recommended for that the reserved matters application be approved.

CONDITIONS/REASONS

1. The development hereby permitted shall not be carried out and maintained in accordance with the following approved plans and documents:

2263 / P / 10.01 Location Plan
2263 / P / 10.02 Rev. E - Site Layout
2263 / P / 10.03 Rev. E - Boundary Treatments Plan
2263 / P / 10.04 Rev. E - Secure by Design Principles
2263 / P / 10.05 Rev. E - Refuse Strategy
2263 / P / 10.06 Rev. E - Electric Charging Points Strategy
2263 / P / 10.07 Rev. E - Cycle Storage Strategy
2263 / P / 10.08 Rev. E - Materials Plan
2263 / P / 20.01 Rev. A - Type DW1 – Floor Plans
2263 / P / 20.02 Rev. A - Type DW1 – Elevations
2263 / P / 20.11 Rev. A - Type DW2 – Floor Plans
2263 / P / 20.12 Rev. A - Type DW2 – Elevations 1
2263 / P / 20.21 Rev. A - Type DW3 – Floor Plans

2263 / P / 20.22 Rev. A - Type DW3 – Elevations 1
 2263 / P / 20.23 Rev. A - Type DW3 – Elevations 2
 2263 / P / 20.31 Rev. A - Type DW4 – Floor Plans
 2263 / P / 20.32 Rev. A Type DW4 – Elevations
 2263 / P / 20.41 Rev. A Type DW5 – Floor Plans
 2263 / P / 20.42 Rev. A Type DW5 – Elevations
 2263 / P / 20.43 - Type DW5 – Elevations
 2263 / P / 20.101 Rev. A - Type DWAF1 – Floor Plans
 2263 / P / 20.102 Rev. A - Type DWAF1 – Elevations
 2263 / P / 20.111 Rev. A - Type DWAF2 – Floor Plans
 2263 / P / 20.112 Rev. A - Type DWAF2 – Elevations
 2263 / P / 40.01 Rev. B - Street Scene
 2263 / P / 40.02 - Street Scene Comparison
 2263 / P / 50.01 Rev. A - Single Carport
 2263 / P / 50.02 Rev. A - Twin Carport
 2709-URB-ZZ-00-DR-L-498150-150-P00h – Detailed Planting Plan
 14892-TDA-XX-XX-DR-C-56001 Rev. D - Vehicle Swept Path Analysis Refuse Vehicle
 14892-TDA-XX-XX-DR-C-56002_A_Vehicle Swept Path Analysis Fire Tender

Reason: For the avoidance of doubt.

2. The area shown on the submitted layout as vehicle parking space, car ports, car barns or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

3. No dwelling shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:

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

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

4. No dwelling/building shall be occupied until space has been laid out within the site in accordance with the approved plans for cycles to be securely parked.

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

5. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

6. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows: (A) Footways and/or footpaths shall be completed, with the exception of the wearing course; (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related: (1) highway drainage, including off-site works, (2) junction visibility splays, (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

7. Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of occupants of the dwellings and the amenities of the area.

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

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

INFORMATIVES

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
3. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst

some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.

4. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
5. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
6. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
7. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
8. You are reminded that construction works should not commence until a Code of Construction Practice has been submitted to and approved by the LPA under condition 19 of the outline consent. Your attention is drawn to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
9. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
10. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
11. Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.
12. No trees or shrubs should be planted within 1.5 metres of the public right of way.

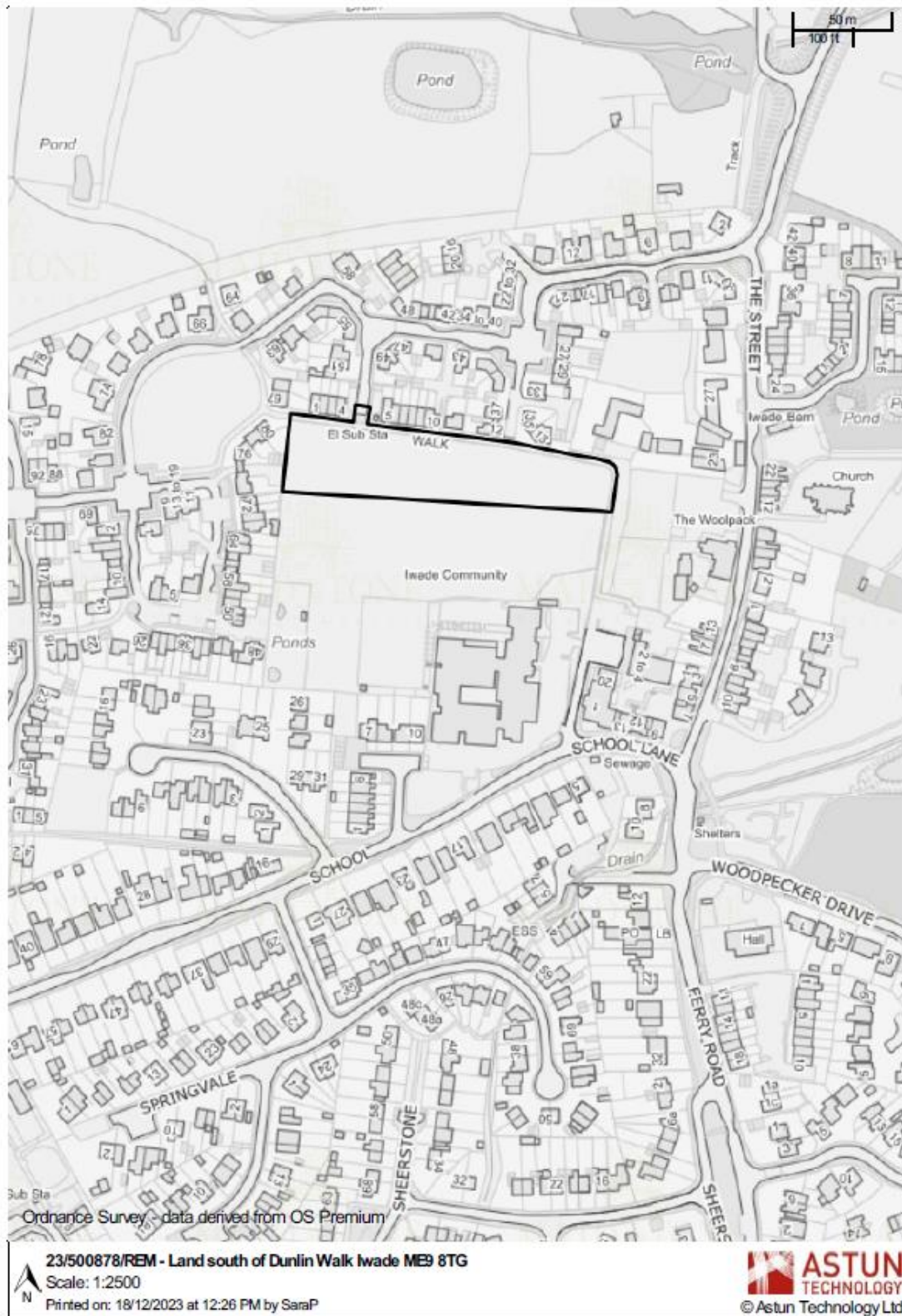
The Council's approach to the application

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

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

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

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



APPENDIX A

Report to Planning Committee – 11 January 2024

ITEM 2.1

PLANNING COMMITTEE – 11 JANUARY 2024**PART 2**

Report of the Head of Planning

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

2.1 REFERENCE NO: 23/500878/REM		
PROPOSAL Approval of Reserved Matters for erection of 20 no. residential dwellings (Appearance, Landscape, Layout and Scale being sought).		
SITE LOCATION Land South of Dunlin Walk, Iwade, Kent ME9 8TG		
RECOMMENDATION Delegate to the Head of Planning to grant approval of reserved matters subject to appropriate safeguarding conditions as set out in the report, 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.		
APPLICATION TYPE Major - Approval of reserved matters		
REASON FOR REFERRAL TO COMMITTEE Called in to committee by ward councillors.		
Case Officer Simon Greenwood		
WARD Bobbing, Iwade and Lower Halstow	PARISH/TOWN COUNCIL Iwade	APPLICANT Riverdale Developments AGENT John Brindley
DATE REGISTERED 22/02/2023	TARGET DATE 24/05/2023	
BACKGROUND PAPERS AND INFORMATION: https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZF44OTY0N800		

SITE LOCATION AND DESCRIPTION

- 1.1. The 0.65ha rectangular shaped application site is located to the south of Dunlin Walk, a shared footway and cycleway, and is a relatively flat piece of open grassed land with some boundary vegetation. The site is accessed via Sanderling Way, which is an adopted public carriageway that abuts the application site between properties numbered 4 and 5 Dunlin Walk.
- 1.2. The application site forms part of a wider scheme of several hundred homes within Iwade, developed predominantly by Ward Homes (now part of Barratt Developments) over a 15-year

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period. To the south of the application site is Iwade Community Primary School, to the north and west is residential housing and to the east is an area of woodland and scrub and The Woolpack Pub.

- 1.3. The application site is located within an area of Potential Archaeological Importance and is otherwise not the subject of any policy designations or constraints.

PLANNING HISTORY

- 1.4. Outline planning permission was refused on 18 November 2020 under application ref. 18/506328/OUT for the erection of 20 residential dwellings (access being sought all other matters for future consideration) on the following ground:

The proposed development is likely to represent a potential overdevelopment of the site with harm arising from a likely under provision of car parking or suitable parking arrangements; likely inadequate servicing arrangements due to the lack of turning area at the eastern end of the site resulting in lorries and other large vehicles having to reverse along the length of the access road, causing danger and inconvenience to other highway users. The proposed development for 20 dwellings would therefore be contrary to paragraphs 109 and 110 of NPPF and contrary to policies CP2, CP4, DM7, DM14 of Bearing Fruits Local Plan 2031, and the Parking Standards SPD 2020.

APPEAL HISTORY

- 1.5. Application ref. 18/506328/OUT was the subject of a subsequent appeal which was allowed, and outline planning permission was granted on 13 April 2022 (appeal ref. APP/V2255/W/21/3272760).

PROPOSED DEVELOPMENT

- 1.6. The grant of outline planning permission has established that the means of access and the erection of 20 dwellings on the site is acceptable in principle. This application seeks approval of the outstanding reserved matters which comprise details of appearance, landscape, layout and scale.
- 1.7. The site is accessed from Sanderling Way between Nos. 4 to 5 Dunlin Walk towards the western end of the site, consistent with the outline consent. The development involves a cul-de-sac arrangement with a vehicle turning head at the eastern end of the site.
- 1.8. The proposed housing mix is proposed as follows:

Tenure	Two bedroom	Three Bedroom	Four bedroom	Total
Private	2	12	4	18
Affordable	1	1	0	2
Total	3	13	4	20

- 1.9. 10% of the proposed dwellings (2 units) would comprise affordable housing in line with the Section 106 agreement attached to the outline consent.

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- 1.10. The proposed development will comprise 4 terraced houses, 12 semi-detached houses and 4 detached houses. 12 of the houses would be two storeys high and 8 of the houses would be two storeys high with accommodation in the roof-space.
- 1.11. The proposed dwellings will feature red and cream/buff brickwork, red and brown hung tiling, cream weatherboarding and pitched roofs with red/brown and dark grey tiling. Architectural features will include front gables, single storey bay windows with hipped roofs, modest sized dormer windows and pitched and flat roof canopies to front doors.

CONSULTATION

- 2.1. 1 round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.
- 2.2. 12 letters of objections were received in relation to the consultation. Concerns were raised in relation to the following matters:
- Overdevelopment;
 - Very close proximity and overlooking of Iwade Primary School giving rise to playing field safeguarding and privacy issues for pupils and teachers;
 - Green space is used by the residents and children as a recreation and play area and is one of the main reasons some residents moved in;
 - Adjacent houses were purchased on understanding that the green space would not be developed and would ultimately be handed to the school;
 - Lack of open space locally / Iwade village has already lost numerous green spaces;
 - Loss of trees and shrubs;
 - Impact on wildlife;
 - There should be planting along the boundary with the school;
 - Developer should meet costs of tree planting by school;
 - Proposed hedgerows are not tall enough to ensure privacy;
 - Dunlin Walk residents will overlook parked cars instead of green space / planting should be carefully considered for Dunlin Walk residents;
 - Increased air pollution / noise and pollution from construction activity;
 - Increased pressure on already inadequate parking in the locality;
 - Increased traffic using surrounding roads including dangerous corner with minimal visibility on the road by 55 and 57 Sanderling Way;
 - Pedestrian pavement necessary for the cul-de-sac;
 - The access on Dunlin Walk/Sanderling Way crosses a well-used footway;
 - Pedestrian safety concerns for school pupils walking home;
 - Safe pavement required between 4 and 5 Dunlin Walk;
 - Lack of footpath/pavement from parking to houses at 1 - 4 Dunlin Walk;
 - Turning head may be used for car parking;
 - Visitor parking spaces may be used by residents;
 - Construction traffic and parking needs to be properly managed;
 - Unsafe and inadequate site access, including for construction traffic;

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- Difficult access for emergency services;
- Potentially lower the value of the surrounding properties;
- Increased pressure on already stretched local infrastructure and services;
- Houses could be at risk of subsidence.

2.3. **Iwade Parish Council** objected to the application, reiterating their previous objections as follows:

- Proposal would fail to provide safe vehicular access. Apart from the issues of the junction of The Street and Sanderling Way, access to the site is unacceptably unsafe. Vehicles exiting the proposed development from the western end run the very real risk of collision with vehicles entering and exiting the parking spaces of residents at houses 1-4;
- Kent Police raised issues with the development layout; the perimeter, boundary and divisional treatments include neighbouring boundaries and that of Iwade School, adding that the proximity of the school requires a CSE policy or additional boundary treatments. Parking, including visitor spaces and lighting policy were also of concern;
- Access to the site will be via Sanderling Way, already overpopulated with parked vehicles and pinch points. The proposed junction is on a corner and will struggle to cope with the additional demand of a possible two to four cars per new household. Coupled with the proposed access for potential new development (18/505157/OUT) on a blind corner, it will create a traffic nightmare in an area that already has issues. The junction of Sanderling Way/The Street is also a blind corner;
- Parents expressed views that this creates a significant child safety and child protection concern; they do not feel their children, whilst on their lunch break or in P.E. attire, should be overlooked by houses so close to the playing field;
- This could be classified as an infill development and over intensive development of a small site;
- The school could reach its maximum size of 630 pupils in 2 years' time, with further housing proposed another expansion of the school is very realistic;
- Drainage in this area is not good and any development on this site could result in run-off to the playing field, compounding the problem the school already has with flooding;
- Council members noted Iwade School have planted trees on their boundary and suggest the developer should pay a contribution to the school for alterations they need to make due to the proposed development.

2.4. It should be noted that most of the concerns raised by local residents and the Parish Council relate to the principle of the development and the acceptability of the access arrangement which have been established through the grant of outline planning permission.

REPRESENTATIONS

- 2.5. **SBC Design and Conservation:** - No objections raised. No designated or non-designated heritage assets would be materially impacted by the proposed development.
- 2.6. **Lower Medway Internal Drainage Board:-** The Board supports the comments of KCC as the Lead Local Flood Authority.

