

<b>2.2 REFERENCE NO - 21/504028/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 25no. residential dwellings and the provision of a 20-space staff car park and 20 space pupil pick-up/drop-off area for Newington C of E Primary School, together with associated access, landscaping, drainage and infrastructure works.		
<b>ADDRESS</b> Land at School Lane, Newington, Kent, ME9 7JU		
<b>RECOMMENDATION</b> Grant subject to conditions and Section 106 agreement with delegated authority to amend the wording of the s106 agreement and of conditions as may reasonably be required.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development would provide additional housing both market and affordable adjacent to a settlement identified on the settlement strategy as a tier 4 settlement. The proposal would also provide a car park for drop off and parking for the local school. Due to the Council's lack of 5-year housing supply the tilted balance in accord with the National Planning Policy Framework applies. The proposal benefits are considered, on balance, to outweigh the harm.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council Objection		
<b>WARD</b> Hartlip, Newington, and Upchurch	<b>PARISH/TOWN COUNCIL</b> Newington	<b>APPLICANT</b> Fernham Homes <b>AGENT</b> DHA Planning
<b>DECISION DUE DATE</b> 12/11/2021	<b>PUBLICITY EXPIRY DATE</b> 30/09/2022	<b>CASE OFFICER</b> Emma Gore

**Planning History**

N/A

**1. DESCRIPTION OF SITE**

- 1.1 The application site is located to the west of the Newington Church of England Primary School and gains access from the junction between School Lane and Breach Lane. The site forms the north-east corner of the field networks which lie to the south of Breach Lane. The eastern boundary of the site which separates the school from the site is subject to heavy vegetation.
- 1.2 The site is currently part of a wider agricultural unit and has informally been used as a temporary car park in connection with the adjacent school. The car park does not benefit from planning consent. A portion of the site is therefore not currently farmed and subject to compacted earth/hardcore. An informal access and gate are situated to the northern boundary.
- 1.3 The northern boundary of the site contains a degree of vegetation along Breach Lane which is subject to some gaps. Breach Lane and parts of School Lane are a designated rural lane under the Local Plan. Some temporary enclosure is seen to the southern and

western parts of the site. However, this area is mainly open to views across the field network.

- 1.4 The site sits just outside of the Built-up area boundary of Newington which terminates to the west of the school boundary (not including the western half of the school car park). The site is located outside of the Conservation Area and is not located within a countryside gap, or area of designated landscape.

## **2. PROPOSAL**

- 2.1 The proposed development would be seeking to change the use of the land to provide residential accommodation (C3) and the provision of a School Car Park.
- 2.2 The proposed School Car Park would be located to the eastern boundary of the site with a pedestrian link to provide access to the school. The approximate area of the car park including the soft landscaping would be around 0.18 hectares. The car park would have a north south linear form.
- 2.3 The car park would be for school use and would provide 40 parking spaces. The proposed car park would see retention of the eastern boundary trees and would incorporate tree planting, soft landscaping, and pedestrian link to the school grounds. The vehicular access would be access of the proposed residential development from the junction between Breach Lane and School Lane.
- 2.4 The proposed residential development would be located to the western half of the site. The approximate extent of the residential areas of the site, including areas of soft landscaping, would be 1.7 hectares. The primary access would be located along Breach Lane slightly set in from the juncture with School Lane.
- 2.5 The proposal would provide 25 residential properties. The properties would be two storeys in height. Of the 25 units, 9 would be detached, 10 semi-detached, 6-terraced units. The properties would effectively be broken into three cul-de-sacs. However, pedestrian links would allow for pedestrian access around the perimeter of the site.
- 2.6 The proposal would provide 10 on-site affordable units and 15 market dwellings. Every unit would be provided with electrical vehicle charging points. The provision would include 9- 4-bedroom properties, 11 – 3-bedroom properties, and 9 – 4-bedroom properties.
- 2.7 The site would include two SUDs ponds located to the northern boundary, and a reptile mitigation area to the north-western corner of the site. The boundaries would be subject to landscaping and would include seating and natural play equipment. An access would be located to the south-eastern corner to the wider agricultural fields.

## **3. PLANNING CONSTRAINTS**

- Outside of the Built-up area boundary of Newington,
- Designated Rural Lane to the north of the site DM 26,
- 500m Buffer from Local Wildlife Site,
- 6km Buffer Special Protection Area – SAMMs payment,
- Agricultural Land (Best and Most Versatile),
- Brickearth,

- Public Right of Way to the west of the application site, though not close to the application boundary,
- (Conservation Area and listed buildings to the east of the site).

#### **4. POLICY AND CONSIDERATIONS**

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

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

ST 1 – (Delivering sustainable development in Swale),

ST 3 – (The Swale settlement strategy),

CP 3 – (Delivering a wide choice of high-quality homes),

CP 4 – (Requiring good design),

CP 7 (Conserving and enhancing the natural environment – providing for green infrastructure),

CP 8 – (Conserving and enhancing the historic environment),

DM 3 – (The rural economy),

DM 6 – (Managing transport demand and impact),

DM 7 – (Vehicle parking),

DM 8 – (Affordable housing),

DM 14 – (General development criteria),

DM 17 – (Open space, sports and recreation provision),

DM 19 – (Sustainable design and construction),

DM 21 – (Water, flooding and drainage),

DM 26 – (Rural Lanes),

DM 28 – (Biodiversity and geological conservation),

DM 29 – (Woodlands, trees and hedges),

DM 31 – (Agricultural Land),

DM 32 – (Development involving listed buildings),

DM 33 – (Development affecting conservation area),

DM 34 – (Scheduled monuments and archaeological sites).

4.3 Supplementary Planning Guidance (SPG):

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

## 5. LOCAL REPRESENTATIONS

5.1 *Newington Parish Council. Objects.*

5.2 The Parish comments have been appended to this report in full. A summary of the objection is provided below:

5.3 False justification for the proposal, car park could be secured permanently without development,

5.4 Land is still agricultural land despite the current use of the land [part of the land is used informally for car parking by the school],

5.5 The school car park in combination with the car park within the site currently would provide sufficient parking for the school,

5.6 The survey undertaken in relation to the provision of a drop off area did not include details of the provision of housing and support was for drop off only,

5.7 The location of the development at the junction of School Lane with "Mill Hill" (local name for road) is un-sustainable,

5.8 Church Lane is an ancient highway and serves as an access and egress the road often comes to a standstill partly due to the school traffic,

5.9 Boxted Lane floods for much of the year and residents and road users have been left in a situation in which on request water is pumped into tankers, when necessary,

5.10 Highway safety concerns specifically related to school children walking to school,

5.11 Proposal would result in negative highway impacts,

5.12 Harm to the landscape as a result of the proposed development being outside of the built-up area boundary,

5.13 Harm to the Air Quality of Newington (citation of various appeals),

5.14 Loss of Best and Most Versatile Land [the land is grade 1 in accord with historic records].

5.15 *Local comments:*

5.16 62 objections have been received. A summary of the points raised in the objections is set out below:

- The current traffic and parking problems along School Lane associated with the school would be exacerbated by the proposed plans,
- Requests have previously been made for bollards, yellow lines and further traffic calming measures due to traffic issues on the road,

- Quite nature of the rural roads would be disrupted,
- No proof that the proposed school car park would improve traffic conditions in the area,
- The Church already offers parking for parents,
- Significant harm to the local road network already operating beyond capacity,
- Beauty of Newington Countryside would be harmed,
- Add to the significantly poor air quality in the local area (specifically Newington),
- No further development should occur until a bypass is provided,
- The proposal would result in exacerbation of flooding issues in Boxted Lane,
- Trees and open space are required to combat climate change
- the development would result in loss of open space,
- Green roofs and living walls should be incorporated into design,
- The proposed school car park would not represent a community benefit,
- Destruction of natural habitat including loss of flora and fauna,
- The site is not allocated within the Local Plan,
- Cropped field for 25 years would be lost, instead the land should be retained for food production
- Further housing would result in increased congestion and crowding of single-track roads,
- The transfer of ownership of the proposed car park to the school would be a further financial burden,
- The proposal is a prelude to further development across the field,
- Existing car park should be returned to a green field after associated development was completed,
- Views of the area from public footpath would be disrupted and eroded,
- Disingenuous to suggest that the car park is focus of the development,
- Existing services not sufficient to cope with the proposed development further pressure would be harmful,
- Encroachment on the rural landscape outside of the defined geography of the development,
- Highway safety issues walking narrow footpaths proposed, blind bends, pedestrians in the road,

- Newington, as a result of cumulative development, now resembles a small town,
- Church Lane faces significant traffic issues particularly with existing parking pressure with no parking for existing terrace properties,
- Restricted height of bridge also results in delivery and traffic issues,
- Transport Statement is disingenuous with surveys undertaken over small period of time and during lockdown,
- The car park would only have a short-term gain as pick up and drop off times are limited during the week,
- The significant air pollution would be further exacerbated,
- Fields are required to absorb surface water run-off and the loss of fields would result in further flooding issues,
- Cumulative development in Newington is significantly destroying the local countryside,
- Benefits to mental health through open space and walking areas will be reduced by the proposed development,
- The potential additional 50-75 vehicles added to the road would be harmful to air quality and noise pollution,
- Lack of infrastructure to cope with additional development severe lack of GP surgeries,
- Due to single track roads, parking issues, and traffic impact would prevent fire access,
- Potential increase in litter and pressure on bin men in local area,
- Planning should take account of the community and county not just housing,
- Human health impact,
- Development would be prominently visible in the landscape,
- The existing car park should be compulsorily purchased,
- Street lighting not illustrated and light pollution should be limited to protected ecology,
- Existing developments have an existing impact in regard to road works, gas leaks, power cuts and traffic jams,
- Village not appropriately funded by the Council to cope with increased population,
- Overloaded drainage,
- Newington has already lost a meadow, orchards, and farmland,
- Poor road visibility,

- Bank outside of Blaxland Grange was designed to be in keeping with the rural character, bollards put up to protect utilities, proposal would see 2m wall which would result in safety issues for children and be out of keeping,
- Promotion of urban sprawl,
- Ponds next to schools should be secured and protected,
- House prices would not be viable for affordable properties,
- Heritage Report does not reflect the findings in the local area for which significant architectural finds have been located,
- Proposal fails to conserve and enhance the landscape and character of the area,
- Development would result in loss of habitat and put pressure on existing wildlife.

## 6. CONSULTATIONS

CONSULTEE	COMMENTS RECEIVED
Kent County Council Minerals	<p>1<sup>st</sup> comment:</p> <p>Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application.</p> <p>I can confirm that the application site is not within 250 metres of a safeguarded minerals or waste management facility. Therefore, it does not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.</p> <p>With regard to land-won minerals safeguarding matters it is the case that the area of the application site is not coincident with a safeguarded mineral deposit in the area.</p> <p>The County Council has therefore no minerals or waste safeguarding objections or further comments to make regarding this proposal.</p> <p>2<sup>nd</sup> Comments:</p> <p>Thank you for consulting the County Council's Minerals and Waste Planning Policy Team on the above planning application's revised information.</p> <p>The County Council has no minerals or waste management capacity safeguarding objections or comments to make regarding this proposal.</p>
Kent County Council Flood and Water Management	<p>1<sup>st</sup> Comment:</p> <p>Thank you for your consultation on the above referenced planning application.</p> <p>Kent County Council as Lead Local Flood Authority have reviewed the Flood Risk Assessment and the Drainage Strategy prepared by Fairhurst dated July 2021 and agree in principle to the proposed development.</p> <p>The proposals seek to utilise a combination of permeable paving leading to infiltration basins which is considered to provide a significant betterment and ensure compliance</p>

	<p>with the discharge hierarchy.</p> <p>At the detailed design stage, we would expect to see the drainage system modelled using 2013 FeH rainfall data in any appropriate modelling or simulation software. Where 2013 FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).</p> <p>Should your authority be minded to grant permission for the proposed development, we recommend the following conditions are attached: (please see online response for conditions).</p> <p>2<sup>nd</sup> Comment Thank you for your consultation on the above referenced planning application.</p> <p>We have no further comment to make on this proposal and would refer you to our previous response on 9 September 2021.</p> <p>This response has been provided using the best knowledge and information submitted as part of the planning application at the time of responding and is reliant on the accuracy of that information.</p>
Environment Agency	<p>1<sup>st</sup> Comment: Thank you for consulting us on the above planning application.</p> <p>We have assessed this application as having a low environmental risk. We therefore have no comments to make.</p> <p><b>Non planning consents</b> Although we have no comments on this planning application, the applicant may be required to apply for other consents directly from us. The term 'consent' covers consents, permissions or licences for different activities (such as water abstraction or discharging to a stream), and we have a regulatory role in issuing and monitoring them.</p> <p>The applicant should contact 03708 506 506 or consult our website (<a href="https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit">https://www.gov.uk/guidance/check-if-you-need-an-environmental-permit</a>) to establish whether a consent will be required.</p> <p>If you feel we should assess this planning application in more detail due to local issues please email <a href="mailto:KSLPLANNING@environment-agency.gov.uk">KSLPLANNING@environment-agency.gov.uk</a>.</p> <p>2<sup>nd</sup> comment: We have no further comments to make on this planning application.</p>
Southern Water	<p>1<sup>st</sup> Comment: Thank you for your letter dated 19/08/2021.</p> <p>Our initial investigations indicate that Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer.</p> <p>To make an application visit Southern Water's Get Connected service: <a href="http://developerservices.southernwater.co.uk">developerservices.southernwater.co.uk</a> and please read our New Connections</p>



Charging Arrangements documents which are available on our website via the following link:

[southernwater.co.uk/developing-building/connection-charging-arrangements](https://southernwater.co.uk/developing-building/connection-charging-arrangements)

The supporting document proposes to retain the SuDS within private ownership and maintenance. However, under certain circumstances SuDS will be adopted by Southern Water should this be requested by the developer. Where SuDS form part of a continuous sewer system, and are not an isolated end of pipe SuDS component, adoption will be considered if such systems comply with the latest Sewers for Adoption (Appendix C) and CIRIA guidance available here:

[water.org.uk/sewerage-sector-guidance-approved-documents](https://water.org.uk/sewerage-sector-guidance-approved-documents)  
[ciria.org/Memberships/The\\_SuDS\\_Manual\\_C753\\_Chapters.aspx](https://ciria.org/Memberships/The_SuDS_Manual_C753_Chapters.aspx)

Where SuDS rely upon facilities which are not adoptable by sewerage undertakers the applicant will need to ensure that arrangements exist for the long-term maintenance of the SuDS facilities. It is critical that the effectiveness of these systems is maintained in perpetuity. Good management will avoid flooding from the proposed surface water system, which may result in the inundation of the foul sewerage system.

Thus, where a SuDS scheme is to be implemented, the drainage details submitted to the Local Planning Authority should:

- Specify the responsibilities of each party for the implementation of the SuDS scheme.
- Specify a timetable for implementation.
- Provide a management and maintenance plan for the lifetime of the development.

This should include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

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

This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water

sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.

