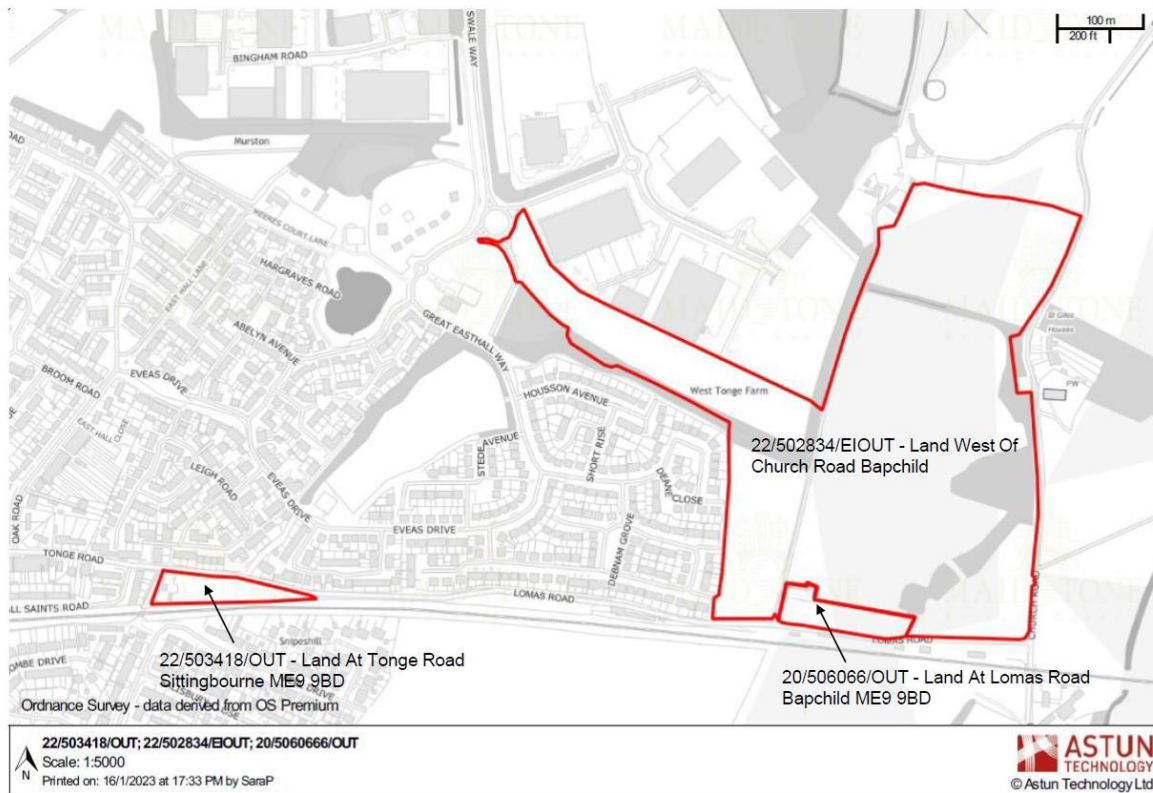


Report to Planning Committee – 25 January 2023



Item 2.1

Land At Tonge Road Sittingbourne Kent ME9 9BD

Carter Jonas



- Vehicular access
- Footpath
- Green space / rain gardens
- Native shrubs and species rich planting (with informal pedestrian footpath link)
- Private communal gardens

PROJECT TITLE
TONGE ROAD, SITTINGBOURNE

ISSUING TITLE
ILLUSTRATIVE LAYOUT

DWG. NO. 48943_004B

REV.	DESCRIPTION	DATE
1	Issue and design made in accordance with LA comments	01.08.2022
2	Issue and design made in accordance with LA comments	01.08.2022

ISSUED BY Cambridge T: 01223 368 771 JR
 DATE July 2022 DRAWN JR
 SCALE SA2 1:500 CHECKED
 STATUS FINAL APPROVED JD



AMENDED

2.1 REFERENCE NO - 22/503418/OUT		
APPLICATION PROPOSAL		
Outline Application with access matters sought for the development of up to 16 dwellings and all necessary supporting infrastructure including internal access roads, footpaths and parking, open space and landscaping, drainage, utilities and service infrastructure works. (Matters of appearance, landscaping, layout and scale are reserved for future considerations; except for access to Tonge Road.)		
ADDRESS Land at Tonge Road Sittingbourne Kent ME9 9BD		
RECOMMENDATION Approval subject to the prior completion of a s106 Planning Obligation to secure the heads of terms set out in the report and the imposition of conditions also set out in this report with delegated authority given to officers to negotiate the s106 agreement as necessary and to amend and add to the list of conditions as appropriate		
SUMMARY OF REASONS FOR RECOMMENDATION		
The site lies within the extended settlement boundary for Sittingbourne to the South of Tonge Road. The development of such a site is in line with the local plan policy and strategy. The scheme includes widening of Tonge Road and provision of footways along the southern part of Tonge Road towards where it becomes Lomas Road and contribute towards a quiet road scheme on Lomas Road. The means of access and quantum of development as shown in the illustrative design are considered acceptable.		
REASON FOR REFERRAL TO COMMITTEE		
Interlinked with other agenda items. Cumulative impacts of three close by schemes sharing infrastructure or mitigation schemes. No call in.		
WARD Murston	PARISH/TOWN COUNCIL Within Murston Parish which no longer has a Parish Council.	APPLICANT Fenrose Ltd AGENT Carter Jonas LLP
CASE OFFICER: Andrew Lainton		
DECISION DUE DATE 24/10/22	PUBLICITY EXPIRY DATE 28/10/22	

1. PLANNING HISTORY

- 1.1** The site has a long planning history of applications for varying forms of residential development in the 1970's and 1980's, which were refused planning permission. However, since then there has been a significant shift in planning policy and as such these applications are not considered to be material to the consideration of this application.