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- 2.7. **KCC Archaeology:** - No comments.
- 2.8. **KCC Ecology:** - Proposed layout will not result in the loss of any ecological mitigation or ecological enhancement areas previously agreed within the outline application. Due to the size of the proposal, there are limited opportunities for landscaping but the landscaping plan has confirmed that native species planting will be planted along the site boundaries and a number of the shrubs proposed do benefit pollinators. Therefore, we are satisfied that the planting will provide some benefit for biodiversity.
- 2.9. **KCC Drainage:** - No objections raised. It should be further demonstrated that the receiving surface water system has sufficient capacity, and this can be addressed through condition 10 of the outline consent which required the submission of a detailed drainage design.
- 2.10. **National Highways:** - No objections raised.
- 2.11. **KCC Highways:** - No objections raised subject to conditions and informatives.
- 2.12. **KCC Public Rights of Way:** - No objections raised. Informatives are requested (see recommended informatives Nos. 9-12).
- 2.13. **Environment Agency:** - No objections raised.
- 2.14. **Natural England:** - No comments.
- 2.15. **NHS Kent and Medway:** - Proposal will have implications for the delivery of general practice services which will require mitigation through the payment of a financial contribution of £17,280 based upon the proposal generating approx. 48 new patient registrations.
- 2.16. **Southern Water:** - No objections raised. The proposed method of foul disposal is satisfactory. An approval for the connection to the public sewer should be submitted under Section 106 of the Water Industry Act. The consent of the Highway Authority will be required for the proposed discharge to the Highway drain.
- 2.17. **Kent Police:** - No further comments following outline stage response.
- 2.18. **Health and Safety Executive (Explosives):** - No objections raised.
- 2.19. **Environmental Protection Team:** - No objections raised. Relevant conditions were attached to the outline consent. The applicant should be reminded of the requirements relating to the Code of Construction Practice (Informative No. 1).
- 2.20. **Affordable Housing Manager:** - No objections raised.

DEVELOPMENT PLAN POLICIES

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3. Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST 1** (Delivering sustainable development in Swale)
- ST 2** (Development targets for homes)
- ST 3** (The Swale settlement strategy)
- ST 4** (Meeting the Local Plan development targets)
- ST 5** (The Sittingbourne settlement strategy)
- CP 3** (Delivering a wide choice of high-quality homes)
- CP 4** (Requiring good design)
- CP 7** (Conserving and enhancing the natural environment)
- DM 7** (Vehicle parking)
- DM 8** (Affordable housing)
- DM 14** (General development criteria)
- DM 17** (Open space, sports and recreation provision)
- DM 19** (Sustainable design and construction)
- DM 21** (Water, flooding and drainage)
- DM 28** (Biodiversity and geological conservation)
- DM 29** (Woodlands, trees and hedges)

Supplementary Planning Guidance:

- Developer Contributions (2009)
- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Swale Landscape Assessment (2019)

ASSESSMENT

- 4.1. This application is reported to the Committee at the request of Councillors Clark and Chapman.
- 4.2. The main considerations involved in the assessment of the application are the reserved matters of appearance, layout, landscape and scale which are considered under the following sections:
 - Size and Type of Housing
 - Landscape and Visual
 - Character and Appearance
 - Living Conditions.
- 4.3. This report also reviews the following matters which were substantively addressed at outline stage:
 - The Principle of Development
 - Affordable Housing
 - Heritage
 - Archaeology
 - Ecology
 - Transport and Highways

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- Air Quality
- Community Infrastructure
- Open Space
- Flood Risk, Drainage and Surface Water
- Contamination
- Sustainability / Energy.

Principle

- 4.4. 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.
- 4.5. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 4.6. The principle of the development of the site to provide 20 dwellings has been established by the grant of outline consent under application reference 18/506328/OUT at appeal. The inspector considered that the outline stage proposal was acceptable subject to conditions and the submission of satisfactory details of reserved matters.

Size and Type of Housing

- 4.7. The Local Plan requires the mix of tenures and sizes of homes provided in any particular development to reflect local needs. The Local Plan requires developments to achieve a mix of housing types, which reflect that of the Strategic Housing Market Assessment (SHMA).
- 4.8. The indicative mix at outline stage comprised 4 two-bedroom houses (terraced), 10 three-bedroom (8 terraced and 2 detached) and 6 four-bedroom detached houses. The application proposes 3 two-bedroom houses (semi-detached), 13 three-bedroom houses (4 terraced and 9 semi-detached), and 4 four-bedroom detached houses. This mix includes two affordable units (1 two-bedroom semi-detached house and 1 three-bedroom semi-detached house).
- 4.9. The proposed market housing would comprise 11.1% two-bedroom houses, 66.7% three-bedroom houses and 22.2% four-bedroom houses which represents an under-provision of two-bedroom houses an over-provision of three and four-bedroom houses in relation to the need identified in the SHMA.
- 4.10. The proposed affordable housing would comprise 1 two-bedroom house and 1 three-bedroom house.

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- 4.11. Surrounding development is characterised by family housing which would typically be two, three and four bedrooms in size. Three-bedroom houses would appear to predominate in this locality.
- 4.12. It is noted that the proposed housing mix does not fully reflect the housing need identified in the SHMA. However, having regard to the size and location of the development, the indicative mix provided at outline stage and the size and type of housing characteristic of the surrounding area, the proposed mix of housing size and types is considered acceptable. The proposal would provide a suitable mix of dwellings to contribute to the housing needs of the borough in accordance with the Local Plan and the NPPF.

Affordable Housing

- 4.13. The NPPF sets out the requirement for setting appropriate affordable housing levels for new development based on up-to-date evidence. Through policy DM8, the Local Plan requires 10% of affordable housing from development in Sittingbourne. The Section 106 agreement relating to the outline consent secured 10% affordable housing on (2 units) as affordable housing comprising 1 three-bedroom affordable rented house and 1 two-bedroom shared ownership affordable house. The Section 106 agreement included a cascade mechanism which would come into effect in the event that a registered provider could not be secured for the affordable rented unit. The cascade mechanism provided for the affordable rented to be delivered as a shared ownership unit or an alternative site or as an affordable rented unit. Alternatively, the developer could be relieved of the obligation to deliver the unit on-site through a payment in lieu of the affordable dwelling.
- 4.14. The Council's Affordable Housing Manager has been consulted and raises no objections in relation to affordable housing. The delivery of affordable housing is in accordance with Local Plan policy DM 8 and the NPPF.

Landscape and Visual

- 4.15. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'.
- 4.16. The site presently comprises an open grassed area with some boundary trees and shrubs. An Arboricultural Impact Assessment and Arboricultural Constraints Report was carried out at outline application stage and it was identified that the trees on the site were low quality stock and there were no arboricultural reasons to refuse the outline consent. The outline consent was subject to the following conditions:
- Condition 6 secured an Arboricultural Method Statement;
 - Condition 7 set out the details of landscaping that should accompany the reserved matters submission;
 - Condition 8 requires the replacement of any trees and shrubs which die, are severely damaged or become diseased within five years of planting;

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- Condition 30 required that the reserved matters included details of boundary treatment on the southern boundary of the site with the school.

4.17. There are limited opportunities for new landscaping having regard to the development approved under the outline consent, including the car parking requirements of the scheme. The proposed landscaping includes lawn, trees and lower-level vegetation to create buffers and breaks including hedging to provide some screening of parked cars along the northern boundary of the site adjacent to Dunlin Walk. Tree planting is proposed along the southern boundary of the site to provide screening to the school and address condition 30 of the outline consent. A condition (No. 8) is recommended to secure retention of the approved landscaping for a period of 10 years (rather than the standard 5 years).

4.18. KCC Ecology note that due to the size of the proposal there are limited opportunities for landscaping but the landscaping proposal includes native species planting and a number of the shrubs which benefit pollinators and will provide some benefit for biodiversity.

4.19. It is considered that the proposed soft landscaping will serve to soften the impact and improve the setting of the development, albeit the opportunities for planting are limited having regard to the outline consent and the car parking requirements. The tree screening along the southern boundary should limit views into the school grounds from the proposed houses. The proposed landscaping scheme is considered satisfactory and in accordance with the provisions of the Local Plan and the NPPF.

Heritage

4.20. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.

4.21. The Council's Conservation and Design Manager has confirmed that no designated or non-designated heritage assets would be materially impacted by the proposed development, either directly or indirectly. Furthermore, there is not evidence to suggest that the application site holds any historic interest.

Archaeology

4.22. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.

4.23. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important

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archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.

4.24. The site is located in an area of Potential Archaeological Importance and Iwade is generally archaeologically sensitive with remains of prehistoric, Roman, Saxon and medieval date having been found during development works in and surrounding the village. Condition 13 of the outline consent secured details of a programme of archaeological works.

4.25. On this basis, the proposal is considered consistent with the provisions of policy DM 34 of the Local Plan, and the NPPF.

Character and Appearance

4.26. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people.

4.27. In line with the NPPF, Policies CP 4 and DM 14 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.

4.28. At outline stage it was considered that 20 dwellings could reasonably be accommodated on the site without a harmful impact on visual amenity or the character of the wider area. The highways arrangement is consistent with the outline stage indicative layout and involves an access from Sanderling Way between Nos. 4 to 5 Dunlin Walk towards the western end of the site and a cul-de-sac arrangement with a turning head at the eastern end of the site. The inspector considered that there was significant scope to design a scheme at reserved matters stage to provide sufficient on-site parking in line with the Parking Standards SPD whilst avoiding an unacceptably cramped arrangement. The proposal will provide 48 resident car parking spaces and 8 visitor car parking spaces (56 in total) with 4 resident spaces provided within car ports / barns. The range of different parking solutions is intended to create variety in the streetscape and to reinforce the character of the area. The proposed car parking would accord with the SPD whilst providing the opportunity for some soft landscaping and tree planting.

4.29. The indicative mix at outline stage comprised 4 two-bedroom houses (terraced), 10 three-bedroom (8 terraced and 2 detached) and 6 four-bedroom detached houses. The proposed development comprises 3 two-bedroom houses (semi-detached), 13 three-bedroom houses (4 terraced and 9 semi-detached), and 4 four-bedroom detached houses. 12 of the houses would be two storeys high and 8 of the houses would be two storeys high with accommodation in the roof-space.

4.30. The layout of the proposed scheme is broadly comparable to the indicative layout approved at outline stage which was considered to complement the form and layout of development in the locality and result in a development which is acceptable in character and visual amenity terms.

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4.31. The design of the different house types is informed by a local character study and incorporates traditional architectural features which reflect the surrounding context. The architectural design and materiality includes the following:

- Red and cream/buff brickwork, red and brown hung tiling and cream weatherboarding;
- Pitched roofs featuring red/brown and dark grey tiling and some front gables and dormer windows;
- Single storey bay windows with hipped roofs and modest sized dormer windows;
- Pitched and flat roof canopies to front doors.

4.32. Condition 14 of the outline consent secured details of external finishing materials.

4.33. It is considered that the proposed architectural approach and materiality is an appropriate response to the site's context which would ensure that the development integrates satisfactorily with its surroundings.

4.34. It is considered that the overall appearance of the development would provide for a varied street scene and would complement the surrounding context, thereby maintaining local character and making a positive contribution to the quality of the local environment. Accordingly, it is considered that the proposal is in accordance with the NPPF and Local Plan policies CP 4 and DM 14.

Ecology

4.35. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP 7 and DM 28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.

4.36. An Appropriate Assessment was carried out at outline stage and adopted by the Planning Inspectorate as the Competent Authority, which concluded that the proposed development will not adversely affect the integrity of the Medway Estuary and Marshes SPA subject to securing appropriate mitigation through a SAMMS payment. Accordingly, a payment of £4,991.20 (index linked) was secured through the Section 106 agreement attached to the outline permission.

4.37. Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with

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less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

- 4.38. National planning policy aims to conserve and enhance biodiversity, and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 4.39. In terms of the Local Plan policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 4.40. The outline application was accompanied by an Ecological Assessment which identified that the site may form part of a route used by great crested newts between 2 ponds within the school grounds and ponds to the north and east of Iwade village. Mitigation was proposed involving a raised bank within the rear gardens of the proposed dwellings planted with native species hedging along with enhancements for the benefit of great crested newts. KCC Ecology were satisfied with the ecological survey work undertaken and the proposed mitigation measures subject to appropriate conditions. The outline planning permission granted at appeal was subject to the following conditions:
- Condition 15 which secured an Ecological Mitigation and Enhancement Strategy and Management Plan;
 - Condition 16 which required that all external lighting shall be installed in accordance with the approved Ecological Assessment;
 - Condition 17 which secured measures to allow the movement of hedgehogs;
 - Condition 18 which secured a scheme of biodiversity enhancement.
- 4.41. KCC Ecology raise no objections to the reserved matters application, noting that the proposed layout will not result in the loss of any ecological mitigation or ecological enhancement areas previously agreed within the outline application. They note that, due to the size of the proposal there is limited opportunities for landscaping. However, the landscaping plan has confirmed that native species planting will be planted along the site boundaries and a number of the shrubs proposed do benefit pollinators. Therefore, KCC Ecology are satisfied that the planting will provide some benefit for biodiversity.
- 4.42. Having regard to the outline consent it is considered that the proposed development is acceptable in terms of ecology and biodiversity in accordance with Local Plan policies CP 7 and DM 28 and the NPPF.

Transport and Highways

- 4.43. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the NPPF is that development should:

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“Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable.”

4.44. The NPPF also states that:

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

4.45. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.

4.46. The acceptability of the means of access to the site was established through the outline planning permission. The outline stage indicative layout and the currently proposed layout are broadly comparable and indicate the access from Sanderling Way between Nos. 4 to 5 Dunlin Walk towards the western end of the site and a cul-de-sac arrangement with a turning head at the eastern end of the site. The inspector was satisfied that the site could be designed so that the proposed houses could be acceptably and safely accommodated on the site with regard to servicing arrangements.

4.47. Condition 4 of the outline consent secured the approved highways arrangements and condition 5 secured adequate car parking under the reserved matters and removed permitted development rights for development which would result in the loss of car parking. Furthermore, condition 20 secured completion of the highways works prior to occupation of the development.

4.48. The houses would benefit from a combination of car ports and surface parking which is compliant with the Council’s Parking Standards Supplementary Planning Document (2020, SPD).

4.49. The inspector’s decision considered the merits of car barns/ports which were included within the indicative outline proposals and are now proposed within the reserved matters submission. The inspector acknowledged that such structures could be removed from the parking provision by occupiers moving fences to incorporate them into gardens, for example. The inspector noted that the Council could impose conditions at reserved matters stage to prevent them from, for example, being enclosed and used for other purposes. Accordingly, condition 2 is recommended to require that car ports are retained for the parking of motor vehicles.

4.50. The scheme has been designed in line with the Council’s cycle parking policy guidance which requires once covered and secure cycle parking space per bedroom for houses. Secure, covered cycle parking has been provided through the provision of lockable sheds to rear gardens with direct access to street and approached by hard paths.

4.51. The proposals have been reviewed by KCC highways officers following amendments to the car parking layout and no objections are raised in relation to highways matters, subject to conditions and informatives. Accordingly, conditions 2 to 6 and informatives Nos. 1 to 8 are recommended in accordance with KCC Highways recommendations. The proposed reserved

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matters are considered acceptable in highways terms and are therefore in accordance with the provisions of the Local Plan and the NPPF.