It is possible that a sewer now deemed to be public could be crossing the development site.

Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

	<p>Our investigations indicate that Southern Water can facilitate water supply to service the proposed development. Southern Water requires a formal application for a connection to the water supply to be made by the applicant or developer.</p> <p>To make an application visit Southern Water's Get Connected service: <a href="https://developerservices.southernwater.co.uk">developerservices.southernwater.co.uk</a> and please read our New Connections Charging Arrangements documents which are available on our website via the following link: <a href="https://southernwater.co.uk/developing-building/connection-charging-arrangements">southernwater.co.uk/developing-building/connection-charging-arrangements</a></p> <p>2<sup>nd</sup> comments: The comments in our response dated 15/09/2021 remain unchanged and valid for the amended details.</p>
Lower Medway Drainage Board	No response.
Kent Wildlife Trust	<p>Thank you for consulting Kent Wildlife Trust. On reviewing the planning portal and the documents that have been submitted; it is difficult to make an informed response without viewing the Ecological Mitigation Strategy or a detailed Biodiversity Net Gain (BNG) proposal for the site.</p> <p>We would advise that, in line with the upcoming Environment Bill that BNG be assessed using the current Natural England Biodiversity Metric. The upcoming Bill states that at least 10% BNG should be delivered.</p>
Kent County Council Biodiversity	<p>1<sup>st</sup> Comments: We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.</p> <p><b>Designated Sites</b> The development includes proposals for new dwellings within the zone of influence of the Medway Estuary and Marshes Special Protection Area (SPA) and Wetland of International Importance under the Ramsar Convention (Ramsar Site). Swale Borough Council will need to ensure that the proposals fully adhere to the agreed approach within the North Kent Strategic Access Management and Monitoring Strategy (SAMMS) to mitigate for additional recreational impacts on the designated sites and to ensure that adequate means are in place to secure the mitigation before first occupation.</p> <p>A decision from the Court of Justice of the European Union has detailed that mitigation measures cannot be taken into account when carrying out a screening assessment to decide whether a full 'appropriate assessment' is needed under the Habitats Directive. Therefore, we advise that due to the need for the application to contribute to the North Kent SAMMS, there is a need for an appropriate assessment to be carried out as part of this application.</p> <p><b>Reptiles</b> A small population of slow worms were found on-site. As all species of reptile are protected, mitigation measures will be needed to facilitate works.</p> <p>A suitable reptile mitigation strategy has been proposed, which includes a translocation exercise to an on-site receptor area. Given the proposed wildflower grassland throughout the development, we highlight that there should be enough habitat to accommodate reptiles on-site.</p>

To secure the implementation of the reptile mitigation strategy, we advise that a condition is attached to any granted planning permission. Suggested wording:

*From the commencement of works (including site clearance), all reptile mitigation measures will be carried out in accordance with the details in section 8.8 Interim Ecological Assessment (Bakerwell July 2021).*

### **Bats and Lighting**

To mitigate against potential adverse effects on bats, and in accordance with paragraph 180 of the National Planning Policy Framework 2019, we suggest that the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting' is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority, as recommended in the ecology report, and secured via an attached condition with any planning permission. Suggested wording:

*Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.*

### **Biodiversity and Ecological Enhancements**

Under section 40 of the NERC Act (2006), and paragraph 180 of the NPPF (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

The report recommends suitable enhancements, such as native hedgerow and tree planting. Additionally, we are supportive of the proposed wildflower grasslands (although the illustrations do not appear to be typical native meadow grassland – we advise that native wildflower seed mixes are sourced from reputable sources).

To secure the implementation of enhancements (including the management prescriptions of the meadow grassland), we advise that a condition is attached to any granted planning permission. Suggested wording:

*Within six months of works commencing, details of how the development will enhance biodiversity will be submitted to, and approved in writing by, the local planning authority. This will include recommendations in section 9 of the Interim Ecological Assessment (Bakerwell July 2021). The approved details will be implemented and thereafter retained.*

2<sup>nd</sup> comment:

We have reviewed the ecological information submitted by the applicant and advise that sufficient ecological information has been provided.

### **Protected Species**

Given the intensively-farmed arable nature of the site, there is little protected species interest on-site. However, there is potential for reptiles, dormice, badgers (foraging/commuting only) and breeding birds to be impacted from the development, mostly within and around the boundary vegetation.

As such, a precautionary approach has been proposed to safeguard protected species during construction (except for reptiles, which will be subject to a full translocation

exercise to on-site receptor site). We advise that proposals are suitable, and mitigation should be secured via a condition with any granted planning permission. Suggested wording:

*From the commencement of works (including site clearance), all mitigation measures for protected species will be carried out in accordance with the details contained in sections 8.5 through to 8.16 of the 'Interim Ecological Assessment' (Bakerwell July 2021).*

#### **Lighting and Biodiversity**

To mitigate against potential adverse effects on bats, and in accordance with the National Planning Policy Framework 2021, we suggest that section 8.4 of the ecology report is consulted in the lighting design of the development. We advise that the incorporation of sensitive lighting design for bats is submitted to the local planning authority and secured via an attached condition with any planning permission. Suggested wording:

*Prior to occupation, a lighting design plan for biodiversity will be submitted to, and approved in writing by, the local planning authority. The plan will show the type and locations of external lighting, demonstrating that areas to be lit will not disturb bat activity. All external lighting will be installed in accordance with the specifications and locations set out in the plan and will be maintained thereafter.*

#### **Biodiversity and Ecological Enhancements**

Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

The submitted biodiversity net-gain report shows that a net-gain can be achieved. Primarily, this is achieved through native species planting and creation of a variety of habitats, including wildflower grassland (one of the most valuable additions for biodiversity).

We assume that an agreement has been/will be reached (through a S106 agreement or similar) for management of the open space. Specifically, careful management of the wildflower grassland is vital to ensure it establishes. Additionally, there is a need to ensure the wildflower seed mix (if used) is of native provenance and site-appropriate. The illustration of the wildflower grassland within the landscape masterplan does not appear to be a natural/native meadow.

To ensure that management of the proposed landscaping is appropriate, we advise that a 'Landscape and Ecological Management Plan' (LEMP) is secured via condition with any granted planning permission. Suggested wording:

*Prior to completion/first occupation, A Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The LEMP will be based on the 'Landscape Masterplan' Rev B (Murdoch Wickham July 2021) and will include the following.*

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management prescriptions for achieving the aims and objectives;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);

	<p>f) Details of the body or organisation responsible for implementation of the plan; g) Ongoing monitoring and remedial measures.</p> <p><i>The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.</i></p>
Natural England	<p>1<sup>st</sup> Comment: Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar Site(s) may result from increased recreational disturbance.</p> <p>Your authority has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.</p> <p>Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s).</p> <p>However, our advice is that this proposed development, and the application of these measures to avoid or reduce the likely harmful effects from it, may need to be formally checked and confirmed by your Authority, as the competent authority, via an appropriate assessment in view of the <a href="#">European Site's conservation objectives</a> and in accordance with the Conservation of Habitats &amp; Species Regulations 2017. (further comments online).</p> <p>2<sup>nd</sup> Comment: Natural England has previously commented on this proposal and made comments to the authority in our letter ref 365645, dated 15 September 2021.</p> <p>The advice provided in our previous response applies equally to this <b>amendment</b>.</p> <p>The proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal. Should the proposal be amended in a way which <b>significantly</b> affects its impact on the natural environment then, in accordance with Section 4 of the Natural Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us the amended consultation, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.</p>
Housing	<p>1<sup>st</sup> comment: As per adopted Planning Policy DM8 and because this development is located in Newington, <b>40%</b> of the total number of homes should be rounded up to deliver <b>10 affordable homes</b> with the tenure split to be 90% as affordable/social rented housing (9 homes) and the remaining one home (10%) to be an intermediate rented/shared ownership home. However, during the pre-application stage, and as referenced in Appendix 2 of the Affordable Housing Summary Statement, it is accepted that it may be difficult to secure an RP to deliver the low number of ten affordable s106 homes on this site. Due to this and if necessary, I have agreed that if an RP cannot definitely be secured to purchase the affordable units then consideration can be given to providing them as First Homes with the Council agreeing to all eligibility conditions, including local connection and key worker criteria attached to the sale of each home.</p> <p><input type="checkbox"/> I note that the ten affordable housing plots detailed within the Affordable Housing Summary Statement are 8, 9, 10, 24 &amp; 25 (2B3P homes) and plots 11, 12, 17, 18 &amp; 23</p>

(3B5P homes). I am happy to accept the mix of size and type of homes along with the location and distribution of them.

All of the affordable homes should be built to M4(2) standard, and if tenure allows, at least two homes should be provided to M4(3) building regulation standard.

I can confirm that Swale's Housing Register demonstrates a need for all types and sizes of affordable accommodation in this area of borough, particularly affordable and social

rented homes that specifically meet the increasing need and demand of those who are homeless in the borough and residing in Temporary Accommodation.

2<sup>nd</sup> comment:

Although this 50:50 tenure split deviates from Swale's Planning Policy, to enable the ten homes to be actually delivered as a fair mix of affordable housing units which includes rented homes for those on the Council's housing register, I am happy on this occasion to accept this split, including how the property types/sizes have been divided by WKHA.

3<sup>rd</sup> comment:

Further to discussions today about a varied tenure split for the affordable homes on this site. I can advise that as the planning application is not yet determined, First Homes will now be required as part of the DM8 40% s106 affordable housing contribution (**10 affordable homes** in total) and that as a result an updated tenure split is now required as detailed below:

Regarding the requirement for **25%** of the s106 affordable contribution to be provided as **First Homes**. The Written Ministerial Statement (WMS) of 24 May 2021 and the National Planning Policy Guidance (NPPG 2021) is now relevant and should be taken into account, this sets out that:

- A minimum of 25% of all affordable housing units should be provided as First Homes; and
- The transitional arrangements mean that the new requirement for 25% First Homes will only not apply to sites with full or outline planning permissions in place by 28 December 2021 or determined by 28 March 2022 if there has been significant pre-application engagement.

Therefore, this site is now subject to providing **2 First Homes (25%)** as part of the s106 affordable housing contribution in order to comply with latest national policy. The remaining **8 (75%)** affordable homes should be provided as **social rented housing** in accordance with First Homes policy and guidance that requires "Once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the local plan". The Council's adopted local plan (7.3) requires a tenure split of 10% intermediate housing with 90% affordable/social rented housing. This now means that when taking account of the new First Homes requirements, the remaining 75% of s106 affordable housing should in the first instance be secured as social rented.

Kent County Council Developer Contributions		Per Applicable House	Total	Project
	Primary Education	£6800.00	£170,000.00	Towards the construction of a new 2FE Primary School in Sittingbourne
	Secondary Education	£5,176.00	£129,400.00	Towards the new Secondary School construction upon land off Quinton Road, NW Sittingbourne policy MU1
	Special Education Needs	£1,051.82	£26,295.50	Towards new Specialist Resource Provision at Newington Primary School
	'Applicable' excludes: 1 bed units of less than 56 sqm GIA, and any sheltered accommodation. Please advise if there are any 1 bed or sheltered units proposed?			
		Per Dwelling (25)	Total	Project
	Community Learning	£16.42	£410.50	Towards additional resources at Sittingbourne Adult Education Centre
	Youth Service	£65.50	£1,637.50	Towards additional resources for the Youth service in Swale Borough
	Library Bookstock	£55.45	£1386.25	Towards additional services, resources, and stock for Sittingbourne Library
	Social Care	£146.88	£3672.00	Towards Specialist care accommodation, assistive technology systems, adapting Community facilities, sensory facilities, and Changing Places within the Borough
All Homes built as Wheelchair Accessible & Adaptable Dwellings in accordance with Building Regs Part M 4 (2)				
Waste	£183.67	£4,591.75	Towards additional capacity at the HWRC & WTS in Sittingbourne	
Broadband:	<p>Condition: Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of 1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.</p> <p>Reason: To provide high quality digital infrastructure in new developments as required by paragraph 114 NPPF.</p>			
Highways	<i>Kent Highway Services will respond separately</i>			
Please note that these figures:				
<ul style="list-style-type: none"> <li>are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (April 2020 Index 360.3)</li> <li>are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, projects and build costs.</li> </ul>				
Environmental Health	<p>1<sup>st</sup> Comment:</p> <p>I have reviewed the application and provided comments below:</p> <p><b>Air Quality:</b> The pickup/drop off area has been successful in reducing congestion outside of the school in the past, therefore I support the idea of securing this as part of the wider application</p> <p><b>AQ Assessment:</b> I have reviewed the assessment that has addressed both impacts of the construction and operational phases. This includes the assessment of 4 baseline and future scenarios which are comprehensive and in line with best practice guidance. As with other applications in Newington the operational phase for the development site alone shows negligible impacts, whilst the cumulative impacts are high because of the inclusion of Medway developments.</p>			

	<p>As part of the air quality assessment process, we can consider the cumulative impact in this area and it shows that we need to consider a wider mitigation scheme for further development happening within the area.</p> <p>There are approximately four small application sites for Newington currently under consideration within SBC which could go towards a wider scheme such as an improvement to the bus service. However, these alone will not equate to the cost amount needed for such a scheme. As mentioned in the other applications, if a Bus improvement plan was considered for this area, other application sites in Sittingbourne and Rainham (that link with the bus route) would need to contribute via S.106 to make this viable.</p> <p>A damage cost (£13,000) has been calculated as part of the assessment and is representative of the scale/ traffic flows for the development. The suggested mitigation options are appropriate and can form part of an agreement to mitigate the effects of the development, which should be secured by the S. 106 agreement.</p> <p>Due to the size of this development the air quality impacts from the AQA are very low with negligible impact compared to other already committed development sites. As a result, I have no grounds to object to the current application on air quality grounds.</p> <p><b>Noise:</b> I can see keeping the existing trees in between the school and development site provides a useful buffer. I do not think a noise assessment is required due to the proximity of houses to the school and the use of the buffer zone.</p> <p><b>Contaminated land:</b> I would recommend a Phase 1 desk study to assess the historic background and potential contaminated land at this site (i.e., historic arable land at the site and proximity to graveyard), as part of a contaminated land assessment. This assessment may identify that a phase 2 intrusive investigation is required, and possible remediation is needed prior to any works takes place. For this reason, I would recommend CL conditions to be included.</p> <p>(conditions provided online comments).</p>
KCC Highways	<p>1<sup>st</sup> Comment:</p> <p>The applicant's highway consultant has produced a Transport Statement (TS), and I will comment on relevant sections within it as follows were appropriate:</p> <p><b>2.7 Parking on Church Lane</b> As had been advised during pre-application discussions, a review of the parking and interaction with traffic flow on Church Lane has been provided. However, the observations noted in the TS do not reflect my own experience with this section of road, and further studies should be carried out to verify the conclusions drawn. The assessment has not considered what level of traffic flows pass through Church Lane or how additional traffic may affect this, particularly with the interaction at its junction with the A2 and how queues may block movement.</p> <p>The TS notes that parking was particularly evident to the south of the railway bridge, and that gaps were present at that time to allow vehicles to pass one another. This may have been the case on the particular visit undertaken for the TS, but historic experience would suggest that parking is in high demand and often there are no opportunities for vehicles to pass one another over the circa 130m stretch between the waiting restrictions at the A2 junction and those under the bridge. Vehicles in general have to wait at one end or the other of this section to allow opposing traffic to pass the full</p>



distance, which in turn creates trains of vehicles as queues then form behind the waiting car given the length of time it takes vehicles to travel the 130m.

