

Agenda

Planning Committee Meeting

Date: Thursday, 3 April 2025

Time 7.00 pm

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

Membership: To be confirmed.

Quorum = 6

Pages

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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.
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 - (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 6 March 2025 (Minute Nos. to-follow) as a correct record.

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

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 2 April 2025.

- | | | |
|----|--|---------|
| 5. | Deferred Item 1 - 24/501929/REM Site A Land at Preston Fields, Faversham, ME13 8YD | 5 - 50 |
| 6. | 2.1 - 24/502403/FULL 11 Linden Close, Sittingbourne, ME10 1HF | 51 - 60 |
| 7. | 2.2 - 25/500098/FULL 45 Lady Winter Drive, Minster-on-Sea, ME12 2GF | 61 - 68 |
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Decisions by County Council and Secretary of State, reported for information.

Issued on Tuesday, 25 March 2025

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

3rd April 2025

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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 – 3rd April 2025

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

DEFERRED ITEMS

DEF1 24/501929/REM FAVERSHAM Site A Land At Preston Fields ME13 8YD

PART 2

2.1 24/502403/FULL SITTINGBOURNE 11 Linden Close Sittingbourne ME10 1HF

2.2 25/500098/FULL MINSTER-ON-SEA 45 Lady Winter Drive ME12 2GF

PART 5

5.1 23/501447/FULL CONYER 2 Marsh View Conyer Road ME9 9HX

5.2 24/502813/FULL MINSTER-ON-SEA 23 Barton Hill Drive ME12 3NE

5.3 23/500752/FULL SHEERNESS Land North of 24 Jetty Road ME12 4PR

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PLANNING COMMITTEE – 6th March 2025**DEFERRED ITEM**

Report of the Head of Planning

DEFERRED ITEMS

Reports shown in previous Minutes as being deferred from that Meeting

2.3 REFERENCE NO - 24/501929/REM		
PROPOSAL		
Section 73 - Application for minor material amendment to approved plans condition 1 (to allow changes to affordable housing tenure, revisions to SDS pond and redesign of public open space) pursuant to 23/501167/REM for - Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.		
SITE LOCATION		
Site A Land At Preston Fields Salters Lane Faversham Kent		
RECOMMENDATION		
Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement Deed of Variation 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 and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE - Application submitted under s73 (material amendments)		
REASON FOR REFERRAL TO COMMITTEE		
Faversham Town Council object to the application and request that it be considered by the SBC Planning Committee.		
Case Officer Ben Oates		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT Redrow Homes AGENT Urbanissta Ltd

DATE REGISTERED 28/05/2024	TARGET DATE 27/09/2024
<p>BACKGROUND PAPERS AND INFORMATION:</p> <p>Documents referenced in report are as follows: -</p> <ul style="list-style-type: none"> • All drawings submitted • All representations received • Affordable Housing Justification Statement • Summary of changes document • Letter from Redrow dated 24/03/2025 <p>The full suite of documents submitted pursuant to the above application are available via the link below:</p> <p>https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCX0MVTYFOZ00</p>	

1. INTRODUCTION

- 1.1 This application was initially reported to Planning Committee on 6 March 2025, with a recommendation that permission be granted. The original Committee report is attached at Appendix A.
- 1.2 The Planning Committee resolved to defer the determination of the application. The minutes from the 6 March 2025 Planning Committee meeting are to be published in the same agenda as this report and are not therefore being duplicated as an Appendix. The application was deferred to gain further information regarding which affordable housing providers were contacted by the developer and justification as to why some associations were not contacted.
- 1.3 The applicant subsequently provided a letter (dated: 24/03/2025) with the requested information, which is attached at Appendix B and discussed in further detail below.
- 1.4 There have been no further representations formally received by the Local Planning Authority.

2. RESPONSE TO THE REASONS FOR DEFERRAL

- 2.1 The Redrow letter sets out a table listing the registered providers (RPs) that currently or previously operated within Swale and have provided commentary against each one confirming if they were approached in 2023 to purchase the S106 affordable housing. The letter also sets out the responses from each of the RPs or provides justification for the RPs that were not contacted by Redrow.

- 2.2 Officers note that the first 11 rows of the table were previously provided in the Affordable Housing Justification Statement which was submitted during the application. As discussed in the original Report to Committee, it sets out that only 3 qualified offers were received from RPs, 1 RP did not respond and 7 RPs declined to bid as they were no longer in the market for S106 units or there was an issue with the affordable housing mix or tenure split proposed.
- 2.3 Several additional rows have been added to the table which provides the applicant's position in relation to other RPs as requested by the Planning Committee. In most cases, these RPs were not contacted as they are either known to no longer operate in the Borough, focus on their own land-led grant funded schemes or are out of the affordable housing market. As such, officers consider that it is reasonable these RPs were not approached by the applicant. One additional offer from an RP is identified but is focused solely on shared ownership dwellings and, as such, is not compatible with the previously approved or currently proposed affordable housing mix and is not preferable to the mix that is the subject of this application.
- 2.4 The Council's Accommodation and Resettlement Manager has confirmed that the letter provided by Redrow aligns with their experience with these RPs and the general state of the affordable housing market in the Borough. They advise that all possible / realistic RP options appear to have been explored to secure an RP for the affordable housing secure in this scheme, which in the current economic climate remains very challenging, but that West Kent Housing Association remain interested in delivery here. As such, the Accommodation and Resettlement Manager continues to support the proposal in order to secure the best possible affordable housing outcome currently available.

3. UPDATE FROM PREVIOUS COMMITTEE REPORT

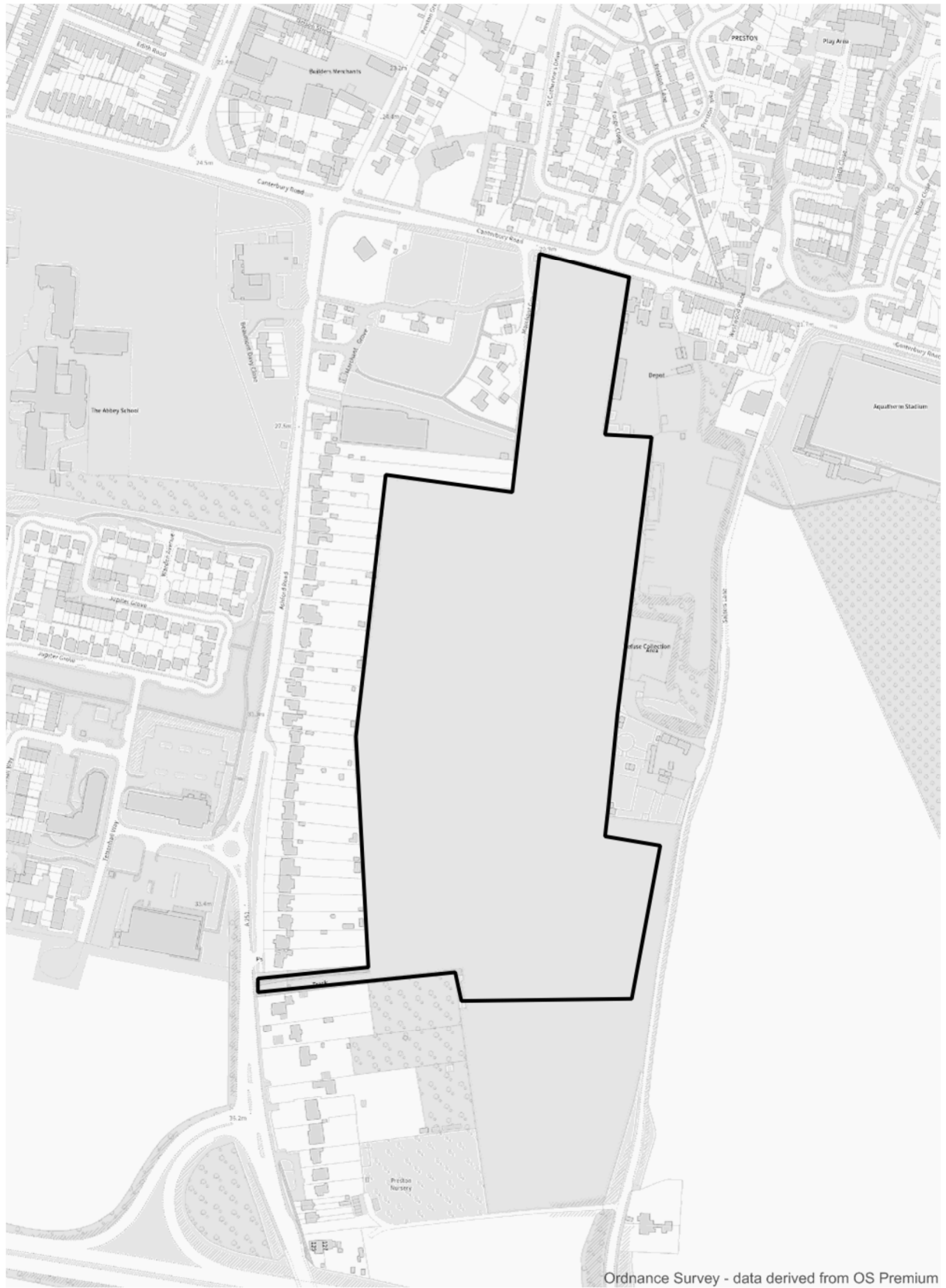
- 3.1 As reported verbally to the Planning Committee on 6th March 2025, a letter from Faversham Community Land Trust was received after the publication of the committee agenda. The matters raised align with the summary provided in respect of previous correspondence from that party and have been addressed in this and the previous report.
- 3.2 On 18th March 2025, Kent Police advised that they have no further comments to make about the proposal.
- 3.3 There are no other updates to report, and all other matters discussed within the Report to the Planning Committee of 6 March 2025 remain as previously reported.

4. CONCLUSION

- 4.1 The matters raised via the deferral for further information are considered to be sufficiently addressed. Officers continue to acknowledge that the revisions to the affordable housing tenure mix results in the application conflicting with policy FAV3 Part 2 of the Faversham Neighbourhood Plan and as a result, a single

element of policy DM8 of the Local Plan, which requires the tenure of affordable housing units to be in accordance with the needs of the area. However, the development would continue to provide 81 affordable homes overall, which complies with the percentage requirements as set out in Local Plan policy DM8 and would make a valuable contribution towards providing affordable housing in the borough.

- 4.2 Officers also continue to acknowledge that the proposed changes to the affordable housing tenure mix are due to the difficulties in gaining interest from Registered Providers, which is essential in the delivery of affordable housing. The proposal therefore seeks to overcome the issues obstructing the one RP showing a clear interest, which includes reducing the number of 4-bedroom homes included in the mix and evening out the proportion of affordable rent homes to intermediate tenure. The provision of additional 3 bedroom houses better aligns with the preferred housing mix that is set out within Part 1 of policy FAV3 of the Faversham Neighbourhood Plan.
- 4.3 Officers are also aware that the current economic climate is impacting most RPs whose capacity to take on affordable homes has significantly reduced or ceased. The Council's Accommodation and Resettlement Manager has also, after assessing all the evidence provided as discussed above, considered the proposals to be acceptable.
- 4.4 The application therefore remains recommended for approval as set out in the previous committee report.



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APPENDIX AReport to Planning Committee 6th March 2025

2.3 REFERENCE NO - 24/501929/REM		
PROPOSAL Section 73 - Application for minor material amendment to approved plans condition 1 (to allow changes to affordable housing tenure, revisions to SDS pond and redesign of public open space) pursuant to 23/501167/REM for - Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.		
SITE LOCATION Site A Land At Preston Fields Salters Lane Faversham Kent		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions and the completion of a Section 106 agreement Deed of Variation 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 and precise Heads of Terms as may be consequently necessary and appropriate.		
APPLICATION TYPE - Application submitted under s73 (material amendments)		
REASON FOR REFERRAL TO COMMITTEE Faversham Town Council object to the application and request that it be considered by the SBC Planning Committee.		
Case Officer Ben Oates		
WARD Watling	PARISH/TOWN COUNCIL Faversham Town Council	APPLICANT Redrow Homes AGENT Urbanissta Ltd
DATE REGISTERED 28/05/2024	TARGET DATE 27/09/2024	
BACKGROUND PAPERS AND INFORMATION:		

APPENDIX AReport to Planning Committee 6th March 2025

Documents referenced in report are as follows: -

All drawings submitted

All representations received

Affordable Housing Justification Statement

Summary of changes document

The full suite of documents submitted pursuant to the above application are available via the link below:

<https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SCX0MVTYFOZ00>

1. SITE LOCATION AND DESCRIPTION

- 1.1. The application site falls within an allocated site under Policy A16 of the Swale Borough Local Plan, which seeks to enable the provision of a minimum of 217 dwellings. The site has outline planning permission (ref: 16/508602/OUT) for up to 250 units with all matters reserved except access. This was granted, with conditions and subject to a S106 Agreement, on the 12th May 2022. Reserved Matters approval (ref: 23/501167/REM) for scale, design, layout and landscaping for the erection of 231 dwellings was subsequently granted on 2nd October 2023.
- 1.2. The application site is part of the larger site that is split into two parts; Site's A and B. Site A is the subject of this application (referred to hereon as the 'Site'); which is 10.34 ha in size and is situated between Site B that borders the M2 motorway to the south and Canterbury Road (A2) to the north. West of the site are mainly detached two-storey houses fronting Ashford Road (A251) with rear gardens facing towards the application site and east of the site is Faversham Highway Depot with car parking for HGV vehicles and a Household Waste and Recycling Centre which is accessed from Salters Lane.
- 1.3. Part of the site lies immediately to the east of the Faversham Town Conservation Area and 82 metres to the east of Orchard Cottages, a pair of early C19 semi-detached Grade II listed buildings. Preston-Next-Faversham Conservation Area lies 12 metres to the east of the site. A commercial business is run from the land at Orchard Cottage supplying traditional building materials and training events. Access to that site is from the A2 and lies 14 metres from the western boundary of the application site. Cherry Tree Cottages – Grade II listed buildings - lie 53 metres to the north-east of the application site and on the opposite (northern) side of the A2.