Air Quality

- 4.52. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 4.53. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.
- 4.54. The Planning Practice Guidance on Air Quality states that *“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”*.
- 4.55. The Local Plan at policy DM 6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 4.56. The outline stage application did not meet the threshold at which an Air Quality Assessment would be required, and it was noted that the site was not in or near to an Air Quality Management Area. The outline proposal was considered acceptable in terms of air quality and the following conditions were in order to mitigate air quality impacts at the construction and operational stages of the development:
- Condition 19 which secured a Code of Construction Practice including measures to minimise the production of dust on the site;
 - Condition 21 secured a Construction Method Statement to address construction logistics matters including the parking and waiting of vehicles;
 - Condition 23 secured details of measures to mitigate transport related air pollution including electric vehicle charging points.
- 4.57. In view of the measures secured at outline stage it is considered that the proposed development is acceptable in relation to air quality and is therefore in accordance with Local Plan policy DM6 and the NPPF.

Community Infrastructure

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4.58. The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities. This is reflected in policies CP 5 and CP 6 of the Local Plan, which set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.

4.59. As with any planning application, the request for financial contributions needs to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations 2010 (which were amended in 2014). These stipulate that an obligation can only be a reason for granting planning permission if it is:

- Necessary
- Related to the development
- Reasonably related in scale and kind

4.60. The following financial contributions were secured through the Section 106 agreement at outline stage:

- Contribution towards improvement works to the A249 / Grovehurst Road junction of £53,140;
- Libraries facilities contribution of £108.32 per dwelling;
- NHS healthcare contribution of £17,280
- Open space contribution of £8,290
- Primary education contribution of £3,324 per house
- Secondary education contribution of £4,115 per house
- Wheelie bin contribution of £2,066 (index linked).

4.61. NHS Kent and Medway have requested a contribution of £17,280 towards expanding general practice capacity under this reserved matters application. A contribution of £17,280 towards expanding general practice capacity was secured under the outline planning permission granted at appeal (LPA ref. 18/506328/OUT). This reserved matters application is concerned with details of appearance, landscape, layout and scale rather than the principle of the development which was established at outline stage where the impact on local healthcare infrastructure was addressed.

4.62. In view of the above it is considered that the proposed development is acceptable in terms of mitigating the impacts of the additional population on community infrastructure. Accordingly, the proposal is considered to accord with policies CP 5 and CP 6 of the Local Plan and the NPPF.

Open Space

4.63. Policy DM 17 of the Local Plan sets out that new housing development shall make provision for appropriate outdoor recreation and play space, including urban parks, children's play areas, open space for sport, allotments or community gardens proportionate to the likely number of people who will live there. This space should be fully accessible all year round and therefore

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is generally not appropriate for Sustainable Urban Drainage Systems such as stormwater ditches.

- 4.64. The outline stage proposal of 20 residential units met the threshold for triggering the provision of open space. No specific open space provision was included in the proposed outline development there are existing facilities and further planned facilities within easy walking distance of the proposal. These include open space, play facilities, sports pitches and allotments and as such it was difficult to justify any requirement to supply what would be in scale, a relatively small additional open space. However, an open space contribution of £8,290 was sought towards enhancing / increasing capacity of the off-site existing play / fitness provision in the village. Accordingly, the proposal is considered acceptable in relation to open space and therefore in compliance with policy OS 11 of the Local Plan and the NPPF.

Flood Risk, Drainage and Surface Water

- 4.65. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan.
- 4.66. The outline stage proposal was considered acceptable in terms of flood risk, drainage and surface water subject to conditions 9, 10 and 11 which secured details of a surface water drainage scheme and its implementation.
- 4.67. KCC Flood and Water Management as Lead Local Flood Authority have raised no objections to the reserved matters application, noting that further demonstration that the receiving surface water system has sufficient capacity will need to be evidenced, and this can be incorporated into details to be submitted under condition 10 of the outline consent.
- 4.68. No objections have been raised by Lower Medway Internal Drainage Board who support the comments of KCC as the Lead Local Flood Authority.
- 4.69. In view of the above the proposals are considered acceptable in terms of flood risk, drainage and surface water. It is therefore considered that the proposals are in accordance with Policy DM 21 of the Local Plan and the NPPF.

Contamination

- 4.70. The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 4.71. The outline stage proposal was considered acceptable in relation to contamination as the site did not appear to have any previous industrial uses on it and it did not appear that neighbouring developments were subject to a contaminated land condition. Accordingly, the proposals are considered acceptable in relation to contamination and are therefore in accordance with the Local Plan and the NPPF.

Living Conditions

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Existing residents

- 4.72. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 4.73. The layout of the proposed scheme is broadly comparable to the indicative layout approved at outline stage which was considered to provide sufficient separation to existing neighbouring properties to ensure no unduly harmful impacts upon the amenities of the occupants of these dwellings. Accordingly, it is considered that the proposed development will not give rise to unduly harmful impacts in terms of overlooking / loss of privacy and the visual impact of the development when viewed from neighbouring dwellings. Furthermore, noise and disturbance was not identified as a concern at outline stage and in view of the residential nature of the proposal it should not give rise to undue noise and disturbance.

Future residents

- 4.74. New development is expected to offer future occupiers a sufficient standard of accommodation and to have regard to the Government's minimum internal space standards for new dwellings.
- 4.75. The floor plans indicate that the proposed dwellings would provide functional layouts with adequate space for furnishings within each unit and in this regard are considered to provide a satisfactory standard of accommodation for future occupiers.
- 4.76. The layout of the development is also considered to provide sufficient external amenity space to serve future occupiers. It is recommended that permitted development rights be removed by condition (No. 7) to control development in rear gardens and ensure that adequate private amenity space to the dwellings is retained.
- 4.77. 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.
- 4.78. The proposal would deliver a development which is acceptable in terms of the living conditions of both future occupiers and the occupiers of existing nearby residential properties. The proposal is therefore considered to be in accordance with the Local Plan and the NPPF.

Sustainability / Energy

- 4.79. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.
- 4.80. The outline consent was subject to a condition (No. 22) requiring the submission of details of the materials and measures to be used to increase energy efficiency and thermal performance and reduce carbon emissions and construction waste. The Council will therefore be able to secure a scheme which meets Local Plan requirements in terms of delivering sustainable

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development and addressing climate change. The proposal is therefore considered to be in accordance with Local Plan policy DM 19 and the NPPF.

Other Matters*Outline stage conditions*

4.81. It is noted that the following conditions were also attached to the outline consent and cover the following relevant matters:

- Condition 12 secured details of foul water sewerage disposal;
- Condition 24 secured water consumption at a rate of no more than 110 litres per day;
- Condition 25 required the reserved matters to incorporate measures to minimise opportunities for crime and anti-social behaviour;
- Condition 27 restricts construction work to 0800-1800 hours on weekdays and 0800-1300 hours on Saturdays;
- Condition 28 restricts impact piling to 0900-1700 hours on Mondays to Fridays
- Condition 29 secures details and installation of high speed fibre optic broadband connection.

Conclusion

4.82. The details of reserved matters for 20 residential dwellings are considered to align with the development parameters established by the original outline planning consent. Furthermore, the reserved matters planning application is in accordance with national and local planning guidance in respect of matters associated with access, layout, scale, landscaping and appearance.

4.83. As such the proposals are considered acceptable and compliant with NPPF guidance and Local Plan policies. In view of the above it is recommended for that the reserved matters application be approved.

RECOMMENDATION – Approval of reserved matters subject to the following conditions:

CONDITIONS/REASONS

1. The development hereby permitted shall not be carried out and maintained in accordance with the following approved plans and documents:

2263 / P / 10.01 Location Plan
2263 / P / 10.02 Rev. D - Site Layout
2263 / P / 10.03 Rev. D - Boundary Treatments Plan
2263 / P / 10.04 Rev. D - Secure by Design Principles
2263 / P / 10.05 Rev. D - Refuse Strategy
2263 / P / 10.06 Rev. D - Electric Charging Points Strategy
2263 / P / 10.07 Rev. D - Cycle Storage Strategy
2263 / P / 10.08 Rev. D - Materials Plan
2263 / P / 20.01 Type DW1 – Floor Plans

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2263 / P / 20.02 Type DW1 – Elevations
 2263 / P / 20.11 Type DW2 – Floor Plans
 2263 / P / 20.12 Type DW2 – Elevations 1
 2263 / P / 20.13 Type DW2 – Elevations 2
 2263 / P / 20.21 Type DW3 – Floor Plans
 2263 / P / 20.22 Type DW3 – Elevations 1
 2263 / P / 20.23 Type DW3 – Elevations 2
 2263 / P / 20.31 Type DW4 – Floor Plans
 2263 / P / 20.32 Type DW4 – Elevations
 2263 / P / 20.41 Type DW5 – Floor Plans
 2263 / P / 20.42 Type DW5 – Elevations
 2263 / P / 20.101 Type DWAF1 – Floor Plans
 2263 / P / 20.102 Type DWAF1 – Elevations
 2263 / P / 20.111 Type DWAF2 – Floor Plans
 2263 / P / 20.112 Type DWAF2 – Elevations
 2263 / P / 40.01 Rev. A - Street Scene
 2263 / P / 50.01 Rev. A - Single Carport
 2263 / P / 50.02 Rev. A - Twin Carport
 2709-URB-ZZ-00-DR-L-498150-150-P00g – Detailed Planting Plan
 14892-TDA-XX-XX-DR-C-56001 Rev. D - Vehicle Swept Path Analysis Refuse Vehicle
 14892-TDA-XX-XX-DR-C-56002_A_Vehicle Swept Path Analysis Fire Tender

Reason: For the avoidance of doubt.

2. The area shown on the submitted layout as vehicle parking space, car ports, car barns or garages shall be provided, surfaced and drained to the satisfaction of the Local Planning Authority before the use is commenced or the premises occupied, and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

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

3. No dwelling shall be occupied until full details of the electric vehicle charging have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall then be implemented for each house before the dwelling in question is first occupied. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list:
<https://www.gov.uk/government/publications/electric-vehicle-homecharge-scheme-approved-chargepoint-model-list>

Reason: In the interests of encouraging sustainable modes of transport and minimising the carbon footprint of the development.

APPENDIX A

4. No dwelling/building shall be occupied until space has been laid out within the site in accordance with the approved plans for cycles to be securely parked.

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

5. Pedestrian visibility splays 2 m x 2 m with no obstruction over 0.6 m above the access footway level shall be provided at each private vehicular access prior to it being brought into use and shall be subsequently maintained.

Reason: In the interests of highway safety.

6. Before the first occupation of a dwelling / premises the following works between that dwelling / premises and the adopted highway shall be completed as follows: (A) Footways and/or footpaths shall be completed, with the exception of the wearing course; (B) Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related: (1) highway drainage, including off-site works, (2) junction visibility splays, (3) street lighting, street nameplates and highway structures if any.

Reason: In the interests of highway safety.

7. Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

Reason: In the interests of the amenities of occupants of the dwellings and the amenities of the area.

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

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

INFORMATIVES

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.
2. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

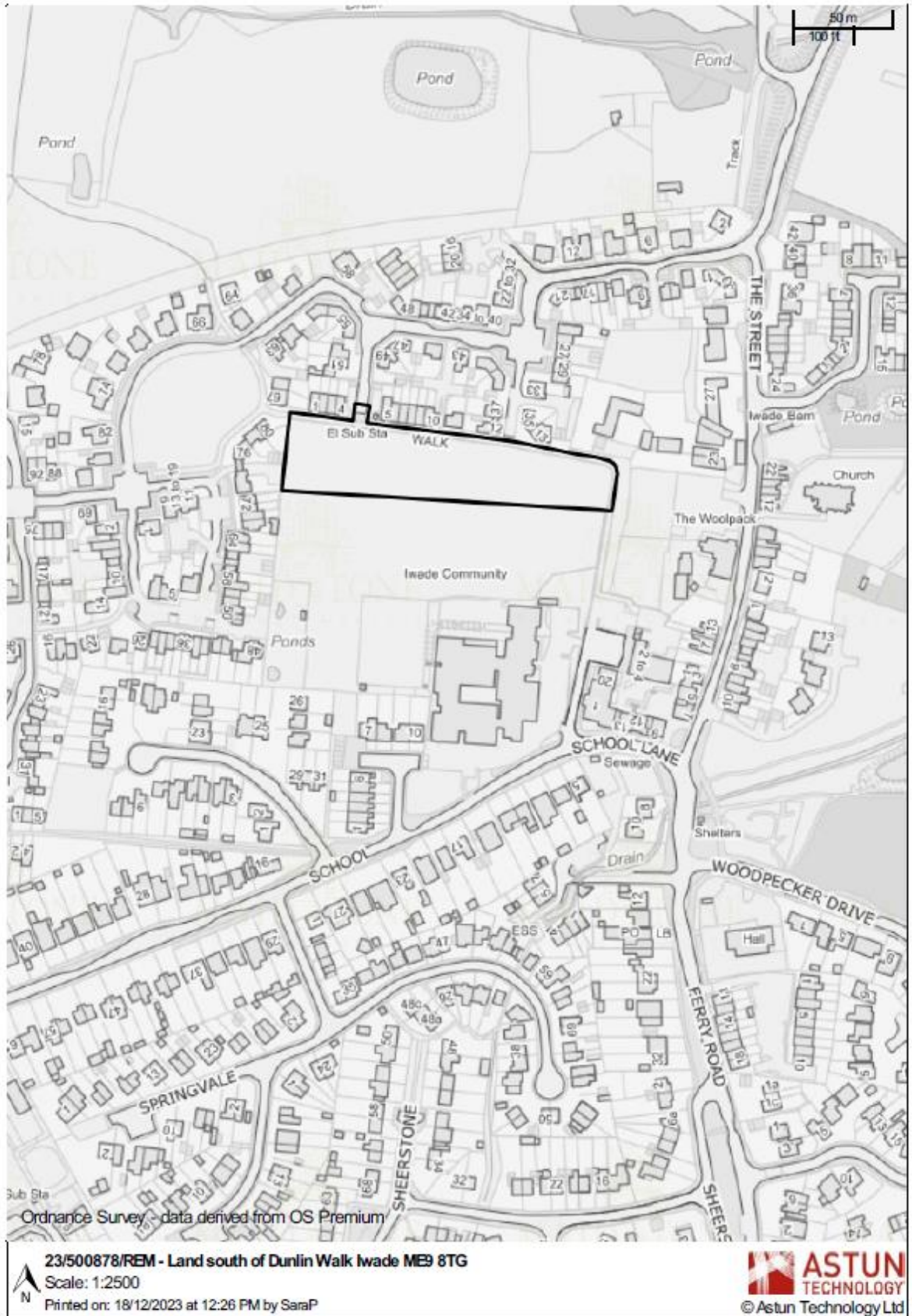
APPENDIX A

3. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil.
4. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
5. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.
6. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
7. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.
8. You are reminded that construction works should not commence until a Code of Construction Practice has been submitted to and approved by the LPA under condition 19 of the outline consent. Your attention is drawn to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected. This can be found at: <https://tunbridgewells.gov.uk/environmental-code-of-development-practice>
9. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
10. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development.
11. Planning consent does not confer consent or a right to disturb or unofficially divert any Public Right of Way at any time without the express permission of the Highway Authority.