2. DESCRIPTION OF SITE

Site Location

- 2.1 The site is 0.48ha and is located on land adjacent to the edge of the urban area of Sittingbourne within the extended settlement boundary. The town centre is approximately 1700m to the west with Sittingbourne Railway Station being 1800m away.
- 2.2 The site itself is located to the South of Tonge Road, which becomes Lomas Road immediately to the East of this site. Tonge Road/Lomas Road is a country lane which forms the only road exit/entrance from Sittingbourne to the east on the northern side of the railway line. The site is located to the south of Tong Road between it and the Sittingbourne to Faversham Railway line.

Site Boundaries and Topography

- 2.3 The site is triangular in shape running east-west to a point at its eastern end. The width of the site is approximately 179m along Ting Road and around 38m deep at its widest point. The site is relatively flat with the southern boundary formed by the railway and the northern boundary by an irregular hedge and shrubs.
- 2.4 The site has been used as paddocks with two small buildings on the far western part of the site. The current site access is located at the north-western corner of the site from Tonge Road, which gives access to a few structures on an area of hardstanding. The remainder of the site is laid to grass. Taking this into account the site is considered to be previously developed land.
- 2.5 The site lies directly to the South of the Great East Hall Estate and to the east of a footpath which goes under the railway to the Snipeshill area. At this point Tonge Road has no footways and forms part of National Cycle Route One. This is an important route mostly on quieter country lanes linking London through Sittingbourne to Dover.
- 2.6 There are no trees within the body of the site only at the site boundaries.

3. PROPOSAL

- 3.1 The proposal is an outline application with all matters reserved for future determination apart from means of access. The application proposes the construction of 16 dwellings, two of are proposed to be affordable units. The proposal includes a parameter plan showing means of access, block form and front building lines.
- 3.2 The dwellings would be accessed via two site access T junctions, which front Tonge Road. The eastern access would be a vehicular crossover arrangement whilst the

western access has been designed as a minor access way. It is proposed that Tonge Road be widened to a 5.5m wide carriageway across the whole of the site frontage with the exception the eastern side of the site that is proposed to be open space. In addition to this a 1.8m wide footway will be provided.

- 3.3 An illustrative masterplan shows a mix of dwellings, including semi-detached, terraced properties and maisonettes. These would range from one to three bedrooms in size, with the precise mix determined through subsequent reserved matters applications. The layout includes five visitor parking spaces and parking provision for the residential units.
- 3.4 The proposed build takes the form of three simply designed blocks, which form a new street frontage along Tong Road. All dwellings are designed to have private amenity space with the exception of the properties would have front and rear gardens. At the narrowest eastern part of the site a communal open space would be provided.

Planning constraints

- 3.5 There are no statutory planning constraints at or adjoining the site application site.

4. POLICY

Bearing Fruits 2031: The Swale Borough Local Plan 2017

ST1 Delivering sustainable development in Swale;

ST2 Development targets for jobs and homes 2014- 2031;

ST3 The Swale Settlement strategy

ST4 Meeting the Local Plan Development Targets

ST5 The Sittingbourne Area Strategy

CP2 Promoting Sustainable Transport

CP3 Delivering a Wide Choice of High-Quality Homes

CP 4 Requiring Good Design

CP 5 Health and Wellbeing

CP 6 Community Facilities and Services to Meet Local Needs

CP 7 Conserving and Enhancing the Natural Environment – Providing for Green Infrastructure

DM 6 Managing Transport

DM 7 Vehicle parking;

DM 8 Affordable Housing;

DM 14 General development criteria;

DM 17 Open Space, Sports and Recreation Provision

DM 19 Sustainable design and construction;

DM 21 Water, flooding and drainage;

DM 28 Biodiversity and geological conservation;

DM 29 Woodlands and Trees.

Supplementary Planning Documents

Developer Contributions (2009);

Parking Standards (2020); (chapter 2 and standards in appendix a)

Landscape Character and Biodiversity Appraisal (2011)

Swale Borough Council's Noise and Vibration Planning Technical Guidance Document (May 2020)

5. LOCAL REPRESENTATIONS

5.1 Letters were sent to neighbouring occupiers and a site notice was placed in the vicinity of the site. In response thirteen objections to the proposal were received on the following grounds: -

- Overlooking
- Loss of view [not a material planning consideration]
- Loss of sunlight south facing gardens

- Congestion and heavy traffic on narrow lane.
- Traffic Pollution according to NPPG air quality is not a material consideration on such a small site in this location]
- Loss of property value [not a material planning consideration]
- Noise during construction [not a material planning consideration, controlled by other legislation i.e., Control of Pollution Act
- Loss of Trees
- Flooding
- Will block footpath under railway line [No works are proposed to this footpath]

5.2 Sittingbourne Society have objected to the application on the following grounds:

Concerned that to squeeze 16 properties on to a small field bordered by the railway and Tonge Road is an overdevelopment of this land. and scale of the proposed buildings would overshadow existing properties. Tonge Road is narrow and to add a new road junction will exacerbate existing traffic hazards and will add to extra stress on the local road network. The building of yet more properties in this area will place an extra burden on the capacity of the local surface water drainage system.

5.3 Tonge Parish Council have objected to the application on the following Grounds:

It will increase traffic on the narrow country lanes around Tonge Mill. Car drivers will exit the site on to Tonge Road and travel east along Lomas Road before accessing the A2. This will make the junction of Hempstead Lane and the A2 even more dangerous. Around Tonge Pond and Mill there are a number of listed buildings that have sustained damage and the road has collapsed probably due to increased HGVs travelling from the Golf Range. Any further traffic will exacerbate the situation.

Together with 20/506066/OUT there is the potential for five further roads to pour traffic on to a short stretch of Tonge and Lomas Roads which is going to make this narrow country lane impassable [note the other site access onto Lomas Road now deleted] The rural roads around Tonge are frequently used by cyclists and pedestrians so any further traffic movements would create a hazard particularly where there is no footpath [a footway and road widening is proposed as part of the application].