APPENDIX A

Report to Planning Committee 6th March 2025

2. PLANNING HISTORY

2.1. 16/508602/OUT - Outline application for erection of up to 250 dwellings with all matters reserved except for access. - Granted - 12.05.2022

2.2. 21/500766/OUT - Outline application for the erection of up to 70 dwellings (all matters reserved) and land reserved for a link road connecting the A251 with Salters Lane. - Granted - 12.05.2022

2.3. 23/500966/SUB - Submission of details pursuant to condition 4 (Design Code) of application 16/508602/OUT. - Granted - 09.08.2023

2.4. 23/501075/SUB

Submission of Details pursuant to conditions 9 (Remediation Strategy) and 12 (Piling Foundation Designs) of Application 16/508602/OUT.
Approved Decision Date: 08.08.2024

2.5. 23/501085/SUB

Submission of details pursuant to conditions 13 (foul sewerage disposal), and 14 (surface water drainage systems) of application 16/508602/OUT.
Approved Decision Date: 31.10.2024

2.6. 23/501088/SUB

Submission of details pursuant to condition 15 (Code of Construction Practice) of application 16/508602/OUT.
Approved Decision Date: 05.12.2023

2.7. 23/501089/SUB

Submission of Details pursuant to condition 29 (Invasive Non-Native Species Protocol) of Application 16/508602/OUT.
Approved Decision Date: 06.10.2023

2.8. 23/501090/SUB

Submission of details pursuant to conditions 33 (sustainable surface water drainage scheme) and 34 (details of implementation, maintenance, and management of sustainable drainage scheme) of application 16/508602/OUT.
Approved Decision Date: 04.12.2024

2.9. 23/501093/SUB

APPENDIX A

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Submission of details pursuant to condition 36 (noise assessment) of application 16/508602/OUT.

Approved Decision Date: 08.12.2023

2.10.23/501167/REM

Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.

Approved Decision Date: 02.10.2023

2.11.23/501394/SUB

Submission of details to discharge condition 7 (proposed site and finished floor levels) of planning application 16/508602/OUT.

Approved Decision Date: 28.08.2024

2.12.23/502836/SUB

Submission of details to discharge Conditions 23 - Water Consumption Rate and Condition 35 - Hydrogeological Risk Assessment, Subject to 16/508602/OUT

Approved Decision Date: 20.01.2025

2.13.23/503442/SUB

Submission of details to discharge conditions 28 (method statement) and 30 (ecological design strategy) of planning application 16/508602/OUT

Approved Decision Date: 28.06.2024

2.14.23/504160/SUB

Submission of details to discharge condition 24 (energy efficiency and thermal performance) of planning application 16/508602/OUT.

Approved Decision Date: 10.10.2023

2.15.23/504193/SUB

Submission of details pursuant to condition 31 (ecological assessment) of application 16/508602/OUT.

Approved Decision Date: 08.08.2024

2.16.23/504220/SUB

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Submission of details to discharge condition 24 - Energy Statement, Subject to 16/508602/OUT

Approved Decision Date: 10.10.2023

2.17.23/505321/SUB

Submission of details to discharge condition 10 (verification report) of planning application 16/508602/OUT.

Approved Decision Date: 29.05.2024

2.18.23/505322/SUB

Submission of details to discharge condition 17 - Archaeological Evaluation Report, Subject to 16/508602/OUT

Pending Consideration Decision Date:

2.19.23/505342/SUB

Submission of details to discharge condition 18 - Highways Details, Subject to 16/508602/OUT

Approved Decision Date: 12.06.2024

2.20.24/500493/REM

Section 73 - Application for minor material amendment to approved plans condition 1 (to allow changes to materials) pursuant to 23/501167/REM for - Approval of reserved matters (scale, design, layout and landscaping being sought) for the erection of 231 dwellings (houses and apartments, C3 Use Class) with landscaping, associated highway works, including car parking and open space, pursuant to 16/508602/OUT for - Outline application for erection of up to 250 dwellings with all matters reserved except for access.

Approved Decision Date: 24.09.2024

3. PROPOSED DEVELOPMENT

- 3.1. This application is submitted under Section 73 of the Town and Country Planning Act (1990), seeking amendments to the approved plans secured under condition 1 pursuant to Reserved Matters planning permission ref: 23/501167/REM. The proposed amendments seek to allow changes to the affordable housing tenure, make revisions to sustainable drainage system basins and redesign the public open space.

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- 3.2. The s106 Agreement linked to the outline permission (ref 16/508602/OUT) secures the delivery of 81 affordable homes (35% of total dwellings), with a tenure split of 90% affordable rent (73 dwellings) and 10% shared ownership (8 dwellings). However, since execution of the agreement the developer has received limited interest from registered housing providers, who have raised concern with the high proportion of 4-bedroom affordable dwellings and the tenure split heavily weighted towards affordable rent (this is discussed further at section 7.4).
- 3.3. The application seeks to revise the tenure split to 50.6% affordable rent (41 dwellings) and 49.4% shared ownership (40 dwellings), which would continue to provide a total of 81 affordable homes. This tenure split has been amended since the application was first submitted, as it originally proposed the tenure mix to be 30% affordable rent and 70% shared ownership. An Affordable Housing Justification Statement was provided during the application confirming the 50/50 (rounded) revised split and sets out the background and explanation for the proposed changes, and confirmation from a Registered Provider of their commitment to taking forward the proposal. The previously approved split / mix and that now proposed is set out in detail below:

Affordable Housing Tenure Split

	Affordable Rent	Shared Ownership	Total
Approved	73 (90.1%)	8 (9.9%)	81 (100%)
Proposed revised	41 (50.6%)	40 (49.4%)	81 (100%)

Affordable Housing Dwelling Mix

	Approved	Proposed revised
Apartments (Affordable Rent)		
1 bed / 2 person	3	3
2 bed / 3 person	6	6
Dwellings (Affordable Rent)		
1 bed / 2 person	10	2
2 bed / 3 person	6	0
3 bed / 4 person	22	16

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4 bed / 5 person	26	14
Dwellings (Shared Ownership)		
1 bed / 2 person	2	10
2 bed / 3 person	0	6
3 bed / 4 person	6	24
Total	81	81

3.4. All affordable apartments will continue to be provided to M4(3) accessibility standards and all affordable dwellings will continue to be provided to M4(2) accessibility standards.

3.5. Other minor amendments proposed to the approved scheme include the following:

- Repositioning of plots to increase setback to retained trees.
- Slight realignment of access road and junction to accommodate repositioning of plots.
- SUDS basin changes and mown path alternations.
- A redesign of central POS area to accommodate revised levels and retaining wall arrangements.

3.6. Revisions were made during the application to rectify issues raised by the Urban Design officer, which resulted in an amended drawing pack being submitted. Due to the minor nature of the revisions no further consultation was considered necessary.

4. CONSULTATION

4.1. One 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.

4.2. Four letters of representation (three from the same household) were received in relation to the consultation. Concerns were raised in relation to the following matters:

Comment	Report reference
This should not be considered as a 'minor matter'.	Paragraph 7.2.3

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Concerns that the proposal will seek to amend the obligations related to the planning permission granted under ref. 21/500766/OUT (in relation to Preston Fields south).	Paragraph 7.14.1
The proposal to switch 49 of the affordable rented units from affordable rented to shared ownership does not address Faversham's housing need.	Paragraph 7.4.1 – 7.4.8
Consideration should be given to re-negotiating the S.106 to capture lost planning gain / capturing the subsidy value of a policy compliant allocation of social rented tenure / payment of commuted sums for the absence of First Homes.	Paragraph 7.14.1
Smaller units should be provided in apartment blocks.	Paragraph 7.3.1 – 7.3.6
Impact of the proposed development on foul water drainage.	Paragraph 7.14.1
Concerns regarding details submitted under separate applications to discharge conditions of the outline planning permission (ref: 23/505321/SUB).	This matter is not relevant to this application and the relevant application (ref: 23/505321/SUB) has already been determined.

4.3. Faversham Town Council objected to the application on the following grounds: -

Comment	Report reference
1) The Town Council objects to the proposed changes in affordable housing tenure which would reduce the number of affordable rental units substantially.	Paragraph 7.4.1 – 7.4.8
2) The Town Council also objects to the distribution of units on the site.	Paragraph 7.4.9

4.4. Ospringle Parish Council commented on the application (neither in support or objection) raising the following matters:

Comment	Report reference
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We would like to see the affordable housing offered at prices which allow those with local connections to aspire to home ownership.	Paragraph 7.4.1 – 7.4.8
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5. REPRESENTATIONS

- 5.1. **SBC Heritage:** Based on the submitted documents the proposed variation of plans will have no additional impact upon the setting of the Faversham Conservation Area, which this site forms part of. Therefore, no concerns from a built heritage perspective.
- 5.2. **SBC Urban Design:** Initially requested clarification in regard to boundary treatment changes, car parking areas and its compliance with the Design Code, alignment of pedestrian routes with adjoining footpaths and the changes proposed across the site generally. Following receipt of further information the Urban Design officer confirmed that there are no objections raised to the proposed amendments.
- 5.3. **SBC Accommodation and Resettlement Manager:** Officers are aware of difficulties with developers securing a registered provider (RP) for the affordable housing at this site, particularly due to the high number of 4-bedroom homes included in the mix (26 x 4BHs), the policy compliant s106 tenure split and also because of other current factors impacting most RPs whose capacity to take on AHs has significantly reduced or ceased. It is therefore acknowledged that an alternative mix may be required to enable on-site delivery of the 81 AHs.

The current S73 application originally sought a new tenure split of 30% Affordable Rent Tenure (24 homes) with 70% Shared Ownership (57 homes); however, given the extent of deviation from the approved tenure split, confirmation was requested that an RP is committed to take forward the proposal.

An Affordable Housing Justification Statement was subsequently provided, which revised the tenure split to 50% rented / 50% shared ownership and includes confirmation from the RP of their commitment to take forward the proposal. The Housing officer has reviewed the additional information and confirmed that the proposals are acceptable.

- 5.4 **KCC Ecology:** - Advise that the open space has not changed significantly and therefore the comments made in the previous application are still valid for this application. Sufficient ecological information has been provided but it is advised that additional information is required demonstrating what ecological enhancement features will be incorporated into the site.

The submitted information has confirmed the presence of an active outlier badger sett, 8 species of foraging/roosting bats and two species of reptile within the adjacent site. It has detailed there is potential for breeding birds and dormouse

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within the site. With the exception of badgers, a precautionary mitigation approach has been proposed to avoid impact on protected/notable species and advise that they are satisfied that the proposed approach is appropriate.

[Officers note that conditions were previously included to secure the required additional information.]

- 5.6 **KCC SUDs (Lead Local Flood Authority):** Initially requested further information regarding drainage calculations and modelling. Following receipt of further information it was confirmed that the principles of the proposed drainage are accepted.

Further clarification was also requested regarding the impact of large successive storms. However, the relevant information was concurrently being assessed through a submission of details application in relation to Condition 33 and 34 of the parent permission (ref: 23/501090/SUB). The SUDs team advise in their response to that application the following: “Having reviewed the latest information, alongside that also submitted for applications 23/501085/SUB and 24/501929/REM, we are satisfied that those concerns raised by ourselves previously have now been addressed and as such remove our objection to the discharge of conditions 33 and 34.” As such, no further information within this application was required.

- 5.7 **KCC Highways:** No comment - there are no highway implications associated with the proposals.
- 5.8 **Environment Agency:** We have no objection to the minor material amendments proposed. However, please refer to our previous comments with regards to surface water discharge proposals under 21/500766/OUT, dated 12 October 2021 (KT/2021/128090/02-L01).
- 5.9 **The Health and Safety Executive:** HSE does not advise on safety grounds, against the granting of planning permission in this case.
- 5.10 **Southern Water:** No objections.
- 5.11 **Kent Police:** No further comments to add (in regard to previous applications).
- 5.12 **Kent Downs National Landscape:** No comments.
- 5.13 **Historic England:** No comments.
- 5.14 **UK Power Networks:** The existence of underground and overhead cables on the site should be noted.

6. DEVELOPMENT PLAN POLICIES

The National Planning Policy Framework (NPPF)

APPENDIX A

Report to Planning Committee 6th March 2025

Bearing Fruits 2031: The Swale Borough Council Local Plan 2017 –

- ST1 Delivering Sustainable Development in Swale
- ST2 Development Targets for Jobs and Homes 2014-2031
- ST3 The Swale Settlement Strategy
- CP2 Promoting Sustainable Transport
- CP3 Delivering a Wide Choice of High-Quality Homes
- CP4 Requiring Good Design
- CP7 Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure
- A16 Land at Preston Fields, Faversham
- DM6 Managing Transport Demand and Impact
- DM7 Vehicle Parking
- DM8 Affordable Housing
- DM14 General Development Criteria
- DM17 Open Space, Sports, and Recreation Provision
- DM19 Sustainable Design and Construction
- DM21 Water, Flooding and Drainage
- DM24 Conserving and Enhancing Valued Landscapes
- DM28 Biodiversity and Geological Conservation
- DM29 Woodlands, Trees, and Hedges
- DM32 Development involving listed buildings
- DM33 Development affecting a conservation area
- DM34 Scheduled Monuments and Archaeological Sites

Neighbourhood Plans

Faversham Neighbourhood Plan (2024)

- FAV2: Housing Development
- FAV3: Residential Mix and Standards
- FAV4: Mobility and Sustainable Transport
- FAV7: Natural Environment and Landscape
- FAV8: Flooding and Surface Water
- FAV10: Sustainable Design and Character
- FAV11: Heritage

Supplementary Planning Guidance/Documents

- Parking Standards (2020)
- Swale's Landscape Character and Biodiversity Appraisal (2011)
- Faversham Characterisation Study (2021)
- Swale Landscape Assessment (2019)

APPENDIX AReport to Planning Committee 6th March 2025**7. ASSESSMENT**

7.1. The main considerations involved in the assessment of the application as a result of the proposed changes are:

- Principle
- Size and Type of Housing
- Affordable Housing
- Landscape and Visual
- Heritage and Archaeology
- Character and appearance
- Living Conditions
- Trees
- Ecology
- Transport and Highways
- Open Space
- Surface Water Drainage

7.2. Principle

7.2.1. 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.

7.2.2. 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.

7.2.3. The application seeks a variation of condition 1 (approved drawings) of the reserved matters approval granted under ref. 23/501167/REM. This application has been submitted under Section 73 of the Town and Country Planning Act 1990 which allows for conditions to be varied, including the condition that specifies the plans which the development should be undertaken in accordance with. Although not appearing in current legislation or guidance, when made in respect of such a condition, this type of application is sometimes referred to as a Minor Material Amendment. Planning Practice Guidance sets out that “there is no statutory limit on the degree of change

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permissible to conditions under s73, but the change must only relate to conditions and not to the operative part of the permission.” This is supported by the guidance setting out that the only limits on the use of this approach are that it cannot amend the time limit for commencing development and cannot amend the description of the development. In this case, noting that the amendments relate to the changes to affordable housing tenure, revisions to the drainage pond and redesign of public open space scale, it is considered that the scope of the changes sit comfortably within the scope of an application of this type.