APPENDIX A

12. No trees or shrubs should be planted within 1.5 metres of the public right of way.

APPENDIX A



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PLANNING COMMITTEE – 7 MARCH 2024

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO – 22/504863/FULL		
PROPOSAL Proposed development of 4,043 sqm of commercial floorspace accessed from Highstreet Road.		
SITE LOCATION Land at Plumpudding Lane and Highstreet Road Hernhill Kent ME13 9EL.		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to conditions and the completion of a Section 106 agreement securing the Heads of Terms as set out in the report, with further delegation to the Head of Planning / Head of Legal Services (as appropriate) to negotiate the precise wording of conditions and obligations, including adding or amending such conditions and precise Heads of Terms as may be necessary.		
APPLICATION TYPE Major		
REASON FOR REFERRAL TO COMMITTEE Ward Member (Cllr Tim Valentine) requested the application be determined by the Committee. Parish Council objection (Hernhill Parish Council). The key concern the Parish Council raised relates highway safety as a result of traffic leaving the A299 via the slip road which is near to the entrance to the site (where future occupiers of the site may potentially collide with drivers leaving Thanet Way as they enter and leave the site).		
Case Officer Matt Duigan		
WARD Boughton And Courtenay	PARISH/TOWN COUNCIL Hernhill Parish Council	APPLICANT George Wilson Developments AGENT Hobbs Parker Property Consultants
DATE REGISTERED 03/11/2022	TARGET DATE 15/03/2024	
BACKGROUND PAPERS AND INFORMATION: All relevant background papers are available via the link below: - 22/504863/FULL Proposed development of the site to provide 4,043 m2 of commercial floorspace in three buildings within associated, car parking, loading, storage and landscaping areas, accessed from Highstreet Road. Land At Plumpudding And Highstreet Road Hernhill Kent ME13 9EL (midkent.gov.uk)		

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site extends to 1.07 hectares in area and consists of a flat and open grassed field, roughly triangular in shape. The site sits immediately north west of the A299 dual carriageway from which it is separated by a landscaped bank.
- 1.2. The north and northeast of the site is bounded by Highstreet Road which connects to an east bound junction to the A299. Further to the northeast is a petrol filling station, a Travelodge hotel and other roadside services (Star Bucks) serving traffic using the east bound carriageway of the A299.
- 1.3. To the southwest the site adjoins Plumpudding Lane which leads over the A299 via a flyover where it provides access to a west bound junction to the A299. The boundaries to the site are formed by mature hedges, trees, and fencing.
- 1.4. The land to the west of Plumpudding Lane is used for agricultural purposes with a large area accommodating poly tunnels and glasshouses. To the south of the A299 there is a petrol filling station, providing a range of roadside services, together with a range of commercial buildings including a Costa/Subway, haulage companies and light industrial units.
- 1.5. While the application site is within the countryside, it is surrounded by development and as such characterised by a variety of commercial land uses.
- 1.6. There are no heritage assets in the immediate vicinity of the site. The site is not subject to any specific ecological designations, although the Swale Ramsar site, SPA and SSSI are to be found to the north. There is a Site of Special Scientific Interest at Elenden Wood to the east and to the south is the Blean Complex SAC. There are no national or local landscape designations affecting the site directly. The land falls within flood zone 1 (land at least risk of flooding).

2. PLANNING HISTORY

- 2.1. Set out below is the history considered relevant to the determination of the current application:

Ref no. SW/06/0104: Erection of stables and change of use to keeping of horses.
Refused Decision Date: 07.04.2006

Ref no. SW/06/0667: Erection of stables and keeping of horses.
Refused Decision Date: 01.08.2006

Ref no. SW/07/0112: Change of use of land from agricultural to the keeping of horses.
Refused Decision Date: 30.04.2007

Ref no. 17/504005/AGRIC: Prior notification for the erection of an agricultural barn for the storage of feed and machinery
Prior Approval Required Decision Date: 01.09.2017

Ref no. 17/506632/AGRIC: Prior notification for a proposed building.
Prior Approval Not Required Decision Date: 16.01.2018

3. PROPOSED DEVELOPMENT

3.1. The current application is for full planning permission to provide three commercial units on the site totalling 4,043 m² of floor space to be used within Use Class E g (i) (ii) (iii) and within Class B8. Planning use class E (g) includes the following:

- (i) Offices to carry out operational or administrative functions.
- (ii) Research and development of products or processes.
- (iii) Industrial processes (which can be carried out in any residential area without causing detriment to the amenity of the area).

3.2. Use class B8 includes storage and distribution.

3.3. The amount of commercial floorspace provided by each plot is as follows:

- Plot 1: 1,464 sqm
- Plot 2: 1,187 sqm
- Plot 3: 1,392 sqm

Total employment space = 4,043 sqm

3.4. A storage yard is proposed for Plot 2. Car parking and servicing would be provided within the site for each part of the development which would be served by a single point of access from Highstreet Road. Car parking provision is shown in the table below:

Plot	Car parking
Plot 1	40
Plot 2	42
Plot 3	37
Total	119

3.5. In terms of the proposed site layout, to the west of the central access into the site would be Plot 1, adjacent to the eastern side of the central access would be Plot 2 (and the storage yard associated with Plot 2). At the southwest corner of the site would be Plot 3.

3.6. The proposed buildings all feature a low pitched roof, and in terms of height, the buildings would measure 6m to the eaves and 8.5m to the ridge.

3.7. It is proposed to create a new footway (off site) to allow future occupiers to safely access a new (additional) bus stop to the south of the A299.

4. CONSULTATION

4.1. Two rounds of consultation were undertaken. The first round of consultation took place on 03/11/2022, a notice was erected at the site and an advertisement placed in the local press. Letters were sent to 103 near by neighbours. The second round of consultation took place on 13/12/2023, the same neighbours and other consultees were consulted. Set out below is a summary of matters raised in consultation responses.

4.2. **First Round of consultation - neighbours**

4.3. During the first round of consultation 7 submissions were received in relation to the consultation, objecting to the proposal. In summary, the concerns raised were:

- Highway safety

- The site entrance would be close the junction of the bridge (Plumpudding Lane) and is an area used by cyclists, horse riders and walkers. Additional traffic would potentially result in collisions.
- The entrance is close to the dangerous and abrupt junction of Highstreet Road and the A299.
- Increased traffic would cause congestion and highway safety issues.
- There would be a significant adverse impact on agriculture and wildlife.
- There would be a significant adverse impact on the area of Blean Woods Special Landscape Area (SLA), the woodland trust victory wood and the areas of high land scape value and Dargate's conservation area.
- Damage would be caused to the natural environment and causing increased carbon emissions detrimental to the Climate Action agenda.
- Pollution would be emitted from additional vehicles associated with the use of the site.
- Noise pollution from increased traffic and internal footfall would adversely impact living conditions of existing residents.
- There is no evidence of demand for more employment space. There are already a large number of industrial units being developed on the other side of the motorway.
- There is concern that there will be a second application for a drive through restaurant (McDonald's) on the site.
- Contravenes the draft Neighbourhood Plan.
- Contrary to existing development plan policy.
- The size of the development is out of keeping with the small scale of nearby dwellings.

4.4. Second round of consultation – neighbours

- 4.5. In response to the second round of consultation 1 letter was received raising objection to the proposal. The objection reiterated issues previously raised, additional concerns raised were:
- The development is outside of the designated built up boundary, where development is not permitted.
 - The site is at risk of flooding from the sea.
 - Light pollution would adversely impact the countryside location and wildlife.

4.6. **First Round of consultation – Herne Hill Parish Council**

4.7. In summary the Herne Hill Parish Council raised the following concerns:

- The access point to the development is close to the exit off the Thanet Way (vehicles leave the motor way at high speed as such there is a highway safety issue).
- There are high volumes of traffic already due to the nearby service station. The slip road is not suitable for more traffic.
- The development is not supported by public transport and modes of travel and would not promote sustainable travel and reducing the impact of poor air quality.
- The application does not show a net biodiversity gain and will cause a loss of biodiversity as well as an increase in flood and ground water contamination risk.
- The proposal lacks a drainage strategy.

4.8. **Second round of consultation – Herne Hill Parish Council**

- 4.9. In response to the second round of consultation, Herne Hill Parish Council raised the following additional concerns:
- The number of car parking spaces is still not sufficient.

- Consider the proposed new footpath to the bus stop is unsafe as there is a requirement to cross the road at a junction.
- The local public bus transport service is limited and the bus time table does not align with working hours.
- The overarching objective of sustainable development under the NPPF is not met.
- Request a condition is added to any consent requiring Plot 4 to be utilised as ancillary storage associated with the proposed commercial units.

4.10. REPRESENTATIONS

4.11. As with neighbours, two rounds of consultation were carried out on 03/11/2022 and 13/12/2023. Set out below is a summary of matters raised in representations, with the comments reflecting the final position of the consultee:

4.12. **Environment Agency (EA)** - The proposal represents a low environmental risk; therefore, the EA has no comments to make.

4.13. **Natural England** - The development would not have any significant adverse impacts on statutorily protected nature conservation sites or landscapes.

4.14. **National Highways** - No objection subject a condition to secure a construction management plan.

4.15. **KCC Flood and Water Management** - KCC Flood and Water Management advised that no objection was raised subject to conditions to secure:

- A sustainable surface water drainage scheme.
- Verification report to confirm the drainage scheme (when built) is functional.
- Delivery and maintenance of offsite drainage works.

4.16. **KCC Highways** - In summary, KCC Highways provided the following advice:

- There are no existing safety concerns that would be exacerbated by the proposal.
- The proposed site access to Highstreet Road is properly designed.
- No objection to the manoeuvring areas within the site.
- Offsite highway works will need to be secured through a S278 agreement.
- Applicant to enter into the Traffic Regulation Order process for the introduction of waiting restrictions around and in the vicinity of the site.
- Conditions required to secure a Construction Management Plan, parking areas, and electric vehicle charging points.
- No objection to the Applicant delivering a new bus stop (subject to the Applicant meeting costs and delivery of the bus stop to required specifications). Bus service 638 would serve the new bus stop.
- The use of Plot 4 to be restricted to use Class B8 – storage and distribution.

4.16.1. **Stage Coach** - The bus service provider advised that they are in agreement with the proposal for an additional bus stop.

4.17. **KCC Ecological Advice Service** - In summary the KCC Ecological Advice Service advised that there was no objection subject to conditions and planning obligations to secure:

- Full payment to Natural England for District Level Licence for Great Crested Newts.
- Control over lighting design (to prevent external lighting impacting wildlife).
- Offsite – off setting measures necessary to achieve a 20% Biodiversity Net Gain.

4.18. **KCC Waste and Minerals Officer** – No objection.

4.19. **SBC Planning Policy Officer** - In summary the Planning Policy Officer advised that:

- There is a need for employment space across the Borough.
- The site has good access to the strategic road network.
- Sustainable travel measures should be built into the proposal.
- A landscaping strategy will be needed to mitigate the impact on the view from the surrounding countryside.
- Biodiversity Net Gain should aim for 20%.
- BREEAM Very Good should be achieved.
- The Hernhill Neighbourhood Plan is at a very early stage, such that it would have no weight in the assessment of this proposal.

4.20. **SBC Economic Development Officer** - In summary the Economic Development Officer advised that:

- There is a tightening of supply of employment land and commercial premises across the Borough. This is creating a challenging environment for businesses looking to expand or move.
- Potential demand may come from not only the immediate locality but the wider east Kent sub-region.
- Limited availability of space in adjoining districts means that businesses from outside of the Borough have expressed an interest in space in Swale.
- This site is well located given its proximity to the A299.
- The proposals for this site provide a different type of 'product', with larger footprints and more space around the buildings to accommodate internal movements and parking. This is something that the eastern part of the Borough is currently unable to offer elsewhere.
- Given the limited supply, the focus for the site on employment uses is welcomed.

4.21. **Environmental Health Officer** - In summary the Environmental Health Officer advised that the methodology in the air quality assessment was satisfactory and any impact can be mitigated via conditions. No objection was raised in relation to other potential environmental impacts subject to conditions being imposed on any consent to secure:

- Air quality impact offsetting.
- Remediation of contamination.
- Provision of Electric Vehicle Charging Points (EVCP).
- Construction Management Plan.

4.22. **Kent Police** - No objection subject to a condition to ensure the development meets Secure By Design Criteria.

4.23. **Lower Medway Internal Drainage Board** - Recommended conditions be imposed on any consent to secure:

- A scheme based on sustainable drainage principles
- A Construction Surface Water Management Plan

4.24. **Southern Water** –Southern Water raised no objection to the proposal and recommended the Environment Agency be consulted and provided various informatives should the application be approved.

4.25. **SBC Urban Design Officer** - In summary the SBC Urban Design Officer advised that:

- While the site is not within the built up boundary, the context is relevant and includes the A299, petrol stations, motorway services, including a hotel, Star Bucks and other. There are agricultural buildings and warehouses and other buildings nearby.
- Given the context, if landscaping is adequate and the materiality of buildings muted, the impact would be acceptable.

5. DEVELOPMENT PLAN POLICIES

5.1. The following policies are relevant to the determination of the application.

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017

- ST 1 Delivering sustainable development in Swale.
- ST 2 Development targets for jobs and homes 2014-2031
- ST 3 The Swale settlement strategy.
- CP 1 Building a strong, competitive economy.
- CP 2 Promoting sustainable transport.
- CP 4 Requiring good design.
- CP 5 Health and wellbeing.
- CP 6 Community facilities and services to meet local needs.
- CP7 Conserving and enhancing the natural environment – providing green infrastructure
- CP 8 Conserving and enhancing the historic environment.
- DM2 Proposals for main town centre uses.
- DM3 The rural economy.
- 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.
- DM 24 Conserving and enhancing valued landscapes
- DM 26 Rural Lanes
- DM 28 Biodiversity and geological conservation.
- DM 29 Woodlands, trees and hedges.
- DM 31 Agricultural land.

The National Planning Policy Framework (2023)

Supplementary Planning Documents

- KCC Developer Contributions Guide.
- Parking Standards (2020).
- Swale Borough Council's Noise and Vibration Planning Technical Guidance (2020).
- Planting on new development – a guide to developers.
- Air Quality Technical Guidance (2021).

6. ASSESSMENT

6.1. The main considerations involved in the assessment of the application are:

- The Principle of Development
- Landscape and Visual
- Archaeology

- Character and appearance
- Trees
- Ecology
- Transport and Highways
- Air Quality
- Planning Obligations
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy
- The Planning Balance

6.2. Principle

- 6.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 6.2.2. Paragraph 10 of the NPPF states that at the heart of the NPPF is a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social, and environmental and to achieve sustainable gains these should be sought jointly and simultaneously through the planning system.
- 6.2.3. The mechanism for applying the presumption in favour of sustainable development is also relevant and set out in paragraph 11 of the NPPF and states that for decision-taking this means:
- “c) approving development proposals that accord with the Development Plan without delay; or,*
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or,*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 6.2.4. The existing site is agricultural land situated adjacent to the A299 and is located outside of the Borough’s designated built-up area boundary.
- 6.2.5. Local Plan Policy ST1 (part 4) states that to deliver sustainable development in Swale, all development proposals will, as appropriate, accord with the Local Plan settlement strategy. Local Plan Policy ST3 (part 5) relates to the settlement strategy and states that at locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless:
- Supported by national planning policy, and
 - Able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.
- 6.2.6. In terms support for the proposal from national planning policy, Paragraph 85 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support

economic growth and productivity. The proposed development aligns with the NPPF in this regard.