I would also highlight that due to the road alignment, northbound traffic from the A2 has a restricted view past the first parked vehicle, and has to commit to pulling out into the opposite lane in order to see whether the route ahead is clear.

Paragraph 2.7.3 of the TS suggests that the provision of the formal car park to serve the school will reduce the number of vehicles that currently park in Church Lane, and presumably School Lane too. It is evident that the application site already provides a car park for the school, but no information has been provided to detail the comparative capacity between the existing and proposed facility to validate the assertion.

### **3.2 Development Proposals**

#### **Vehicular Access**

The proposed new junction onto the un-named road generally appears to be suitable for serving the development, pulling the access further west away from the Boxted Lane/School Lane junction, and widening the carriageway along this section to accommodate the two-way traffic and the swept path of large service vehicles.

In addition, I am satisfied that the junction visibility splays to be provided at both junctions are appropriate and in accordance with the measurements derived from the Sight Stopping Distance calculations explained in both Manual for Streets 2 and Kent County Council's supplementary guidance, IGN2. Whilst I note that the western sightline from the proposed new junction is based on a 30mph speed limit, and paragraph 3.2.4 proposes the extension of the current restriction to accommodate, the drawings do not detail the extension in order to indicate the new position of the associated signage.

3.2.6 Coloured (shaded) drawings should be provided to clarify the areas of the development to be offered for adoption under Section 38 Agreement, and to identify the off-site highway works areas that will need to be carried out under a Section 278 Agreement. The latter will need to be referenced to the current adopted highway boundary.

#### **Pedestrian Access**

Pedestrian access to link the site to the existing footway network has been proposed by the creation of a footway from the proposed new junction and along the remainder of School Lane.

I note that the drawings detail that this footway would measure 1.8m in width around the new junction and alongside the un-named road to School Lane, where it would then reduce down to being 1.2m wide. This provision is generally welcomed, although I will pick this specific detail up in my further comments below in section 3.4, when referring to the recommendations made by the audit team in the Stage 1 Road Safety Audit.

The development itself has been designed as a shared space with no footways within the proposed layout, which is normally acceptable for serving up to 25 dwellings. However, the main north/south spine road would also serve as the route to the school car park and drop-off zone, where vehicular activity and pedestrian movement will coincide. It would therefore be appropriate to separate these uses and provide a footway along the spine road too.

### **3.3 Agricultural Access**

The TS refers to the improvement of the existing field accesses to the west of the application site, and has provided swept path analysis to demonstrate that agricultural

vehicles will be able to manoeuvre in and out of the fields. I note, however, that those improvements are outside of the application red line, so it is not clear whether this does form part of the current application.

The additional agricultural access from the southeastern corner of the development is also noted, and the swept path analysis that has been carried out to demonstrate that farm vehicles, including a combine harvester can serve the separate field there. It would be considered more appropriate to avoid the need for these vehicles to pass through the residential development, and instead retain or amend the exiting connection between the two fields.

### **3.4 Road Safety Audit**

**2.1 Location A** – The auditors had recommended that the “y” distance visibility splays at the School Lane/Boxted Lane junction be increased to reflect a possible increase if vehicle speeds above those measured, to 25mph. I note that the submitted drawings have responded to the recommendation, and that splays in excess of this can be achieved in practice due to the position of the junction being on the outside of the bend.

The Designer’s Response that has agreed with and carried out the recommendation can therefore be accepted.

**2.2 Location B** – The proposed new footway to link between the junction of Boxted Lane/School Lane and the existing footway at Grange Mews had been submitted for the Road Safety Audit at a width of 1.2m, and the audit team has recommended that this be increased to a minimum of 1.5m, preferably 1.8m. The Designer’s Response notes the physical constraints in being able to comply with this recommendation, and has stated that the width along the section on the south side of School Lane has been increased to 1.5m, but it is not possible to provide greater than 1.2m on the northern section due to the need for a retaining wall. They also refer to Kent Design Guide that allows an absolute minimum width of 1.2m.

However, the submitted drawings 15058-H-01 Rev P and “Proposed Footway” still show a 1.2m wide footway along the southern section between the school site car park and the junction with Boxted Lane, rather than the 1.5m that had been agreed by confirmation in the Designer’s Response. The drawings should be amended to increase the width here, as confirmed would be proposed. Notwithstanding the above, given no retaining wall is suggested on this side of the road, it is not clear why the 1.8m wide footway cannot continue from the development to the proposed crossing point.

As referenced above with respect to the proposed footway on the northern side of School Lane, it has been suggested that the need for a retaining wall would not allow a wider provision to be created. No consideration appears to been given to the possibility of altering the carriageway alignment to cater for the requested additional width of the footway, which may be possible to accommodate within the available highway extents.

**2.3 Location C** – The audit identified that the existing formal carriageway width between Boxted Lane and the school shows evidence of frequent vehicle overrun beyond the 4.2m width, and recommends this being widened to a minimum width of 4.8m. The Designer’s Response suggests that the carriageway will be widened to this measurement adjacent to the existing retaining wall, and the proposed footway strengthened to withstand vehicles bumping up the kerb. Given this is likely to occur during the busier periods at the start and end of the school day, when pedestrian use is also likely to be heavier, the wider carriageway and footway would be appropriate to avoid conflict. As mentioned with item 2.2, consideration of the available highway extents should be given to accommodate carriageway realignment.

In addition, the Designer's Response suggested that some of the overrunning is due to vehicle parking at the start and end of the school day, which would be resolved by the provision of the proposed formal car park and drop-off area within the development. I would refer back to my clarification over the comparison between the capacity of the existing and proposed car park, to see whether this is likely. It may also be the case that those who would normally have parked further away may just replace those who transfer into the new car parking facilities, unless controls are put in place to prevent this.

### **3.5 Parking**

The TS confirms that a total of 60 residential parking spaces will be provided across the site, in accordance with the Swale Borough Council parking Standards. These are broken down into 47 on-plot bays and 13 garages or open-sided car barns. I do note that the double garages do not appear to meet the minimum size specified (7m by 6m), and the car barns may also be too small where these are not completely open sided due to the attached house and any boundary/security fencing that may surround these barns. Please note too that garages would not count towards the parking provision in this type of location, so the 4-bed plots 5, 13, 20 and 22 would be considered underprovided for in the parking strategy plan drawing, except plot 5 that could almost accommodate tandem spaces on the driveway.

The on-street visitor spaces are not well related to the spread of houses in some areas. Based on a general principle that each space serves 5 dwellings, it is considered that the 10 dwellings consisting of plots 7 to 12 and 16 to 18 are poorly served by just 1 space. Similarly, plots 1 to 5 do not have any on-street visitor spaces nearby.

### **3.6 Site Servicing**

Swept path analysis demonstrates that the development can be serviced by the refuge vehicle and fire appliance, and the parking spaces within the school drop-off/pick-up area can also be accessed. However, the orientation of the one-way system within this area does concentrate the conflicting vehicle movements at the exit onto the development spine road, as departing vehicles would have to cross the flow of arrivals at a location that is close to several other junctions. The conflict would be minimised if the exit became the entrance, so that departing vehicles would emerge at the southern access point.

### **3.7 Construction Traffic**

The imposition of a Construction Traffic Management Plan is noted to manage vehicle movements and routing during the construction of the development, should the Local Planning Authority grant approval to the development. Details of these measures would need to be submitted for approval prior to the development commencing, and secured by condition. It is expected that similar measures would need to be implemented to those put in place during the construction of the recent Grange Mews development opposite this site.

### **4.5 – 4.6 Swale Parking Standards SPD 2020 & Policy Compliance**

As referred to in section 3.5 above, Swale Borough Council parking standards confirm that garages do not count towards the parking provision. The 4-bed units require 3+ parking spaces, but the proposals would only provide 2 spaces for plots 5, 13, 20 and 21. This contradicts with the statement made in paragraph 4.6.4 regarding policy compliance. In all other instances, it is

noted that the lower provision of the quoted standards for 2, 3 and 4-bed units have been proposed, which means that the overall flexibility is reduced to accommodate variations in demand. On-street parking, particularly along the spine road where a shared need is envisaged and demand is expected, will need to be sufficient to give some comfort to absorb overspill.

**5.2 Proposed Development Vehicle Trip Generation**

I am satisfied that the appropriate selection parameters have been used in the TRICS database to estimate the trip generation for both the private and affordable housing elements of the proposed development. Consequently, the total development trip generation summarised in Table 5-5 is agreed. Whilst this doesn't include the trips associated with the proposed school drop-off and pick-up facility, it is accepted that these movements would already be on the highway network and passing along Church Lane. The development would therefore be expected to generate 15 additional vehicle movements during the AM peak hour and 12 during the PM peak hour.

**5.3.2 Vehicular Trip Distribution & Assignment**

Although the TS summarises in Table 5-6 the trips entering the A2/A249 junction interchange and Key Street roundabout, no traffic flow diagrams or evidence of the census data and journey planning has been provided to validate these numbers. This evidence and flow diagrams should be provided in order to allow me to fully assess the proposals.

I can therefore confirm that I would ask that the application is not determined, other than for refusal, until the additional information and amended plans have been submitted for my further consideration.

2<sup>nd</sup> Comment:

Thank you for consulting the Highway Authority following the submission of amended plans and additional information in respect to the above planning application:

I note that further studies have been carried out to consider the traffic distribution associated with the development and how this will impact the existing highway network, as had been requested, based on journey to work Census data and represented on Figures 0-1 to 0-3 distribution and development flows. Using the agreed trip rates, this indicates that the proposals would be likely to generate around 12 two-way movements (4 arrivals and 8 departures) on Church Lane in the AM peak hour, and 10 two-way movements (7 arrivals and 3 departures) in the PM peak hour. The addition of 1 movement every 5 minutes on average would be considered to have a negligible impact on the operation of Church Lane in the context of the existing traffic flows, and the activity associated with pupils being dropped off at the school in the morning. In addition, video evidence has been submitted to validate the parking levels observed on Church Lane that had been referenced in the original Transport Statement.

The development flows would indicate that the proposal is likely to generate a total of 14 vehicle movements through Key Street roundabout over the AM and PM peak hours, so would be obliged to contribute towards the junction improvements that have been identified there. A financial contribution of £16,800 would therefore need to be secured, if this development were to be approved.

The proposed school car park and drop-off facility would provide an extra 20 parking spaces than the current informal area, as well as additional circulation space away from School Lane for vehicles to use, removing parking demand and pressure from the existing highway in the vicinity of the school. This would be considered an improvement on the current situation, and it is noted that the latest proposals do now include the requested widening of School Lane between the school and the proposed access to accommodate 2 vehicles passing one another without overrunning the verges. These

works also create a 1.8m wide footway on the southern side of School Lane from the site access, crossing to a 1.5m wide footway on the northern side as had been requested. Pedestrians will therefore be able to walk along School Lane in future, separated from vehicular traffic, in addition to the direct link into the school itself from the proposed car park.

The changes to School Lane shown on the submitted drawings include the introduction of waiting restrictions to prevent parent parking along the widened section of road and beyond, and the extension of the existing 30mph speed limit. The developer would be required to progress Traffic Regulation Orders at their own expense to implement these enforceable measures. During that process it would be appropriate to review the parking restrictions in the area, and this may also include any changes to Church Lane that may be beneficial to address

congestion issues. In particular, to address the restricted view that currently exists for northbound traffic preventing them from seeing whether the single file length down towards the bridge is clear for them to proceed.

A drawing has now been submitted to indicate the extent of the development that would be offered to the Highway Authority for adoption as highway maintainable at public expense. This shows that it is only intended for the spine road running north/south to be adopted, serving the accesses to the school car park, and for the residential streets with house frontages to remain in private management. However, it should be noted that the Highway Authority considers that some of the proposed private streets could also be offered for adoption.

The development has been amended to remove the one-way circulatory route that was likely to have encouraged higher vehicle speeds, and is now laid out as a series of cul-de-sacs off the spine road, linked together by pedestrian footways. With regard to the new layout, I would comment as follows:

1. The refuse strategy drawing shows the freighter accessing the street fronting plots 1 to 5, but the swept path analysis on drawing 4176-SP04 revision B does not include the route shown on the strategy plan. This must be shown to demonstrate that the vehicle will be able to access all the areas it is intended to route through. It is considered that the turning area to enable the vehicle to exit the adoptable highway in a forward gear should also be included within the adoption.

2. No visitor parking is provided within a convenient distance of plots 1 to 5 to serve this stretch of housing. It would be expected that an on-street parking space should be located within that cul-de-sac.

3. As previously mentioned in the last consultation response, the 4 bedroom units should have 3+ parking spaces, not including the garages. Plots 5, 13, 20 and 21 have just 2 spaces plus a double garage each;

i. Whilst plots 13, 20 and 21 will likely park the third or fourth vehicle in tandem to their allocated spaces, the area to do this is slightly too short, as the 10m tandem length requires an additional 1m to account for the garage door access. It should also be demonstrated that vehicles can manoeuvre from these tandem spaces, as this appears restricted.

ii. Plot 5 would not have any ability for tandem arrangements to provide the third parking space as there is insufficient distance to set the spaces back enough to park another vehicle in front of another.

4. The footway along the spine road does not transfer pedestrians into the shared space areas serving plots 1 to 5, 6 to 19 and 20 to 22, which will therefore require pedestrian to walk in the junction carriageway and across the speed ramps.