- 7.2.4. The relevant section of the Act (Section 73) that this application has been submitted under is very clear in that “On such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted”. As a result, the only consideration as part of this application is whether the variation, as set out in the proposal section above is acceptable. Therefore, the principle of development has been accepted and is not able to be considered further.
- 7.2.5. The site is allocated for residential development under the terms of Local Plan policies ST4 and A16. Moreover, the principle of the proposed development on this site has been established as being acceptable through the parent Outline planning permission (ref: 16/508602/OUT). The current application submitted under s73 does not propose any amendments to the development that would result in a different conclusion on the principle of development to that already established.
- 7.2.6. Since the previous Reserved Matters application was granted permission, the Faversham Neighbourhood Plan has been adopted and is, therefore, part of the development plan that the application is required to be considered in relation to. Noting the scope of an assessment that can be made in relation to an application submitted under the terms of Section 73 of the Act, the Neighbourhood Plan does not represent a reason to re-consider the principle of the proposed development.

7.3. Size and Type of Housing

- 7.3.1. Local Plan Policy CP3 requires the mix of tenures and sizes of homes provided in any development to reflect local needs and the Strategic Housing Market Assessment. Policy FAV3 of the Faversham Neighbourhood Plan requires residential schemes to include a mix of accommodation to meet local housing need based on the available evidence including 3 bedroom properties as a predominant part of the mix; 2 bedroom (or fewer) accommodation suitable for

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first time buyers / renters / those seeking to downsize and accommodation suitable for older people and those with limited mobility.

7.3.2. The approved Reserved Matters application (ref: 23/501167/REM) was granted with the following dwelling size mix:

- 1 bedroom – 15 dwellings
- 2 bedrooms – 59 dwellings
- 3 bedrooms – 84 dwellings
- 4+ bedrooms – 73 dwellings

7.3.3. The officer report for that application stated that “The mix of housing size and types is considered acceptable as it provides for a range of options within the site itself using the context and characters of the area to determine density as set out in Policy CP3 of the Local Plan”.

7.3.4. The proposed revisions would change the dwelling size mix as follows:

- 1 bedroom – 15 dwellings
- 2 bedrooms – 59 dwellings
- 3 bedrooms – 96 dwellings
- 4+ bedrooms – 61 dwellings

7.3.5. The proposed revisions would result in 12 x 4-bedroom dwellings changing to 3-bedroom dwellings. The number of 1 and 2-bedroom sized dwellings would remain the same. The 12 dwellings are all affordable housing units and are proposed to be changed at the request of the affordable housing provider to enable the delivery of the affordable housing.

7.3.6. Officers consider that the proposed revisions would continue to provide a range of dwelling size options within the site and would remain generally consistent with the context and character of the area as set out in Policy CP3 of the Local Plan and policy FAV 3 of the Faversham Neighbourhood Plan.

7.4. Affordable Housing

7.4.1. 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 35% of affordable housing from developments in Faversham. The supporting text states *“the Council will, in the first instance, seek an indicative target of 90% affordable/social rent and 10% intermediate products. Specific site circumstances may affect the viability of individual proposals which may result in an alternative tenure being acceptable, however this must be demonstrated by a viability assessment accompanying a planning*

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application. The Council recognises that the evidence base for different tenures may vary over time particularly with the progression of policy initiatives such as Starter Homes and so will refer to the latest needs assessment in decision making.” Policy FAV3 of the Faversham Neighbourhood Plan seeks an affordable housing tenure split of 66% affordable rent and 34% affordable ownership.

- 7.4.2. The S106 agreement attached to the parent Outline permission secures, among other matters, 81 (35%) of the dwellings delivered to be provided as affordable housing units, comprising 73 dwellings (90%) as Affordable Rented Housing and 8 dwellings (10%) as Shared Ownership.
- 7.4.3. The application would retain the overall amount of affordable housing in accordance with the Outline permission and Local Plan policy DM8. However, it seeks to revise the affordable housing tenure mix to comprise 41 dwellings (51%) as Affordable Rented Housing and 40 dwellings (49%) as Shared Ownership. This is illustrated in the following table.

Totals	Approved	Proposed
Affordable Rent	73	41
	90%	51%
Shared Ownership	8	40
	10%	49%
Total	81	81

- 7.4.4. An Affordable Housing Justification Statement was provided during the application along with revisions to the proposed tenure split at the request of officers, which was originally proposed to be 30/70 in favour of shared ownership. The Statement sets out the challenges facing the delivery of affordable housing at this site, in particular the difficulty in finding a Registered Provider to take on the approved affordable housing. It states that the developer, *“has engaged in discussions with numerous Registered Providers (RP’s) that have resulted in limited interest due to the significant number of 4 beds affordable dwellings proposed and a tenure split which was heavily weighted towards affordable rent”*.
- 7.4.5. Paragraph 1.31 of the Statement sets out further details of the RP’s approached by the applicant and their responses. Officers note that 11 RP’s / affordable housing providers were approached, however only 3 qualified

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offers were received from RP's. Furthermore, 7 RP's declined to bid as they were no longer in the market for S106 units or there was an issue with the affordable housing mix or tenure split proposed.

- 7.4.6. The Statement further sets out that the issues they are experiencing in finding an RP are being experienced widely across the region. They identify that the main problems generally include funding constraints as a result of the current economic climate, RP's needing to divert current funds to refurbish existing stock, rent caps, and availability of grant funding.

The Council's Accommodation and Resettlement Manager and planning officers have been in discussions with the applicant and are aware of the issues in securing an RP for the affordable homes secured under the parent Outline consent. The Accommodation and Resettlement Manager acknowledges that this was in part due to the high number of 4-bedroom homes included in the mix, the high proportion of affordable rent homes and also because of other current factors impacting most RPs whose capacity to take on affordable homes has significantly reduced or ceased. The Affordable Housing officer advises that the Affordable Housing Justification Statement covers what has been agreed with regards to the revisions of the affordable housing tenure mix.

- 7.4.7. The proposed revised affordable housing tenure mix is therefore accepted in light of the exceptional circumstances detailed in the application. However, the revisions to the tenure mix results in the application conflicting with policy FAV3 Part 2 of the Faversham Neighbourhood Plan (albeit the previously agreed mix would also have conflicted with this part of the policy). As a result of this, although the overall percentage of affordable housing accords with the requirements of policy DM8 of the Local Plan, there is a section of the policy which requires *"The size, tenure and type of affordable housing units in accordance with the needs of the area"*. The needs of the area, having been set out in the Faversham Neighbourhood Plan differ from what is being proposed. As a result, there is conflict with this element of policy DM8 of the Local Plan. The overall planning balance is discussed at the end of this report.
- 7.4.8. A deed of variation to the s106 legal agreement has been prepared to reflect the above proposed changes to the affordable housing tenure mix. The proposal is therefore acceptable subject to the agreement of the deed of variation.
- 7.4.9. Officers note that Faversham Town Council also raised concerns about the distribution of affordable units across the site. However, the distribution of the affordable units remains unchanged from the approved scheme.

APPENDIX AReport to Planning Committee 6th March 2025**7.5. Landscape and Visual**

- 7.5.1 The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting*'.
- 7.5.2 The application site is not in a designated landscape but the supporting text to Policy A16 (Land at Preston Fields, Faversham) notes that the site makes a positive contribution to the heritage setting of the town and its rural setting and views.
- 7.5.3 The Officer Report for the approved Reserved Matters application notes the inclusion of an area of open space and SuDs feature provided to the north of the site to retain an open aspect from the A2 and helps the site to integrate with the Conservation Area. The Report also makes general note of the other areas of open space, and concludes that the proposal accords with the relevant Development Plan policies.
- 7.5.4 The proposed revisions do not make any significant changes to the layout of the development, and therefore would generally retain these areas of open space as previously approved. The proposed revisions to the SUDS basins and Public Open Space (POS) are minor, seeking to accommodate changes in levels and meet drainage capacity requirements. Therefore, the proposal would not affect the visual appearance of the development or its effect on landscape setting. As such, the proposal would continue to be acceptable in accordance with policy DM24 of the Local Plan and policy FAV7 of the Faversham Neighbourhood Plan.

7.6. Heritage and Archaeology

- 7.6.1 Any planning application for development which will affect a listed building or its setting must be assessed in accordance with the requirements of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires a local planning authority to have special regard to the desirability of preserving the building or its setting or any feature of special architectural or historic interest which it possesses.
- 7.6.2 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.

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- 7.6.3 The parent Outline application (ref: 16/508602/OUT) considered the impacts of the development on heritage assets and concluded that the proposed development would preserve the setting of adjoining listed buildings, together with protecting the character and appearance of the nearby Conservation Areas. It also concluded that the development would protect on-site archaeology subject to securing appropriate mitigation for archaeological findings by way of planning conditions. The Officer Report for the approved Reserved Matters application notes the conclusions made in the parent Outline consent and concludes that the proposal therefore would comply with the relevant policies.
- 7.6.4 As discussed in the previous section, the proposal would generally retain the previously approved layout and arrangement of open space, which was considered to sufficiently mitigate impacts on the setting of nearby heritage assets. The Council's heritage consultant advises that the proposed variation of plans will have no additional impact upon the setting of the Faversham Conservation Area.
- 7.6.5 The proposed revisions therefore accord with policies DM32, DM33 and DM34 of the Local Plan and policy FAV11 of the Faversham Neighbourhood Plan which have similar aims and requirements as the NPPF which are summarised above. In considering the impact of this proposal upon designated heritage assets, Officers have had regard to the Council's obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990.

7.7. Character and appearance

- 7.7.1 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. The Local Plan reinforces this requirement.
- 7.7.2 The layout, scale, appearance and landscaping of the proposed revisions remains generally the same in the approved reserved matters development, with only minor changes proposed to address various matters that have arisen through the detailed design stage. A 'Summary of Changes' document was provided in August 2024, which illustrates the proposed changes along with the reasons for doing so.
- 7.7.3 The proposed layout has been slightly amended along the western boundary to improve the separation of development from tree root protection areas. The crossroads junction has also slightly changed to accommodate this

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change. The footpath link to the west has also been revised to accommodate the surveyed location of the footpath on the adjoining site.

- 7.7.4 The layout in the north-eastern corner of the site has also slightly changed to accommodate refinements to the pumping station, substation and associated turning head. This in turn has resulted in slight revisions to the positioning of plots 8 – 14. The parking court block paving colour in this location has been changed from Charcoal to Natural. The surface material to other parking courts, secondary shared surfaces and tertiary routes has been changed from charcoal block paving to tarmac.
- 7.7.5 The central open space has been revised to accommodate for the change in ground levels and associated retaining wall strategy. Footpaths, planting throughout the POS and Local Equipped Area of Play (LEAP) have also been adjusted accordingly.
- 7.7.6 The proposed layout changes are minor and retain the design principles established in the Outline and previous Reserved Matters approvals. The Council's Design Manager has not raised any concerns in regard to the proposed changes, including to the revised surface materials and open space. As such, the proposed changes would not adversely impact on the approved character and appearance of the development. The proposal therefore remains consistent with policies CP3, DM7, DM14 and A16 of the Local Plan and policies FAV2 and FAV10 of the Faversham Neighbourhood Plan.

7.8. Living Conditions

- 7.8.1. The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. 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.
- 7.8.2. The parent Reserved Matters permission established that the development would not adversely impact on the amenity of neighbouring properties. The proposed changes to the layout would actually increase the setback of buildings from the only boundary directly adjoining existing residential properties and therefore would not result in the adverse impact on their amenity over and above that previously consented.
- 7.8.3. The proposed revisions would not impact on the internal layout of the proposed dwellings, which would all continue to be provided with sufficient garden space. As such, the proposed changes would continue to provide

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existing and future residents with acceptable standards of residential amenity. The proposal therefore complies with policy DM14 of the Local Plan.

7.9. Trees

7.9.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside and urban environments. The Local Plan requirement is recognised through Policy DM29 of the Local Plan and FAV7 of the Faversham Neighbourhood Plan.

7.9.2. The previous Reserved Matters application established that the tree protection measures set out within the approved Arboricultural Report were acceptable and these were secured within the approved plans. The proposed changes would improve the setback from the proposed buildings to the retained trees and therefore would in turn improve the protection measures for these trees. As such, the proposal would not adversely impact on trees over and above the previously consented development. The condition securing the approved plans and documents is updated to include the submitted Arboricultural Report. As a result the proposal complies with policy DM29 of the Local Plan and FAV7 of the Faversham Neighbourhood Plan.

7.10. Ecology

7.10.1. 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.

7.10.2. In terms of the Local Plan, 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.

7.10.3. The previous Reserved Matters officer report concluded that there were no objections on ecology grounds to that application, noting that details pursuant to lighting and ecological enhancement are subject to conditions associated with the approved outline planning approval, ref. 16/508602/OUT. In addition, the SAMMS contribution is secured under the S106 Agreement in association with the above outline approval.

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7.10.4. Updated ecological information has been submitted as part of this s73 application. KCC Ecology have compared the plans with the previous Reserved Matters permission and confirm that the open space has not changed significantly and therefore the previous comments are still valid for this application. As such, the proposed development continues to be acceptable with regard to ecological matters subject to the measures secured at the outline stage.

7.10.5. In terms of Biodiversity Net Gain (BNG), it is noted that policy FAV7 states that *“Major development proposals should include positive features in its design and landscaping to create Biodiversity Net Gain, as follows:*

a. for brownfield sites, 10% net gain;

b. for greenfield sites, 20% net gain.”

7.10.6. However, the Planning Practice Guidance states that *“Biodiversity net gain does not apply to section 73 permissions where the original permission which the section 73 relates to was either granted before 12 February 2024 or the application for the original permission was made before 12 February 2024.”*

7.10.7. In this case, both the planning permission and the reserved matters to which this Section 73 relates were granted before 12th February 2024. In any case, this application is an amendment to a reserved matters approval, which themselves are not subject to BNG as they are not a grant of planning permission. In addition, the Planning Practice Guidance states that *“It would be inappropriate for decision makers to continue to give weight to aspects of existing local policies related to biodiversity gains which are inconsistent with the statutory framework for biodiversity net gain.”* And *“Decision makers should not give weight to local policy which requires biodiversity gains for types of development which would now be exempt under the statutory framework.”* Therefore, it is clear that in this case, a minimum BNG of 10% is not required to be demonstrated due to the scope and timing of the relevant applications as discussed above.