- 6.2.7. Paragraph 11 of the NPPF is also relevant to this application. The Council's most recent Employment Land Review (ELR) was undertaken in 2023. This identifies that there has been strong take-up of employment land in recent years, and as such supply is now tighter, and the requirement produces a higher requirement compared to that in 2018 (and higher than that set out in the (2017) Local Plan).
- 6.2.8. The ELR identifies a need for a minimum of 45 ha of industrial land. In considering land to meet this need the ELR went onto assess sites put forward through the Call for Sites and other sites suggested by the Council. It is clear from the analysis that the quantum of land to meet the identified need cannot be met from land within the designated built up boundary.
- 6.2.9. As the increased requirement cannot be accommodated within the 2017 settlement boundaries, those boundaries are also substantively out of date. It follows that rigid application of the settlement boundaries under Policy ST3 would not enable the Council to deliver current employment space requirements.
- 6.2.10. Turning to paragraph 11 of the NPPF, in summary this states that where the policies which are most important for determining an application are out of date (in this case Policy ST3) the 'Tilted Balance' in favour of sustainable development should apply to decision making, unless the exclusions at NPPF paragraph 11 (d) (i) or 11 (d) (ii) are activated.
- 6.2.11. In terms of NPPF exclusions at paragraph 11 (d) (i), these relate to protected sites and assets (such as sites designated under the Habitat Regulations and heritage assets). As is set out in Section 6.7 of this report, the proposals would have no impact on the protected sites listed in the NPPF. Nor would the proposal cause harm to heritage assets. The exclusions at paragraph 11 (d) (i) of the NPPF are not activated by this application.
- 6.2.12. As such, it is only if the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, that should planning permission be refused.
- 6.2.13. Local Plan Policy CP1 relates to building a strong and competitive economy and states in part that development proposals will exploit competitive strengths in the Swale economy. A key strength is the borough's location which makes it a desirable location for storage and distribution operations. Part 14 of Policy CP1 states that subject to proposals not significantly compromising the Local Plan, unanticipated needs can be met on appropriate sites within 'Priority Locations', which includes sites that are well related to the A299 Thanet Way. The application aligns with Policy CP1 in this regard.
- 6.2.14. Policy DM2 of the Local Plan relates to proposals for main town centre uses and promotes a sequential approach to the location of main town centre uses such as retail, and office uses. This means that the preferred location for such development (which includes office space) is within existing town centres.
- 6.2.15. A key aim of Policy DM2 is to ensure proposed development outside of existing centres would not undermine the vitality and viability of existing town centres, for example, through retail trade diversion from shops within an existing centre. While the current application seeks permission for a range of uses (including office space), the proposal would not divert any retail trade away from a centre nor do officers consider that it would result in any harm to the vitality or viability of existing centres, and as such no objection is raised in relation to Policy DM2.
- 6.2.16. Local Plan Policy DM3 relates to the rural economy, the supporting text to the policy states that Local Planning Authorities should support the sustainable growth and expansion of all types of business and enterprise in rural areas.

- 6.2.17. Policy DM3 aims to protect and expand rural services, balancing support for the sustainable growth and expansion of business with limiting and managing adverse impacts upon the wider countryside. The policy directs larger development to rural service centres. While the site is not within a rural service centre, its context is relevant (described in Section 1 of this report) as it features characteristics akin to a service centre. The proposal is considered consistent with the aims of Policy DM3.
- 6.2.18. The site is agricultural land and it is proposed that the use of the site would change to accommodate employment space with associated access and parking (agricultural land would be displaced). As such Local Plan Policy DM31 is relevant, the policy states that development on agricultural land will only be permitted when there is an overriding need that cannot be met on land within the built-up area boundaries.
- 6.2.19. Foot Note 62 of the NPPF states that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. While the term 'significant development' is not defined in the NPPF, the proposals relates to a site which is 1.07 hectares in area and is arguably sufficiently important to be worthy of attention (i.e., significant).
- 6.2.20. In terms of the development being necessary, advice from the Council's Economic Development Officer is that there is a tightening of supply of employment land and commercial premises across the Borough and in adjoining districts. There is evidence from the ELR that the borough has a shortage of employment land to meet the identified need. The site is well located given its proximity to the A299 (the accessibility benefits from developing employment space next to the A299 could not be met on sites further from the motorway).
- 6.2.21. Local Plan Policy DM31 also resists the loss of Best and Most Versatile (BMV) agricultural land (specifically Grades 1, 2 and 3a) unless certain criteria are met.
- 6.2.22. Testing of land immediately opposite the site (across Highstreet Road) shows this as being sub-category 3b. Given the proximity of the site to land known to be category 3b, it is reasonable to assume the application site is of the same category (i.e., not BMV agricultural land). While there would be the loss of agricultural land, taking account of the site's constraints (surrounded by roads and limited in size) and the demand for employment space located close to the A299, no objection is raised in terms of compliance with Local Plan Policy DM31.
- 6.2.23. Concerns have been raised in consultation responses that the proposal would not comply with the Draft Hernhill Neighbourhood Plan. However, the draft Plan has not yet reached a stage where weight can be afforded to it.

Conclusion

- 6.2.24. The Local Plan is out of date and the Council is unable to demonstrate sufficient industrial/employment land to meet the identified need. In this situation the 'tilted balance' is engaged (as set out in paragraph 11 of the NPPF). The subsequent sections of this report provide an assessment of whether the adverse impacts of approving the proposal would significantly and demonstrably outweigh the benefits.
- 6.2.25. As set out in Section 6.15 of this report, officers are of the view that having considered the proposals against the Local Plan and NPPF as a whole, on balance, the scheme would comply with the NPPF paragraph 11 and Local Plan policies ST1, ST3, ST7, DM23 and DM31, and no objection is raised in principle.

6.3. Landscape and Visual

- 6.3.1. Local Plan Policy ST1 relates to delivering sustainable development in Swale and states (at Part 11) that the policy seeks to conserve and enhance the natural environment. Policy DM14

- sets out general development criteria and at part 6 of the policy it refers to the desirability of conserving and enhancing the natural environment.
- 6.3.2. The site is not within a designated landscape, Policy DM24 states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to the minimisation and mitigation of adverse landscape impacts.
 - 6.3.3. The National Character Area Profile (prepared by Natural England, 2013) locates the site within the landscape character area of the 'Greater Thames Estuary'. The National Character Area Profile states that the Greater Thames Estuary should be improved and protected and planting to screen new urban and industrial developments should be introduced to help protect the tranquillity of the estuary.
 - 6.3.4. There are Public Rights of Way (PRoW) near the site and impacts to views from the PRoW have been assessed. The key footpaths are CW2, ZR502 and ZR516 to the north east, south and south west of the site.
 - 6.3.5. The application is accompanied a Landscape Visual Impact Assessment (LVIA), this establishes a 'Study Area' which was defined in part by the use of a 'Zone of Theoretical Visibility' (ZTV) which as a map showing areas of land within which the development is theoretically visible.
 - 6.3.6. The ZTV takes account of topographical data, the proposed building heights and was calculated via a fixed height of 11m within the centre of the site. This is relevant as it represents a worst case scenario (the proposed buildings would be no more than 8.5m in height). The location of viewpoints was informed by assessing woodland, built development and PRoW within the ZTV. All viewpoints were taken from publicly accessible locations.
 - 6.3.7. The analysis in the LVIA shows that the site is mostly visible from Highstreet Road and Plumpudding Lane. The landscape strategy focusses planting (to screen the proposed development) in these locations.
 - 6.3.8. Visibility is likely to be greatest during the construction, however this would be for a limited period. Landscape mitigation is proposed (post construction) to soften the appearance of the proposed buildings and create an appropriate landscape character on the site, whilst enhancing biodiversity.
 - 6.3.9. The landscape strategy proposes reinforcement of the existing boundary vegetation, with mixed native hedge along the boundaries. This mitigation planting, combined with internal tree planting and the retention of existing vegetation would help to soften the appearance of the proposed buildings.
 - 6.3.10. Taking account of the above and the existing context, the proposed development would have a moderate visual impact during construction with a low impact within 10 years of completion. This is because the proposed planting and enhancement of the existing landscape would have matured after 10 years and be more effective in screening the site. If approved, conditions could reasonably be imposed on any consent to require a comprehensive landscaping scheme (including replacement of any tree which die within the first 5 years of planting) and ongoing management and maintenance of the landscaping for the life time of the development.
 - 6.3.11. Given the context in which the site is set (described in Section 1 of this report) and subject to conditions being imposed on any consent (to ensure the landscaping is introduced as proposed and to ensure the materials and colours used on external elevations of proposed buildings are muted to blend in rather than stand out), no undue visual harm would be caused and the application would accord with Local Plan policies ST1 (11), ST3 (5), DM14, and DM24.

6.4. Heritage and archaeology

- 6.4.1. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“PLBCAA”) provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.4.2. Local Plan Policy CP8 sets out various requirements proposals must accord with to sustain and enhance the significance of Swale’s designated heritage assets. Policy DM32 relates to development involving listed buildings and states that development proposals affecting a listed building or its setting will be permitted provided that the building’s special architectural or historic interest, and its setting are preserved.
- 6.4.3. Policy DM3 relates to the rural economy and requires development in rural areas to cause no significant harm to the historical character of an area.
- 6.4.4. The site is not in close proximity to a Conservation Area (there would be no impact to a Conservation Area). The nearest listed building; ‘Meadow Farm House’ (Grade II listed) is situated to the southwest of the application site (approximately 500m away). Due to the distance between the site and the designated heritage asset the proposal would preserve the setting of the listed building. The proposal would comply with Local Plan policies CP8, DM3 and DM32.
- 6.4.5. Policy DM34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 6.4.6. The Application was accompanied by an Archaeological Desk Based Assessment, and the archaeological and historic analysis demonstrates that there is low-to-moderate potential for archaeological evidence of Romano-British, Anglo-Saxon and medieval to be present on the site.
- 6.4.7. The proposed development would involve disturbance to the ground caused by foundations and trenching for services and drainage. This could have a negative impact on any surviving archaeological remains on the site.
- 6.4.8. Given that there is potential for archaeology to be present on the site, it is recommended that an archaeological evaluation is undertaken prior to construction to determine the presence or absence of potentially significance archaeological remains (and to appropriately preserve any finds). Subject to conditions (which are recommended) to secure the above the proposal would accord with Policy DM34 of the Local Plan.

6.5. Character and appearance

- 6.5.1. Paragraph 131 of the NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 6.5.2. Local Plan Policy CP4 requires good design and states development proposals should enrich the qualities of the existing environment by promoting and reinforcing local distinctiveness and strengthening sense of place. The policy goes onto highlight that development proposals should be appropriate to the context in respect of materials, scale, height and massing.
- 6.5.3. Policy DM3 of the Local Plan relates to the rural economy and requires development in rural area to cause no significant harm to the character of an area. Policy DM14 states that

development proposals will as appropriate reflect the positive characteristics and features of the site and locality.

- 6.5.4. The National Design Guide states that well-designed places have individual characteristics which work together to create its physical Character. The National Design Guide sets out the characteristics of good design which can be used in the assessment of proposals. The requirements set out in policies CP4 and DM14 overlap with the characteristics of good design set out in the Design Guide. In terms of context, while the site is in the countryside, existing development such as the A299 motorway (with associated visual, traffic and noise impacts), nearby industrial and agricultural buildings, a hotel, petrol stations and other road side services influence the way in which the site is interpreted.
- 6.5.5. A key to enhancing the context in this case lies in ensuring the buildings are moderated in height, and in this case the scale of the proposals is limited to 8m and feature shallow, steel profile pitched roofs. The proposed height of buildings is consistent with surrounding development. By way of example, the height of buildings under construction (approved under permission 20/502407/FULL and 21/502972/FULL) northeast of the A299 are 8.5m in height. Existing building in the Young Brothers Haulage site (also to the northeast of Thanet Way) are also 8.5m in height. The proposed building will be no higher than that of surrounding development and given its context coupled with the proposal landscaping, visibility in longer distance views would be limited, while at the same time providing fit for purpose employment space.
- 6.5.6. The proposed commercial units are of a modular design, two storeys in height. Cladding options have been provided, and the indicative materials and building colour are attractive, giving the proposal an identity. While the indicative detail is acceptable at this stage, conditions should be imposed on any consent to ensure the final details of materials are well considered.
- 6.5.7. The layout of buildings within the site would ensure access into and through the site is logical and workable. The proposals facilitate movement and would represent a coherent pattern of development. The proposals would enhance and optimise the natural environment at the site.
- 6.5.8. While the site wouldn't include publicly accessible spaces, it is clear that thought has been given to the welfare of future occupiers. If approved conditions should be imposed on any consent to ensure buildings achieve secure by design standards and access is inclusive.
- 6.5.9. For the reasons set out the proposal is considered to have an acceptable impact upon the character and appearance of the area in accordance policies CP4 and DM14 of the Local Plan and the NPPF. It is also considered that the proposal is in alignment with the National Design Code.

6.6. Trees

- 6.6.1. Paragraph 136 of the NPPF states that trees make an important contribution to the character and quality of urban environments. The Local Plan requirement is recognised through Policy DM29 of the Local Plan.
- 6.6.2. There are existing trees and hedges around the periphery of the site (10 trees and 4 hedge rows).
- 6.6.3. The current proposals incorporate these trees and hedges into the design so they are able to be retained and protected. While the existing trees and hedge rows are category C (low quality), they provide habitat for wildlife and help to screen the site from view to help soften the appearance of the development. A condition should be imposed on any consent to require the proposed tree protection to be implemented.

- 6.6.4. The proposed landscape plans also include a range of new trees, hedging, and shrub planting. As the proposed new planting establishes it would progressively make a positive contribution to the age and species diversity of trees in the area and the extent of local canopy cover.
- 6.6.5. Subject to the tree protection measures and landscaping recommended within the Arboricultural Method Statement and Landscape Strategy being implemented the proposals would not cause any unacceptable impact on the amenity of the locality in so far as it is contributed to by trees, and the proposals would comply with Policy DM29 of the Local Plan.