	<p>5. Parking spaces for plots 6 and 8 to 11 are positioned immediately against the edge of the carriageway, which provides no buffer between a vehicle emerging from those parking spaces and another vehicle traveling along the street on that side of the road. The parking spaces should be set back at least 1m from the running lane.</p> <p>I would be grateful if you would forward any additional information and amended plans for my further consideration.</p> <p>3<sup>rd</sup> Comment:</p> <p>address the outstanding issues raised in my previous consultation response dated 4th May 2022.</p> <p>I am satisfied that the amendments have resolved the remaining matters as follows:</p> <ul style="list-style-type: none"> <li>• Visitor parking provision has been increased to respond, and additional parking spaces created for the 4 bedroom units that had been identified as having a shortfall from the standards.</li> <li>• The revised layout has now been tracked for an 11.4m refuse vehicle on drawing 15058-T-01 Revision P3 to demonstrate that it will be capable of manoeuvring through the development and turning around in accordance with the refuse strategy.</li> <li>• The footway on the spine road now leads into the shared spaces and also provides level access across the junctions without depositing pedestrians into the main carriageway</li> <li>• The amended shared space geometry no longer allows traffic passing plots 6 to 11 to travel tight against the parking spaces, creating an adequate buffer for emerging vehicles.</li> </ul> <p>Consequently, I confirm that provided the following requirements are secured by condition or planning obligation, then I would raise no further objection on behalf of the local highway authority... (conditions listed).</p>
Climate Change Officer	<p>1<sup>st</sup> comment:</p> <p>Apart from the EV charging strategy which is fine, there is no reference to sustainability and or the use of renewables in the D and A statement and there does not appear to be an energy statement.</p> <p>2<sup>nd</sup> comment:</p> <p>The applicant intends to exceed building regs by almost 15% largely via a fabric first approach.</p> <p>Only 10 of the houses will have solar pv - no reason is given. I would like to see all with solar and if not possible an explanation.</p> <p>It is proposed to heat the houses with gas. Members are very keen to use non-gas technologies such as ASHPs - can the applicant explain why these have not been selected?</p>

NHS (swale) Clinical Commissioning Group	<table border="1"> <thead> <tr> <th></th> <th>Total Chargeable units</th> <th>Total (See Appendix 1)</th> <th>Project</th> </tr> </thead> <tbody> <tr> <td>General Practice</td> <td>25</td> <td>£26,028</td> <td>Towards refurbishment, reconfiguration and/or extension of</td> </tr> </tbody> </table>				Total Chargeable units	Total (See Appendix 1)	Project	General Practice	25	£26,028	Towards refurbishment, reconfiguration and/or extension of
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<p>Clinical Chair: Dr Navin Kumta Accountable Officer: Wilf Williams</p> <hr/> <table border="1"> <tbody> <tr> <td></td> <td></td> <td></td> <td>Grovehurst Surgery and/or Iwade Health Centre and/or Greenporch Medical Partnership within Sittingbourne PCN and/or Maidstone Road Rainham Surgery within Medway Rainham PCN and/or towards new general practice premises development in the area</td> </tr> </tbody> </table>							Grovehurst Surgery and/or Iwade Health Centre and/or Greenporch Medical Partnership within Sittingbourne PCN and/or Maidstone Road Rainham Surgery within Medway Rainham PCN and/or towards new general practice premises development in the area				
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Green Space Manager	No response, but I am hoping to have these in time for the meeting and will update Members.										
UK Power Networks	No response.										
KCC Education	<p>I am writing on behalf of KCC Children, Young People and Education directorate and Newington Church of England Primary School (NCEPS) in relation to the planning application referred to above.</p> <p>We have been working with Fernham Homes since September 2020 to seek a permanent car parking and drop off area to ensure that the school has appropriate facilities to operate at the school's maximum capacity.</p> <p>At present, the school benefits from a temporary lease that expires in June 2022 with a temporary hardstanding area. Since having this area made available, NCEPS have reported a significant improvement in traffic flow outside the school in peak hours reducing idling cars and therefore improving air quality around the school, increased pedestrian safety owing to the reduction in vehicle/pedestrian conflict and a reduction in parent conflict which has, on occasions, required staff intervention.</p> <p>To maintain the benefit that these temporary facilities have brought to the school, a permanent solution is required both by way of hardstanding and ideally a long lease or freehold transfer of the area. In addition, NCEPS staff presently have to park off-site on the surrounding residential roads because there is inadequate parking provision on the constrained school site.</p> <p>NCEPS carried out a parent consultation in April 202. Of the 120 families who attend the school, 54% responded of which 86% confirmed that they would use the new facility if available. We understand that this survey information has been passed to the Council by Fernham Homes.</p>										

	<p>This is a unique opportunity to bring the facilities for NCEPS in line with current school requirements, the school cannot self-deliver these facilities within its existing landholding.</p> <p>Fernham Homes have already held a meeting with KCC Property to discuss the principle of a freehold transfer. Should the Council be minded to grant Planning Permission, we would ask that the Council liaises with the KCC Property team to ensure the relevant provisions are included in the Section 106 Agreement. I would be happy to provide contact details, if that is helpful.</p> <p>Please do not hesitate to contact me should you have any further questions.</p>
Kent Police	<p>1<sup>st</sup> Comment:</p> <p>We have reviewed this application in regard to Crime Prevention Through Environmental Design (CPTED) and in accordance with the National Planning Policy Framework (NPPF). We have noticed on page 9 of the DAS the use of the principles of SBD within this application.</p> <p>The points below are site specific and designed to show a clear audit trail for Designing Out Crime, Crime Prevention and Community Safety and to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998. These points are in addition to those made within the DAS.</p> <p>With regard to this planning application we confirm that if the requirements listed below are formally secured by Planning Condition then we, on behalf of Kent Police have no objection to this application;</p> <ol style="list-style-type: none"> <li>1. We support the proposed boundary heights/ types, but if side entrance gates are proposed we recommend they be lockable from both sides and flush to the building line to optimize surveillance.</li> <li>2. We require vehicle mitigation at the start/ end of each footpath to prevent unauthorized access for motorcycles, mopeds etc. This can be achieved via the installation of kissing gates and similar.</li> <li>3. Corner Properties require physical defensible spaces to stop the parking areas and front gardens becoming desire lines thus causing nuisance and conflict and reducing privacy to side elevation windows.</li> <li>4. New trees should help protect and enhance security without reducing the opportunity for surveillance or the effectiveness of lighting. Tall slender trees with a crown of above 2m rather than low crowned species are more suitable than “round shaped” trees with a low crown. New trees should not be planted within parking areas or too close to street lighting. Any hedges should be no higher than 1m, so that they do not obscure vulnerable areas.</li> <li>5. If included within this application, cycle parking/storage must be well lit and with natural surveillance. We recommend solid secure or SBD recommended ground/ wall anchors for additional security.</li> <li>6. Lighting. Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g. a Member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. we recommend that a suitable lighting policy is installed to ensure that the units and staff have safe access to and from the units and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020.</li> </ol>



	<p>7. All external doorsets (a doorset is the door, fabrication, hinges, frame, installation and locks) including folding or sliding to meet PAS 24: 2016 UKAS certified standard, STS 201 or LPS 2081 Security Rating B+. Please Note, PAS 24: 2012 tested for ADQ (Building Regs) has been superseded and is not suitable for this development.</p> <p>8. Windows on the ground floor to meet PAS 24: 2016 UKAS certified standard, STS 204 Issue 6:2016, LPS 1175 Issue 8:2018 Security Rating 1/A1, STS 202 Issue 7:2016 Burglary Rating 1 or LPS 2081 Issue 1.1:2016 Security Rating A.</p> <p>If approved, site security is required for the construction phase. There is a duty for the principle contractor “to take reasonable steps to prevent access by unauthorised persons to the construction site” under the Construction (Design and Management) Regulations 2007. The site security should incorporate plant, machinery, supplies, tools and other vehicles and be site specific to geography and site requirements. We welcome a discussion with the applicant/agent about site specific designing out crime.</p> <p>If the points above are not addressed, they can affect the development and local policing.</p> <p>This information is provided by Kent Police DOCO’s and refers to situational crime prevention. This advice focuses on CPTED and Community Safety with regard to this specific planning application.</p> <p>2<sup>nd</sup> Comment: Further to our comments dated 09 September 2021; We have concerns that parking shown on the plan to the rear of plot 23 may create a vulnerable area with limited natural surveillance for both the resident and owners of any neighbouring properties. If a resident is unable to see their own vehicle from an active window (i.e. lounge or kitchen not bedroom, bathroom or hallway) they may park elsewhere such as on verges and pavements which can decrease safety and increase the chance of conflict between residents. To rectify this we would recommend the bay either be relocated or otherwise cited where use and trespass can be monitored effectively.</p> <p>Secondly we recommend the pick-up/ drop off parking area be lit to BS5489:2020 standards and secured with a gate when not in use. This is to prevent conflict and misuse and identify that this is for temporary use for parents only, especially if many of the future residents of the 25 homes have more than 2 vehicles.</p>
Rural Planning	<p>1<sup>st</sup> Comment:</p> <p>Further to your request for advice, I note that the site relates to an area of some 1.88 ha, mainly comprising part of a much larger arable field.</p> <p>The Planning Statement states that this land is not of the highest agricultural value, but as far as I am aware no evidence has been submitted to support that statement. In fact a relatively detailed 1976 Soil Survey report indicates that the land is likely to fall within the "Hamble" soil series, a fine sandy or silty loam, which is in the highest land capability class, and some of the best soil in the area.</p> <p>To be sure of the precise land grade, a detailed land classification survey and report would be needed, however as matters stand the loss of "best and most versatile" agricultural land here should be regarded as a potentially adverse effect of the scheme.</p>

	<p>Whilst the area proposed is relatively small, I note the Parish Council's concern at the developers' expressed views as to further potential development on adjacent land.</p> <p>The loss of agricultural land clearly has to be balanced against other Planning considerations, but please let me know if I can be of any further assistance.</p> <p>2<sup>nd</sup> Comment:</p> <p>Thank you for your email regarding amendments to the above scheme. There does not appear to be any further documentation on your website relevant to the comments I made in my email of 15 October 2021 regarding agricultural land quality; in particular:</p> <p><i>"The Planning Statement states that this land is not of the highest agricultural value, but as far as I am aware no evidence has been submitted to support that statement".</i></p> <p><i>"In fact a relatively detailed 1976 Soil Survey report indicates that the land is likely to fall within the "Hamble" soil series, a fine sandy or silty loam, which is in the highest land capability class, and some of the best soil in the area".</i></p> <p><i>"To be sure of the precise land grade, a detailed land classification survey and report would be needed, however as matters stand the loss of "best and most versatile" agricultural land here should be regarded as a potentially adverse effect of the scheme".</i></p>
KCC Archaeology	No response, but I hope to have these for the meeting and will update Members..

## 7. BACKGROUND PAPERS AND PLANS

- Site Location Plan – 4176|p001,
- Existing Site Plan – 4176|p002,
- Existing Site Sections – 4176|p201,
- Entrance Landscape Sketch 1594/001 Rev F,
- Proposed Access – 15058-H-01 P7,
- Vehicle Swept Path Analysis 11.4m Refuse – 15058-T-01 P3,
- Vehicle Swept Path Analysis Pantehnicon – 15058-T-02 P2,
- Vehicle Swept Path Analysis Fire Tender – 15058-T-03 P2,
- Play Strategy – 1594/003 Rev A,
- Landscape Masterplan – 1594/002 Rev D,
- Proposed Site Plan – 4176/p003 (Aug 2022),
- Floor Plans – plot 1 – 4176|p100,
- Floor Plans – plot 2 – 4176|p100,
- Floor Plans – plot 11&12 – 4176|p100,
- Floor Plans – plot 13&20 – 4176|p100,
- Floor Plans – plot 14 – 4176|p100,
- Floor Plans – plots 17&18 – 4176|p100,
- Floor Plans – plot 19 – 4176|p100,
- Floor Plans – plot 21 – 4176|p100 (Aug 2022),

- Floor Plans – plot 22 – 4176|p100,
- Floor Plans – plot 23 – 25 – 4176|p100,
- Floor Plans – plot 3&4 – 4176|p100,
- Floor Plans – plot 5 – 4176|p100,
- Floor Plans – plot 6&7, 15&16 – 4176|p100,
- Floor Plans – plots 8 – 10 – 4176|p100,
- Elevations – plot 1 – 4176|p101,
- Elevations – plot 11&12 – 4176|p101,
- Elevations – plot 13&20 – 4176|p101,
- Elevations – plot 14 – 4176|p101,
- Elevations – plots 17&18 – 4176|p101,
- Elevations – plot 19 – 4176|p101,
- Elevations – plot 2 – 4176|p101,
- Elevations – plot 21 – 4176|p101,
- Elevations – plot 22 – 4176|p101,
- Elevations – plot 23 – 25 – 4176|p101,
- Elevations – plot 3&4 – 4176|p101,
- Elevations – plot 5 – 4176|p101,
- Elevations – plot 6&7, 15&16 – 4176|p101,
- Elevations – plots 8 – 10 – 4176|p101,
- Boundary Treatment Strategy Plan – 4176/sp01C,
- Tenure Strategy Plan – 4176/sp02,
- EV Charging & Parking Strategy Plan – 4176/sp03 (Aug 2022),
- Refuse Strategy Plan – 4176/sp04 (Aug 2022),
- Fire Strategy Plan – 4176/sp05,
- Indicative Adoption Plan – 4176/sp06)\_b Sep 2022,
- Design and Access Statement,
- Affordable Housing Summary Statement,
- Arboricultural Impact Assessment,
- Flood Risk Assessment, part 1,
- Flood Risk Assessment, part 2,
- Flood Risk Assessment, part 3,
- Habitat Regulation Assessments,
- Heritage Desk Based Assessment, part 1,
- Heritage Desk Based Assessment, part 2,
- Heritage Desk Based Assessment, part 3,
- Heritage Desk Based Assessment, part 4,
- Interim Ecological Assessment,
- Landscape and Visual Assessment,
- Landscape and Visual Assessment Illustrative Material,
- Transport Statement,
- Air Quality Assessment,
- 3D Visual 01,
- 3D Visual 02,
- Minerals Safeguarding,
- Planning Statement,
- Biodiversity Net Gain Summary,
- Census Data and Development Flows,

- Energy Strategy,
- GWF Letter (Agricultural unit),
- Heritage Response,
- Transport Technical Note.

## **8. APPRAISAL**

### **8.1 Principle of Development**

- 8.2 The application site is located just outside of the built-up area boundary of the settlement of Newington. The site lies approximately 35m from the western built-up area boundary to the northern end of Newington. Policy ST 3 of the Local Planning Authority sets out the Swale Settlement Strategy. The policy indicates that the primary focus for development is Sittingbourne, with Faversham and Sheerness forming secondary areas for growth.
- 8.3 Rural Local Services Centres are identified by policy ST 3 as a tertiary focuses for growth. Newington forms one of the Rural Local Service Centres and is therefore relatively high on the settlement strategy. As the site lies outside of the built-up area boundary it is considered to be located in the open countryside.
- 8.4 The application site is considered green field, while an existing car park is located on part of the site it does not benefit from planning consent. The proposal is located on agricultural land and is therefore not previously developed. The parcel of land is part of a wider area used for arable crop rotation.
- 8.5 Policy DM 31 of Swale Local Plan indicates that development on agricultural land will only be permitted where there is an overriding need that cannot be met on land within the built-up area boundaries. The policy indicates that development on Best and Most Versatile agricultural land (specifically Grade 1, 2, and 3a which is referred to as best and most versatile land – BMV) will not be permitted unless three criteria have been met.
- 8.6 As stated above the site is utilised for agricultural purposes. The land in question comprises approximately 1.88 hectares of arable field. The Rural Planning Consultant commented on the proposal. While the Planning Statement indicates that the land is not of the highest quality BMV, no substantive evidence has been provided to substantiate this matter.
- 8.7 Based on the relatively detailed 1976 Soil Survey it is indicated that the land is likely to fall within the “Hamble” soil series. The soil identified by the soil is a fine sandy or silty loam which is of the highest quality in the area. The consultant considered that without evidence to the contrary the loss of the BMV land as a negative impact.
- 8.8 It was noted that third parties had raised concerns regarding further potential development on adjacent land. Such statements cannot be considered as planning applications have to be assessed on their own merits.
- 8.9 Swale Borough Council currently has a 4.8 Housing Land Supply (HLS) which demonstrates an identified housing need. The Local Plan is also more than 5 years old.