7.11. Transport and Highways

7.11.1. The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.

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- 7.11.2. 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.
- 7.11.3. The officer report supporting the parent Reserved Matters permission concluded that the development would not lead to unacceptable highway impacts, noting that vehicle parking was provided in accordance with Swale Borough Council standards. The provision of the A251 southern access road to meet local distributor road standards and safeguarding of a future link through to Salter Lane were also secured. A Traffic Regulation Order plan to include waiting restrictions was also secured by condition.
- 7.11.4. The proposed amendments to the approved development only makes minor changes to the layout and do not impact the spine route, road layout, or pedestrian and cycling routes within and adjoining the site. Furthermore, the proposed amendments do not affect the dwelling numbers and the revisions are not considered to impact vehicle movements to and from the site. As such the revisions will not further impact the wider highway network or affect external transport impacts.
- 7.11.5. The proposed parking layout plan demonstrates that all on-plot parking will be provided with electric vehicle charging (EVC) facilities along with EVC facilities to 10% of visitor bays and communal parking courts. KCC Highways have not raised concern with the proposed parking layout changes.
- 7.11.6. Overall, it is considered that the scheme continues to comply with Policies DM6 and DM7 of the Local Plan and would not lead to unacceptable highway impacts.

7.12. Open Space

- 7.12.1. Policy DM17 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.
- 7.12.2. The previous Reserved Matters application established that the POS provision as set out within the application amounts to 2.5ha (6.17 acres); this area of open space is contained outside of the proposed SUDs areas, which amounts to 0.41ha (0.41 acres).

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7.12.3. The central open space has been revised in this s73 application to accommodate for the change in ground levels and associated retaining wall strategy. Footpaths, planting throughout the POS and LEAP have also been adjusted accordingly. However, the proposed changes do not affect the overall provision of open space previously secured and would not impact on the site's play space strategy. As such, the open space and play space strategy continues to be acceptable in accordance with policy DM17 of the Local Plan and policies FAV7 and FAV13 of the Faversham Neighbourhood Plan.

7.13. Surface Water Drainage

7.13.1. 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 and policy FAV8 of the Faversham Neighbourhood Plan.

7.13.2. The application proposes minor alterations to the approved SUDS basins, which would not materially change their appearance or function. Details of sustainable surface water drainage pursuant to conditions 33 and 34 of the parent Outline permission have already been discharged under application ref: 23/501090/SUB, which was approved in December 2024.

7.13.3. KCC SUDS confirmed that the information within this s73 application reflects that provided in the approved SUB application, and that they are satisfied that the concerns raised by them previously have now been addressed. As such, the proposal will provide acceptable drainage measures in accordance with policy DM21 of the Local Plan and FAV 8 of the Neighbourhood Plan.

7.14. Other Matters

7.14.1. Although a number of the matters raised in the consultation section above have been dealt with, of those that remain the following comments are made. Firstly, this application does not seek amendments to the scheme approved under ref. 21/500766/OUT. Any amendments to that permission would require separate consent. It is also considered that securing further obligations via the varied S.106 agreement would not meet the tests on the basis that the amendments have been considered as an acceptable way to deliver affordable housing on this site. Finally, foul drainage is a matter dealt with via the outline planning permission.

APPENDIX AReport to Planning Committee 6th March 2025**7.15. Conclusion**

- 7.15.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Under s70(2) of the Town and Country Planning Act 1990, the decision-maker needs to have regard to the provisions of the development plan and any other material considerations.
- 7.15.2. The application site forms part of the allocated site under policy A16 - Land at Preston Fields - as identified within the adopted Local Plan. Swale Borough Council currently cannot demonstrate 5-years housing supply, and therefore the delivery of this site for 231 new homes would make a significant contribution to the Borough's housing delivery.
- 7.15.3. Officers acknowledge that the revisions to the affordable housing tenure mix results in the application conflicting with policy FAV3 Part 2 of the Faversham Neighbourhood Plan and as a result, the single element of policy DM8 of the Local Plan which requires the tenure of affordable housing units to be in accordance with the needs of the area. However, the development would continue to provide 81 affordable homes overall, which complies with the percentage requirements as set out in Local Plan policy DM8 and would make a valuable contribution towards providing affordable housing in the borough.
- 7.15.4. Officers also acknowledge that the proposed changes to the affordable housing tenure mix are due to the difficulties in gaining interest from a Registered Provider, which is essential in the delivery of affordable housing. The proposal therefore seeks to overcome the issues obstructing the one RP showing interest, which includes reducing the number of 4-bedroom homes included in the mix and evening out the proportion of affordable rent homes to intermediate. Officers are also aware that the current economic climate is impacting most RPs whose capacity to take on affordable homes has significantly reduced or ceased. The Council's Accommodation and Resettlement Manager has also, after assessing all the evidence provided as discussed above, considered the proposals to be acceptable.
- 7.15.5. The proposed revised affordable housing tenure mix is therefore, on balance, accepted in light of the material considerations detailed in the application.
- 7.15.6. The proposed design changes are considered to be acceptable in accordance with the relevant Local Plan policies and National Planning Policy Framework as set out above in this report. Should this s73 application be approved it is necessary to reimpose the conditions secured by the previous Reserved

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Matters approval as originally worded or revise where details are required to be updated as a result of the amendments or have been approved through discharge of conditions applications. This will ensure the proposal accords with the Local Plan 2017 and the NPPF.

RECOMMENDATION

Approve – subject to the signing of the s106 legal agreement deed of variation and the following conditions

CONDITIONS

1. The development hereby approved shall be carried out in accordance with the following drawings / details:

Planning Statement & Statement of Community Involvement

Heritage Impact Assessment

PC4334 Preston Fields Faversham_Air Quality_Technical Note_July2023

Affordable Housing Justification Statement Sept 2024

A1121_01_Rev O_Planning Layout_Section 73

A1121_01_Rev O_Planning Layout_COLOUR

A1002_04_Site Location Plan

A1121_07_Rev L_Materials Plan_Section 73

A1121_08_Rev K_Enclosure Plan_Section 73

A1121_09_Rev K_Character Area Plan_Section 73

A1121_10_Rev J_Occupancy Plan_Section 73

A1121_11_Rev J_Massing Plan_Section 73

A1121_12_Rev L_Parking Plan_Section 73

A1121_13_Rev J_Affordable Housing Plan_Section 73

A1121_14_Rev J_Refuse Plan_Section 73

A1002_15 Rev D M4-3 -APARTMENT PLANS

A1002_16_Rev D M4-3 -APARTMENT ELEVATIONS

A1121_17_Rev K_POS Area Plan_Section 73

A1121_18_Rev G_Street Scenes A-E

A1121_19_Rev J_Gas Easement Plan_Section 73

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A1121_Rev G_House Type Brochure	
A1121_063 Rev B	Letchworth - Floor Plans
A1121_064 Rev B	Letchworth - Elevations
A1121_066 Rev B	Letchworth - Elevations
A1121_067 Rev D	Stamford - Floor Plans
A1121_068 Rev C	Stamford - Elevations
A1121_069 Rev B	Stamford and Amberley - Floor Plans
A1121_070 Rev B	Stamford and Amberley - Floor Plans
A1121_071 Rev B	Stamford and Amberley - Elevations
A1121_072 Rev B	Stratford - Floor Plans and Elevations
A1121_073 Rev C	Stratford - Floor Plans and Elevations
A1121_074 Rev B	Leamington Lifestyle - Floor Plans and El...
A1121_075 Rev B	Leamington Lifestyle - Floor Plans and E...
A1121_076 Rev B	Oxford Lifestyle - Floor Plans and Eleva...
A1121_080 Rev B	Cambridge - Floor Plans and Elevations
A1121_082 Rev B	Shaftesbury - Floor Plans and Elevations
A1121_083 Rev B	Shaftesbury - Floor Plans and Elevations
A1121_086 Rev B	Harrogate - Floor Plans and Elevations
A1121_088 Rev B	Harrogate - Floor Plans and Elevations
A1121_089 Rev B	Harrogate - Floor Plans and Elevations
A1121_090 Rev B	Henley - Floor Plans
A1121_091 Rev B	Henley - Elevations
A1121_092 Rev B	Henley - Elevations
A1121_093 Rev B	Balmoral - Floor Plans
A1121_094 Rev B	Balmoral - Elevations
A1121_095 Rev B	Hampstead - Elevations
A1121_096 Rev B	Richmond - Floor Plans
A1121_097 Rev B	Richmond - Elevations
A1121_098 Rev B	Richmond - Elevations
A1121_099 Rev C	Hampstead - Floor Plans

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A1121_100 Rev B	Hampstead - Elevations
A1121_101 Rev B	Hampstead - Elevations
A1121_102 Rev B	Tavy and Spey - Floor Plans
A1121_103 Rev B	Tavy and Spey - Elevations
A1121_104 Rev A	Dart - Floor Plans and Elevations
A1121_105 Rev B	Dart and Spey - Floor Plans
A1121_106 Rev B	Dart and Spey - Elevations
A1121_107 Rev B	Dart - Floor Plans
A1121_108 Rev B	Dart - Elevations
A1121_109 Rev B	Dart - Floor Plans
A1121_110 Rev B	Dart - Elevations
A1121_111 Rev B	Dart and Spey - Floor Plans
A1121_112 Rev C	Dart and Spey - Elevations
A1121_113 Rev B	Tweed - Floor Plans and Elevations
A1121_114 Rev B	Tweed - Floor Plans and Elevations
A1121_115 Rev B	Tweed - Floor Plans
A1121_116 Rev B	Tweed - Elevations
A1121_119 Rev B	Single Garage Floor Plan and Elevations
A1121_120 Rev B	Twin Garage Floor Plan and Elevations
A1121_121 Rev A	Double Garage Floor Plan and Elevations
A1121_123 Rev A	Leamington Lifestyle - Floor Plans and E...
A1121_124 Rev A	Leamington Lifestyle - Floor Plans and E...
A1121_125 Rev A	Cambridge - Floor Plans and Elevations
A1121_126 Rev A	Shaftesbury - Floor Plans and Elevations
A1121_127 Rev A	Shaftesbury - Floor Plans and Elevations
A1121_128 Rev A	Harrogate - Floor Plans and Elevations
A1121_129 Rev A	Oxford Lifestyle - Floor Plans and Eleva...
A1121_130 Rev A	Harrogate - Floor Plans and Elevations
A1121_132 Rev A	Dart - Floor Plans and Elevations
A1121_133 Rev A	Dart - Elevations

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A1121_134 Rev A Dart - Elevations
A1121_137 Rev A Stamford - Floor Plans
A1121_138 Rev A Stamford - Elevations
A1121_139 Rev A Stamford - Floor Plans
A1121_140 Rev A Stamford - Elevations
A1121_150 Oxford - Floor Plans and Elevations
A1121_151 Rev A Balmoral - Elevations
1002_Design Justification Statement_Rev C 30.08.23
6150-LLB-EA-E1-DR-L-0003-S4-P06_Planting Plan-A1L-EAE1
6150-LLB-EA-E2-DR-L-0004-S4-P06_Planting Plan-A1L-EAE2
6150-LLB-EA-E3-DR-L-0005-S4-P05_Planting Plan
6150-LLB-EC-E1-DR-L-0023-S4-P06_Planting Plan-A1L-ECE1
6150-LLB-EA-E5-DR-L-0007-S4-P04_Planting Plan
6150-LLB-EA-E6-DR-L-0008-S4-P04_Planting Plan
6150-LLB-EA-E7-DR-L-0009-S4-P05_Planting Plan
6150-LLB-EA-E8-DR-L-0010-S4-P04_Planting Plan
6150-LLB-EA-E9-DR-L-0011-S4-P04_Planting Plan
6150-LLB-EA-E10-DR-L-0012-S4-P05_Planting Plan
6150-LLB-EA-E11-DR-L-0013-S4-P04_Planting Plan
6150-LLB-EA-E12-DR-L-0014-S4-P07_Planting Plan
6150-LLB-EA-E13-DR-L-0015-S4-P08_Planting Plan
6150-LLB-EA-E14-DR-L-0016-S4-P04_Planting Plan
6150-LLB-EA-E15-DR-L-0017-S4-P04_Planting Plan
6150-LLB-EA-E16-DR-L-0018-S4-P05_Planting Plan
6150-LLB-EA-E17-DR-L-0019-S4-P05_Planting Plan
6150-LLB-EB-E1-DR-L-0020-S4-P06_Planting Plan
6150-LLB-ZZ-ZZ-DR-L-0001-S4-P21_Indicative Site Landscape Masterplan-A1L-ZZZZ
6150-LLB-EB-E3-DR-L-0022-S4-P06_Planting Plan
6150-LLB-EC-E1-DR-L-0023-S4-P05_Planting Plan

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6150-LLB-EC-E2-DR-L-0024-S4-P07_Planting Plan
6150-LLB-ED-E1-DR-L-0002-S4-P07_Play Equipment Plan
6150-LLB-ED-E1-DR-L-0002-S4-P09_Play Equipment Plan
6150-LLB-ED-E1-DR-L-0025-S4-P07_Planting Plan
6150-LLB-EC-E3-DR-L-0026-S4-P03_Planting Plan
6150-LLB-RP-L-0003-S0-P01_Play Equipment Specifications
6150-LLB-ZZ-ZZ-DR-L-0001-S4-P21_Indicative Site Landscape Masterplan
6150-LLB-XX-XX-DR-L-0002-S4-P02_Landscape Masterplan
PFF-PPC-00-XX-DR-C-0301 Highways Review-301
PFF-PPC-00-XX-DR-C-0302 Highways Review-302
PC-00-XX-DR-C-0303 Highways Review-303
PRE-PPC-00-XX-RP-C-0016 Preston Fields TechNote – KCC Highways rev 1
Parking Justification Note (Preston Fields) V1.0
PFF-PPC-00-XX-DR-C-0304 Tracking Plans-304
PFF-PPC-00-XX-DR-C-0305 Tracking Plans-305
PFF-PPC-00-XX-DR-C-0306 Tracking Plans-306
PRE-PPC-00-XX-RP-C-0010 Preston Fields Site A Drainage Strategy Complete
PRE-PPC-00-XX-RP-C-0019 Preston Fields TechNote - KCC LLFA
PRE-PPC-00-XX-RP-C-0020 Preston Fields TechNote - KCC LLFA
PRE-PPC-00-XX-RP-C-0018 Preston Fields TechNote - Southern Water
PFF-PPC-00-XX-DR-C-3201 C2 Drainage Layout Green Alternative-3201
PFF-PPC-00-XX-DR-C-3202 C2 Drainage Layout Green Alternative-3202
PFF-PPC-00-XX-DR-C-3203 C2 Drainage Layout Green Alternative-3203
PFF-PPC-00-XX-DR-C-3204 C2 Drainage Layout Green Alternative-3204
PFF-PPC-00-XX-DR-C-3205 C2 Drainage Layout Green Alternative-3205
PFF-PPC-00-XX-DR-C-3206 C2 Drainage Layout Green Alternative-3206
PFF-PPC-00-XX-DR-C-3207 C2 Drainage Layout Green Alternative-3207
PFF-PPC-00-XX-DR-C-3208 C2 Drainage Layout Green Alternative-3208
PFF-PPC-00-XX-DR-C-3211 C3 External Works Levels Green Alternative-3211
PFF-PPC-00-XX-DR-C-3212 C3 External Works Levels Green Alternative-3212