It is considered the when the Great East Hall Estate, which is north of Lomas Road and opposite the site, was given planning permission it was agreed that there would not be any vehicular access roads on to Lomas and Tonge Roads because of the narrow nature of the road and the implications for other local roads. The design will

encourage residents to park at the front of their houses, as many people do along Tonge Road. This will create a hazard on what will become an increasingly busy road. The application also says: 'The proposed houses will be 2 to 2.5 storeys'. 'The 2 storey housing will generally be up to 9m tall (maximum height to ridge above ground level), and the 2.5 storey housing up to 11m tall.' This seems very tall. We are concerned that they will overlook houses on the north of Tonge Road.

Swale Footpath User Group have commented that the track to the west (passing under the railway arch) is PROW ZU 18.

6. CONSULTATIONS

- 6.1 Kent County Council Highways (01/08/2022): No objection subject to conditions and the completion of a Section 106 agreement.

The application includes the widening of Tonge Road to 5.5m and incorporates a new footway to the site frontage. Off street parking provision accords to current standards and includes the necessary provision for electric vehicles, the detailed arrangements will be considered at reserved matters stage.

- 6.2 Mid Kent Environmental Health (1.09.2022) No objection subject to conditions to secure mitigation relating to noise impacts, air quality and contamination

- 6.3 Network Rail (26.08.2022): No objections to the proposal

- 6.4 Kent County Council Developer Contributions (17 .08.2022): No objection subject to S106 contributions be secured towards the following: -

Primary Education

The proposal gives rise to up to 4 additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity requires new primary accommodation to be provided, including the provision of a new primary school therefore a contribution towards the new primary school and a land contribution is required.

A primary school contribution of £6,800.00 per 'applicable' house and £1700.00 per 'applicable' flat is requested.

Land Contribution £2062.22 per 'applicable' house and £506.56 per 'applicable' flat

Secondary school Provision

The proposal is projected to give rise to up to 3 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of a new Secondary School serving this development. The County Council, therefore, requires a financial contribution towards the new Secondary School to provide additional accommodation at £5,176.00 per 'applicable' house and £1294.00 per 'applicable' flat.

In terms of land acquisition costs, the County Council requires the securing of provision of a new Secondary School site serving this development along with proportionate contributions towards the Secondary School land acquisition cost at £2653.75 per 'applicable' house and £658.93 per 'applicable' flat.

Community Learning

£16.42 per dwelling towards the cost of providing additional equipment and resources at Adult Education Centres serving the development and outreach provision to increase capacity in the service

Youth Service

£65.50 per dwelling towards additional resources and equipment to provide outreach services in the vicinity of the development.

Library Service

£55.45 per household to address the direct impact of this development, and the additional services, resources and stock will be made available at Libraries serving the development.

Adult Social Care

£146.88 per towards specialist care accommodation, assistive technology systems and equipment to adapt homes, adapting Community facilities, sensory facilities, and Changing Places locally in the Borough. Dwellings are built to Building Reg Part M4(2) standard (as a minimum) to ensure that they remain accessible throughout the lifetime of the occupants, meeting any changes in the occupant's requirements.

Waste

A contribution of £183.67 per household is required towards expansion of HWRCs and WTS' within the Borough, including work at the Sittingbourne WTS

Broadband

The NPPF (para 114) and The Department for Digital, Culture, Media and Sport requires full fibre connection to new developments being gigabit capable fibre optic to the premise connection for all. Please include a Planning Condition to provide 'fibre to the premise' (FTTP) broadband connections to all premises of gigabit capacity. Developers are advised to make early contact with broadband providers, as there can be a lead in time for cable installation and associated infrastructure.

- 6.5 Kent County Council Drainage (Lead Local Flood Authority) (17.08.2022): No objection to the proposal.

The detailed drainage design can be considered at the detailed design stage.

- 6.6 Environment Agency (28.07.2022): No Objection to the proposal

- 6.7 Natural England (11.08.2022): No Objections subject to the adoption of an Appropriate Assessment and securing the necessary mitigation.

- 6.8 Southern Water (17.08.2022): No Objection to the proposal.

- 6.9 Kent Police: (16.08.2022) No objection subject to incorporation of crime prevention measures

- 6.10 KCC Mineral and Waste (09.08.2022): No objection to the proposal

- 6.11 Affordable Housing Officer (08.11.2022): No objection to the proposal subject to securing the delivery of 2 affordable housing units.

7. BACKGROUND PAPERS AND PLANS

7.1 The application has been supported by a number of drawings (though with the exception of the access drawings, these are illustrative), assessments, and reports. These include the following:

- Planning and Design and Access Statement
- Site Plan
- Proposed Site Access Drawing
- Parameter Plan
- Illustrative Layout
- Noise Impact Assessment
- Flood Risk Assessment
- Arboricultural Impact Assessment and Method Statement
- Preliminary Ecological Appraisal
- Transport Assessment

8. APPRAISAL

8.1 The main considerations involved in the assessment of this application are:

- a. Principle of Development
- b. Meeting the Need for Housing
- c. Meeting the need for Affordable Housing
- d. Highway Safety, Transportation and Parking
- e. Design and Landscape

- f. Living conditions
- g. Sustainable Design and Construction
- h. Drainage and Flood Risk
- i. Trees and Biodiversity
- j. Swale SPA Impact – Appropriate Assessment
- k. Social Infrastructure
- l. Other Matters

a) Principle of Development

- 8.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan. At this stage, the Council can demonstrate a 4.83 year supply of housing and as such the presumption in favour of sustainable development at paragraph 11d is engaged. In light of this the policies within the Local Plan 2017 in relation to housing delivery are out of date, however, as they are consistent with the NPPF they can be afforded significant weight.
- 8.3 The Local Plan 2017 seeks to steer new housing development to the defined built-up areas of the district with Sittingbourne being the primary focus. The site is a stripe of previously developed land, which is located within the extended urban boundary of Sittingbourne and as such the site is considered to be suitably located to services.
- 8.4 Taking this into account, the principle of development is acceptable in accordance with policies ST3, ST5 and CP3 of the Local Plan 2017 and the NPPF.
- 8.5 The scheme would make a modest contribution towards meeting housing needs in the borough in an accessible location in accordance with the local plan policy ST2 and national policy, which weighs modestly in favour of the scheme in the planning balance.