Currently insufficient allocations exist to meet the housing demand. As such an assessment of the three criteria of policy DM 31 will be undertaken. The three criteria are as follows:

- 8.10 1. The site is allocated for development by the Local Plan; or

*The site is not allocated for development under the Local Plan. The first criteria has not therefore been met. It falls to the further two criteria to consider the land for residential development.*

- 8.11 2. There is no alternative site on land of a lower grade than 3a or that use of land of lower grade would significantly and demonstrably work against the achievement of sustainable development work against the achievement of sustainable development; and

*The council cannot currently demonstrate a 5-year housing land supply. The local plan is also out of date. The allocation of land for housing is insufficient. A high proportion of the Borough is subject to BMV land. Currently windfall schemes are utilised as a means of providing housing to address the identified need in the Borough.*

*The site is located in reasonable proximity to Newington which is one of the higher settlements within Swale's settlement strategy. Newington contains a degree of social amenities, public transport and other infrastructure. The site is placed in an area which is not totally removed from existing infrastructure and the sustainability of the scheme will be further considered below.*

- 8.12 3. The development will not result in the remainder of the agricultural holding becoming not viable or lead to likely accumulated and significant losses of high-quality agricultural land.

- 8.13 *The agent submitted a statement in regard to the overall agricultural unit. The statement identifies that site forms part of a wider 1,252Ha landholding which is utilised for a diverse farming operation. Of this land 945.44 Ha is arable, 118.96 Ha is grass, and 87.74 Ha are coppice woodland. The statement identifies the loss of the site comprising 1.88 Ha would not have a negative effect on the farming operation in regard to viability or operationally. The loss of land would equate to roughly 0.16% of the agricultural holding.*

*Given the wider scale of the agricultural holding it is not considered that the land loss would undermine the viability of the holding. The agent did put forward further benefits to the scheme including monetary re-investment in the wider agricultural unit including to biodiversity and net zero targets following DEFRA's Spring 25-year Environment Plan goals. These benefits will not be included in the balance as they are located outside of the red line boundary.*

*The proposal would be considered to retain the viability of the agricultural holding. The proposal would include an access to the remaining land which would support the continued farming of the land adjacent to the site. Further, there is no evidence to suggest that further land would be lost as a result of consideration of this application.*

- 8.14 Paragraphs 11 and 73 of the National Planning Policy Framework (NPPF) requires Local Planning Authorities to meet its full, objectively assessed needs (OAN) for housing and other uses. The Council should annually update a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional 5% buffer.
- 8.15 The latest published position within the 'Statement of Housing Land Supply 2020/21 Swale Borough Council June 2022', identifies that the Council is meeting 105% of its requirement. As a result, the Council has a 4.8 Housing Land Supply. As a result, the Council cannot demonstrate a 5 year supply a presumption in favour of sustainable development must be applied under paragraph 11 of the NPPF.
- 8.16 Paragraph 11 of the NPPF states that in making decisions planning authorities should apply a presumption in favour of sustainable development. In regard to decision meeting this means:
- '(c) approving development proposals that accord with an up-to-date development plan without delay; or*
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date<sup>8</sup>, granting permission unless:*
- (i) the application of policies in this Framework that protect areas of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 8.17 Footnote 7 of the NPPF identifies areas defined as 'areas of particular importance'. The application site is not bound by any constraint which would place the site in an 'area of particular importance'. The site would therefore fall to be considered under, Paragraph 11(d)(ii). The proposal will therefore be assessed as to if the proposal represents sustainable development.
- 8.18 Paragraph 8 of the National Planning Policy Framework (2021) states that:
- 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).'*
- 8.19 (a) **an economic objective** – *to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure.*
- 8.20 The proposed development would consist of residential development and would not incorporate direct commercial/economic benefits.

8.21 The provision of residential housing does generate passive economic benefits as additional population can see additional spending in local centres. Paragraph 79 of the National Planning Policy Framework states that:

*‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.*

8.22 The application site is located in a rural environment and is located just outside of the boundary to the settlement of Newington. The relationship and works to secure pedestrian links to the centre of Newington could be seen as providing a contribution to the vitality of a rural community.

8.23 The development would have some short-term benefits related to the employment generated throughout the construction process. The provision of jobs and re-quit spending in the locality as a result of development would see short term economic benefit.

8.24 The proposal would see the loss of a small section of field used previously for agricultural purposes, with a small existing section used for parking. The loss is not considered to undermine the viability of the agricultural unit.

8.25 The proposal would not have a direct economic impact through the creation of an employment unit but some moderate weight would be attached to the economic benefits of the economic role.

8.26 (b) **a social objective** - *to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

8.27 The proposal would provide additional housing to the Borough. As the council cannot demonstrate a 5-year supply, a buffer would be required on top of the identified need. As such there is an identified shortage of housing both in market and affordable units. The provision of 15 market houses and 10 on-site affordable units would contribute to the provision of housing for present and future generations.

8.28 The applicant has provided a number of details in regard to the provision of affordable units and would provide a full 40% on-site provision (10 units). In considering the affordability ratio in the south-east, for which house prices far outweigh average earnings, the provision of on-site affordable units would provide a tangible social benefit. There is a need for affordable units across the Borough and this includes Newington.

8.29 The application site is within a 10minute walk from Newington train station and shops and services along Newington High Street. The proposal would see the widening of School Lane to allow 2 vehicles to pass one another without overrunning the verges and the provision of a 1.8m wide footpath southern side of School Lane, which crosses to a

1.5m footway to the northern side. A public footpath would connect from Breach Lane into Wickham Close, Newington, which is to the south of the train line.

8.30 The Manual for Streets guidance indicates that:

8.31 *'Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot...Mfs encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily need are within walking distance of most residents'.*

8.32 The proposal would also provide a dedicated drop off and pick up location for the Newington Church of England School. The car park would have a direct access into the school preventing drop off parking along School Lane and the idling of cars. The car park at the school currently doesn't meet SBC parking standards and this area would provide a benefit to the school.

8.33 The access to the wider countryside and to services would be within sustainable walking distance. The proposal would see a ribbon of green space around the western and southern boundary with natural play equipment, seating, and other tangible benefits. The proposal would provide a degree of support for the communities' health, social, and cultural wellbeing.

8.34 The proposal would be considered to provide significant social benefits in considering the site's overall social objectives.

8.35 (c) **an environmental objective** – *to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*

8.36 Policy ST 3 of the Swale Local Plan indicates that development will not be permitted on sites which are in the open countryside and outside of the defined built-up area. The policy does state such development would only be allowed if supported by national policy and would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities.

8.37 The application site is located just outside of the built-up area boundary of Newington. The site is not located within a designated landscape area either nationally or locally. However, the site is located within an open field which does sit outside of the defined boundary of the built-up area of Newington.

8.38 The impact to the landscape will be considered below. However, it is noted that the proposal would have in the short term and impact in regard to the views towards the village when viewed from the west. However, given the scale and siting of the development could be subject to landscape screening.

8.39 The undulation of the landscape does mean the development would not sit on an elevated position in relation to Newington. Gains would be seen with improved



biodiversity on site and would be located such that it sits adjacent to the boundary of Newington.

8.40 As above, the proposal would be located within the recommended 10-minute walking distance to local services and amenities including food shops and pharmacies. The site is also within reasonable walking distance to the railway station which would provide wider access to other facilities in Kent. The proposal would also provide improved pedestrian links in the area. The location and improved services would reduce the overall reliance on the car to meet day to day needs.

8.41 While some bus and rail services may be considered limited by third parties, the services would be available within walkable distances. The presence of these service for a rural area does increase the sustainability of the site as the settlement does benefit from transport services. As such, the site is not wholly isolated from existing infrastructure.

8.42 The proposal would be considered to have a moderate weight in meeting an environmental objective.

#### 8.43 **Landscape/Visual Impact**

8.44 Policy CP 7 of the Local Plan states that the Council will work with partners and developers to ensure the protection, enhancement and delivery, as appropriate, of the Swale natural assets and green infrastructure network. These include strengthening green infrastructure and biodiversity.

8.45 Policy DM 24 of the Local Plan states that the value, character, amenity and tranquillity of the Boroughs landscapes will be protected, enhanced, and, where appropriate, managed. The policy is split into parts with part B applying to this site.

8.46 The application site is not located within either a national, Kent or local land designation.

8.47 Part B of policy DM 24 relates to non-designated landscapes. It states that non-designated landscapes will be protected and enhanced and planning permission will be granted subject to; 1. The minimisation and mitigation of adverse landscape impacts, 2. When significant adverse impacts remain, that the social and or economic benefits of the proposal significantly and demonstrably outweigh the harm to the landscape character and value of the area.

8.48 In accord with the Swale Landscape Character and Biodiversity Appraisal 2011 the site is located within the Upchurch and Lower Halstow Fruit Belt landscape designation. The site sits on the edge of this designation due to its proximity to the built area of Newington.

8.49 The key characteristics of the area are detailed as being small to medium-scale rural landscape with a strong sense of enclosure, small, nucleated villages with historic centres and modern urban expansion on periphery, undulating landscape with occasional long views to north and south, fragmented structure of mature hedgerows and shelterbelts surrounding orchards, pasture and arable fields.

8.50 The landscape condition and sensitivity of the landscape is moderate. The sensitivity identifies that structure is provided by the hedgerows and shelterbelts, while fragmented,

assists in screening views. The undulating topography is also considered to assist in screening the areas of settlement. The area is moderately visually sensitive.

- 8.51 The application site forms a part of a wider field pattern which extends to the west of the Newington. The eastern boundary of the site is formed of a strong tree line which separates the School from the field. The site is not however currently separated by a natural boundary. The site would therefore be visible from views from the west and south.
- 8.52 The field due to the scale and undulating landscape has some typical elements of the Kentish countryside. The field boundaries are strong and do create a sense of enclosure when the site is viewed from public roads. However, the field itself has a more open character.
- 8.53 The development would sit against the strong tree line which sits adjacent to the School which currently forms a strong boundary between the site and containment of Newington. While the proposal would sit outside of this boundary its scale is not disproportionate to overall urban confines of Newington and the existing urban sprawl.
- 8.54 Screening has been proposed along the field boundary which would take a period of time to establish. However, this would mute the overall impact of the development to the wider rural views. A landscape scheme would be required via condition to ensure trees of a specific standard are secured. The additional benefit of additional trees and vegetation would see ecological gains.
- 8.55 The proposal would have more immediate impact rather than longer wider implications to landscape views. The undulation of the natural topography of the area would be retained and would work to aid in reducing the overall view/impact of the proposal.
- 8.56 To the west of the application site runs a Public Right of Way (namely ZR38, which is located a minimum of 267 metres from the application site) which sits at a higher level to the application site and runs in a west/east trajectory towards Newington. The Public Right of Way would provide a view of the development site.
- 8.57 The views from the Public Right of Way would result in some harm in regard to visual impact as highlighted by Huskinson Brown. However, the elevated position of the right of way does place the development at a lower level to the natural rise and fall of landscape which would mean the proposal would not appear as a significantly prominent addition.
- 8.58 Comments from Huskinson Brown also highlight concerns relating to the setting of the Church tower. While this is addressed below against heritage assessment. The development is limited to 25 units and this proportionately would leave a significant portion of the field. The rural setting would still be clearly evident when traversing the Public Right of Way and from other public settings such as the transitory views from the railway.
- 8.59 Policy DM 26 of the local plan seeks to ensure that development would not physically or as a result of traffic levels harm the character of rural lanes. The lane to the north of the application site is a rural lane as identified by policy DM 26.

- 8.60 The proposal, as below, is not considered to result in a severe impact to the local highway network. Due to the narrow nature of the lane, it is likely that vehicles would travel to the east along School Lane. The traffic levels would not be considered so significant that the tranquillity of the lane would be significantly altered.
- 8.61 The developer has provided a section and a plan of the works to take place along the rural lane. A large degree of the existing vegetation would be retained along the road and then reinforced with native trees. Some section of the existing vegetation would be removed to allow for visibility splays. A hedge would be provided set back from the road to ensure vegetation is retained along the road.
- 8.62 The boundary adjacent to the lane would include post and rail fencing to reinforce the sense of ruralism. The character of the lane would be considered conserved and reinforced with additional planning.
- 8.63 The site would provide the opportunity for wide tree cover. Detailed landscaping plans have been provided and adjustments to the proposed layout were undertaken to ensure that residential pressure to reduce tree cover is reduced. Any approval would be conditioned to ensure that the proposal would retain existing tree coverage.
- 8.64 The proposal would be considered to have some impact to the existing landscape, however given that the site sits outside of the designated landscapes and the mitigation and overall gains the impact is considered acceptable.
- 8.65 **Design/Layout**
- 8.66 Chapter 12 of the NPPF sets out the overarching principles for achieving well-designed places. Paragraph 126 of the NPPF sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
- 8.67 Paragraph 130 of the National Planning Policy Framework lists the criteria that developments should achieve. Paragraph 134 directs refusal of poorly designed development that fails to reflect local design policies and guidance. The paragraph further states that significant weight should be given to developments that do reflect local design policies and relevant guidance and/or outstanding or innovative designs which promote a high level of sustainability.
- 8.68 Policy CP 4 of the Local Plan sets out the requirements for good design and necessitates that all development proposals will be of a high-quality design that is appropriate to its surroundings. The policy goes on to list the ways in which this shall be achieved.
- 8.69 Policy DM 14 of the Local Plan sets out a number of General Development Criteria for development proposals. These include a number of requirements that proposals be both well sited and of a scale, design, and appearance detail that is sympathetic and appropriate to the location. The criteria also require an integrated landscape strategy that will achieve a high landscaping scheme.
- 8.70 The proposed development would see the provision of a car park to be utilised by Newington Church of England School would be located to the east of the application

site. The car park would sit in a linear form, soft landscaping treatments would be provided to around the car park and some trees would be located along side to break up the use of hard surfacing. The degree of landscaping and the linear form would ensure the car park would sit comfortably within the context of the site.