6.7. Ecology

- 6.7.1. The Conservation of Habitats and Species Regulations 2017 ('the Habitats Regulations') affords protection to certain species or species groups, commonly known as European Protected Species (EPS), which are also protected by the Wildlife and Countryside Act 1981. This is endorsed by policies CP7 and DM28 of the Local Plan, which relates to the protection of sites of international conservation importance including Special Areas of Conservation (SAC), Special Protection Areas (SPA) or Ramsar Sites.
- 6.7.2. National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 6.7.3. Local Plan Policy DM3 relates to the rural economy and requires development in rural area to cause no significant harm to the biodiversity of an area. Policy DM28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated.
- 6.7.4. There is one Special Protection Area (SPA) being The Swale (0.6km from the site), one Special Area of Conservation (SAC) being Blean Complex (1.3km from the site) and one RAMSAR site being The Swale (0.6km from the site).
- 6.7.5. Natural England were consulted as part of the assessment of the application and advised that the proposed development (in terms of the nature of uses, and location) would not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
- 6.7.6. Officers have undertaken a Habitat Regulations Assessment (HRA), it is considered that the proposed development is of a modest scale and commercial in nature therefore will not result in an increase in living accommodation, which could have recreational impacts upon protected sites. Taking this into account the proposal in itself and in combination with other development, would not have an adverse effect on the integrity of the statutorily protected sites or landscapes and as such any likely significant effect has been ruled out.
- 6.7.7. Ecology
- 6.7.8. The application is supported by an Ecological Report, which included the results of an ecological survey. An assessment was also made as to the presence or potential presence of protected, important or Nationally Rare species (including bats, badgers, reptiles, great crested newts, and dormice).
- 6.7.9. No roosting areas for bats were identified, although the site could be used by foraging bats. While no dormice were found, there is one portion of dense bramble scrub that could provide dormouse habitat. No signs of badgers or reptiles were found. Mitigation is proposed to protect hedgehogs, nesting birds, badgers and great crested newts (which were not found on site at the time of the survey but may subsequently visit the site).

- 6.7.10. Enhancement measures include tree planting, hedgerow creation, native and nectar rich planting, bird boxes, log piles, and bee bricks.
- 6.7.11. The Applicant has started the process of engaging with Natural England's District Level Licence scheme for Great Crested Newts. This paid for service is provided by Natural England, who will measure the impact of a proposed development on Great Crested Newts and arrange for any necessary mitigation. Subject to a planning obligation requiring the Applicant to provide confirmation that they have actually finalised the process and are formally a part of the licencing scheme, no concerns are raised in relation to Great Crested Newts.
- 6.7.12. In terms of Biodiversity Net Gain (BNG), the site has been classified into habitat type(s) and the condition of the land assessed in line with the Biodiversity Metric. The Biodiversity Metric is a habitat based approach to determining biodiversity value and was developed by Natural England. The Biodiversity Metric is designed to provide ecologists, developers, planners with a means of assessing changes in biodiversity value (losses or gains) brought about by development. Existing habitats at the site are grassland in poor condition, bramble and scrub.
- 6.7.13. The application includes a Biodiversity Net Gain (BNG) Feasibility Assessment which showed that the proposals would result in an on-site net loss in Habitat Units. While on-site BNG units were maximised within the scope of proposals, a deficit in biodiversity units for other neutral grassland and scrub habitat remained.
- 6.7.14. In this case off-site land would be required to provide sufficient Biodiversity Units to provide a net gain score overall.
- 6.7.15. BNG offsetting is a conservation strategy in which new developments that result in the loss of biodiversity (that cannot be made up on site), offset the loss by creating or enhancing habitats for wildlife in other areas.
- 6.7.16. Essentially land off site would be dedicated to being a wildlife area. The condition of the offsite land would then be improved until the BNG uplift is achieved. The Government require the offsite land to then be maintained for 30 years.
- 6.7.17. The Kent Wildlife Trust (KWT) provides a coordinated service for offsite delivery of BNG (and have been engaged by the Applicant in this case). The KWT examined the BNG metric submitted as part of the Applicant's Ecological Report. The KWT made an independent assessment of what would be required to replace biodiversity lost at the site and achieve a 20% BNG.
- 6.7.18. The assessment showed that through the provision of offsite grassland and mixed scrub (reserved as biodiverse land for 30 years), and with enhancement of the offsite land a 20% BNG (equivalent to an uplift of 2.60 BNG units) would be achieved. The offsite - offsetting would need to be secured, managed and funded through a planning obligation (secured in a s106 legal agreement as part of any consent).
- 6.7.19. The KCC Ecological Advice Service advised that no objection was raised to the approach, subject to conditions and planning obligations to secure:
- District Level Licence for Great Crested Newts.
 - External lighting control.
 - A 20% Biodiversity Net Gain (including off site – off setting).
- 6.7.20. Subject to the compliance with the mitigation proposed in the Ecological Report and the conditions and obligations suggested by the KCC Ecological Advice service set out above, the application would comply with Local Plan policies CP7, DM3 and DM28 of the Local Plan.

6.8. Transport and Highways

6.8.1. The NPPF (at paragraph 115) states that:

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

6.8.2. Policy CP2 of the Local Plan states that new development should be located within the built up boundary, in places which minimise the need to travel for employment and services and facilitate sustainable transport. The site is not within the built up boundary.

6.8.3. Local Plan Policy DM6 sets out the requirements for managing transport demand and impact. The policy requires development proposals involving intensification of any existing access to a strategic, primary or other route to demonstrate that access has a suitable capacity and would achieve an acceptable safety.

6.8.4. Local Plan Policy DM7 requires compliance with the Swale Vehicle Parking SPD. The policy further requires cycle parking facilities on new developments to be of an appropriate design and in a convenient, safe, secure and sheltered location.

6.8.5. The application is accompanied by a Transport Statement, which notes that the proposal seeks permission for the site to be used for a range of uses, and as such, a worst case scenario was modelled, assuming the site would be occupied by proposed uses generating the highest volumes of traffic.

6.8.6. The Transport Statement was referred to the KCC Highways department, who advised that trip rates were appropriate and that the proposed development would not create an adverse impact in terms of highway congestion (the site is well located in relation to the A299 motorway and additional traffic could be accommodated on the highway network).

6.8.7. The KCC Highways department reviewed the geometry of the exit and entry slips of the A299. This confirmed that the existing merge/diverge tapers provided are in accordance with the required standard. In addition, the collision data for the most recent 3-year period showed no evidence to suggest that there are any inherent safety concerns with the use of the slip roads, or indeed the local highway network in the vicinity of the application site. In conclusion, there are no existing safety concerns that could be exacerbated by the proposal.

6.8.8. In terms of the access to the site, following amendments the KCC Highways officer advised that the sightlines and the proposed junction on Highstreet Road would be acceptable.

6.8.9. A swept path analysis was undertaken and shows that large articulated vehicles could adequately enter and leave the site in forward gear. A condition to control the management of deliveries is recommended.

6.8.10. Applying Swale’s car parking standards to the scheme would require between 37 (assuming 100% B8 use) and 135 car parking spaces (assuming 100% office use). The scheme proposes a total of 119 car parking spaces which reflects the likely mix of commercial uses at the site, this level of parking provision has been agreed by KCC Highways.

6.8.11. The advice from KCC Highways is that to ensure parking does not take place outside of the site the Applicant should be required to enter into the Traffic Regulation Order process to ensure waiting restrictions are introduced around and in the vicinity of the site to prevent any parking on the surrounding highway network.

6.8.12. The KCC Highway officer also advised that a restriction on the use of Plot 4 is also required to ensure this Plot is only used for warehouse and distribution uses. This restriction would ensure that the proposed parking at the site is adequate for the needs of the development. Conditions

- are recommended to restrict the use of Plot 4 and to secure waiting restrictions around and near the site.
- 6.8.13. In this case 6 spaces should be provided as disabled bays, and a condition should be imposed on any consent to secure this, along with 12 bays being provided with Electric Vehicle Charging Points.
- 6.8.14. The proposal would also need to include a suitable quantum of cycle parking spaces in a secure and convenient location. For this development the 2 short stay and 12 long stay bicycle storage spaces are required. Conditions are recommended to ensure adequate cycle storage is provided.
- 6.8.15. National Highways have assessed the application in relation to the potential impact to the Strategic Road Network and conclude that the proposed uses would not have an unacceptable impact. National Highways and KCC Highways advised that a condition is required to control construction impacts, including the impacts of construction traffic (the relevant condition is recommended).
- 6.8.16. The Applicant proposes to fund and deliver a new bus stop closer to the application site, as well as a new pedestrian link between the application site and the new bus stop. This would provide a bus stop within 500m of the application site.
- 6.8.17. The bus stop proposed would be serviced by the 638 service between Faversham and Whitstable. The services are scheduled in a manner that would allow employees to arrive by 8 am and be able to leave work at 17.30 and therefore offer a viable alternative to journeys by private car.
- 6.8.18. The bus service provider (Stage Coach) and KCC Highways have advised that they are in agreement with the proposal for an additional bus stop (subject to this being funded and delivered by the Applicant to requisite standards).
- 6.8.19. Subject to conditions and planning obligations being imposed as part of any consent to secure a construction management plan, disabled parking bays, electric vehicle charging points, cycle storage, a delivery management plan, off site highway and footway works and delivery of a new bus stop, the proposal would accord with Local Plan policies DM6 and DM7.
- 6.8.20. Highstreet Road is categorised as a Rural Lane and therefore Local Plan Policy DM26 is relevant. The policy states that planning permission will not be granted for development that would either physically, or as a result of traffic levels, significantly harm the character of rural lanes.
- 6.8.21. The requirements of Local Plan Policy DM26 are noted, however the character and form of the section of Highstreet Road as it passes this site is already impacted by the formation of the interchange on the A299, and the surrounding development (described in Section 1 of this report).
- 6.8.22. The A299 dissects the rural lane, the character if this part of the rural lane is already impacted and it is not tranquil. The proposed development would not add further unacceptable harm to the character or appearance of this section of Highstreet Road.
- 6.8.23. The Transport Statement provides an assessment of trip distribution which establishes that with the immediate access onto the A299 in both directions being close to the site, this would be the most likely route vehicles would take to access and to leave the site (reducing the impact to those parts of Highstreet Road beyond the site). In this case the context in which the site is set is relevant and there are factors which moderate the impact to the rural lane. Given the situation, no objection is raised to the proposal in relation to Local Plan Policy DM26.

6.9. Air Quality

- 6.9.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and at the national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.
- 6.9.2. Paragraph 192 of the NPPF states that planning decisions should sustain and contribute towards compliance with relevant limit values or national objectives for air quality. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management.
- 6.9.3. The Local Plan Policy DM6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 6.9.4. The applicant has undertaken an Air Quality Assessment, this sets out the likely sources of air quality impacts during the construction and operational phases, subject to conditions to control dust during construction, impacts could be mitigated. Modelling of emissions from traffic associated with the proposal was undertaken and the results show that air quality would remain within the relevant air quality standards with the development in place.
- 6.9.5. In accordance with the advice provided in Swale's Air Quality and Planning Technical Guidance, mitigation measures would be implemented to reduce operational emissions.
- 6.9.6. In order to assist in determining the value of emissions mitigation required, an Emissions Mitigation Assessment was completed including an emissions mitigation calculation in accordance with the advice provided in Swale's Air Quality and Planning Technical Guidance and Defra's Damage Costs Appraisal Toolkit. The Applicant has calculated the damage cost at £31,852.
- 6.9.7. A Travel Plan is to be secured which would require a reduction in vehicle trips and associated emissions (and assist in mitigating any associated air quality impacts).
- 6.9.8. Conditions are recommended to ensure electric vehicle charging points are installed, cycle storage provided. The Travel Plan would be secured as a planning obligation. A further condition is recommended to require the Applicant to specify in detail what other air quality mitigation measures will be taken and to show these would equate to at least the damage cost.
- 6.9.9. The Air Quality Assessment was referred to the Environmental Health Officer who raised no objection. Subject to conditions to ensure dust created during the construction period was appropriately controlled and to ensure measures to mitigate against air quality impacts are implemented the proposal would accord with Local Plan Policy DM6.

6.10. Planning Obligations

- 6.10.1. Planning Obligations need to be scrutinised in accordance with Regulation 122 of the Community Infrastructure Regulations. These stipulate that an obligation can only be a reason for granting planning permission if it is:
 - Necessary.
 - Related to the development.
 - Reasonably related in scale and kind.

6.10.2. The following planning obligations are necessary to mitigate the impact of the development:

Requirement		Towards
Ecology		
Great Crested Newts	Evidence that the Applicant is formally part of Natural England's District Level Licence for Great Crested Newts shall be submitted to and approved by the Local Planning Authority.	Protection of Great Crested Newts.
Biodiversity Net Gain	Delivery of 20% BNG through offsite - off setting.	Offsite off setting
Highways and transportation		
	Offsite footway and new bus stop	Promoting sustainable transport
	Offsite highways works (access to the site)	Access and highway safety
	Travel Plan	Promoting sustainable transport

6.10.3. Subject to the above planning obligations being secured in a legal agreement associated with any consent the proposals would mitigate impacts and make the development acceptable in planning terms and comply with Local Plan policies DM6, DM7 and DM28.

6.11. Flood Risk, Drainage and Surface Water

6.11.1. The NPPF (para 173) states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in Policy DM21 of the Local Plan.

6.11.2. The entire site is located in Flood Zone 1, which is the zone with the lowest probability of fluvial/tidal flooding, and access can be achieved from the adjacent road networks, that will be free from fluvial/tidal flooding.

6.11.3. Part 4 of Local Plan Policy DM21 states that development should include where possible, sustainable drainage systems (SuDS) to restrict runoff to an appropriate discharge rate, maintain or improve the quality of the receiving watercourse, to enhance biodiversity and amenity and increase the potential for grey water recycling.

6.11.4. The application is accompanied by a Flood Risk Assessment and Drainage Strategy, which proposes to attenuate surface water on-site using permeable paving and attenuation tanks, before discharging to a nearby watercourse via a new on-site pumping station.

6.11.5. No objection has been raised to drainage proposals by the Environment Agency, the KCC Flood and Water Management team or Southern Water. If approved, conditions should be imposed on any consent to secure:

- A detailed sustainable surface water drainage scheme,
- Verification that the drainage strategy, once implemented, actually functions as proposed, will be protected and maintained.

6.11.6. Subject to the above conditions being imposed on any consent the proposal would comply with Policy DM21 of the Local Plan.

6.12. Contamination

- 6.12.1. The NPPF at paragraph 189 states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.
- 6.12.2. The Applicant has submitted a contamination assessment along with the application. This identifies that the main potential contamination sources on the site are Made Ground within the immediate area of the site and fly-tipped materials just outside the entrance (bituminous surfacing). Pesticides and herbicides from use as orchards could also be on the site. The assessment also identified the potential for a range of contaminants including metals, asbestos, Hydrocarbons, Benzene, Toluene, Ethylbenzene and Xylen compounds and Volatile Organic Compounds.
- 6.12.3. The contamination assessment was referred to the Environmental Health Officer who advised that the assessment was acceptable and indicated that the site generally represents a low to moderate risk to human health and controlled waters. However, in order to assess any potential contamination in relation to historical agricultural chemical use and due to the surrounding land uses, further investigation should be undertaken to confirm underlying ground conditions and carry out environmental sampling.
- 6.12.4. It is recommended that conditions be imposed on any consent to require further investigation and to ensure any unexpected contamination found during construction would be remediated.
- 6.12.5. Subject to the above conditions being imposed on any consent, the proposal would accord with paragraph 189 of the NPPF and no objection is raised.