- 8.6 The scheme is compliant with the development plan, although this is out of date as the five year period required by the Bearing Fruits inspector has passed and in addition the tilted balance applies (para 11d NPPF footnote 8) in either case the presumption in favour of development and the presumption in favour of development plan apply, using the same section of the NPPF (para 11d) coming to the same conclusion; the scheme should be approved.

b) Meeting the Need for Affordable Housing

- 8.7 The NPPF establishes that the requirement for affordable housing provision should be reflected in planning policy. Paragraph 65 of the NPPF establishes that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership. This is consistent with policy DM8 of the Local Plan 2017, which requires the provision of 10% affordable housing in Sittingbourne.
- 8.8 As part of this scheme two affordable units are to be provided on-site. One will be for affordable rent with the second being a first-time home. Swale's affordable housing officer has been consulted, and they have raised no objection to proposal.
- 8.9 Taking this into account the proposal is considered to accords with policy DM8 of the Local Plan 2017 and the NPPF.

c) Highway Safety, Transportation and Parking

- 8.10 The National Planning Policy Framework promotes sustainable patterns of development and expects land use and transport planning to work in parallel in order to deliver such. A core principle of the National Planning Policy Framework is that development should:
- 8.11 "Actively manage patterns of growth to make the fullest use of public transport, walking and cycling and to focus development in locations which are sustainable."
- 8.12 The NPPF also states that: "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."
- 8.13 Local Plan Policy DM 6 requires development proposals that generate a significant amount of transport movements to be supported by a Transport Assessment (including Travel Plan), which will be based on the Council's most up to date strategic modelling work. In assessing applications, it will need to be considered how the environmental impacts of traffic can be managed, providing alternatives to the car and encouraging the use of public transport and seeking new road infrastructure.

- 8.14 The proposed development is predicted to generate an additional nine two-way trips by car / van in the AM peak hour and 11 two-way trips in the PM peak hour. The scheme has been assessed by KCC Highways and the impacts of the scheme are not considered to be severe alone and in combination with other development. As such a key consideration of this application is how the increase in traffic movements can be mitigated.
- 8.15 Note under the NPPG the site is too small with no impact on any AQMA for consideration of any impacts on air quality.
- 8.16 The scheme includes the widening of Tonge Road and it will provide footways along the built frontage. In addition to this due to the lack of footways along Lomas Road and its importance as a cycle route, which forms part of the National Cycle Network there will need to be safety improvements in the form of a 'Quiet Lane' scheme. Quiet Lanes are signed areas and are minor rural roads that pay special attention to the needs of pedestrians, cyclists, horse riders and those with disabilities. They are intended to enable such users to enjoy country lanes more safely. Considering this a contribution of £7,000 is required to mitigate this scheme. Taking this into account it is considered that the effects of the proposal upon the surrounding highway network can be suitably mitigated via the imposition of conditions and a Section 106 agreement.
- 8.17 The site would be served by two newly created vehicular access points on the northern side of the site on Tonge Road, which are considered to be suitably designed to allow for sufficient capacity and as such will not result in an adverse impact upon highway safety. They are designed in accordance with Kent Design Guide and meet KCC Highway's requirements. Officers are therefore satisfied that the access points are suitably designed. It is anticipated that refuse will be collected from Tonge Road and as such refuse vehicles will not be required to access the site itself.
- 8.18 In terms of the illustrative layout, this shows that suitable turning space for delivery vans and servicing can be accommodated within the layout. It also indicates parking be provided in accordance with the Council's parking standards, which can be secured via planning condition. In addition to this cycle storage will be accommodated on plot for each dwelling, again provision in accordance with the Local Plan requirements can be secured by planning condition.
- 8.19 In terms of the inclusion of EV charging for vehicles is covered by Building Regulations. Taking the above into account officers are satisfied that the proposal will have no adverse impact upon the highway network. The proposal is therefore considered to accord with policy DM8 of the Local Plan and the NPPF subject to the imposition of safeguarding conditions and the completion of a Section 106 agreement. A number of objections relate to the narrow nature of Tonge Road/Lomas Road, however the proposed road widening and new footways resolve this issue. The scheme is very different from the Great East Hall and West of Church Road schemes to the north,

where because of their strategic scale required a connection via Swale Way / The local plan proposed Sittingbourne Northern Relief Road. It is considered that a small-scale scheme such as this, with the proposed wide widening and new footways, and contiguous with the developed area of Murston is acceptable.

d) Design and Landscape

- 8.20 The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people.
- 8.21 The Local Plan reinforces this requiring new proposals to be of high quality design including the form of the development in terms of the efficient use of land, layout, landscape, density and mix, scale, massing, materials, finish and architectural detail.
- 8.22 Although design, scale, layout and landscaping are reserved matters, the submitted plans demonstrate that 16 dwellings can be comfortably accommodated within the site, providing sufficient garden space and off-road parking. The submitted plans show an acceptable indicative layout of the proposed dwellings whereby a new street frontage is created along Tonge Road, which is considered to be acceptable in terms of the character and appearance of the area due to the reference that is taken from the form, bulk, massing and design of dwellings present within the streetscene. This is in line with national policy, the national design code and local plan policy CP 4.
- 8.23 The illustrative layout incorporates an indicative landscape proposal, which includes front gardens with dwarf front walls and planting. In addition to this landscaping is concluded within the communal parking areas. The proposed open space is appropriate to the size of the site and meets the requirement of local plan policy DM17.
- 8.24 In light of the above, it is considered that the proposal would not be harmful to the character and appearance of the street, in accordance with policies CP4 of the Local Plan 2017 and the NPPF.

e) Living conditions

- 8.25 The Local Plan aims to secure a good standard of amenity for all existing and future occupants of land and buildings.

Existing Occupiers

- 8.26 On the basis of the indicative layout and the relationship of the site with nearby dwellings, it is considered that a detailed scheme that would not result in harm to neighbouring property occupiers can be achieved on the site.