- 8.71 The proposal would see a main spine road utilised as the main access point to the development. Three cul-de-sacs would be located off the spine road. The cul-de-sacs would be connected by a pedestrian pathway to allow pedestrian movement across the site. The use of permitter blocks can provide continuous access, however, in a such a rural area this would increase the degree of hardstanding and placements of cars which would work against a sense of rural tranquillity and reduce the degree of walkable pedestrian only areas. A condition could be secured by Members to ensure rights for pedestrians to access this area is secured.
- 8.72 The development has been designed to ensure that the exposure of the rear elevations to the site are kept to the minimum. Some exposure will be seen to units 24 and 25 for which the rear elevations face the car park. These have been well detailed to ensure the faced has interest and provide a degree of overlooking to the car park.
- 8.73 Corner turner units and details side elevations have also been used across the site to ensure overlooking of public spaces and provide interest along the public realm. Enclosure details would ensure brick walls facing the public realm and detailing to the rear of properties would ensure units with public facing rear elevations would retain sufficient detailing.
- 8.74 A character study of the area was undertaken as part of the proposal. The assessment did identify a number of building forms in the area. The assessment identifies a number of key characteristics of the area include facing brickwork (painted white), vertical tile hanging, and render. The assessment also identified an emphasis on well proportioned wide fronted dwellings, a variety of roof forms with low eaves, secondary gables and dormer windows.
- 8.75 The properties in the wider area do vary in form and the architecture derives interest in the street scenes. The materiality and fabric are however reflective of Kent which does see brick and tile hanging used constantly across the county. The proposals position behind the school would mean the dwellings would not continue a street scene but create an individual pocket of development.
- 8.76 The proposed dwellings would have a traditional bulk and massing. The properties would be two storeys and comprised of a variety of tenures including terraces, semi-detached and detached. The units market mix would see predominately 4- and 3-bedroom units which is a departure from the mix guidance under policy CP 3. However, when looking inclusive of the affordable units a good provision of 2-, 3- and 4-bedroom units has been provided.
- 8.77 The proposal would reflect the wider design and materiality of the local area. The use of tile hanging, and brickwork is typical of the Kentish countryside and indeed Newington. A condition would secure details of the proposed materials in order to ensure the quality of the bricks and tiles.

- 8.78 The dwellings would contain pitched roofs which would be broken up by gable detailing to a number of the units. Porches, brick banding, window coins, and proportionate openings (windows) would draw interest to the elevations. The properties would be considered to reflect the local architectural vernacular.
- 8.79 A varied use of hard surfaces would be applied across the site including block paving and tarmac. The materials would be used to differentiate shared spaces. The use of block paving would break up the use of tarmac. Further, details of the surfaces would be secured by condition to ensure high quality fabric across the site.
- 8.80 To ensure the site retained a sufficient degree of rural character enclosures would need to reflect the environment the site is located within. Details of means of enclosure around the site would be conditioned. Post and rail fencing and landscaping would be required to ensure the character of the area is conserved as expected with rural development.
- 8.81 The proposal would provide a degree of open space around the peripheral parts of the site in order to allow landscaping and public areas within the site. The proposal has included natural play equipment within the open space to provide enhanced interaction with the space. SUDs ponds and wildlife areas would also add to the variety of the landscaping which is lacking on site, with the exception of the north and eastern boundaries.
- 8.82 The proposal is considered to provide, subject to condition, a high level of design and layout.
- 8.83 **Heritage**
- 8.84 Policy CP 8 of the Local Plan seeks to ensure that developments will sustain and enhance the significance of designated and non-designated heritage assets. Policy DM 33 of the Local Plan states that development must setting of the listed building and its special/architectural interest are preserved.
- 8.85 Policy DM 33 of the Local Plan states that development affecting the setting of, or views into and out of a Conservation Area, will preserve or enhance all features that contribute positively to the area's special character or appearance.
- 8.86 Paragraph 194 of the National Planning Policy Framework (NPPF) states that:

*'In determining applications, local planning authorities should require an applicant to describe the significant of any heritage assets affected, including any contributions made by their setting. The level of details should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance...'*

- 8.87 Paragraph 195 of the National Planning Policy Framework states that:

*'Local authorities should identify and assess the particular significance of any heritage asset that maybe affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact*

*of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal'.*

- 8.88 Paragraph 199 of the National Planning Policy Framework states that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). The weight is irrespective of whether the harm is substantial, total loss, less than substantial.
- 8.89 The applicant has provided a Heritage Statement within the application pack. The assessment identifies the relevant assets and provides the relevant descriptions of the assets in accord with the requirements of the National Planning Policy Framework. The application site is not subject to any designated heritage buildings and is not within the Newington Church Conservation Area. The application site is located approximately 170m from the Newington Church Conservation Area, which is located to the east of the application site.
- 8.90 The Newington Church Conservation Area is mainly focused on the Grade I listed Church, St Mary's. The significance of the Conservation Area is derived from it forming the historic core of the Parish of Newington, with the central focal point being the Church. As identified by the Conservation Officer Church Farmhouse and the Oast House, which are Grade II listed buildings, contribute to the special character and appearance of the Conservation Area through the group value associated with the Church.
- 8.91 An additional listed building, the Parsonage House is also located close to the application site but outside of the Conservation Area. Although the Conservation officer notes that its setting is dominated by existing housing.
- 8.92 The listed buildings, as a group, contribute to the character of the Conservation Area due to their associative relationship. The Conservation Officer considers the functional and aesthetic relationship with each other and the alignment with Church Road and Iwade Road add to the overall significance. The associations are considered to have positive contributions to the significance of these buildings, in providing a context in which an observer can appreciate the layout and hierarchy of the earlier settlement.
- 8.93 In assessing the Conservation Officers comments in relation to the Conservation Area, the listed buildings group association provide a visual understanding of the hierarchy of the historic core of the village. Indeed, the church and its associated buildings would have formed an important centre to the village. The area covered by the Conservation includes the Church, a few houses and the wider fields which extend to the north and north-east.
- 8.94 The value of the Conservation Area is therefore primarily seen within its centre and between immediate views of the group of listed buildings. The rural setting of the Church is important hence the inclusion, within the Conservation Area, of the fields to the north of the Church.
- 8.95 While the Conservation Officer's observation in relation to the rural setting of the Church is noted, the value of the rural setting has already been somewhat eroded by the post war development along Church Road and extending along School Lane. The

development appears post war and significantly densified the approach along Church Lane.

- 8.96 The proposed development would be located some distance to the west of the Church and the associated Conservation Area. Further, the significant tree cover along the eastern boundary of the site would mean the development from within the Conservation Area would be limited. The development would not disrupt the group relationship of the listed buildings and the association with the Church.
- 8.97 The main area of concern relates to the setting of the Grade I listed Church. The Officer noted that the development was some distance from the church. However, identified that the Church is located on raised ground, which has the effect of making the tower a visible feature from the surrounding area. The tower is considered a key and notable feature in the wider landscape for many centuries.
- 8.98 The views of the Church tower can be derived from the public footpath which is located to the west of the application site which runs across the extent of the field in a west to east trajectory. The view from the field of the tower is considered, by the Conservation Officer, to result in an intervisibility between the Church and the application site. These are considered to contribute to the significance of the Church derived from its rural setting.
- 8.99 The Officer has considered 'less than substantial harm' would derive from the proposal erosion and urbanisation of the field and reduce the openness of the site, which in turn contributes to the rural setting of the Church. The identification that this harm is moderate on the scale of 'less than substantial' is made by the Officer.
- 8.100 The proposal would introduce built form into the north-east corner of the field, and views of the development would be derived from the public footpath (for which the tower can be observed). However, it should be noted other residential development can be observed from the footpath and that due to the footpath's separation from the site and the village the views would still include the larger extent of the field.
- 8.101 The development would consist of 25 units and would be set with landscaped boundaries introducing tree cover and grassland. The expansion is not so significant as to be disproportionate to the twentieth and twenty-first century development which already forms part of the setting to the Church, Conservation Area, and listed buildings. The views would not therefore remove the semi-rural setting of the area given the wider extent of the field and the existing fields which surround the immediate context of the Church from within the Conservation Area.
- 8.102 The Heritage Statement submitted with the application considers the introduction of residential development in this section of the field broadly in line with the existing character and setting of the built heritage assets. It further concludes that the proposal aligns with much of the existing setting and contains measures to retain the semi-rural character. The report concludes no harm to the significance of the built heritage.
- 8.103 Paragraph 202 of the National Planning Policy Framework states that:

*'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 of the proposal including, where appropriate, securing its optimum viable use'.*

8.104 The St Mary's Church is a Grade I listed building and in accord with the framework is afforded great weight in consideration. Whilst a degree of concern with identifying the proposal as harmful to the setting of the Listed Building for completeness the impact versus public benefits will be considered in the balance. The Officer has made comment on the public benefits. However, this is a matter for committee to consider as the benefits do not pertain to heritage matters. The balance will be considered later in this report.

#### 8.105 Residential Amenity

##### 8.106 Existing residential development

8.107 Policy DM 14 of the Local Plan provided general development criteria and requires that development does not result in significant harm to amenity. Paragraph 130 of the NPPF states that decisions should ensure high standards of amenity for existing and future users.

8.108 As a general rule, a distance of 21m is considered sufficient to prevent a significant loss of amenity relating to daylight/sunlight, visual intrusion to outlook and privacy. The closest existing residential development is located to the north-east of the site in the new development leading from School Lane and those dwellings extending to the east of the school.

8.109 No residential dwellings are located in close proximity to the northern, southern, and western boundaries. The impact would mostly be felt to the eastern boundary. However, a significant tree belt is located along the eastern boundary of the site which would be retained. The distance between the closets proposed residential unit and an existing property in Newington is sufficient to prevent a significant loss of daylight, sunlight, or privacy to existing units.

8.110 Views are not protected under planning legislation. The separation distance between the proposal would be sufficient to prevent the development, which would be limited to two storeys, resulting in visual intrusion to outlook. Overall, the proposal would not result in a loss of amenity pertaining to daylight/sunlight, outlook, or privacy.

8.111 The proposal would see an uplift in vehicle movements in regard to the residential development. However, the upturn for 25 units would not be considered so significant as to result in unacceptable noise implications to local residents. Further, the proposal would see a dedicated drop off and pick up location associated with the school which would relieve pressure on pausing and idling vehicles along School Lane during the working week.

8.112 The Environmental Health Officer has commented on the proposal and did not consider that a noise survey was required. The buffer present by the trees and the local of the school to house would mean noise levels are unlikely to reach an unacceptable level.

8.113 The construction period of a development is not material to the acceptability of a proposal. However, details of dust management, construction hours, and construction



management plan could be secured via condition to ensure that development mitigates impacts during a construction period.

#### 8.114 *Proposed residential development*

8.115 The proposed units would have dual aspect views which would allow sufficient outlook and allow natural light to filter into the dwellings. Revised plans to align the dwellings to the eastern boundary have ensure limited impact from the adjacent tree belt to rear amenity spaces.

8.116 The dwellings have all been plotted to ensure external access to the front of properties to ensure that waste and refuse can be collected without the requirement to bring waste through the internal floor space.

8.117 The layout has been designed to achieve rear to rear alignment that would allow 21m which is the recommended distance to ensure sufficient privacy. In the places that a closer relationship exists the orientation of the properties reduces the overall overlooking with 11m achieved between side to rear alignment.

8.118 The proposed properties would all benefit from sufficient residential amenity space. The site is also located in such a position that access to the countryside is readily available. The proposed access would include an extension of the footpath to School Lane allowing wider accessibility to Newington. The permeability of the site for pedestrians would also allow for access around the site which would be well landscaped.

8.119 The proposed car park would result in vehicle movements within the site. However, these movements would be isolated to specific times of the week and day and would not be considered overtly harmful to amenity levels. Further, conditions to restrict lighting to the car park to bollard lighting could be applied by members.

8.120 Overall, the proposal is considered to preserve existing amenity levels and would result in an acceptable level of amenity for future occupiers. The proposal is considered compliant with local and national policy in regard to amenity.

#### 8.121 **Highways**

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

8.123 Paragraph 111 of the National Planning Policy Framework states that:

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

8.124 The revised Transport Statement indicates that the proposal would generate 12 two-way movements (4 arrivals and 8 departures) on Church Lane in the AM peak hour. In the peak PM hours 10 two-way movements (7 arrivals and 3 departures) would occur. The Highways Officer note that 1 additional movement every 5 minutes on average would

be considered to have a negligible impact on the operation of Church Lane in the context of existing traffic flows (School drop off).

8.125 Due to the proposals impact to the Key Street roundabout on the AM and PM peak hours, which would generate 14 vehicle movements. As such, Highways have identified a financial contribution of £16, 800.00 if the development would be approved. The amount was later clarified to require a contribution of £34, 056.96 due to the additional traffic volume that would adjoin the Key Street roundabout. The amount is costed at £2, 432.64 per movement.

8.126 The Highways Officer commented that the proposal would generate an additional 20 parking spaces and drop off area for the school. The assessment was based on the existing informal parking area. However, the existing parking area is not subject to planning permission and therefore the gain would equate to 40 additional spaces.

8.127 The Highways Officer considers that the circulation space that the proposal would generate would remove parking demand and pressure from School Lane. The provision of this this space would be considered to an improvement to the current situation on School Lane.

8.128 The proposal would also secure additional improvements to School Lane, these would include the widening of School Lane between the school and the proposed access to allow two vehicles to pass one another without overrunning the verges. The addition of a 1.8m wide footway on the southern side of School Lane, and a crossing to a 1.5m wide footway on the northern side of School Lane. These improvements would allow pedestrians to walk along School Lane separated from vehicular traffic. This would allow continuous pedestrian access into Newington.

8.129 The alterations to School Lane would also include the introduction of waiting restrictions to prevent parents parking on the widened section of road. Further, the proposal would seek to extend the 30mph speed limit. These would be secured through Traffic Regulation Orders, which would need to be submitted by the developer to Kent County Council.

8.130 The proposal would allow for refuse vehicles to traverse through the site and exiting in a forward gear. Amendments were also provided to ensure that traffic would be able to pass units 6 to 11 such that a sufficient buffer would exist to allow vehicles to emerge safely.

#### 8.131 *Parking*

8.132 The Swale Borough Council Parking SPD states that for development in a rural area 0.2 visitor parking spaces should be provided per unit. The proposal would generate a need for 5 visitor parking spaces. The proposal would exceed the required amount in providing 6 visitor spaces. The spaces would be evenly distributed across the site to allow access for all units. This would alleviate pressure for parking on pavements.

8.133 Appendix A of the Swale Borough Council Parking Standards provides a table of recommended residential car parking standards. The application site would be

considered to be located in a rural location. 'Recommended' standards apply to rural locations and 'recommended' is defined by the SPD as follows:

*'...In terms of allocation, it is recommended that for 1 to 2 bed flats in all locations, an unallocated provision is made, to maximise flexibility. For 1 and 2 bed houses and above, some allocation of spaces is recommended; however it is not necessary to allocate all spaces. For example, for four bed units in rural locations, two spaces could be provided on-plot with a third placed on-street to allow for flexibility within the standard and for "opportunity parking" to be taken advantage of, acknowledging that different households will have different parking requirements and that to allocate all spaces will reduce flexibility.'*

8.134 Further to the above footnote 1 of the recommended standards states:

*'Car parking standards is for guidance and a lower provision should be considered for areas with good accessibility by sustainable transport modes and/or where effective mitigation measures are in place or proposed.'*

8.135 The proposed development would see a number of the units complying with the parking guidance. Units 1, 2, 3, 4, 13, 14, 19, 20, 21, and 22 would meet or exceed the guidance of the SPD in regard to parking provision. The rest of the units would have two parking spaces, and some would have a garage. Units 9 and 10 would have one space each, these units would be provided to the housing association.