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PFF-PPC-00-XX-DR-C-3213 C3 External Works Levels Green Alternative-3213
PFF-PPC-00-XX-DR-C-3214 C3 External Works Levels Green Alternative-3214
PFF-PPC-00-XX-DR-C-3215 C3 External Works Levels Green Alternative-3215
PFF-PPC-00-XX-DR-C-3216 C3 External Works Levels Green Alternative-3216
PFF-PPC-00-XX-DR-C-3217 C3 External Works Levels Green Alternative-3217
PFF_M3_SW_Drainage Basin Central Network FEH 20240920 Calcs
PFF_M3_SW_Drainage Basin North Network FEH 20240920 Calcs
10327 2023-08-25 RGM - CS2 Tank M5-60 1-30
10327 2023-08-25 RGM - CS2 Tank M5-60 1-100
10327 2023-08-25 RGM - CS3 Tank M5-60 1-30
10327 2023-08-25 RGM - CS3 Tank M5-60 1-100
10327 2023-08-25 RGM - CS4 Tank M5-60 1-30
0327 2023-08-25 RGM - CS4 Tank M5-60 1-100
10327 2023-08-25 RGM - CS5 Tank M5-60 1-30
0327 2023-08-25 RGM - CS5 Tank M5-60 1-100
PFF_M3_SW_Drainage Basin South Network FEH 20240923 Calcs
PFF-PPC-00-XX-DR-C-3261 P1 Catchment Plan Green Alternative-3261
PFF-PPC-00-XX-DR-C-3262 P1 Catchment Plan Green Alternative-3262
PFF-PPC-00-XX-DR-C-3263 P1 Catchment Plan Green Alternative-3263
UE0520 EcIA 7 241002
UE0520 Preston Fields Site A EcIA 7241002
UE0520 Preston Fields Site A PEA 7 241002
UE0520 Preston Fields Site A PSR 7 241002
Arboricultural Method Statement (dated: May 2024) ref: 11362_AMS.001 Rev D

Reason: For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

2. Prior to first occupation of the dwellings hereby permitted the developer shall submit a Traffic Regulation Order application to secure a package of suitable traffic restrictions for the roads within the estate hereby approved.

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

3. Notwithstanding the provisions of Class B & C of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no additions or alterations of any roof on any dwellings in respect of plots 1 - 10 (inclusive) and 213 - 231 (inclusive) shall be carried out, the subject of this permission without the prior approval of the Council.

Reason: To safeguard the amenities of the area and setting of adjacent listed buildings and Faversham and Preston-next Faversham Conservation Areas, by enabling the Local Planning Authority to consider whether planning permission should be granted for enlargement of these dwellings.

4. A monitoring strategy shall be included in the travel plan which provides progress reports on the proposed measures and that these reports be submitted to the Local Planning Authority, in consultation with the Environmental Health team.

Reason: To enable the appropriate monitoring of the Travel Plan.

5. Prior to the occupation of the dwellings hereby approved, details of a scheme to prevent vehicular parking to allow the proper servicing of the foul pumping/substation, shall be submitted to and agreed in writing with the Local Planning Authority. The works shall thereafter be carried out in accordance with the agreed details.

Reason: To allow the servicing of the foul pumping/ substation in the interests of highway safety.

INFORMATIVES

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.

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.

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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.

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. 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.

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-andtravel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

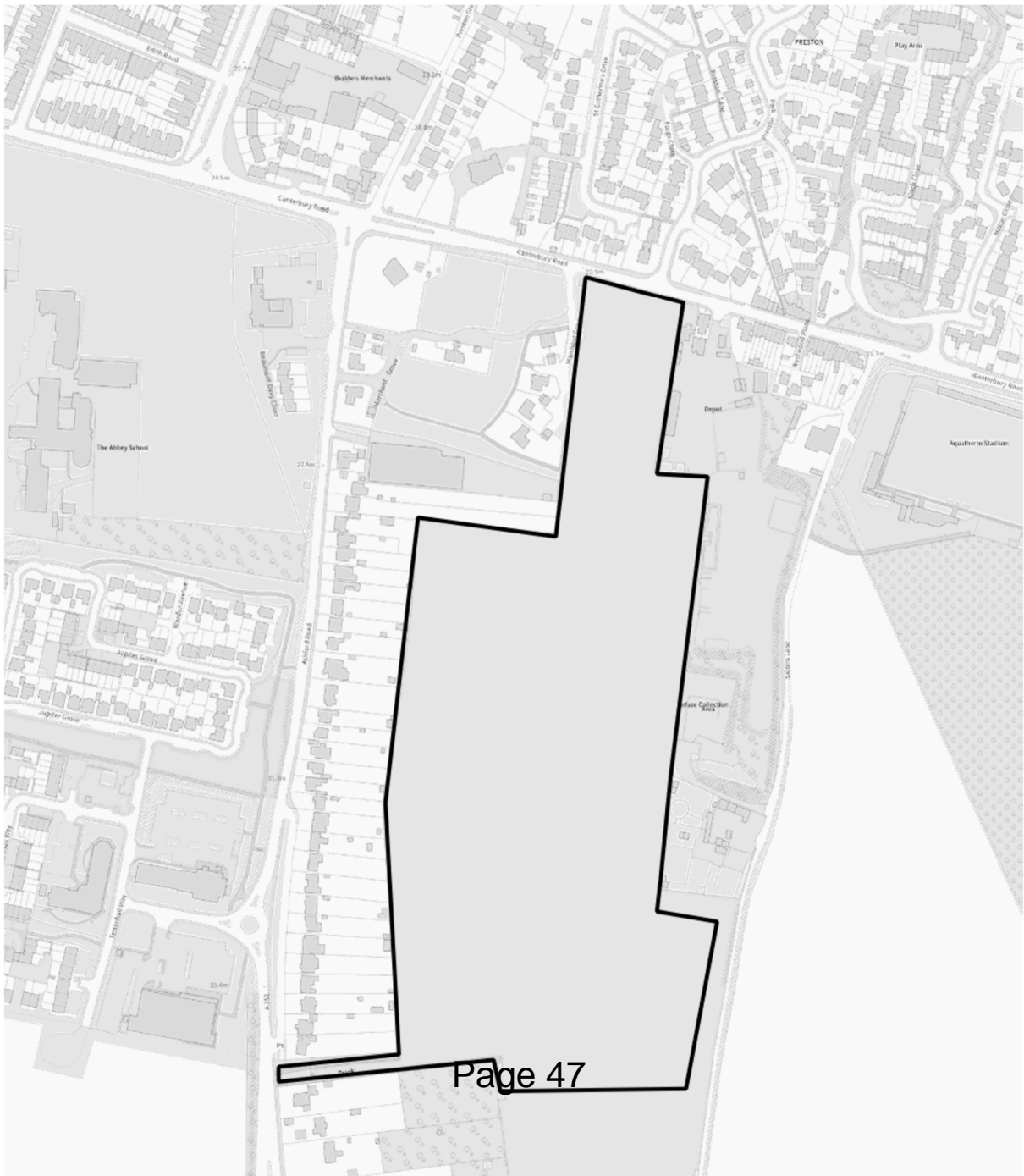
The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework 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.

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APPENDIX B



Redrow House
6 - 12 Talbot Lane
Ebbsfleet Valley
Kent
DA10 1AZ

T: 01322 422325
E: southeast.customerservice@redrow.co.uk

Preston Fields (Site A), Faversham
FINAL DRAFT 24/03/25

As requested by members of the committee on 5th March, Redrow have set out below a list of the fifteen RPs that operate within Swale and have provided commentary against each one confirming if they were approached in 2023 to purchase the S106 affordable housing, what their response was and for those that were not contacted Redrow have explained why not.

The outcome of the feedback from RPs triggered our discussions with Swale and the resultant S73 application to amend the affordable housing mix and tenure split.

RP/Affordable Housing Provider contacted	Feedback	RP is on Swale BC list
HSPG/Park Properties Housing Association	Submitted an offer but would not support the mix or tenure split. Required less 4B houses and a greater proportion of shared ownership.	No
West Kent Housing Association	Submitted an offer but their Housing Management and Sales Teams would not support the mix or tenure split. Required less 4B houses and a greater proportion of shared ownership.	Yes
Sage	Submitted an offer.	Yes
Southern Housing Group	Declined to offer on the planning mix. They will only offer if it is 50% affordable rent and 50% shared ownership. They will only accept 9 of the houses as 4B with these being changed to 2 and 3BH.	Yes
Clarion	Declined to offer. Not currently operating within Swale.	Yes
MHS	Declined to offer. Not offering on schemes delivering over the next 18 months.	Yes
Orbit	Declined to offer due to there not being enough shared ownership units. Also, they will only support 6 x 4B houses on the site.	Yes
Moat	Declined to offer as Moat are not in the S106 market.	Yes
Town & Country	Declined to offer due to the size/location and when Redrow want to contract. Feedback on the mix was that the number of 4B houses was too many for T&C to consider.	Yes

Redrow Homes South East, a division of Redrow Homes Limited,
Registered Office: Redrow House, St. David's Park, Fintsham, CH5 3RX,
Registered in England & Wales No. 1990779

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Rentplus	no response	No
CBRE Affordable Housing Fund	Declined to offer	No
Golding Homes	Golding Homes are only purchasing new schemes within Maidstone Borough Council and therefore did not provide an offer.	yes
Heylo	Heylo provided an offer for the shared ownership homes only. They do not purchase rented homes.	Yes
L&Q	Redrow did not approach L&Q as they focus on their own land led schemes grant funded schemes and are not purchasing S106 affordable housing.	Yes
Hyde	Redrow did not approach Hyde as they focus on their own land led schemes grant funded schemes and are not purchasing S106 affordable housing.	yes
Places for People	Redrow did not approach Places for People as they focus on their own land led schemes grant funded schemes and are not purchasing S106 affordable housing.	Yes
Sanctuary	Redrow did not approach Sanctuary as they focus on their own land led schemes grant funded schemes and are not purchasing S106 affordable housing.	yes
L&G	Redrow did not approach L&G at the time as L&G were out of the market and not purchasing S106 affordable housing.	yes

The first 9 affordable homes are well advanced in construction and will be ready for occupation as early as July. It has taken Redrow over 18 months to get to a position with West Kent Housing Association where both parties have been able to agree, in principle, the affordable housing provision with the Borough Council.

If the scheme were to be refused, the agreement with West Kent Housing Association will fall away and Redrow will have to start the process of finding a suitable RP again, which risks the delivery of the affordable housing on the site. RPs locally and across the country have been having difficulties in taking on new s106 sites due to several factors, including funding constraints; cost associated with the refurbishment of existing housing stock; rent caps and constraints to the affordable housing programme (AHP) and limited availability of grant funding. This has put the delivery of many much-needed affordable homes at risk.

If the current proposal is not approved, the process of finding a new RP will have to be started again. This will mean the 9 affordable homes ready for occupation in July and a further 20 affordable homes ready for occupation during the year, will be stood empty whilst an RP is found to purchase them.

PLANNING COMMITTEE – 3rd April 2025

PART 2

Report of the Head of Planning

PART 2

Applications for which **PERMISSION** is recommended

2.1 REFERENCE NO 24/502403/FULL		
PROPOSAL Demolition of existing outbuildings and erection of a self-build, two storey, one-bedroom dwelling with associated parking.		
SITE LOCATION 11 Linden Close Sittingbourne Kent ME10 1HF		
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
APPLICATION TYPE Full application		
REASON FOR REFERRAL TO COMMITTEE The owner of the property is an employee of Swale Borough Council		
CASE OFFICER Guy Martin		
WARD Homewood Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Mr M Falanger AGENT Architectural Designs
DATE REGISTERED 14.06.24		TARGET DATE 11.04.25
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted The full suite of documents submitted pursuant to the above application are available via the link below: - https://pa.midkent.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SEVDZ4TYKCH00		

1. SITE LOCATION AND DESCRIPTION

- 1.1 11 Linden Close is an end of terrace property located within the built confines of Sittingbourne. The area comprises a number of terraced rows and semi-detached houses of similar design with amenity areas to front, many of which have been converted to hard standing to enable parking.

2. PLANNING HISTORY

2.1 None.

3. PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for the demolition of existing outbuildings and erection of a self-build, two storey, one-bedroom dwelling with associated parking.

3.2 The proposed dwelling would measure circa 5.3m wide by 7.9m deep with a height matching that of the attached property, 11 Linden Close. The materials would comprise of yellow stock brickwork, concrete interlocking roof and upvc windows and doors comprising of materials to match the adjacent property.

4. CONSULTATION

4.1 Mid-Kent Environmental Health – Recommend a condition be imposed controlling construction hours to protect the amenity of neighbouring dwellings during the construction phase.

5. REPRESENTATIONS

5.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers and a notice was displayed at the application site.

5.2 No comments were received.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017**

ST1	Delivering sustainable development to Swale
ST3	The Swale settlement strategy
ST5	The Sittingbourne area strategy
CP3	Delivering a wide choice of high-quality homes
CP4	Requiring good design
DM7	Vehicle Parking
DM14	General development criteria
DM16	Alterations and extensions
DM19	Sustainable Design and Construction
DM28	Biodiversity and geological conservation

Supplementary Planning Guidance (SPG):
Parking Standards Supplementary Planning Document

7. ASSESSMENT

7.1 This application is reported to the Planning Committee as the owner of the property is employed by Swale Borough Council. Considering the scheme that has been submitted, the Committee is recommended to consider the following points:

- Principle of development
- Character and Appearance
- Living Conditions

- Parking
- Sustainable Design and Construction
- Biodiversity

Principle

- 7.2 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.
- 7.3 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.
- 7.4 Policy ST3 of the Swale Local Plan 2017 states that the principle of any new proposed development which is located on land within established towns and villages in the borough will be supported in policy terms.
- 7.5 The site is located within the built-up boundary of Sittingbourne, which is identified as the primary focus for growth in the Borough. The principle of the proposed development is therefore considered acceptable and in accordance with policies ST1 and ST3 of the Local Plan, subject to the considerations set out below.
- 7.6 The application has been submitted as a self build / custom build housing project. It is known that the intended occupier of the home has had close control and input into the design and the submission of the proposals. Accordingly, it is considered that the proposal would meet the definition of a self-build house. A condition is recommended to require the dwelling to be constructed as a self build dwelling.
- 7.7 In light of the Council's housing land supply position, the NPPF indicates that planning permission should be granted for the proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Character and Appearance

- 7.8 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. The Local Plan reinforces this requirement.
- 7.9 The proposed development would demolish an existing single storey brick structure located to the southwest of no. 11 Linden Close. The structure itself is of no particular architectural merit and its demolition is acceptable.
- 7.10 The proposed new dwelling would extend to the southwest of no. 11 and essentially elongate the terrace. The dwelling would be consistent with the height, design, form and materials on the existing terrace, such that it would appear as a visually compatible addition to the streetscene. The only real difference of note between the proposed dwelling and the wider terrace would be to the rear elevation, where the proposed dwelling would extend circa 0.5m to the rear of no. 11. Nonetheless, this would represent a modest design difference that would have no adverse impact on the visual quality of the streetscene.