Future occupiers

- 8.27 On the basis of the submitted plans, the proposed dwellings would provide internal accommodation that meets national space standards and sufficient garden space, including secure cycle and bin storage. The site is located adjacent to existing residential development, the indicative layout shows the proposed dwellings to be set away from these dwellings and it is considered that a detailed scheme that would not result in harm to future occupiers can be achieved on the site.
- 8.28 To the rear of the site is a railway line with a busy road being located to the front of the site, to accompany this application a Noise and Vibration Assessment was carried out. The report sets out that noise levels at the site are dictated by road traffic noise emissions from Tonge Road and train passes on the Chatham Main Line and this this can be mitigated
- 8.29 The noise impacts affecting the development have been assessed in accordance with the ProPG guidance. The noise model was used to calculate road traffic and railway noise levels at all facades of the development. In light of work undertaken, mitigation in the form of acoustically upgraded glazing and ventilation and acoustic screening around gardens is required to avoid any negative impact upon the living conditions of future occupiers. This can be secured via condition and will be considered further at the detailed design stage. In addition to this the vibration levels have been monitored across the site and these are considered to be acceptable.
- 8.30 Taking this into account coupled with no objection being received from Mid Kent services, the proposal is considered to have an acceptable impact upon the living conditions of neighbouring occupiers subject to conditions. The application is considered to accord with policy CP 4 of the Local Plan 2017 and the NPPF.

f) Sustainable Design and Construction

- 8.31 Whilst the detail of the construction of the proposed dwellings will be determined at the reserved matters stage, it is expected that the development will seek to adopt a range of measures to respond positively to climate change. The proposals as shown in the illustrative masterplan are expected to:
- oriented to maximise the benefits of passive (free) solar gain whilst balancing this with the risk of overheating now, and in a warmer climate in the decades to come;
 - Be thermally insulated to minimise heat loss and further minimise energy lost through thermal bridging;
 - Be air-tight and properly ventilated to maintain good levels of air quality;
 - Include additional architectural features and specifications to manage overheating risk and help the buildings fully adapt to a changed climate; and

- Incorporate energy efficient lighting and appliances, electric vehicle charging points and flow restrictions on water supplies.

8.32 With these measures the scheme is considered to comply with local plan policy DM 19 and the NPPF.

g) Drainage and Flood Risk

8.33 The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. The site has been subject to a flood risk assessment.

8.34 The site is located in Flood Zone 1, the zone at the least risk of flooding. The proposed surface water drainage strategy demonstrates that the proposed development can be drained using attenuation SuDS, which will provide storage for site runoff volumes up to and including the 1% annual probability storm event, including a 40% climate change allowance. Attenuated runoff is proposed to be discharged into a public surface water sewer, which will need to be agreed with Southern Water.

8.35 In terms of foul water, a new dedicated private foul drainage network will collect foul drainage from the new dwellings within the application site. The flows will then be conveyed off-site and discharged into the public foul network, at a point of connection to be agreed with Southern Water. While Southern Water have confirmed that there is insufficient capacity within nearby public surface and foul water networks to take flows from the proposed development, it has also confirmed its duty to provide capacity from a point of practical connection once planning permission has been granted.

8.36 To mitigate the residual risk of flooding at the site finished floor levels are proposed to be set to a minimum of 300mm above the level of the adjacent roads. Site levels will be engineered to prevent ponding and to ensure overland flows will still cross the site without exacerbating flood risk to local properties.

8.37 Taking this into account, the proposal is considered to accord with policy DM28 of the Local Plan 2017 and the NPPF.

h) Biodiversity and Trees

8.38 Under the Natural Environment and Rural Communities Act (2006), the authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions for the purpose of conserving biodiversity. Furthermore, the National Planning Policy Framework states that 'the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible'. The National Planning Policy Framework

states that 'if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for then planning permission should be refused.'

- 8.39 National planning policy aims to conserve and enhance biodiversity and encourages opportunities to incorporate biodiversity in and around developments. Under the Natural Environment and Rural Communities Act (2006), "every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of these function, to the purpose of conserving biodiversity".
- 8.40 In terms of the site itself, no large or individually significant trees are present within the site itself. There are a few lower quality and semi mature trees on the edges of the site, which would need to be removed to accommodate the development. The loss will be compensated for by landscaping of the site, which is a reserved matter. However, an arboriculture method statement should be secured by way of safeguarding condition.
- 8.41 A preliminary ecological appraisal has been submitted in support of this application and this has been reviewed by KCC Ecology who raise no objections to the scheme. The site does not lie within or adjacent to any designated biodiversity sites. While the site falls within one of the Swale SSSI impact risk zones., it falls outside of those listed as likely to cause harm and as such no mitigation was seen to be required for this, or other, statutory designated sites within the local area.
- 8.42 Turning to the impacts of the lighting, careful consideration needs to be given to the impact of this along the southern boundary due to the presence of bats. As a result, a sensitive lighting scheme should be conditioned to ensure that any lighting scheme is suitably designed, in addition to enhancements.
- 8.43 Whilst no evidence of badgers was identified within or around the site where access was possible, it is considered that they may use the site for commuting and foraging purposes. As such, precautionary methods of work have been outlined to avoid harming any individuals that may use the site.
- 8.44 In line draft national policy a biodiversity net gain of 10% will be required and a proposed condition will secure this. Initial calculations show a gain of +11.56% units and a gain of +100% in Hedgerow units, principally through improvements along the frontage and habitat creation on the new open space area.
- 8.45 Taking the above into account the proposal is considered to have an acceptable impact upon biodiversity and trees subject to safeguarding conditions. With the above on site biodiversity net gain. The application is considered to comply with policies DM28 and DM29 of the Local Plan 2017 and the NPPF.

i) Swale SPA Impact – Appropriate Assessment

8.46 Para 182 of the NPPF states

The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

8.47 The site is within 6km of both The Swale Ramsar and Special Protection Area and Medway Estuary and Marshes Ramsar and Special Protection Area. Any residential developments within 6km of these internationally designated areas will need to mitigate by contributing to the Strategic Access Management and Monitoring Strategy (SAMMS) to offset any potential impacts as a result of increased recreational activity over these areas. This is included in the proposed S106 heads of terms. Appendix 1 gives a full appropriate assessment of the scheme.