8.136 KCC Highways are satisfied with the degree of parking provided. Visitor spaces exceed the requirements and would allow for parking on site if required. The parking provides a balance between reducing the degree of hardstanding in the rural location and meeting parking guidance.

8.137 Kent Police provided some commentary on the parking spaces of unit 23. The spaces were not considered to be sufficiently overlooked. However, the proposal was adapted to ensure the development would not result in pressure to the tree line located to the eastern boundary. The first-floor windows would have a view of these spaces and it is considered acceptable. The lighting of the car park would be subject to condition, ensuring the lighting does not add to light pollution and impact protected species i.e. bats.

8.138 The proposal would also provide a car park for Newington Church of England School. The Swale Parking SPD recommended 1 parking space per staff member plus 10% for primary Schools. Based on current staff numbers a requirement for 38 parking spaces and the School has an under provision.

8.139 The proposal would increase the degree of staff parking and provide a dedicated drop off zone for parents and students. The benefits of this would be improvement to the traffic flows along School Lane/Church Lane. KCC Education have responded to the preproposal indicating the current temporary parking area has seen improvements in traffic flows in peak hours and a reduction in idling cars in accord with the School.

8.140 KCC Highways have commented that the proposed car park would result in an improvement from the current situation. The additional parking spaces and circulation

spaces away from School Lane would remove parking demand and pressure from the existing highway.

8.141 The proposal would not be considered to result in a severe impact to the local highway network and would see some improvements to the pressure on surrounding roads during peak hours in relation to the School. The proposal subject to conditions and developer contribution would be considered acceptable.

#### 8.142 **Biodiversity**

8.143 Policy DM 28 of the Local Plan states that development proposal will conserve, enhance, and extend biodiversity, and provide net gains in biodiversity where possible.

8.144 The application was accompanied by an Ecological Impact assessment. The site is currently mainly comprised of compacted earth for the car park and arable farmland with vegetation to the northern and eastern boundaries. The sites context means that there is little protected species of interest on site.

8.145 The report indicated the presence of a small population of slow worms. Mitigation in the form of on-site translocation to the proposed areas of grassland. KCC Ecology consider that this would be an acceptable form of mitigation and could be secured by condition if members were minded to approve the application.

8.146 The potential for other protected species onsite including further reptiles, dormice, badgers for foraging and commuting. Further breeding bird may be located along the boundary vegetation. As a result, KCC Ecology have suggested a precautionary approach during construction. Again, this could be secured via condition, as suggested below.

8.147 Further to the use of the site for foraging and commuting, to ensure mitigation against the potential adverse effects of lighting on bats a condition to secure the sensitive lighting design would be secured via condition.

8.148 Under section 40 of the NERC Act (2006), paragraph 174 of the NPPF (2021) and the Environment Act (2021), biodiversity must be maintained and enhanced through the planning system. Additionally, in alignment with paragraph 180 of the NPPF 2021, the implementation of enhancements for biodiversity should be encouraged.

8.149 The submitted biodiversity net-gain report shows that a net-gain can be achieved. Primarily, this is achieved through native species planting and creation of a variety of habitats, including wildflower grassland (one of the most valuable additions for biodiversity). The report indicates a net increase of 2.51 habitat units (69.03%) and a net increase of 7.43 linear units (50.24%).

8.150 While the landscape management could be secured through section 106 obligation. To ensure appropriate management to secure meaningful ecological enhancement a condition would be applied to any grant of consent securing a Landscape Ecological Management Plan.

8.151 As noted by both Natural England and KCC Ecology the site is located within a 6km buffer of the designated European sites the Swale SPA and Ramsar sites. The proposal

would result in a net increase in residential dwellings which can have an associated recreational pressure on these sites. As a result, an appropriate assessment will be undertaken below.

*Appropriate Assessment under the Conservation of Habitats and Species Regulations 2017:*

- 8.152 The application site is located within the 6km buffer of (SPA) which is a European designated site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations) and Wetland of International Importance under the Ramsar Convention.
- 8.153 SPAs are protected sites classified in accordance with Article 4 of the EC Birds Directive. They are classified for rare and vulnerable birds and for regularly occurring migratory species. Article 4(4) of the Birds Directive (2009/147/EC) requires Member States to take appropriate steps to avoid pollution or deterioration of habitats or any disturbances affecting the birds, in so far as these would be significant having regard to the objectives of this Article.
- 8.154 Residential development within 6km of any access point to the SPAs has the potential for negative impacts upon that protected area by virtue of increased public access and degradation of special features therein. 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.
- 8.155 The HRA carried out by the Council as part of the Local Plan process (at the publication stage in April 2015 and one at the Main Mods stage in June 2016) considered the imposition of a tariff system to mitigate impacts upon the SPA (£275.88 per dwelling as ultimately agreed by the North Kent Environmental Planning Group and Natural England) – these mitigation measures are considered to be ecologically sound.
- 8.156 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.
- 8.157 The recent (April 2018) judgement (*People Over Wind v Coillte Teoranta*, ref. C-323/17) handed down by the Court of Justice of the European Union ruled that, when 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.
- 8.158 The proposal would have an impact upon the SPAs, however the scale of the development (25 residential units) is such that it would not be considered, alongside the mitigation measures to be implemented within the SPA from collection of the standard SAMMS tariff, that the impacts would be significant or long-term.

8.159 Based on the potential of 25 residential units being accommodated on the site A SAMMS contribution of up to £6,897.00 could be secured under the Section 106 agreement. The legal agreement could be worded such that it sets out that the SPA mitigation contribution is to be secured prior to the occupation of any dwelling. Therefore, taking into account the above it is considered that there will be no adverse effect on the integrity of the SPAs.

8.160 Finally, it can be noted that the required mitigation works will be carried out by Bird Wise, the brand name of the North Kent Strategic Access Management and Monitoring Scheme (SAMMS) Board, which itself is a partnership of local authorities, developers and environmental organisations, including SBC, KCC, Medway Council, Canterbury Council, the RSPB, Kent Wildlife Trust, and others. (<https://birdwise.org.uk/>).

8.161 The proposal would be considered to reflect the aims of policy DM 28 and would provide onsite improvements for biodiversity as well off-site mitigation through SAMMS contributions.

#### 8.162 **Water, Flooding, and Drainage**

8.163 Policy DM 21 of the Local Plan seeks to ensure that development proposals will demonstrate that the most suitable means of drainage will be achieved on the site and Flood Risk Assessments will be provided where a development is at risk of flooding.

8.164 The application site is located in Flood Zone 1 which is an area at low risk of flooding. A Flood Risk Assessment was provided as part of the application. The risk from rivers and sea was considered negligible and no risk of ground water flooding were considered to occur on the site.

8.165 The proposed means of foul drainage would be through connection to the Southern Water sewer located along School Lane. Southern Water reviewed the application and has considered that they can provide foul sewage disposal to the proposed development. No objection has been received from the Environment Agency.

8.166 The proposal would utilise a combination of permeable paving leading to infiltration basins provided to the northern boundary and west of the car park. The basins would reflect the preferences of the Local Plan which have benefits both visually, ecologically, and for drainage purposes.

8.167 Kent County Council flood water management consider the drainage proposal a significant betterment and ensure compliance with the discharge hierarchy. KCC Flood Water Management did proffer conditions to be applied, which members could apply to any grant of consent. Further conditions could be applied ensuring landscaping of the infiltration basins to ensure visual enhancement.

8.168 The proposal is considered to comply with policy DM 21 of the Local Plan and reflective of local policy, subject to conditions.

#### 8.169 **Minerals**

8.170 A Minerals Safeguarding Assessment was provided as part of the application by RPS Consulting service. The assessment provided an overlay of the Mineral Safeguarding

Area as defined for Brickearth by the British Geological Survey. The overlay indicates that only a small corner to the north-west of the site is located within the safeguarding area, which includes a limited developed area.

8.171 The area within the Mineral Safeguarding Area is less than 0.25 hectares. As part of the application the only Brickearth user in the area was contacted (Weinberger Ltd). Weinberger Ltd stated that they were not interested in the site as a source of Brickearth as it would not be viable to extract the mineral.

8.172 Kent County Council Minerals and Waste were consulted on the application and found no objection to the proposal. The proposal would not present a viable extraction area and would not conflict with Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 2013-30.

### 8.173 Affordable Housing

8.174 Policy DM 8 of the Local Plan identifies that for development proposals of 11 or more dwellings there will be a need to provide affordable housing. The policy requires the provision of 40% affordable units in rural areas. The size, tenure and type of affordable housing would be provided in accord with the needs of the area.

8.175 The proposal would provide a policy compliant on-site provision of 40% which would equate to 10 units. The units would be distributed across the site which would provide good social integration. The proposal would provide 5 – 2-bedroom units and 5 – 30 bedroom units.

8.176 The guidance of policy CP 3 indicates a requirement for 1-, 2-, 3- and 4-bedroom dwellings. The split would not reflect this guidance. However, given the location of the site the provision of 1 bed units usually provided in a flatted form and 4- bedroom units might disrupt the grain of development and an onsite provision is welcomed.

8.177 Paragraph 7.3.8 of the Local Plan provides guidance for the tenure associated with the affordable housing requirement which seeks an indicative target of 90% affordable/social rent and 10% intermediate products.

8.178 The Housing Officer has indicated that due to a Written Ministerial Statement and amendments to the National Planning Policy Guidance a minimum of 25% of all affordable housing units should be provided as First Homes. When taking account of the new First Homes requirements, the remaining 75% of s106 affordable housing should be secured as social rented.

8.179 The provision of a 25% First Homes and 75% socially rented tenure was sought in line with the emerging government guidance. However, in regard to providing on-site provision which is the Council's preferred provision the Registered Providers would not accept the lower provision (7 units) they would be offered if implementing a 25% provision of First Homes.

8.180 As such, the offered position of 50% affordable rent and 50% shared ownership was considered acceptable by the housing officer in the provision of on-site affordable housing.

**8.181 Sustainability**

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

8.183 The proposal would exceed the building regulations requirements by 15% and the dwellings would be designed on a Fabric First approach exceeding the target by 11.21%. The approach would include the installation of high performing gas central heating systems with advanced controls.

8.184 The scheme would also include the provision of solar panels on 10 units (50% of the scheme). The net result of this installation would be to see an exceedance of 14.73% of the building regulations. The units which would benefit from the solar panels would be plots 8 to 12, 17 & 18, 23 to 25, which are the affordable units. This would have a tangible benefit to those units.

8.185 Should Members be minded to grant planning permission for the application, details of the solar panels could be secured via condition.

**8.186 Contamination**

8.187 The Environmental Health Officer has commented on the proposal and recommended the inclusion of Contaminated Land Conditions. There is no obvious contamination issue related to the site other than in connection with the agricultural use and proximity to a graveyard.

8.188 A Phase 1 desk study would be required in association with any grant of consent, this could be provided in the form of a pre-commencement condition. The assessment would a historic background and potential contaminated land at the site. Should contamination potential be identified a phase 2 intrusive investigation and remediation would then be triggered by condition.

8.189 Pre-commencement conditions would be considered sufficient to ensure that development would provide safe habitable residential accommodation.

**8.190 Air Quality**

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

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

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

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



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

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

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

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

8.196 The Newington Air Quality Management Area (AQMA) is located to the south of the site in excess of 400m from the site. The AQMA is located along the A2 High Street Newington. Further along the A2 Medway Council has also identified an AQMA on Rainham High Street.

8.197 An Air Quality Assessment was provided by the applicant. The assessment considers the development on an individual and a cumulative basis. The assessment also considers the impact of both the construction process and vehicle emissions.

8.198 The Air Quality assessment concluded that the impact as a result of construction process could be mitigated in regard to dust production. The proposal would need to implement mitigation, which would be secured via condition to ensure acceptable levels of dust during construction. Further, continuous visual assessment of the site during construction and a complaints log should be maintained during the development.

8.199 In regard to the vehicle emission impact the proposal in isolation has been assessed with proposed predicted levels in 2024. The impact when assessing the development in isolation would have a negligible impact to air quality with some receptors seeing a moderate impact. The impacts of the development on its own result in a less than a 1% change at existing receptors.

8.200 The proposed development’s impact in isolation would not therefore be considered to have significant harm to human health.

8.201 In assessing the development cumulatively, the worst-case predicted scenario 2024 model indicated moderate or substantial impacts. The assessment is based on the

proposed and committed developments in Newington only. The impact associated with committed development in Newington only is considered to be reduced due to changes in vehicle emission in 2024. Under this scenario the impacts from committed development in Newington are considered to be medium with the change to receptors as less than 5%.

8.202 As a result of the cumulative impacts of all committed development and the proposed development an Emissions Mitigation Assessment was undertaken. A damage cost was undertaken including NO<sub>x</sub>, PM<sub>10</sub>, and PM<sub>2.5</sub>. The damage cost (without mitigation) associated with the additional vehicle movements associated with the development over a 5-year period was considered to amount to £13, 000.00.

8.203 The applicant outlined how the damage cost mitigation of the £13, 000.00 which would be spent for on-site mitigation. The distribution of cost would be spent on a Travel Plan, welcome packs, car club etc. The damage cost calculation would be secured via section 106 and would in part be spent on an amount provided to each dwelling to be spent on subsidies public transport (bus/and or train travel tickets).

8.204 A further £5,000.00 above the required damage cost calculation would be provided for contribution towards the delivery of e-bikes or other approved schemes to combat air quality issues (this would rely on contribution from other development to reach a viable contribution pot. This will be secured via the section 106 agreement.

8.205 The technical transport note also provides mitigation measures through the Travel Plan which will encourage mode shifts. The provision of 12month subsidised public transport for new residents would aim to increase use of public transport. Further, the Transport Plan would encourage the use of apps for journey planning.

8.206 The technical note identified that the Department for transport 'Sustainable Travel Towns', indicated that some projects involving a varied range of initiatives to reduce car reliance found an average reduction of car use of 7-10% per resident. The conclusion of the Transport note indicates that provided measures could see a reduction of trips by vehicles.

8.207 It should be noted that all dwellings would have the provision of an electrical vehicle changing point, but these are not considered as part of the mitigation package and low emission boilers would also be conditioned.

8.208 The University of Kent responded to the application as per a request from the Parish Council. The University of Kent does not agree with the conclusion of the Air Quality Assessment considering that the model used in the assessment under predicts the NO<sub>2</sub>. The assessment also considers that the proposed mitigation measures to be vague and weak.

8.209 The proposal individually is not considered to have an individually a significantly negative impact. The concerns primarily derive from a cumulative impact with other committed development.

8.210 Paragraph 186 of the National Planning Policy Framework does make it clear that opportunities to improve or mitigate impacts should be considered at the plan making

stage. The NPPF encourages the need for opportunities to be considered at plan making stage to ensure a strategic approach. Paragraph 186 state individual application is consistent with the local air quality management plan.