6.13. Living Conditions

- 6.13.1. Local Plan Policy DM14 sets out general design criteria and states in part that proposals should cause no significant harm to amenity and other sensitive uses or areas.
- 6.13.2. Construction activities generate noise and disturbance with the potential to harm the living conditions of existing residents. A condition is recommended to secure a Construction Management Plan to mitigate impacts during construction.
- 6.13.3. The application is accompanied by a noise assessment which considered noise generated by activities on site, including noise and vibration from plant and equipment, and noise associated with traffic. Potential receptors include existing neighbouring residents and occupants of the Travel Lodge hotel to the northeast of the site.
- 6.13.4. The noise assessment was referred to the Environmental Health Officer who advised that assessment follows the methods specified in BS4142 and show this development posed low risk of adverse noise impact.
- 6.13.5. The noise assessment recommends that fixed plant items, or other commercial activity introduced at the site be sufficiently mitigated such that rating levels at the nearest sensitive receptors fall below the background sound levels.
- 6.13.6. Subject to conditions to control construction impacts and to ensure noise levels don't exceed the ratings set out in the noise assessment the application would comply with Local Plan Policy DM14.

6.14. Sustainability / Energy

- 6.14.1. Local Plan Policy ST1 relates to sustainable development and at part 10 of the policy it states that development will meet the challenge of climate change through the promotion of sustainable design and construction. Policy DM19 of the Local Plan requires development proposals to include measures to address climate change.

- 6.14.2. To meet the requirements of Policy DM19 the applicant has set out various measures that could be used, such as ensuring insulating materials are of a sort that won't deplete Ozone. Preference would also be given to the specification of inert materials. Air tightness standards would be adhered to and consideration of low energy LED lighting is cited.
- 6.14.3. Policy DM19 requires the design of buildings to be adaptable to change and reuse over the long term. The proposed buildings would be built in a way that can accommodate a range of different uses (Use Class E g (i) (ii) (iii) and Class B8).
- 6.14.4. Policy DM19 also requires all new non-residential developments over 1,000 sqm gross floor area should achieve the BREEAM "Very Good" standard. The applicant has agreed to meet this standard.
- 6.14.5. Subject to a condition being imposed on any consent requiring the development to achieve the BREEAM Very Good standard the proposal would accord with policies ST1 and DM19 of the Local Plan.

6.15. Conclusion

- 6.15.1. The development proposal will result in conflict with the Local Plan. However, there is support for the development in national policy, particularly when taking account of the fact the Council doesn't have a sufficient supply of employment land to meet the identified need and the Local Plan is out of date. Taking this into account the benefits of the scheme need to be weighted against the harm identified.
- 6.15.2. The development would be located outside the built up boundary, and there would clearly be changes to the site's existing landscape as well as visual impacts. Mitigation is proposed, including moderating the scale of development and introducing landscaping to integrate the proposal into the wider landscape and screen the development in views. Given the mitigation and location of the site adjacent to the motorway and surrounded by roads, **limited weight** is afforded to this disbenefit in the planning balance.
- 6.15.3. Agricultural land would be lost, however in this case the site is relatively small and surrounded by roads and is the site not considered to contain BMV agricultural land. **Limited weight** is afforded to this disbenefit.
- 6.15.4. Turning to the benefits of the scheme, the proposal would result in an introduction of employment uses on an underutilised site, providing high-quality employment floorspace that is fit for purpose. It would support planning policy objectives by targeting logistics, essential services, SMEs, distribution operators, office and emerging sectors. There is a need for employment space, and to ensure the Borough has a sufficient supply of employment land to meet its needs and function effectively.
- 6.15.5. Paragraph 85 of the NPPF advises that **significant weight** should be placed on the need to support to economic growth and productivity, taking into account both local business needs and wider opportunities for development
- 6.15.6. The proposed new employment floorspace would result in an uplift in the number of jobs on the site. During the construction phase, it is estimated that there would be 30 full-time equivalent (FTE) jobs at the site, a proportion of which could be expected to be Swale residents.
- 6.15.7. Based on standard employment densities for the uses proposed, the development could potentially support 120 FTE jobs when operational.

- 6.15.8. There would be increased employment opportunities suited to a range of skills within the labour market, including lower to intermediate skilled positions to provide accessible opportunities through to career progression opportunities into higher-skilled occupations on-site.
- 6.15.9. The proposed development will also generate a variety of beneficial economic impacts within Swale, supporting the viability of local service businesses through expenditure by workers in the local area.
- 6.15.10. The site sits immediately adjacent to one of the borough's main transport corridors, the A299, and enjoys direct access to and from both the east and west bound carriageways of this major arterial route. The A299 itself provides extremely good transport links to the nearby towns of Faversham and Whitstable and further afield to the Thanet towns to the east and to the A2 and M2 to the west, which in turn directly connect to the motorway network serving the rest of the country and to Europe via Dover. In transport terms the site is therefore well located.
- 6.15.11. Again, paragraph 85 of the NPPF advises that significant weight should be placed on the need to support to economic growth, taking into account both local business needs and wider opportunities for development. Considering all the above factors, **significant weight** is given to this benefit.
- 6.15.12. The Applicant carried out a site investigation, which identified the potential for contamination to exist on site, the proposal would remediate any existing contamination. **Moderate weight** is afforded to this benefit.
- 6.15.13. The proposed development would be of a design that would positively respond to its surroundings. Conditions are recommended to ensure materials are well considered.
- 6.15.14. No harm would be caused to any heritage assets as a result of the development.
- 6.15.15. Subject to conditions (which are recommended) the development would provide suitable landscaping and planting in and around the site. The proposed soft landscaping would help to soften the appearance of the development and assist in relating it to the surrounding landscaping. **Moderate weight** can be given to the contribution the development would make to enhancing the appearance of the area, including through landscaping and good design.
- 6.15.16. The proposed development has been designed in accordance with sustainability principles.
- 6.15.17. In terms of drainage, the total surface water discharge from the development for the 100-year storm event would be limited to no more than 7 l/s (lower than the equivalent Greenfield runoff rate). If approved conditions would be imposed to ensure the new development achieves relevant BREEAM standard. This benefit is given **moderate weight**.
- 6.15.18. Taking the above into account, when applying the tilted balance officers are of the view that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole (a circumstance where planning permission should be granted) and as such it is recommended that planning permission be granted subject to conditions and planning obligations.

CONDITIONS

1. The development to which this permission relates must be begun not later than the 3 years of the date of this consent.

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 permitted shall take place in accordance with the following plans:

5730/003 Rev D, 5730/205 Rev I, 5730/206 Rev J, 5730/208 Rev A, 5730/209 Rev A, 29671B/200 Rev P3 received 12/12/2023, 29671B/202 Rev P, 29671B/201 Rev P, 29671B/203 Rev P, 29671B/204 Rev P, 29671B/205 Rev P, 29671B/206 Rev P, 29671B/207 Rev P, 29671B/208 Rev P, 29671B/209 Rev P, 22758A/20 Rev P.

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

3. Plot 4 shown on Plan 29671B/200 Rev P2 shall be used solely for operations within Use Class B8 (storage and distribution) in association with the operation of the other Plots.

Reason: To ensure there is no over intensification of the use of the site or unacceptable increase in traffic generation or shortage of parking spaces..

4. No development beyond the construction of foundations shall take place until details of the external finishing materials to be used on the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority.

Thereafter the development shall be built in accordance with the approved details.

Reason: In the interest of visual amenity.

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

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

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

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

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

7. No development shall take place until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall include the following components:
 1. A site investigation scheme, based on the Phase 1 Preliminary Investigation to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 2. The results of the site investigation and the detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

3. A verification proposal providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. 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 written consent of the local planning authority.

The scheme shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable contamination. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

8. Prior to any part of the development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete.

9. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

10. Notwithstanding the plans hereby approved, prior to above ground works, plans and details shall submitted to and approved in writing by the Local Planning Authority showing 12 of the parking spaces fitted with active Electric Vehicle charging points and in addition, 6 cars parking spaces being designed for use by Blue Badge holders.

Thereafter the development shall accord with the approved plans and details.

Reason: In the interests of sustainable development and to ensure the development is inclusive and to mitigate against air quality impacts.

11. Prior to above ground works, an application shall be made for a Traffic Regulation Order to introduce waiting restrictions on both sides of Highstreet Road and Plum Pudding Lane.

Thereafter the development shall be implemented in accordance with the outcome of that Traffic Regulation Order application.

Reason: In the interests of highway safety and amenity.

12. Prior to occupation, an external lighting design plan to mitigate against impacts to wildlife shall be submitted to, and approved in writing by, the Local Planning Authority. The plan will show the type and locations of external lighting, as well as expected light spill in lux levels, demonstrating that areas to be lit will not adversely impact biodiversity.

All external lighting will be installed in accordance with the specifications and locations set out in the approved lighting design plan and shall be maintained thereafter.

Reason: In the interest of protecting wildlife and to promote biodiversity.

13. Prior to the commencement of the development a Construction Management Plan 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 Management Plan shall include the following detail:

- Routing of construction and delivery vehicles to / from site,
- Parking and turning areas for construction and delivery vehicles and site personnel,
- Measures to mitigate against the spread of dust,
- Timing of deliveries,
- Provision of wheel washing facilities,
- Temporary traffic management / signage.

The construction of the development shall then be carried out in accordance with the approved methodology.

Reason: To protect the amenity of nearby occupiers and prevent pollution. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

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

Reason: To protect the amenity of nearby occupiers.

15. No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction is submitted to and agreed in writing by the local planning authority in consultation with the KCC Flood and Water Management. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP shall include method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- Temporary drainage systems.
- Measures for managing pollution / water quality and protecting controlled waters and watercourses.

- Measures for managing any on or offsite flood risk The development shall be undertaken in accordance with the agreed details.

Reason: To manage surface water during construction. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

16. 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 the Flood Risk Assessment and Drainage Strategy Report (prepared by ABP, November 2022) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
 - A timetable for its implementation.

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. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

17. Prior to occupation 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 that the drainage system constructed is consistent with that which was 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.

18. During construction the principle building contractor shall take reasonable steps to prevent access by unauthorised persons to the construction site. The site security shall incorporate security of plant, machinery, supplies, tools and other vehicles.

In addition, the completed development shall achieve 'Secured by Design' accreditation awarded by the Kent Police. The development shall not be occupied until accreditation has been achieved.

Reason: In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in excising its planning functions; to promote the well-being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000 and the Construction (Design and Management) Regulations 2007.

19. A. Prior to commencement of development details of the measures to be undertaken to secure compliance with the BREEAM Very Good standard (or equivalent) shall be submitted to and approved in writing by the local planning authority.
- B. Prior to occupation, the relevant certification shall be submitted to and approved in writing by the Local Planning Authority to demonstrate that as built the development has achieved the BREEAM 'Very Good' Standard or an equivalent standard.

Reason: In the interest of promoting energy efficiency and sustainable development. The objectives and purposes of this condition are such that it is required to be complied with before commencement. As such, those objectives and purposes would not be met if expressed other than as a pre-commencement condition.

20. The development shall accord with the noise mitigation measures set out in the Commercial Noise Assessment Version 1.0 (prepared by Entran).

Unless otherwise agreed, the rating level of noise emitted from mechanical ventilation, plant and equipment to be installed on the site (determined using the guidance of the current version of BS 4142 for rating and assessing industrial and commercial sound: shall be 5dB below the existing measured background noise level LA90, T.

Reason: To protect the amenity of existing residential occupiers.

21. Prior to the first occupation of the development, cycle storage (2 short stay and 12 long stay) and facilities for cyclists shall be and thereafter retained for such use.

Reason: For the avoidance of doubt, and to enable the Local Planning Authority to retain control of the development in the interests of highway safety.

22. Prior to above ground works, a Section 278 application shall be made for off-site improvements to Highstreet Road and Plumpudding Lane, including visibility splays, site entrance, footway (as shown on plan 5730/0003 Rev D), and an additional new bus stop, in accordance with a design and specification to be approved in writing with the Local Planning Authority.

No building hereby approved shall be occupied site until the off-site Improvements have been carried and to be fully implemented to the satisfaction of the Local Planning Authority.

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

23. Before the first occupation of the development the following works between buildings approved and the adopted highway shall be completed as follows:
 (A) Footways and/or footpaths, with the exception of the wearing course;
 (B) Carriageways, with the exception of the wearing course, together with related highway drainage,

Reason: In the interests of highway safety.

24. Prior to occupation, all ecological mitigation and enhancement measures and works (including installation of bird, bat boxes and bee bricks) shall be carried out in accordance with the details contained in the Ecological Report (Ref: 0940_R04_REV A_Ecological Report).

Reason: To conserve and enhance protected and Priority species and allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 as amended and s40 of the NERC Act 2006 (Priority habitats & species).

25. The development shall be carried out in accordance with the tree protection measures set out in the Arboricultural Report ref: GRS/TS/TCP/AIP/AIA/TPP/39/22.

Reason: To ensure tree of merit are not damaged and in the interests of visual amenity and biodiversity.

26. No development above foundation level shall commence until a scheme of measures (to reduce the transport related air pollution when the development is in operation) has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall detail and quantify the value of measures or offsetting schemes which shall equate at least to the Emissions Mitigation Assessment calculation (damage cost £31,852) undertaken and detailed in the Air Quality Assessment Rev 1.2.

There after the development shall accord with the approve scheme of measures.

Reason: To ensure air pollution mitigation measures have been carried out

27. Prior to above ground works details of waste and recycling facilities shall be submitted to and approved by the Local Planning Authority. The details of waste and recycling facilities shall set out:

- The storage arrangements for covered, secured and signposted refuse and recycling,
- Arrangements for cleaning and maintenance of bin store areas.

Prior to occupation the approved refuse and recycling facilities shall be completed in accordance with the approved details and thereafter be maintained for the life of the development.

Reason: To ensure that adequate refuse storage and disposal facilities are provided, in the interests of local character and amenity.

28. Prior to commencement of above ground works a detailed Delivery and Servicing Plan shall be submitted shall be submitted to and approved in writing by the Local Planning Authority. The detailed delivery and servicing plan (DSP) shall include:

- Safety measures that will be in place to reduce conflicts between service vehicles manoeuvring, parked cars and other site users and shall also include details on how delivery vehicles are to be restricted during peak periods.
- Measures to minimise the impact of noise, traffic and vibration associated with lorry movements on residential amenity,
- A commitment to future delivery and servicing surveys to document and monitor servicing once the development is operational.

Thereafter the scheme shall accord with the approved DSP.

Reason: To ensure deliveries and servicing activities are safe, properly co-ordinated to reduce on and offsite traffic conflicts.

29. A) Prior to any development works the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority.

B) Following completion of archaeological evaluation works, no development shall take place until the applicant or their agents or successors in title, has secured the implementation of any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the local planning authority.

C) The archaeological safeguarding measures, investigation and recording shall be carried out in accordance with the agreed specification and timetable.

D) 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.

E) 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. The condition must be discharged ahead of development to ensure archaeological remains are not lost as a result of construction activity.

INFORMATIVES

The Council's approach to the application

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

Flood and Water Management

3. Any connection or discharge must be compliant with regulations or guidance provided by the Lower Medway Internal Drainage Board, and correspondence with them should be submitted to demonstrate agreement in principle to the discharge and connection point.
4. The drainage strategy proposes to discharge surface water into a main river (Graveney Marshes). Any work in, under, over or within 8 metres of the banks of a designated main river or the toe of a flood defence requires a Flood Risk Activity Permit (FRAP). As of 6th April 2016, the Water Resources Act 1991 and associated land drainage byelaws have been amended and flood defence consents will now fall under the Environmental Permitting (England and Wales) Regulations 2010. Further details and guidance are available on the GOV.UK website: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>.
5. At the detailed design stage, it is expected that detailed exceedance plans will be provided, indicating the extent of flooding with reference to actual proposed levels. It should be ensured that key access routes are not blocked and that no property flooding occurs in these areas. All exceedance must be contained within the site boundary to ensure that there is no increase in flood risk elsewhere. We expect that optimisation could be made to the drainage networks to reduce exceedance volumes where it is necessary to do so. This can be confirmed as part of a detailed design submission for the discharge of planning conditions related to surface water management. 4. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (November 2019); the FSR dataset should not be used: http://www.kent.gov.uk/_data/assets/pdf_file/0003/49665/Drainage-and-Planning-policy-statement.pdf

Ecology

6. You are advised that under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this Act. Breeding bird habitat is present on the application site and assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent ecologist and has shown that nesting birds are not present.