8.48 With the proposed SAMMS contributions mitigation the scheme is considered to fully comply with national policy and local plan policy DM28. With the mitigation of impact this is neutral in the planning balance.

j) Social Infrastructure

8.49 The National Planning Policy Framework attaches importance to ensuring that a sufficient choice of school places are available to meet the needs of existing and new communities.

8.50 Policy CP 5 and CP6 set out that provision shall be made to accommodate local community services, social care and health facilities within new developments.

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

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

8.52 The following outline the financial contributions that have been sought by Kent County Council and Swale Borough Council to mitigate the impact of the development upon services, these contributions are all for specific capital projects which have been identified and assessed by Officers to comply with the Regulations as amended).

8.53 Proposed heads of terms as part of the recommendation below. are set out for a range of social infrastructure including school places and GP provision are set out in the heads of terms. The scheme would also include a contribution to off-site sports facilities of a scale according to the councils open space strategy. This should fully mitigate the impact of the scheme on social infrastructure and complies with national planning policy, regulations and local plan policies CP5 and CP6.

k) Other Matters

8.54 There are no other significant planning matters. Proposed conditions suggested by Mid Kent Environmental Health address potential contamination. There is no evidence of archaeology on site because of previous brickearth extraction and impact of construction of railway line.

9. PLANNING BALANCE AND CONCLUSION

9.1 Overall, the scheme is fully compliant with the Local Plan 2017 and the NPPF. For the reasons set out in the report. The scheme lies within the built-up area boundary, has appropriate design and mitigates to ensure an acceptable mean of access, transport impact and impact on social infrastructure and on the Special Protection Areas. For the reasons set out in the report the scheme complies with national and local planning policy, it is recommended that planning permission be granted for the proposal subject to suitable safeguarding conditions and the completion of a section 106 agreement as set out below.

10. RECOMMENDATION

GRANT subject to conditions and section 106 heads of terms as set out below.

Delegated authority is also sought to amend condition wording and s106 clauses as may reasonably be required.:

Proposed Heads of Terms

	Per house (x 16)	Total Assumes 100% Houses	- Paid to	Project
Pedestrian crossing for Snipeshill Footpath		£25,000 contribution	KCC	Connects Great East Hall Estate to schools south of Chatham Main Line Railway
Primary Education	£6,800.00 per applicable unit	£108,800.00	KCC	Towards a new 2FE Primary School serving this development and/or provision within the planning group (‘applicable’ means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Primary School Land	£2,026.22 per applicable unit	£32,419.52	KCC	Towards the land acquisition costs of a new Primary School serving this development (‘applicable’ means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Secondary Education	£5,176.00 per applicable unit	£82,816.00	KCC	Towards a new Secondary school in Northwest Sittingbourne (Local Plan Policy MU1) and/or increased capacity in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning groups (‘applicable’ means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).

Secondary School Land	£2,635.73 per applicable unit	£42,171.68	KCC	Towards the land costs of the new Secondary School in Northwest Sittingbourne (Local Plan Policy MU1) and/or new Secondary Schools in Sittingbourne nonselective and Sittingbourne & Sheppey selective planning groups. ('applicable' means: all dwellings except 1 bed of less than 56sqm GIA and age-restricted accommodation).
Community Learning	£16.42	£262.72	KCC	Contributions requested towards additional equipment and classes at Sittingbourne Adult Education Centre and outreach provision to increase capacity in the service.
Youth Service	£65.50	£1,048.00	KCC	Contributions requested towards additional equipment and resources for the Youth service to provide outreach services in the vicinity of the development.
Library Service	£55.45	£887.20	KCC	Contributions requested towards additional services, resources, and stock at Sittingbourne Library serving the development.
Social Care	£146.88	£2,350.08	KCC	Towards Specialist care accommodation, assistive technology, and home adaptation equipment, adapting existing community facilities, sensory facilities, and Changing Places Facilities within the Borough.

Waste Management Facilities	£183.67	£2,938.72	KCC	Towards capacity at HWRCs and WTS' within the Borough
Quiet Lane Scheme on Lomas Road		£7,000	KCC	Contribution, together with two others scheme on Lomas Road (items 2 and 3)
Affordable Housing	Provision in kind on or off site.	1 First home, 1 social rented home	Na	Provision in kind on or off site.
Primary Care	£360.00	£5,760	CCG	Towards GP provision in the Sittingbourne Area
Sports Provision	£593.00 per dwelling.	,9,488	SBC	Off site improvements to existing open spaces

SPA Strategic Access Management and Monitoring Strategy	£281.00	£4,496	SAMMs	SAMMS management
Total		£138,288		

Please note that these figures are to be index linked by the BCIS General Building Cost Index from April 2020 to the date of payment (Apr-20 Index 360.3)

Payments to be made prior to unit occupation.

CONDITIONS to include

1. Time Limit – Outline Schemes

The development to which this permission relates must be begun not later than the expiration of five years from the date of the grant of outline planning permission; or two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Time Limit – Reserved Matters

Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

3. Reserved Matters

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for layout referred to in condition the following shall be submitted to and approved by the local planning authority: finished site levels, 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

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for appearance referred to in condition the following shall be submitted to and approved by the local planning authority: finished site levels: the palette of building materials and elevational designs.

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for landscaping referred to in condition the following shall be submitted to and approved by the local planning authority: details of both hard and soft landscape works. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials.

Prior to or contemporaneous with the submission of any reserved matters under condition (1) for heights referred to in condition the following shall be submitted to and approved by the local planning authority: Heights above ordnance datum including completion of finished levels.