- 7.11 The dwelling would be appropriate in respect of the choice of materials, scale, height and massing, and would have sufficient regard for the character, setting and context of the site.
- 7.12 In order to facilitate the parking of two vehicles to the front of the existing property, and one vehicle to the front of the new dwelling, the amount of hardstanding to the front would be extended across an existing grassed area within the application site. Given the existing presence of hardstanding at the property and in the wider streetscene, the extension of that parking area is considered to be acceptable.
- 7.13 On the basis of the above, the proposals would have an acceptable impact on the character and appearance of the area, in accordance with policies CP4 and DM14 of the Local Plan and the NPPF.

Living Conditions

- 7.14 Policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration should be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight, give rise to an unreasonable loss of privacy, or result in an unreasonable loss of outlook or in excessive noise or odour pollution. Policy DM 16 also requires that alterations or extensions to existing buildings protect residential amenity.

Existing residents

- 7.15 The properties that would be most directly affected by the proposal are 11 and 13 Linden Close and 30 Kent Avenue. Taking into account the separation distance and position of the proposed dwelling to the north of 13 Linden Close and 30 Kent Avenue, and the modest projection beyond the rear of 11 Linden Close, the proposed dwelling would not give rise to any unacceptable loss of daylight nor outlook, and neither would it unacceptably overbear or cause adverse overshadowing to either of these properties. The proposal is sufficiently distant from other neighbouring property such that it would not have any unacceptable impact on their living conditions in respect of the above matters.
- 7.16 With regards to overlooking of neighbouring property, the windows to front would overlook existing public vantage points. Windows to rear would be channelled down the garden and, given the location of the proposals in the context of neighbouring property, would not give rise to any unacceptable overlooking of the most private amenity space of neighbouring occupiers. There are no first floor windows to the side elevation. There is, however, a window associated with a staircase that would sit directly on the boundary with no.13. Subject to a condition requiring it to be obscure glazed and non-opening, it would not lead to any unacceptable overlooking of the neighbouring private amenity space.
- 7.17 In consequence it is not considered that the proposal would have an adverse impact upon the living conditions of neighbouring occupiers meeting the requirements of policy DM14 of the Local Plan.

Future occupiers

- 7.18 New development is expected to offer future occupiers a sufficient standard of accommodation. The dwelling meets the national minimum space standards for a one bedroom dwelling. All habitable rooms are served by windows which will provide

adequate outlook, light and ventilation. The rear garden is of a sufficient size and will provide a good standard of outdoor amenity space. The garden left to serve current and future occupiers of 11 Linden Close would be acceptable post development.

- 7.19 The new dwelling will not be subject to any significant overshadowing or overbearing impacts. There are windows in the rear elevation of 13 Linden Close and 28/30 Kent Avenue which will face onto the rear garden of the new dwelling, but in view of the tight knit arrangement of properties in the area and the fact that these properties already overlook the existing garden area of 11 Linden Close from the same distance, it is not considered that this would give rise to an unacceptable overlooking of future occupiers private amenity space to the extent that it would warrant refusal of the application.
- 7.20 In view of the above, the proposals would be in accordance with policy DM14 of the Local Plan.

Parking / Highways

- 7.21 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.
- 7.22 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

- 7.23 Local Plan policy DM7 requires proposals to be in accordance with the Council's Parking SPD.
- 7.24 The proposal would see an extension of the existing parking area to the front of the site to accommodate two parking spaces to serve no. 11 and one parking space to serve the proposed dwelling, in accordance with the requirements of the Council's Parking Standards SPD. The site is currently served by an existing dropped kerb which provides access to the existing parking area. The access arrangements would be extended, but this is not considered to give rise to any adverse impact on the safe movement of pedestrians, cyclists and other vehicles in and around the proposed development. Additional traffic generation would be limited and would not be harmful to the highways safety of the existing network. Sufficient space is available on site to accommodate cycle parking.
- 7.25 A condition is to be imposed securing the installation of an EV charging point at the site as shown on the submitted plans.
- 7.26 In view of the above, the proposed development is considered to be in accordance with policy DM7 of the Local Plan and the Council's Parking Standards SPD.

Sustainable Design and Construction

- 7.27 Policy DM 19 of Bearing Fruit 2031: The Swale Borough Local Plan states that development proposals will include measures to address and adapt to climate change.
- 7.28 If permission were to be granted, a condition would be imposed to require details of measures that will be taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy

production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency.

- 7.29 Subject to such a condition, the proposals would be in accordance with policy DM19 of the Local Plan.

Biodiversity

Biodiversity Net Gain

- 7.30 Para 13 of Schedule 7A of the Town and Country Planning Act 1990 sets out that planning permission granted for the development of land in England shall be deemed to have been granted subject to the 'biodiversity gain condition' requiring development to achieve a net gain of 10% of biodiversity value. This is subject to exemptions. An exemption applies in relation to planning permission for a development which is to be constructed as a self-build, as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015. The application submitted in this case is for a self-build dwelling, with a condition to be imposed in this case to ensure that it is delivered in accordance with the Self-Build and Custom Housebuilding Act 2015.

SAMMs – impact on SPA

- 7.31 The site lies within 6km of The Medway Estuary and Marshes Special Protection Area (SPA), a European designated site which has been afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 7.32 SPAs are protected sites classified for the prevalence of rare and vulnerable birds and for regularly occurring migratory species on the site. Article 4(4) of the Birds Directive (2009/147/EC) requires steps to be taken by the relevant authorities to avoid activities on the site which are likely to result in pollution or in the deterioration or disturbance of bird habitat.

- 7.33 An Appropriate Assessment has been completed to take into account the potential impacts on the designated sites as above and is set out at the end of this report. Since this application will result in a net increase in residential accommodation on the site, impacts to the SPA and Ramsar sites may occur from increased recreational disturbance. Due to the scale of the development there is no scope to provide on-site mitigation and therefore off site mitigation is required by means of developer contributions at the rate of £328.27 per new dwelling. As the development will result in an uplift of one dwelling at the site, only one fee is required. In this case, a fee of £328.27 has been paid, mitigating against the potential harm to the SPA.

- 7.34 In view of the above, the proposals would be in accordance with policy DM28 of the Local Plan, as well as the NPPF.

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

- 7.35 This Appropriate Assessment (AA) has been undertaken without information provided by the applicant.

- 7.36 The application site is located within 6km of The Medway Estuary and Marshes Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations).

- 7.37 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 7.38 The proposal therefore has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development.
- 7.39 In considering the European site interest, Natural England advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advise that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation and site remediation satisfactory to the EA, the proposal is unlikely to have significant effects on these sites.
- 7.40 The April 2018 judgement (People Over Wind v Coillte Teoranta, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when determining the impacts of a development on protected area, "it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site." The development therefore cannot be screened out of the need to provide an Appropriate Assessment solely on the basis of the mitigation measures agreed between Natural England and the North Kent Environmental Planning Group.
- 7.41 However, the proposed development is of a very small scale and, in itself and in combination with other development, would not have an adverse effect on the integrity of the SPA, subject to the conditions set out within the report.
- 7.42 Notwithstanding the above, NE has stipulated that, when considering any residential development within 6km of the SPA, the Council should secure financial contributions to the Thames, Medway and Swale Estuaries Strategic Access Management and Monitoring (SAMM) Strategy in accordance with the recommendations of the North Kent Environmental Planning Group (NKEPG), and that such strategic mitigation must be in place before the dwelling is occupied.
- 7.43 Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats.
- 7.44 Based on the correspondence with Natural England (via the NKEPG), I conclude that off site mitigation is required.
- 7.45 In this regard, there are likely to be impacts upon the SPA arising from this development, the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff (which is to be secured prior to the determination of this application) would ensure that these impacts would not be significant or long-term. I therefore consider that, subject to mitigation (the financial contribution has been paid in this case), there will be no adverse effect on the integrity of the SPA.

Conclusion

- 7.46 For the reasons set out above, the proposal is in accordance with the Local Plan. On this basis it is recommended that planning permission is granted, subject to conditions.

CONDITIONS

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

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

- (2) The development hereby permitted shall not be carried out otherwise than in accordance with drawings 24/3859 Location Plan, 24/3862 Proposed Block Plan, 24/3863 Proposed Plans and Elevations

Reason: In the interests of residential amenity.

- (3) The facing materials used on the development hereby approved shall be in accordance with the materials specified and submitted in the application form, with the brickwork to match the colour and texture of 11 Linden Close as closely as possible.

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

- (4) The dwelling unit hereby approved shall be constructed and tested to achieve at least a 50% reduction in Dwelling Emission Rate compared to the Target Emission Rates as required under Part L1A of the Building Regulations.

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

- (5) The development shall be designed to achieve a water consumption rate of no more than 110 litres per person per day, and the dwelling unit shall not be occupied unless the notice for that dwelling unit of the potential consumption of water per person per day required by the Building Regulations has been given to the Building Control Inspector.

Reason: In the interests of water conservation and sustainability.

- (6) Prior to first occupation of the new dwelling hereby approved, the electric vehicle charging points shown on drawing no 24/3862 shall be installed and made ready for use.

Reason: In the interests of promoting sustainable development.

- (7) The areas shown on drawing 24/3862 for car parking shall be provided in full prior to first occupation of the dwelling unit hereby approved, and these facilities shall be kept available for such use at all times. No permanent development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking or re-enacting that Order) or not, shall be carried out on the land so shown or in such a position as to preclude vehicular access to the car parking spaces referred to above.

Reason: Development without adequate provision for the parking or garaging of cars is likely to lead to car parking inconvenient to other road users.

- (8) No construction activities shall take place, other than between 0730 to 1800 hours Monday to Friday and 0800 to 1300 hours Saturday, with no working activities on Sunday or Bank Holiday.

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

- (9) The dwelling hereby permitted shall be constructed as a self build / custom dwelling as defined within the Self-build and Custom Housebuilding Act 2015, as amended by the Housing and Planning Act 2016.

Reason: To ensure the development provides for self-build / custom housing

- (10) The window in the side elevation of the development hereby approved (shown on drawing no. 24/3863) shall only be installed with obscure glazing to not less than the equivalent of Pilkington Glass Privacy Level 3, and shall be incapable of being opened. Once installed as such, the window shall subsequently be maintained as such thereafter.

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



2.2 REFERENCE NO - 25/500098/FULL			
PROPOSAL Garage conversion into a habitable space including changes to fenestration.			
SITE LOCATION 45 Lady Winter Drive Minster-On-Sea Kent ME12 2GF			
RECOMMENDATION Delegate to the Head of Planning to grant planning permission subject to appropriate safeguarding conditions as set out in the report, with further delegation to the Head of Planning to negotiate the precise wording of conditions, including adding or amending such conditions.			
APPLICATION TYPE Householder			
REASON FOR REFERRAL TO COMMITTEE Employee of Swale Borough Council is the applicants spouse and co-owner of the property.			
CASE OFFICER Julia Marshall			
WARD Minster Cliffs	PARISH/TOWN Minster-On-Sea	COUNCIL	APPLICANT Mr Paul Brockwell AGENT Mr Julian Poggenpoel
DECISION REGISTERED 09.01.2025		TARGET DATE 14.03.2025	
BACKGROUND PAPERS AND INFORMATION: Documents referenced in report are as follows: - All drawings submitted. The full suite of documents submitted pursuant to the above application are available via the link below: - 25/500098/FULL Garage conversion into a habitable space including changes to fenestration. 45 Lady Winter Drive Minster-On-Sea Kent ME12 2GF			

1. SITE LOCATION AND DESCRIPTION

- 1.1 45 Lady Winter Drive is a detached, four bed property situated in the built-up area boundary of Minster-on-sea. The dwelling subject of this application forms one of a row of three properties of similar design and proportions in this location. The site lies within a modern estate where properties of a varying design and style can be seen in the surrounding area.
- 1.2 There is amenity space to the front of the property which is partially hard landscaped to allow for off-road parking and access to an integral garage. There is also amenity space to the rear.

2. PLANNING HISTORY

- 2.1 SW/04/0096 - Outline application for a residential development – Granted 28.06.2006.

2.2 (Adjacent Site – No.47 Lady Winter Drive) - 22/505981/FULL - Garage conversion into a habitable space including changes to fenestration and creation of 2no. parking spaces on drive way – Granted 12.06.2023.

3. PROPOSED DEVELOPMENT

3.1 This application seeks planning permission for the conversion of an existing garage into a home office. To facilitate this, the garage door would be removed and replaced with matching brickwork and a window.

3.2 Such works would normally constitute permitted development and would not require planning permission. However, in this instance, there is a planning condition (condition 15 of SW/04/0096) that restricts the garage to vehicle parking only, hence why this planning application has been submitted.

4. CONSULTATION

4.1 Minster-On-Sea Parish Council – No comments received.

5. REPRESENTATIONS

5.1 One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers.

5.2 No comments were received.

6. DEVELOPMENT PLAN POLICIES

6.1 **Bearing Fruits 2031: The Swale Borough Council Local Plan 2017** - policies:

ST3 The Swale settlement strategy

CP4 Requiring good design

DM7 Vehicle Parking

DM14 General development criteria

DM16 Alterations and extensions

6.2 **Supplementary Planning Guidance/Documents**

6.3 Supplementary Planning Guidance - Designing an Extension – A Guide for Household.

6.4 Supplementary Planning Document - Swale Parking Standards.

7. ASSESSMENT

7.1 This application is reported to the Planning Committee as the co-owner of the property is employed by Swale Borough Council and is the applicants spouse. Considering the scheme that has been submitted, the Committee is recommended to consider the following points:

- The Principle of Development

- Character and appearance
- Living Conditions
- Highways and parking

Principle

- 7.2 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.
- 7.3 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.
- 7.4 The site is located in the built up area boundary of Minster-On-Sea where policy ST3 of the Local Plan supports development in principle. In addition, policy DM16 of the Local Plan supports alterations to existing dwellings providing, amongst other relevant criteria, they are of an appropriate design and maintain or enhance the character of the street scene.
- 7.5 The principle of the development is therefore considered acceptable subject to certain criteria being met. These matters and other relevant material planning considerations are discussed below.