Southern Water

7. Under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Design and Construction Guidance (Appendix C) and CIRIA guidance available here:

water.org.uk/sewerage-sector-guidance-approved-documents/

ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx
8. Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity.

Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

9. Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should: - Specify the responsibilities of each party for the implementation of the SuDS scheme. - Specify a timetable for implementation. - Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The Council's technical staff and the relevant authority for land drainage should comment on the adequacy of the proposals to discharge surface water to the local watercourse. It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site. For further advice, please contact Southern Water, Southern House, Yeoman Road, Worthing, West Sussex, BN13 3NX (Tel: 0330 303 0119).

Website: southernwater.co.uk or by email at: SouthernWaterPlanning@southernwater.co.uk

Kent Police

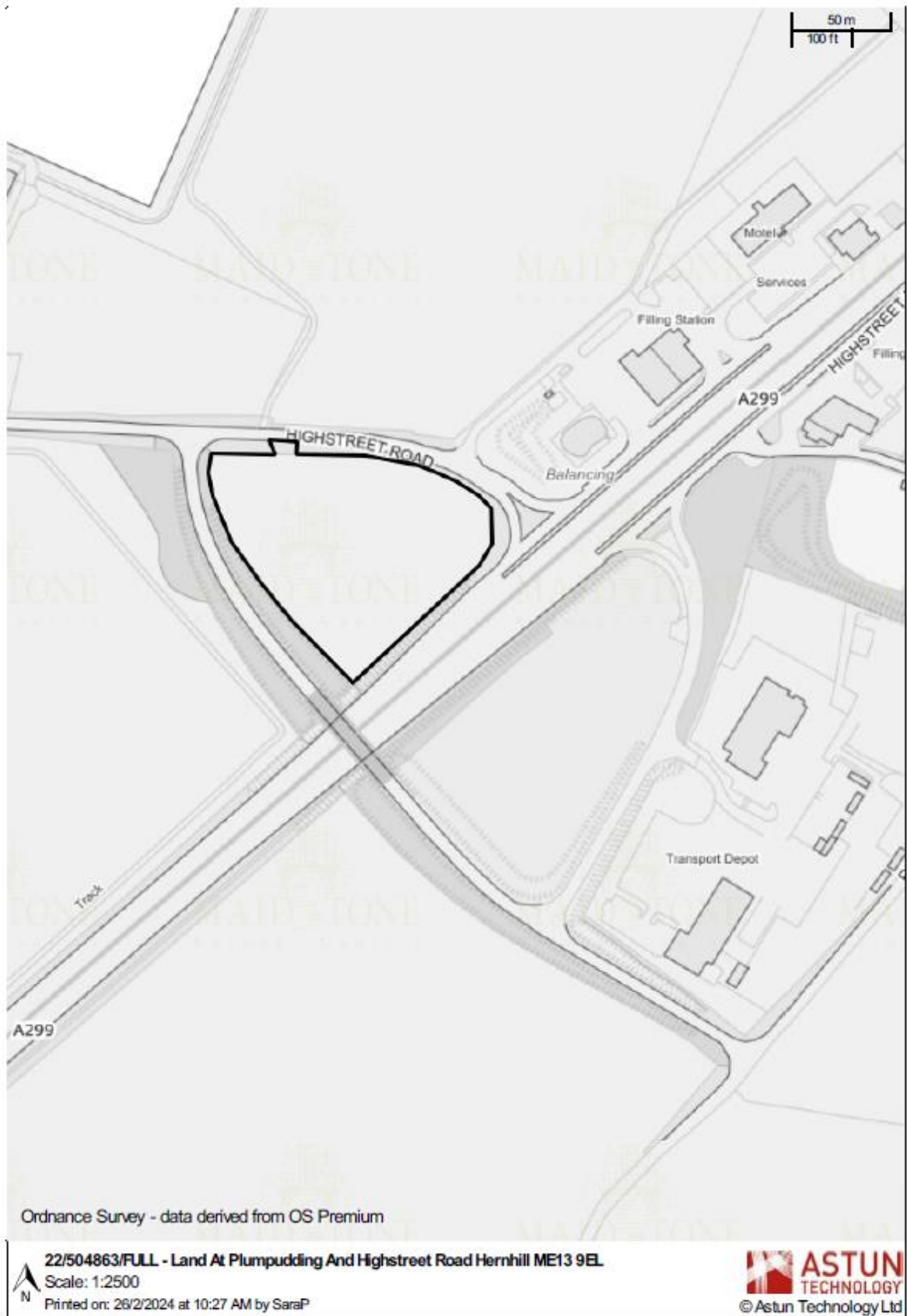
10. Kent Police recommend boundary heights of 1.8m minimum, including the installation of lockable gates to the sides of the unit to provide controlled access to the rear. These gates must be flush to the building line to optimize surveillance.
11. Kent Police are happy with the surveillance of the car park from each unit however from a vehicle mitigation aspect it raises cause for concern. We strongly recommend the installation of bollards (or similar vehicle mitigation methods) outside of the main entrance/ reception area to protect the frontage of the buildings.
12. Defined pedestrian routes are recommended to improve safety and avoid pedestrian and vehicle conflict.
13. Cycle storage must be well lit and with natural surveillance. Kent Police recommend the sold secure or SBD recommended products for additional security.
14. Lighting. Please note, whilst Kent Police are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality, this includes security lighting out of hours. External lighting to conform to min standard of BS5489-1:2020.
15. CCTV should be installed, especially in areas with limited natural surveillance such as rear of the units, utility areas/ bin stores and on the access/ exit road. We also recommend cameras in the following areas to keep users safe and monitor their movements; stairs, emergency access doors, lifts, loading/ unloading areas, car park and reception. The CCTV must not infringe any lighting plan.
16. Kent Police strongly recommend alarms, with an auto-dial function, be installed on all external doors, including emergency exits.
17. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding or sliding to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS

2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.

18. Windows on the ground floor to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A. Glazing to be laminated. Toughened glass alone is not suitable for security purposes. Any curtain walling and fixings should be tested and meet BS EN 1627:2011 and/or be certified to LPS 1175: Issue 7, SR1 or STS 202: Issue 3, BR1.
19. Any Shutters should be as close to the building line as possible and must avoid the creation of a recess. Shutters must be certificated to LPS 1175: Issue 7, SR2; STS 202: Issue 3, BR2; Sold Secure Gold or PAS 68:2013.
20. Please note Kent Police are currently unable to provide Security Needs Assessments or assist with BREEAM applications. If you require an assessor, there are independent assessors on the SBD website at the following link; <https://www.securedbydesign.com/contact-us/sbd-licensed-consultants>

Environment Agency (EA)

21. The applicant may be required to apply for other consents directly from EA. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them. The applicant should contact 03708 506 506 or consult our website (<https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit>) to establish whether a consent will be required.
22. Drainage may be restricted in a Source Protection Zone or over an aquifer where groundwater is at shallow depths. Foul drainage should be discharged to mains sewers where possible. Developers should check <https://www.gov.uk/government/publications/drainage-and-waste-disposal-approved-document-h> for Binding Rules information for small scale non mains discharges. If you feel we should assess this planning application in more detail due to local issues please email KSLPLANNING@environment-agency.gov.uk



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PLANNING COMMITTEE – 7 MARCH 2024

PART 5

Report of the Head of Planning

PART 5

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

- **Item 5.1 – Temple Lodge, Frangbury, Doddington**

APPEAL ALLOWED

DELEGATED REFUSAL

Observations

This appeal related to a traditional farm building which had been previously converted to a dwelling. This scheme was for an extension to the building and alterations to the roof which would involve the installation of four rooflights. The Council raised no concern in respect of the extension and the Inspector agreed with this. However, the Inspector did not agree with the Council's view that the rooflights would give rise to harm to the character of the traditional farm building, and despite noting the conflict with the Council's Supplementary Planning Guidance relating to buildings such as this, considered that as the rooflights would be modest in size and limited in number, they would not result in the building appearing overly domestic. As a result the Inspector took the view that the proposal would not harm the character and appearance of the building, the AONB, the rural lane or the setting of a nearby listed building.

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Appeal Decision

Site visit made on 19 January 2024

by **G Sylvester BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2024

Appeal Ref: APP/V2255/D/23/3328694

Temple Lodge, Frangbury, Doddington, Kent ME9 ONX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Attwood (K D Attwood and Partners) against the decision of Swale Borough Council.
 - The application Ref 23/502589/FULL, dated 5 June 2023, was refused by notice dated 31 July 2023.
 - The development proposed is the erection of a single storey rear extension and the installation of 2 conservation roof lights to the front and rear roof slopes (4 in total).
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension and the installation of 2 conservation roof lights to the front and rear roof slopes (4 in total), at Temple Lodge, Frangbury, Doddington, Kent ME9 ONX in accordance with the terms of the application, Ref 23/502589/FULL, dated 5 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 23_14-PL-10; 23_14-PL-12 and CR_CRCS_LS_C Revision C.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the installation of the rooflights hereby permitted, details of the rooflights shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the rooflights shall be installed in accordance with the approved details.

Procedural Matter

2. The Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. There are no material changes relevant to the substance of this appeal and therefore I am satisfied that the parties will not be prejudiced by the changes to the national policy context. All references to the Framework in this decision relate to the revised document.

Background and Main Issues

3. The evidence indicates that the proposed single storey extension is of the same design and footprint as an extension granted planning permission by the

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/V2255/D/23/3328694

Council, ref. 23/501035/FULL, which remains extant. The Council has not identified any concerns with the proposed extension, and I have no basis to consider differently. Therefore, the main issues in this appeal are the effect of the proposed rooflights on the character and appearance of the host building and area, with particular regard to the location within the Kent Downs Area of Outstanding Natural Beauty (AONB), and whether they would preserve the setting of Solomon's Temple, a Grade II listed building.

Reasons

Character and appearance, including the AONB.

4. The appeal building is situated within the Kent Downs AONB. I have not been referred to any formal description of the landscape of the AONB, however I find the character and appearance of the area to be rural, consisting of a patchwork of agricultural fields interspersed by blocks of woodland, on gently undulating land. Built development is largely absent save for small groups of buildings and sparsely distributed buildings, often set close to the narrow rural lanes that wind through the attractive and tranquil rural landscape.
5. The evidence indicates that the appeal building was originally built as a farm building and dates back to the eighteenth and nineteenth centuries. Although altered to function as a dwellinghouse the building has retained the discernible appearance of an authentic traditional barn with a simple form, consistent materials and large tile covered roof. As such, it contributes positively to the rural character and appearance of the area, including the rural lane, and the landscape of the AONB.
6. Set in elevated positions on the roof slopes of the building, the proposed rooflights would be noticeable in views from the rural lane and from nearby properties. They would conflict with the specific guidance in the Council's guidelines¹ ("the guidelines") which state that no openings should be made in the roofs of traditional agricultural buildings. However, the proposed rooflights would be modest in size and limited in number, with frames that could be finished in a dark subdued colour. Arranged in a simple pattern on a horizontal alignment, the proposed rooflights would not dominate or disrupt the form or proportions of the roof, nor would they cause the roof slopes to appear cluttered or overly domestic in appearance.
7. Consequently, the proposed rooflights would not jar with the traditional form and appearance of the building or harmfully erode its authenticity as a former agricultural building. The appeal proposal would therefore accord with principle in the guidelines of retaining the traditional agricultural character of the building. As such, the building's positive contribution to the rural character and appearance of the area, including the rural lane, and the landscape of the AONB, would be preserved.
8. I conclude on this issue that the proposed rooflights would not harm the character and appearance of the host building or area, with particular regard to its location within the AONB. For these reasons the proposed development would be consistent with Policies CP4, DM14, DM16 and DM26 of the Swale Borough Local Plan – Bearing Fruits 2031 (Adopted July 2017) (the LP), insofar as they seek to ensure that development responds positively to the style and

¹ Swale Borough Council Planning and Development Guidelines No. 3 – The Conservation of Traditional Farm Buildings.

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character of the building being altered, preserves architectural and historic features of interest, and reflects the positive characteristics and features of the site and locality, including avoiding harm to the character of rural lanes.

9. The proposal would also be consistent with Framework Paragraphs 135, 180 and 182, insofar as the proposal would be sympathetic to local character and history, including the surrounding built environment and landscape setting, and would protect the AONB.

Listed building

10. On the opposite side of the rural lane to the appeal site is the Grade II listed building of Solomon's Temple ("the LB"). This is a modestly sized dwelling constructed from an exposed timber frame under a simple hipped main roof covered in plain tiles. The special heritage interest (significance) of the LB would appear to be derived primarily from its architectural qualities and its materials as an example of a historic building set and appreciated within a relatively spacious and tranquil rural landscape. I am required by s66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ("the Act"), to pay special attention, and have regard to, the desirability of preserving the setting of listed buildings.
11. There is intervisibility between the LB and the appeal building, primarily from the rural lane. The proposed rooflights would be seen in the same views as the LB, albeit separated by some distance with the rural lane in between them. However, the proposed rooflights would be modest in size and would not harmfully disrupt the appeal building's roof slopes or alter the scale or form of its roof. The space between the buildings would not be impinged upon. The appeal building's authenticity as a traditional agricultural building would be retained and its contribution to the rural, spacious and tranquil setting of the LB would be preserved. Consequently, the appeal proposal would have a neutral effect on the setting of the LB, thus preserving its setting and the contribution it makes to its significance.
12. For these reasons I conclude that the proposed development would preserve (leave unharmed) the setting of the LB, consistent with the requirements of the Act and Policies DM14, DM16 and DM32 of the LP, insofar as they seek to ensure that development takes account the desirability of sustaining and enhancing the significance of heritage assets, including the preservation of architectural and historic features of interest, and their settings. The proposal would also be consistent with Framework Paragraph 205, which states that great weight should be given to the conservation of a designated heritage asset.

Conditions

13. In the interests of certainty of the planning permission granted, conditions are imposed to necessarily indicate the time limit for implementation and specify the approved plans. To ensure that the proposed development safeguards the character appearance of the host property and area it is necessary to impose conditions requiring it to be constructed from matching materials.
14. The drawings before me do not show full details of the rooflights and therefore satisfactory details need to be secured by condition. I am not aware of any formal definition for a 'conservation' type rooflight and therefore in the

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interests of precision I have omitted this reference from the suggested condition. However, this would not affect the Council's ability to secure satisfactory details of the rooflights and the description of development refers to 'conservation' rooflights.

Conclusion

15. For the reasons given above and having considered all matters raised, I conclude that the proposed development is consistent with policies of the development plan read as a whole. I therefore allow the appeal.

G Sylvester

INSPECTOR