Reserved matters details of the layout, scale, appearance, and landscaping for the development hereby permitted, shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

4. Completion in Accordance with Approved Drawings and Parameters

The development hereby approved shall be carried out in broad accordance with the following approved drawings:

- Site Plan 48943_002A 11.07.2022
- Proposed Access Arrangements TRS-WSP-00-XX-DR-TP-0001 Rev P03 2022 11.07. 2022

The reserved matters applications shall accord with the following parameters

- Parameter Plan 48943_003B 22.09.2022

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

5. Pre-commencement: Biodiversity Net Gain

Development shall not commence on until there has been a biodiversity gain plan submitted to and approved by the local planning authority; to demonstrate how the proposal shall contribute to the development achieving a post development biodiversity value with be a minimum of 10% higher than site pre-development biodiversity value. The calculation shall be in accordance with biodiversity metric 3.1 and based on the biodiversity net gain calculations submitted to Kent County Council Ecology and based on the biodiversity net gain calculations of 1st July 2022. The post development biodiversity value may include off-site biodiversity gain under the control of the applicant and purchased biodiversity credits. This gain shall thereafter be maintained for a minimum period of 30 years in line with the biodiversity gain plan.

The development shall be carried out in full accordance with the approved biodiversity gain plan.

Any off-site credits must demonstrate in the biodiversity gain plan

- That it is on land made available by a site provider with sufficient rights to the land;
- That it will be delivered by a specified person or body considered fit and proper to undertake the enhancement works;
- The land will be suitably managed to meet the required enhancement;
- That Work commenced 30 January 2020 or later;
- That the enhancement will be maintained for at least 30 years after the completion of those works;
- That the credit is measured using the most up to date biodiversity metric against a baseline metric assessment;
- That the credit may be allocated to development in accordance with the terms of the conservation covenant or planning obligation;
- That the credit is available to be allocated to this development;
- That it complies with rules on additionality and stacking including on protected sites;

- That it is in England, and;
- Monitoring and reporting for that site over the 30 year period.

Reason: To meet national and local policy on biodiversity net gain. This is a pre-commencement condition as these matters go to the heart of the planning consent.

6. Pre-Commencement: Landscape Management and Maintenance

Prior to the commencement of works, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority

- 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 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.

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, or ten years for the structural planting along the southern and eastern boundaries, 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 interest of biodiversity and visual amenities.

7. Completion of Roads and Footways

Prior to first occupation of each of the dwellings hereby approved, 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 interests of highway safety and amenity.

8. Pre-occupation: lighting details

Prior to the occupation of any of the hereby approved units details of all external lighting shall be submitted to and approved by the local planning authority and the approved details so implemented..

Reason: To ensure no unacceptable impact on any protected species of bat.

9. Details of Materials

Notwithstanding the submitted plans, no development beyond the construction of foundations shall take place until details of the external finishing materials of the dwellings has been submitted to and agreed in writing by the Local Planning Authority. The details shall include brick, roof tiles and front wall and gate materials. The details as approved shall thereafter be implemented.

Reason: In the interests of visual amenities.

10. Restriction of Permitted Development Rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order),no development shall be carried out within Classes B and C and of Part 1 of Schedule 2 of that order

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

11. Details of Parking and Cycle Parking

The details submitted pursuant to condition (1) above shall include details of the provision of vehicle parking and permanent retention of secure covered cycle parking facilities shall have been submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in complete accordance with the approved details.

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

12. Pre-Commencement: High Speed Broadband

Before development commences details shall be submitted for the installation of fixed telecommunication infrastructure and High-Speed Fibre Optic (minimal internal speed of

1000mbps) connections to multi point destinations and all buildings including residential, commercial and community. The infrastructure installed in accordance with the approved details during the construction of the development, capable of connection to commercial broadband providers and maintained in accordance with approved details.

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

13. Pre-Commencement: SUDS/Drainage

No development shall take place until the layout reserved matters details submitted as required by Condition 1 and as approved have:

- 1) A sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority 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.
- 2) demonstrated that an effective outfall for surface water is provided for the development layout. This information may include details of surveys of watercourses and culverts and / or details of any works that may be necessary to deliver an effective outfall for surface water.

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.

The development hereby permitted shall not be occupied until a Verification Report, pertaining to been submitted to and approved by the Local Planning Authority. 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 the development is served by satisfactory arrangements for the disposal of surface water, in line with National Policy (NPPF) 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.

14. Pre-commencement: Land contamination

The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:- all previous uses- potential contaminants associated with those uses- a conceptual model of the site indicating sources, pathways and receptors- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (3). This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure the development does not create risks to health and safety from contamination.

15. Pre-occupation: Railway Noise Insulation

Prior to the first use or occupation of the development as hereby permitted, the building shall have been constructed or modified to provide sound insulation against externally generated noise from the Chatham Main Line to standards in the Swale Borough Council's Noise and Vibration Planning Technical Guidance Document (May 2020) in accordance with a scheme devised by a competent person and agreed, in writing, by the Local Planning Authority. The insulation shall be maintained as agreed thereafter.

Reason: To ensure that the development is insulated to an acceptable level in accordance with national Policy and local guidance.

16. Construction Hours of Working

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

Reason: In the interests of residential amenity.

17. Piling Hours of Working

No impact pile driving in connection with the construction of the development shall take place on the site on any Saturday, Sunday or Bank Holiday, nor any other day except between the following times:- Monday to Friday 0900-1700 hours unless in association with an emergency or with the written approval of the Local Planning Authority.

Reason: In the interests of residential amenity.

18. Pre-Commencement: Construction Environment Management Plan

Prior to the commencement of the development, a Construction Environment Management plan shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority. The code shall include:

- Hours of working and timing of deliveries
- An indicative programme for carrying out the works Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings

- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off-road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Routing of construction and delivery vehicles to / from site, including the number of vehicles
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- Provision of wheel washing facilities
- Temporary traffic management / signage
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works

Reason: In the interests of residential amenity, highway safety (on the local and national networks) and amenity.

19. Pre-Commencement: Construction Logistics Management plan

Prior to the commencement of the development, Construction Logistics Management Plan shall be submitted to approved by the local planning authority and so implemented, on site to include the following:

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

Reason: To protect amenities.