Character and appearance

- 7.6 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. The Local Plan reinforces this requirement.
- 7.7 In addition to the requirements of policy DM16 as set out above, policy CP4 of the Local Plan requires that all development proposals should be of a high quality design that is appropriate to their surroundings.
- 7.8 The proposed alterations to the dwelling itself comprise small scale changes to remove the garage door, replace it with brickwork, and insert one window. The use of matching brickwork and windows of a similar design would ensure that the alterations would appear visually compatible with the host dwelling. The proposal in visual terms would also closely match the development that was approved and undertaken at the immediately adjacent property (no.47).
- 7.9 Whilst the proposals would result in a modest change to the appearance of the dwelling, they would have sufficient regard for the character, setting and context of the site and appear both appropriate and sympathetic to the location. They would maintain the visual quality of the street scene.

7.10 Taking the above into account, the proposals are considered acceptable and in accordance with policies CP4 and DM16 of the Local Plan.

Living conditions

7.11 The Local Plan requires that new development has sufficient regard for the living conditions of neighbouring occupiers. Specifically, policy DM14 states that any new proposed developments should not cause significant harm to the amenities of surrounding uses or areas and due consideration will be given to the impact of the proposed development upon neighbouring properties. Any new proposed schemes should not result in significant overshadowing through a loss of daylight or sunlight. Policy DM16 also requires that alterations or extensions to existing buildings protect residential amenity.

7.12 Given the nature, scale and location of the proposals, they would not give rise to any unacceptable impact on the living conditions of any neighbours.

7.13 Taking the above into account, the proposal is considered to be in accordance with policies DM14 and DM16 of the Local Plan.

Highways and parking

7.14 The NPPF promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such.

7.15 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, following mitigation, would be severe, taking into account all reasonable future scenarios.”

7.16 Local Plan policy DM7 requires development to be in accordance with the Council's Parking SPD.

7.17 As set out in paragraph 3.2 above, condition 15 of the original outline permission (ref. SW/04/0096) restricts the use of the garage for parking only. The assessment therefore turns on the impact that this development would have on the parking available to serve the property following conversion of the garage.

7.18 In terms of parking requirements, Swale Borough Council's Parking Standards SPD suggests that for a four-bedroom house in a suburban location such as this, a minimum of three parking spaces should be available. In this case, the property has an existing hardstanding area to the front that is large enough to provide parking for at least two vehicles, together with the garage.

7.19 Whilst the proposals would see the conversion of the existing garage into habitable accommodation, the garage itself is undersized, as it is smaller than the minimum space

required to enable the parking of a vehicle as defined in the Parking Standards SPD (7m x 3.6m). The loss of the garage would therefore not reduce the amount of parking available to current or future occupiers when taking into account current parking standards – it would therefore have a neutral impact on the availability of parking at the property.

- 7.20 In view of the above and given that the quantum of parking available (two spaces to the front) would remain the same as existing, it is considered that the proposal would not give rise to any adverse impact on highways safety or convenience. As such, the scheme complies with policy DM7 of the Local Plan.

Ecology

- 7.21 From April 2024, minor developments are required to provide at least 10% Biodiversity Net Gain (BNG). There are exemptions to this, including applications made by householders as defined within article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. This application amounts to householder development, and as such is exempt from the need to provide BNG.

Conclusion

- 7.22 On the basis of the above, the scheme is considered to be in compliance with policies ST3, CP4, DM7, DM14 and DM16 of the Local Plan. It is recommended that planning permission is granted.

CONDITIONS

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

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

- (2) The development hereby permitted shall be carried out in accordance with drawings:

001 - Cross Section

001 - Existing and Proposed Elevations

001 - Existing and Proposed Floor Plans

001 – Location and site plans

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

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

Reason: In the interests of visual amenity.

The Council's approach to the application

In accordance with paragraph 39 of the National Planning Policy Framework (NPPF), 2024 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.

In this instance:

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



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PLANNING COMMITTEE – 3rd April 2025**PART 5**

Report of the Head of Planning

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

- **Item 5.1 – 2 Marsh View, Conyer Road, Conyer, ME9 9HX**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for a new dwelling on land adjacent to an existing dwelling. The main issues were whether the development passes the flood risk sequential test and the effect on the Swale Special Protection Area (SPA).

Whilst the Inspector supported the appellant's approach to the application of the Sequential Test in many respects, some omissions and discrepancies were identified and, as such, the Inspector found that the proposal did not pass the Sequential Test. Moreover, as the financial contribution required to mitigate the impact on the SPA has not been secured, it was concluded that the Conservation of Habitats and Species Regulations preclude the proposal from proceeding. The proposal was found to be contrary to the development plan as a result of both of these matters and there were no material considerations that outweighed the harm caused by the conflict with the development plan. Therefore the appeal was dismissed.

- **Item 5.2 – 23 Barton Hill Drive, Minster on Sea, Kent, ME12 2NE**

PINS Decision: APPEAL DISMISSED**Committee or Officer Decision : DELEGATED REFUSAL****Observations**

Planning permission was sought for a single storey front extension. The main issue was the effect of the development on the character and appearance of the host dwelling and the streetscene.

The Inspector found that the forward projection, close to Darlington Drive, would be out of keeping with the pattern of development and, therefore, be a prominent feature. As a result, a negative visual impact was identified and the proposal was found to be contrary to the development plan and the Council's "Designing An Extension" SPG. A garden structure in a nearby property that is visible from the public domain was found to be materially different and therefore not grounds to find this proposal acceptable. The appeal was, therefore, dismissed.

- **Item 5.3 – Land North of 24 Jetty Road, Warden Bay, Sheerness, ME12 4PR**

PINS Decision: APPEAL DISMISSED

Committee or Officer Decision : DELEGATED REFUSAL

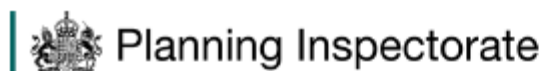
Observations

Planning permission was sought for the erection of a pair of semi-detached dwellings. Whilst two of the reasons for refusal related to the flood risk sequential test and the impact on Habitat sites, the submission of additional information and the making of the conventional SAMMS payment meant that these reasons for the refusal of the application were resolved. The main issues were therefore deemed to be whether the site was a suitable location for housing in the context of coastal change and the associated development plan and national policies and the effect of the proposal on ecology.

The access to the site would be within a Coastal Change Management Area and, whilst the dwellings would not be and the whole site is outside Erosion Zones 1 and 2, the site is within the area addressed by the Medway Estuary and Swale Flood and Erosion Risk Management Strategy. Residential development is restriction in such locations by national policy and guidance and local plan policy DM23 and the Inspector concluded that they could not be certain that the development would not be at risk within its lifetime.

The impact on ecology was, however, considered to be acceptable due to the Inspector being satisfied that there was scope to mitigate the impact of the development on reptiles through their relocation. Moreover, the proposal to provide soft landscaping within the site was considered to have the potential to represent a biodiversity net gain.

Even having regard to the Council's housing supply position, the Inspector found that the conflict with coastal change policies represented a strong reason to refuse the application and the benefits of the proposal did not outweigh the harm with the development plan. Consequently the appeal was dismissed.



Appeal Decision

Site visit made on 10 February 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/V2255/W/24/3348112

2 Marsh View, Conyer Road, Conyer, ME9 9HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission.
 - The appeal is made by Hillrise Associates London Ltd against the decision of Swale Borough Council.
 - The application Ref is 23/501447/FULL.
 - The development proposed is a 2-bedroom house at land adjacent to existing house.
-

Decision

1. The appeal is dismissed.

Main Issues

2. These are:-
 - Whether the proposed development passes the sequential test in relation to flood risk; and
 - The effect on the integrity of the Swale Special Protection Area.

Reasons

Flooding

3. The National Planning Policy Framework establishes that a sequential, risk-based approach should be taken to individual applications known to be at risk now or in future from any form of flooding. The appeal site lies within flood zones 2 and 3a and so has a high/medium probability of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Policy DM21 of the Swale Borough Local Plan 2017 confirms that development should accord with national policy in this respect and seeks to avoid inappropriate development in areas at risk of flooding.
4. A flood risk sequential test assessment has been undertaken by the appellant covering the entire Borough. This considered over 400 sites in total. Of these 31 were of suitable size and yield and were assessed in more detail. Eleven of these are covered in section 5 as part of a review of alternative sites and justifiable reasons are given for discounting them. Six sites identified through a property search were also found to be unsuitable due to their size or, in one case, because the land had been sold.
5. The appellant maintains that all 25 sites provided by the Council from their Strategic Housing Land Availability Assessment have been considered. It is

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Appeal Decision APP/V2255/W/24/3348112

implied that not all of them required further assessment but the reasons they were considered unsuitable is not clear and neither it is obvious which permission in section 5 refers to which site. Land at Oad Street is listed in the Council's email but it is uncertain as to whether this has been included.

6. The Council questions whether the sites at Newbridge Avenue, Sittingbourne or Minster Road, Minster-on-Sea should have been rejected. No suitable sites were identified in the amended estate agent search accompanying the appeal. However, it is not clear if these sites were part of that exercise and no specific explanation is given as to their status. Finally, the Council claims that the assessment omitted sites with extant permissions. The appellant has not responded to this so it can only be assumed these have not been addressed.
7. The Inspector who decided an appeal (Ref: APP/V2255/W/23/3315636) in Sheerness in 2023 referred to the Planning Practice Guidance on *Flood Risk and Coastal Change*. In particular, that reasonably available sites could include part of a larger site if it would be capable of accommodating the proposed development. In that case, the sequential test had failed to consider these and this was one part of the overall findings. However, neither that decision nor the PPG imply that it must be possible to accommodate the proposed development on sites with a greater capacity in either area or quantum of development.
8. The appellant outlines several operational and financial reasons as to why it is unrealistic to expect sites with permission for more than one dwelling or individual plots on large developer-led sites to accommodate a single house. In general terms there is not always going to be a reasonable prospect that it would be practical to sub-divide larger site allocations. There is no evidence that this has occurred in Swale in the recent past.
9. Taken to extreme it is often likely to be possible to claim that one house could be accommodated on a site at less risk of flooding elsewhere, whether as part of a large-scale development or as a windfall site. The sequential test is not designed to ensure that it can never be passed and a degree of flexibility and pragmatism is required in its application. This is particularly the case in Swale where the vast proportion of the Borough is covered by Flood Zones 2 and 3. This particular criticism is therefore not decisive.
10. However, the Flood Risk Assessment comments that even under the defended condition, the flood hazard to people and property from the 0.5% annual exceedance probability (1 in 200 year) 2125 event is high. National policy underlines that development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with lower risk of flooding. Because of the detailed omissions and discrepancies, the assessment undertaken does not show this to be the case.
11. The PPG confirms that the exception test should only be applied following the application of the sequential test. It is proposed to raise the finished floor level by at least 300mm above general ground level, to implement flood resilient measures and to utilise the available flood warning service. However, even if the exception test is met, this does not override the failure to pass the sequential test.
12. Whilst having regard to the approach advocated by the judge in *Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing and Communities & Anor* [2024] EWHC 279 (Admin), the sequential test has not been passed. Future

Appeal Decision APP/V2255/W/24/3348112

occupiers would be at long term risk of flooding and to allow development on this basis would be contrary to national policy objectives. There would also be conflict with Policy DM21 as well as the general development criteria in Policy DM14.

Swale Special Protection Area (SPA)

13. The Swale SPA is designated for overwintering, on-passage and breeding birds and is of international importance. Because the appeal site is within 6km of it, the proposal has the potential to affect the features of interest of the SPA. In combination with other development in Swale, an additional dwelling would be liable to lead to recreational disturbance and so have a detrimental impact on the birds. There would therefore be a likely significant effect on the SPA.
14. To mitigate this impact, the Council requires that a financial contribution is made towards the Strategic Access Management and Monitoring Strategy. Natural England concurs with this approach. However, although the appellant is willing to do so, there is no mechanism in place to secure the payment. As a result, following an appropriate assessment, the integrity of the SPA would be adversely affected. In these circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding. It would also conflict with Local Plan Policy DM28 which seeks to conserve and enhance biodiversity.

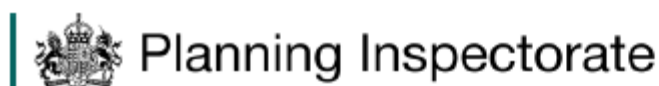
Conclusion

15. The proposal conflicts with the development plan and there are no material considerations allied to the provision of an additional dwelling that outweigh this finding. Therefore, for the reasons given, the proposed development is unacceptable and the appeal should not succeed.

David Smith

INSPECTOR

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Appeal Decision

Site visit made on 30 January 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

Appeal Ref: APP/V2255/D/24/3355058

23 Barton Hill Drive, Minster-on-Sea, Kent ME12 3NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Sue Wilson against the decision of Swale Borough Council.
 - The application Ref is 24/502813/FULL.
 - The development proposed is the erection of a single storey front extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form indicates that the development, in part, has already taken place. I was able to see walls that have been constructed at the time of my visit.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development on the character and appearance of the host property and the street scene.

Reasons

5. There is some variation to the front building line of properties along the southern side of Darlington Drive, however the dwellings are set back from the public highway behind front gardens/spaces. The proposal would bring built development forward of the host dwelling and in close proximity to the Darlington Drive footpath. This forward projection of built development would be out of keeping with the pattern of development along Darlington Drive and would, therefore, be a development out of character within this street scene. Furthermore, the extension, having a forward projection from the host dwelling, would be a prominent feature within the Darlington Drive street scene. This would have a negative visual impact upon the appearance of the host property, as well as that of the street scene.
6. I acknowledge that the proposal would be single storey in height representing a subservient addition to the host dwelling and it would be constructed of matching materials to harmonise with the host property. In views along Darlington Drive the

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Appeal Decision APP/V2255/D/24/3355058

roof of the proposed development would be visible above the fence that runs along the boundary of the site and the public footpath. However, the side elevation of the development would be clear in views along Darlington Drive when viewed from Barton Hall Drive.