8.211 The proposal would be considered to provide an improvement to traffic flows due to the provision of a dedicated drop off zone preventing idling. The proposal would also see the provision of an extended pedestrian path to local transport networks in Newington, and mitigation would provide residents with discounted tickets. The proposal would be considered to meet with the Local Air Quality Management Plan.

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

#### 8.213 **Archaeology**

8.214 The application site is not located within an area of Archaeological Potential, as this extends to the north-east in a north-west/north-east trajectory. However, the local area has been subject to archaeological finds. The Archaeological assessment submitted with the application does not identify either designated or non-designated archaeological remains on site.

8.215 The assessment was based on a walkover study. No response has at this stage been provided by Kent County Council Archaeology, though I hope to be able to update Members at the meeting. The site does lie near an area of archaeological potential. Given the potential a condition would be applied to secure investigation prior to commencement to rule out conclusively the potential for remains on site.

#### 8.216 **Developer Contributions**

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

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

8.219 On the basis of 25 units being constructed KCC have requested a contribution of approximately (not including the index rate) of £337,393.50. Such an amount could be secured via section 106 agreement.

8.220 Further, to the above Swale would require contribution towards the provision of wheelie bins of approximately £2, 647.50. Administration/monitoring fees, SPA mitigation as referenced above, Air Quality Damage Cost Calculations.

8.221 No comments have been received from Open Space team. However, based on the Open Spaces and Play Area Strategy 2018 – 2022 a contribution would likely to be sought on the basis of £593.00 per dwelling on formal sports and £446.00 per dwelling for play and fitness. The total would amount to £25, 975.00.

8.222 Kent and Medway Clinical Commissioning Group also made comment noting that the proposal would generate a requirement for an additional 72 patients. The comments note that the proposal would fall within the current practice boundaries of a number of surgeries in the surrounds of Newington. The proposal would need to contribute due to the limit capacity within existing general practices. The total amount requested would be £26, 028.00.

8.223 In addition to the above a contribution has been requested by Kent County Council Highways. The requested amount would total £34, 056.96. The contribution would be put towards the improvements on the Key Street roundabout. The site is located close to this junction in the Borough and would work towards improvement works.

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

#### 8.225 Titled Balance

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

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

8.228 The proposal site is located outside of the built environment and lies adjacent to a settlement which has been identified for development. The site is not totally removed from the public transport links. The development would support the provision of infrastructure to allow pedestrians to access these amenities.

8.229 The proposal would as identified above result in some landscape harm and a moderate level of harm to the setting of the listed Church. Paragraph 202 of the NPPF states:

*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 of the proposal including, where appropriate, securing its optimum viable use.*

8.230 The proposal would not result in harm to the designated asset. However, the Conservation Officer considers that a moderate level of less than substantial harm would occur to the setting of the Church spire setting. The harm would be considered limited due to the scale of the proposal and separation from the Church and the retention of rural fields both within the associated Conservation Area and surrounding fields.

- 8.231 The proposal would provide a car park for the local school. The dedicated car park would provide not only a sufficient degree of parking for the School but would allow drop off areas for parents which remove traffic from the local road network and idling vehicles. The dual benefits including safer access to the School for children and parents, preventing pollution from idling cars, and preventing blocking of the local road network. Further, the proposal would provide additional housing addressing an identified need in the borough.
- 8.232 The proposal would also result in some landscape harm in seeing the loss of part of an open field which sits outside of the defined development boundary. However, as above the proposal would see additional landscaping to an area which is predominately farmed and has limited value. The site is not isolated as it is located adjacent to the School with development present to the north east. The land is not a designated landscape either nationally or at the local level.
- 8.233 The harm to the landscape and setting of the listed building is not considered significant. In applying the titled balance, the proposal is considered to tip the balance in favour of approval.

## **9. CONCLUSION**

- 9.1 The proposed development would result in the loss of a small section of agricultural land and the development of greenfield land. The proposal would see a degree of landscape harm and impact to the setting of the Listed St Mary's Church.
- 9.2 However, the Local Authority cannot demonstrate a 5-year housing land supply. The titled balance is therefore applicable to the site as is not located within a protected area nor within an identified local level of landscape importance.
- 9.3 The proposal would result in tangible benefits such as the provision of a permanent car park for the local school. To ensure benefits of this proposal road restriction would be put in place to ensure idling and traffic would no longer queue along School Lane. The car park would provide a dedicated drop off zone for parents and reduce pressure on the local network.
- 9.4 In addition, the proposal would provide additional housing and on-site affordable housing in the Borough adjacent to a settlement on the development hierarchy strategy. The proposal is considered on balance acceptable and is recommended for approval.

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

## **CONDITIONS**

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

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990

as amended by the Planning and Compulsory Purchase Act 2004.

- 2) The developments hereby approved shall be carried out and maintained in accordance with the following approved plans:
- Site Location Plan – 4176/p001,
  - Entrance Landscape Sketch 1594/001 Rev F,
  - Proposed Access – 15058-H-01 P7,
  - Vehicle Swept Path Analysis 11.4m Refuse – 15058-T-01 P3,
  - Vehicle Swept Path Analysis Pantehnicon – 15058-T-02 P2,
  - Vehicle Swept Path Analysis Fire Tender – 15058-T-03 P2,
  - Play Strategy – 1594/003 Rev A,
  - Landscape Masterplan – 1594/002 Rev D,
  - Proposed Site Plan – 4176/p003 (Aug 2022),
  - Floor Plans – plot 1 – 4176/p100,
  - Floor Plans – plot 2 – 4176/p100,
  - Floor Plans – plot 11&12 – 4176/p100,
  - Floor Plans – plot 13&20 – 4176/p100,
  - Floor Plans – plot 14 – 4176/p100,
  - Floor Plans – plots 17&18 – 4176/p100,
  - Floor Plans – plot 19 – 4176/p100,
  - Floor Plans – plot 21 – 4176/p100 (Aug 2022),
  - Floor Plans – plot 22 – 4176/p100,
  - Floor Plans – plot 23 – 25 – 4176/p100,
  - Floor Plans – plot 3&4 – 4176/p100,
  - Floor Plans – plot 5 – 4176/p100,
  - Floor Plans – plot 6&7, 15&16 – 4176/p100,
  - Floor Plans – plots 8 – 10 – 4176/p100,
  - Elevations – plot 1 – 4176/p101,
  - Elevations – plot 11&12 – 4176/p101,
  - Elevations – plot 13&20 – 4176/p101,
  - Elevations – plot 14 – 4176/p101,
  - Elevations – plots 17&18 – 4176/p101,
  - Elevations – plot 19 – 4176/p101,
  - Elevations – plot 2 – 4176/p101,
  - Elevations – plot 21 – 4176/p101,
  - Elevations – plot 22 – 4176/p101,
  - Elevations – plot 23 – 25 – 4176/p101,
  - Elevations – plot 3&4 – 4176/p101,
  - Elevations – plot 5 – 4176/p101,
  - Elevations – plot 6&7, 15&16 – 4176/p101,
  - Elevations – plots 8 – 10 – 4176/p101,
  - Boundary Treatment Strategy Plan – 4176/sp01C,
  - Tenure Strategy Plan – 4176/sp02,
  - EV Charging & Parking Strategy Plan – 4176/sp03 (Aug 2022),
  - Refuse Strategy Plan – 4176/sp04 (Aug 2022),
  - Fire Strategy Plan – 4176/sp05.

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

- 3) Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and the Drainage Strategy prepared by Fairhurst dated July 2021 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the

climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

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

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

- 5) Prior to the commencement of the development details of the proposed lighting associated with the proposed car park as illustrated on plan 4176/p003 shall be submitted to and approved in writing by the local planning authority. The details shall ensure low level lighting. The development shall be carried out in accord with the approved plans, prior to bringing the development into first use and maintained as such thereafter.

Reason: In the interest of the dark skies of the countryside and neighboring amenity.

- 6) From the commencement of works (including site clearance), all mitigation measures for protected species will be carried out in accordance with the details contained in sections 8.5 through to 8.16 of the 'Interim Ecological Assessment' (Bakerwell July 2021).

Reason: In the interests of protected species.

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

Reason: In the interests of protected species.

- 8) Prior to completion/first occupation of the development hereby approved, A Landscape and Ecological Management Plan (LEMP) will be submitted to, and be approved in writing by, the local planning authority. The LEMP will be based on the 'Landscape Masterplan' Rev B (Murdoch Wickham July 2021) and will include the following.
  - a) Description and evaluation of features to be managed;
  - b) Ecological trends and constraints on site that might influence management;
  - c) Aims and objectives of management;
  - d) Appropriate management prescriptions for achieving the aims and objectives;
  - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
  - f) Details of the body or organisation responsible for implementation of the plan;
  - g) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The approved plan will be implemented in accordance with the approved details.

Reason: In the interest of ecological enhancement of the site.

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

Reason: In the interest of amenity.

- 10) Prior to the commencement of the development hereby approved, details of a Dust Management Plan (DMP) shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.



Reason: In the interest of amenity.

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

Monday to Friday 0730 - 1800 hours, Saturdays 0800 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.

Reason: In the interest of amenity.

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

Reason: In the interest of sustainability.

- 13) Prior to first occupation of the development hereby approved provision and permanent retention of all Electric Vehicle Charging points shown on the approved plan EV Charging and Parking Strategy Pan 4176/sp03. All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection). Approved models are shown on the Office for Low Emission Vehicles Homecharge Scheme approved ChargePoint model list.

Reason: In the interest of air quality.

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

Reason: In the interests of water conservation and sustainability.

- 15) Upon completion of the development, no further development permitted by classes A, B, C, D or E of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), shall be carried out to the semi-detached pair of dwellings (as labeled at 1 and 2 on plan 20 0931/03 Rev F).

Reason: In the interest of visual amenity of the countryside and appropriate amenity.

- 16) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of visual amenity.

- 17) Prior to reaching damp proof course details of the proposed materials to be used in the construction of the development hereby approved shall be submitted to and

approved in writing by the local planning authority. The development shall be carried out in accord with the approved details.

Reason: In the interests of visual amenity.

- 18) Prior to reaching Damp Proof Course of the development hereby approved a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be based on the landscape strategy drawing 'Landscape Master Plan 1594/002 Rev D and should provide images together with relevant sizes/ dimensions of the relevant shrubs, trees, surfacing materials (hard surfaces) and boundary treatments to be used. The development shall indicate a landscape buffer along the western boundary of the site which shall include a strong mix of native species trees. The development shall be carried out in accord with the approved details and in accordance with a program that shall first have been agreed in writing by the Local Planning Authority.

Reason: In the interest of enhancing the visual amenity of the area.

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

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

- 20) Prior to the commencement of the development hereby approved details of the proposed tree protection measure across the site shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented prior to the commencement of any development and maintained throughout the course of the development.

Reason: In the interest of the visual amenity of the area.

- 21) Prior to the first occupation of any part of the development hereby approved a Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Management Plan shall be adhered to thereafter.

Reason: To ensure the visual amenity of the area.

- 22) Prior to first occupation of the development hereby approved details of the proposed play equipment and seating shall be submitted to and approved in writing by the Local Planning Authority. The details shall be based on the 'Play Strategy 1594/003 Rev A'. The approved details shall be implemented prior to first occupation of the development and maintained as such thereafter.

Reason: In the interest of open space and recreation.

- 23) Prior to the commencement of the development hereby approved, details of a parking management scheme for the proposed school car park shall be submitted to and approved in writing by the local planning authority.

Reason: In the interest of highway safety.

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

Reason: In the interest of the archaeological interest.

- 25) Prior to reaching slab level of the development hereby approved, further details of all means of enclosure shall be submitted to and approved in writing by the Local Planning authority. These details shall be in accord with the Landscape Master Plan 1594/002 Rev D and include the proposed materials, overall height, and siting. The approved details shall be implemented prior to first occupation of the development and maintained as such thereafter.

Reasons: In the interest of visual amenity and conserving the character of the rural lane.

- 26) Prior to first occupation of the development hereby approved details of the permanent accessibility of the proposed pedestrian walkways shall be submitted to and approved in writing by the local planning authority. The approved details shall be adhered to thereafter.

Reasons: In the interest of open space and recreation.

- 27) Prior to the commencement of the development details of how the development will comply with the requirement of the principles of 'Secure by Design' shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accord with those details.

Reasons: In the interest of residential amenity.

- 28) Prior to the occupation of any of the units hereby permitted the visibility splays as shown on the approved plans shall be provided with no obstructions over 1.2m above carriageway level within the splay, street nameplates and highway structures if any and maintain as such thereafter.

Reason: In the interest of highway safety.

- 29) The approved parking as illustrated on plan 4176-sp03 Rev C shall be provided prior to bringing the development into first use and retained thereafter.

Reason: In the interest of highway safety.

- 30) Prior to the commencement of the development details of all proposed secured, covered cycle parking facilities shall be submitted to and approved in writing by the local planning authority. The approved cycle parking provision shall be supplied in accord with the approved details prior to first occupation of the development hereby approved.

Reason: In the interest of sustainable transport.

- 31) Prior to the occupation of any of the units hereby permitted the approved access as show on the approved plans including 4176/p003 Aug 2022 shall have been completed and brought into use and maintained as such thereafter.

Reason: In the interest of the local highway network.

- 32) Prior to the occupation of any units as approved by the development hereby approved the completion of the off-site highway works to provide a footway and the carriageway widening along School Lane as shown on drawing 15058-H-01 revision P7, including the proposed extension of the speed restrictions shall have been completed and brought into use.

Reason: In the interest of highway safety.

- 33) Prior to occupation of any units as approved by the development the School parking/drop off and collection area shall have been completed in accord with the approved plan 4176/p003 Aug 2022.

Reason: In the interest of the highway network.

- 34) Prior to the commencement of the development hereby approved details of the proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accord with the approved details and maintained as such thereafter.

Reason: In the interest of highway safety.

- 35) Prior to the occupation of any of the units as approved by this development details the following works between a dwelling and the adopted highway shall have been completed:
- (a) Footways and/or footpaths, with the exception of the wearing course;
  - (b) Carriageways, with the exception of the wearing course but including a turning facility, highway drainage, visibility splays, street lighting, street nameplates and highway structures (if any).

Reason: In the interest of highway safety.

- 36) Prior to first occupation of the development hereby approved the Key Street highway improvement works contract has been awarded.

Reason: In the interest of Highways.

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

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

- 38) Prior to the commencement of the development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management shall include the following:
- (a) Routing of construction and delivery vehicles to / from site,
  - (b) Parking and turning areas for construction and delivery vehicles and site personnel,
  - (c) dust management and compliant log,
  - (d) Timing of deliveries,
  - (e) Provision of wheel washing facilities,
  - (f) Temporary traffic management / signage,

The development shall be carried out in accord with the approved Construction Management Plan at all times.

Reason: In the interest of highway safety.

#### Informative

1. It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