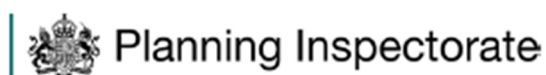
7. On the opposite side of Darlington Drive to that of the appeal property the dwelling hosts a garden structure that is positioned close to the side boundary adjacent Darlington Drive. That structure is visible over the side boundary of that dwelling. Notwithstanding this, the proposed extension to the appeal property would have an eaves height that would match the existing eaves of the host dwelling and have a pitched roof projecting above the eaves. This would be a taller and more visible structure than that of the garden structure opposite. As such, the garden structure opposite offers little weight in favour of the proposed development.
8. There would be no impact on the living conditions of the occupiers of neighbouring properties. Whilst this is a benefit of the proposed development, this does not overcome the harm that I have identified above or justify the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the host property and the street scene. As such, the proposed development would conflict with Policies CP4, DM14 and DM16 of the Swale Borough Local Plan 2017 and the Council's Supplementary Planning Guidance: Designing an extension – A guide for householders. These policies seek, amongst other matters, development to be of high-quality design, to be in keeping with the character of the area and to reinforce local distinctiveness.
10. There is some debate as to whether or not the principle elevation should be considered to be that of the elevation fronting onto Darlington Drive, where the entrance to the property is, or the elevation fronting Barton Hill Drive that reflects the address of the property. Irrespective of this debated matter, I have found that the proposal would not be acceptable given its visual harm to both the host dwelling and the character and appearance of the Darlington Drive street scene.

Conclusion

11. Having regard to the above, the appeal should be dismissed.

Nicola Davies

INSPECTOR



Appeal Decision

Site visit made on 26 November 2024

by **R Gee BA (Hons) Dip TP PGCert UD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th January 2025

Appeal Ref: APP/V2255/W/24/3337194

Pear Tree House, Otterham Quay Lane, Upchurch, Kent ME8 8QW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr R Parmar against the decision of Swale Borough Council.
 - The application Ref is 23/502680/FULL.
 - The development proposed is demolition of 4.no former agricultural buildings, and the erection of 2no. dwellings with other associated works on land.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 13 December 2024. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. As a result, I consider that there is no requirement for me to seek further submissions in respect of these matters, and I am satisfied that no party's interests would be prejudiced by my taking this approach.

Background and Main Issues

3. The Council confirmed that Prior Approval for the change of use of 2no. agricultural buildings to 2 no. dwellinghouses and associated operational development¹ at the appeal site is not required. I have been provided with a copy of the Council's Decision Notice and the plans submitted. I have had regard to this in my consideration of the appeal.
4. The main issues are:
 - i) whether the site is a suitable location for the proposed development having regard to the Council's development strategy and national policy;
 - ii) the effect on the character and appearance of the area, with particular regard to the Important Local Countryside Gap (ILCG) designation;
 - iii) the effects on the integrity of Habitats sites; and

¹ 22/502203/PNQCLA issued 20 June 2022

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- iv) if there is any harm, whether this is outweighed by other considerations, particularly whether there is a fallback position for an alternative proposed development.

Reasons

Location

5. The appeal site lies within a disused farm set within open countryside and comprises a range of buildings of varying designs and materials.
6. The spatial strategy is expressed primarily in policy ST3 (Swale settlement strategy) of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 (Local Plan). Policy ST3 of the Local Plan seeks to provide new homes in accordance with the settlement hierarchy for the Borough. Part 5 of Policy ST3 states *"At locations in the countryside, outside the built-up area boundaries as shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities"*.
7. Whilst the proposed dwelling would be positioned between two residential properties, known as Pear Tree House and Natal Farm, whether the proposal would represent infill is a question of planning judgement based on an assessment of the site and its surroundings. I am not convinced that the proposal constitutes infill development. Whilst I do not disagree that infill generally refers to development between existing development, buildings are sporadically located along this stretch of the lane. Furthermore, the proposed dwellings would be set back from the highway. Consequently, to my mind, despite the site having built form either side the proposal would not result in the completion of a gap between an otherwise continuous and contiguous frontage.
8. The Framework promotes sustainable development in rural areas, including by requiring housing to be located where it will enhance or maintain the vitality of rural communities. Furthermore, it acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.
9. In terms of accessibility to facilities and services to meet the every-day needs of the intended future occupiers of the proposed developments, the evidence indicates that the closest settlements are Upchurch and Rainham. It appears that bus services to Sittingbourne/Rainham are limited. There are some limited facilities within walking distance of the site, including a public house, convenience store and primary school. However, walking, or cycling journeys, from the appeal site to the closest bus stops and settlements, would be along a stretch of Otterham Quay Lane with narrow verges, no footpaths or streetlights, and which is subject to the national speed limit.
10. Based on the traffic conditions and the nature of the route between the appeal site and the destinations identified above, I find that journeys for pedestrians and cyclists, including more vulnerable groups of people with mobility issues or with young children in pushchairs, would be particularly unattractive. This would be especially so during inclement weather or hours of darkness. For

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these reasons, the future intended occupiers of the proposed dwellings would be heavily reliant upon private vehicles to meet most, if not all, of their everyday travel needs.

11. Even if the proposed residential use of the site was to reduce the number of vehicle trips in comparison to the existing agricultural use, the pattern of regular vehicle journeys by the intended future residential occupiers would be materially different, and it would not alter my conclusion on this main issue.
12. By any mode of travel there is no evidence that local facilities are not already viable. Nor that two households would make a material contribution to maintaining them or maintain or enhance the wider viability of a local community in a meaningful way.
13. For these reasons, I conclude on this issue that the proposed dwellings would not be in an appropriate location for new housing, with particular regard to the Council's settlement strategy and accessibility to local facilities and services. Consequently, the appeal proposal would be contrary to Policies ST1, ST3, CP3, CP4, DM14 and DM25 of Local Plan. Collectively, these policies seek to direct development to be located in places that enable sustainable journeys to be made to key services and facilities. It would also conflict with the Framework which seeks to promote sustainable development and protect the open countryside.

Character and appearance

14. The appeal site comprises a number of dilapidated buildings, including agricultural storage buildings with external walls constructed from a mixture of masonry, timber cladding and corrugated sheets. With large openings these buildings have a utilitarian appearance. These buildings are sited around a central courtyard, with a stable building fronting Otterham Quay Lane.
15. The appeal site is experienced as part of a small group of properties set within a wider green and spacious rural landscape, with open fields and a scattered pattern of buildings. Mature landscaping to the south of the appeal site affords some screening of the appeal site. Nevertheless, Otterham Quay Lane carries the route of a PROW and views into the site would be possible from the lane to the front of the appeal site.
16. The scale, design and architectural detailing of the dwellings in the vicinity of the site vary considerably. However, in the immediate vicinity of the appeal site residential development is characterised by frontage development. The proposed dwellings would be of a materially different form, scale and design to the existing buildings they would replace. While traditional materials would be used, due to their form, layout and fenestration, the proposed dwellings would appear somewhat incongruous on the site.
17. The proposed buildings would not appear cramped in the plot. However, the plots being centrally located within the site would contrast with the elongated form of existing built form.
18. Replacing the harsh areas of hardstanding that currently exists on the site with soft landscaping would result in some visual enhancement to the appeal site. Nevertheless, the appeal site frontage would be laid to hardstanding to accommodate the parking and turning for 6no. vehicles which would be domestic in appearance.

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19. Furthermore, alongside the built form of the dwellings, the impression of the residential setting would be reinforced by the large gardens and parking areas, and the associated domestic paraphernalia which would therefore be present across the whole site. Therefore overall, I find that the proposal for the new dwellings would be more incongruous within the wider landscape and rural setting than the existing built form.
20. Whilst there may be some benefit in the removal of the stable located at the site frontage, this is a modest structure of limited height, and therefore does not have a particularly imposing presence.
21. Being located within the middle of the site, I do not concur that the proposed dwellings would be sited in a similar position to existing buildings. Taking account of the above, and particularly the scale, position and appearance of the dwellings, I find the appeal proposal would be incongruous.
22. The site is also within an Important Local Countryside Gap (ILCG) as set out in policy DM25 of the Local Plan. The key objective of this policy is to maintain the separation of settlements, and the appeal proposal would not significantly erode this. However, the proposal would undermine the second and third identified purposes of the policy. That is, the development would neither safeguard the open and undeveloped character of the area, nor would it prevent encroachment or piecemeal erosion or changes to the rural open character.
23. For these reasons, I conclude on this issue that the proposal would harm the character and appearance of the area, with particular regard to the ILCG designation, in conflict with Policies ST1, CP3, CP4, DM14 and DM25 of the Local Plan. Collectively, amongst other things, these policies seek development to be both well sited and of a scale, design, appearance and detail that is sympathetic and appropriate to the location which require development to protect, conserve or enhance the landscape.

Habitat Sites

24. It is understood that the development site falls within the Thames Estuary and Marshes Special Protection Area (SPA), the Medway Estuary and Marshes SPA and the Swale SPA. These sites have been designated for their international importance for the significant numbers of wildfowl, waders and terns that overwinter or breed on the SPAs. The Thames, Medway and Swale Estuaries include mudflats, reedbeds, saltmarsh and grazing marsh, rich and diverse ecosystems that provide much needed food and high tide roosts for waders and wildfowl.
25. The coastal areas are popular with a variety of recreational users, including dog walkers, running groups and boating enthusiasts. The proposed development is for two dwellings and as such the number of additional recreational visitors would be limited. However, in combination with other developments, likely significant effects cannot be ruled out.
26. The Conservation of Habitats and Species Regulations 2017 (as amended) requires where a project is likely to result in a significant effect on a European site, the competent authority is required to make an Appropriate Assessment of the implications on the integrity of the site.

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27. The affected sites are covered by the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) which ensures that the cumulative impacts of additional visitors, arising from new developments of housing and tourism, such as this development, to European sites, will not result in any likely significant effects which cannot be mitigated.
28. The appellant has indicated that they have made a per dwelling contribution to fund the strategic mitigation. The Council have confirmed receipt of the payment.
29. Notwithstanding this, given that I am dismissing this appeal for other substantive reasons it has not been necessary for me to consider this matter in any further detail.

Whether the harm is outweighed by other considerations, including any fallback position.

30. The decision of the court in *Mansell v Tonbridge and Malling BC & others* [2017] EWCA Civ 1314, sets out that for a development to be a fallback position there must be a real prospect of the development being implemented. In this context a "real prospect" means one that is more than merely theoretical. *Mansell* states that there is no legal requirement in every case for a fallback to depend on a planning permission having been granted or a developer stating precisely how any permitted development rights available under the GPDO would be made use of. The evidence needed in each will be a matter of planning judgement for the decision maker.
31. I find that on the evidence before me, there is a realistic prospect of the Class Q scheme being implemented at the appeal site. As such, it constitutes a clear fallback position against which to assess the appeal proposal. However, having regard to the fallback position the appeal scheme is not limited to minor differences between the approved scheme and the proposed development.
32. Whilst I recognise that the number of dwellings would be the same as the fallback position, the proposed dwellings would likely to be occupied more intensely than the Class Q scheme due to the additional bed spaces. However, there is limited evidence before me to quantify the increase in private motor vehicle journeys associated with the occupation of the development and occupiers would likely reside as a family unit, providing at least some opportunity to car share for certain journeys.
33. I am not persuaded, on the evidence before me, that the scale of the likely increase in private car journeys, over and above the Class Q scheme, would be anything other than insignificant. Therefore, the reliance of future occupiers of the appeal developments upon private car travel to access services and facilities would be substantially the same as for the Class Q fallback scheme. I therefore find that the appeal proposals' conflict with the settlement strategy, would be outweighed by the Class Q scheme having substantially the same level of harm in this regard.
34. The Class Q scheme would result in a development of a significantly different form to that proposed in this appeal. Under the Class Q scheme, the dwellings would be contained to the western boundary, comprising 1 no. two-storey buildings and a single storey property.

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35. The proposed dwellings would have a larger footprint when compared to the conversion of the house and barn under the Class Q scheme. Although it is recognised that the appeal scheme would facilitate the removal of the warehouse and stable, not within the scope of the Class Q scheme, thus reducing the overall footprint of built form on the site. Be that as it may, the scale of the proposed dwellings, including their height, would be dominant in its setting when compared to the conversion scheme, which would be more reflective of the appearance of the existing buildings currently *in situ* and would retain a more open aspect. The Class Q scheme would be more sympathetic to the existing built form and limited in scale, mass and height. The proposal before me would have a domestic, and somewhat suburban style of dwelling, emphasised by their siting within the plot.
36. I recognise that the proposed gardens would be contained to the rear of the proposed dwellings and thus there would be limited views of any domestic paraphernalia. Although the gardens of the plots would be larger than those in the Class Q scheme.
37. The existing buildings on site are typical for such a rural location and are not explicitly harmful to the open countryside. Benefits of the fallback are that it would reinforce the prevailing character of the area by retaining more of an agricultural scale within the open countryside, including a reduced scale of domestic paraphernalia. The ridge heights of the fallback scheme would be lower than the appeal proposal.
38. It is clear that the weighing the effect of the appeal proposal against that of the fallback is a significant material planning consideration. However, overall, the appeal scheme is not broadly comparable to the layout of the Class Q scheme, and I find that its visual impact would be materially more harmful. The presented benefits against the fallback proposal, including enhanced amenity space, the removal of hardstanding, landscaping and biodiversity enhancements, do not outweigh my findings that the fallback would have less impact on the character and appearance of the area, such that it does not weigh in favour of allowing the appeal.

Other Matters

39. I am satisfied that an appropriate level of parking would be provided to serve the development and that the proposal would not harm the living conditions of neighbouring properties. Nevertheless, these are neutral matters that weigh neither for, nor against the proposal.
40. At the time the application was determined the Council could not demonstrate a Framework compliant housing land supply and the 'tilted balance', as set out in the Framework was engaged. The Council confirms that they now have a supply of 5.13 years. This is not disputed, and I have no reason to disagree with that view. As such the tilted balance as set out at Paragraph 11 d) of the Framework is not engaged.
41. The development would provide a small temporary economic benefit during construction. Once complete it would provide a benefit to the local economy and society through increased spend by in local services and facilities. The evidence suggests that ecological and landscape enhancements secured by a suitably worded planning condition would be limited. Overall, the benefits of the development are attributed limited weight in favour of the scheme.

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42. Even if the 'tilted balance' were engaged, in this circumstance, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the material considerations in this case do not indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

43. The Class Q fallback scheme would outweigh the proposals' conflicts with the Council's settlement strategy. However, it would not outweigh the adverse effect on the character and appearance of the area.
44. For the reasons stated, there are no material considerations of sufficient weight to indicate that a decision on this appeal should be made other than in accordance with the development plan. Having considered all matters raised, I therefore conclude that the appeal should be dismissed.

R Gee

INSPECTOR

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