20. Completion of Access and Quiet Lane Scheme

The access shown on the hereby approved plans, and the Lomas Road Quiet Lane scheme included in the accompanying planning obligation - shall be completed prior to occupation of any of the hereby approved units.

Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.

Reason: To ensure proper and safe access.

21. Wheelchair Accessible Dwellings

The homes should be provided as Part M4(2) standard (accessible and adaptable dwellings).

Reason: To ensure inclusive access.

INFORMATIVES

i. Rail

Network Rail is the statutory undertaker for maintaining and operating railway infrastructure of England, Scotland and Wales. As statutory undertaker, NR is under license from the Department for Transport (DfT) and Transport Scotland (TS) and regulated by the Office of Rail and Road (ORR) to maintain and enhance the operational railway and its assets, ensuring the provision of a safe operational railway. Due to the close proximity of the proposed development to Network Rail's land and the operational railway, Network Rail requests the applicant / developer engages Network Rail's Asset Protection and Optimisation (ASPRO) team prior to works commencing. This will allow our ASPRO team to review the details of the proposal to ensure that the works can be completed without any risk to the operational railway. The applicant / developer may be required to enter into an Asset Protection Agreement to get the required resource and expertise on-board to enable approval of detailed works. To start the process with our Asset Protection team, the applicant / developer should use the Asset Protection Customer Experience (ACE) system found on Network Rail's Asset Protection website (<https://www.networkrail.co.uk/running-the-railway/looking-after-the-railway/assetprotection-and-optimisation/>). This website also provides more information about our Asset Protection team and the services they offer. Where applicable, the applicant must also follow the attached Asset Protection informatives. The informatives are issued to all development within close proximity to the railway (compliance with the informatives does not remove the need to engage with our ASPRO team).

ii. Highways

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority. Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process. Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance> . Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181

iii. Code of Development Practice

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

iv. Surface Water Disposal

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.

v. Crime Prevention

Please note the advice of the police crime prevention design advisor in the detailed design of the scheme.

vi. SAMMs

This permission has only been granted after receipt of a financial contribution to the Strategic Access Management and Monitoring Strategy in respect of the nearby Special Protection Area.

vii. Sewers

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. The applicant/developer should contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk in order to progress the required infrastructure.

viii. Broadband

Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high-speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk

ix. SUDS

The following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water
- should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated. There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are

preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater. • Where infiltration SuDS are proposed for anything other than clean roof drainage in a Source Protection Zone 1, a hydrogeological risk assessment should be undertaken, to ensure that the system does not pose an unacceptable risk to the source of supply.

Given the impermeable nature of the site we will expect for clarification to be provided as part of the detailed design submission as to how surface water from the 'undeveloped areas' is prevented from entering the positively drained network and exceeding its designed capacity.

Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information.

x. Contaminated Soils

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes: Duty of Care Regulations 1991 Hazardous Waste (England and Wales) Regulations 2005 Environmental Permitting (England and Wales) Regulations 2010 The Waste (England and Wales) Regulations 2011 Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.

xi. Highways Approvals and Consents

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the

ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The Council's approach to the application

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

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

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

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

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

This Appropriate Assessment has been undertaken without information provided by the applicant. The application site is located within 6km of The Swale Special Protection Area (SPA) which is a European designated sites afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). 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. Due to the scale of development there is no scope to provide on site mitigation such as an on-site dog walking area or signage to prevent the primary causes of bird disturbance, which are recreational disturbance including walking, dog walking (particularly off the lead), and predation of birds by cats. The proposal thus has potential to affect said site's features of interest, and an Appropriate Assessment is required to establish the likely impacts of the development. In considering the European site interest, Natural England (NE) advises the Council that it should have regard to any potential impacts that the proposal may have. Regulations 63 and 64 of the Habitat Regulations require a Habitat Regulations Assessment. For similar proposals NE also advises that the proposal is not necessary for the management of the European sites and that subject to a financial contribution to strategic mitigation, the proposal is unlikely to have significant effects on these sites.

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 (NKEPG).

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

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 Page 30 Report to Planning Committee – 10 March 2022 ITEM 2.1 (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. The Agent has confirmed agreement to pay the SAMMS fee subject to the outcome of the Committee.

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

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

Plans, Drawings and Photos

Location Plan



22/503418/OUT - Land at Tonge Road Sittingbourne Kent ME9 9BD
Scale: 1:1250
Printed on: 7/12/2022 at 17:31 PM by SaraP

Parameter Plan

Carter Jonas



- Site boundary
- Vehicular access
- Residential development
Up to 11m from ground level to ridge
- Green space/biodiversity enhancement area
- Footpath
- Frontages

PROJECT TITLE
TONGUE ROAD, SITTINGBOURNE

ISSUED BY
PARAMETER PLAN

DWG. NO. 48943_003B

REV	DESCRIPTION	DATE
1	Issue for planning	22.09.2022
2	Issue for planning	11.09.2023

ISSUED BY Cambridge T: 01223 368 771 JR
 DATE July 2022 DRAWN
 SCALE #A2 1:500 CHECKED
 STATUS FINAL APPROVED JD



AMENDED

Illustrative Layout

Carter Jonas



- Vehicular access
- Footpath
- Green space / rain gardens
- Native shrubs and species rich planting (with informal pedestrian footpath link)
- Private communal gardens

PROJECT TITLE
TONGE ROAD, SITTINGBOURNE

ISSUES TITLE
ILLUSTRATIVE LAYOUT

DWG. NO. 48943_004B

1	Issue	2023/07/01	2023/07/01
2	Issue	2023/07/01	2023/07/01
3	Issue	2023/07/01	2023/07/01
4	Issue	2023/07/01	2023/07/01
5	Issue	2023/07/01	2023/07/01
6	Issue	2023/07/01	2023/07/01
7	Issue	2023/07/01	2023/07/01
8	Issue	2023/07/01	2023/07/01
9	Issue	2023/07/01	2023/07/01
10	Issue	2023/07/01	2023/07/01
11	Issue	2023/07/01	2023/07/01
12	Issue	2023/07/01	2023/07/01
13	Issue	2023/07/01	2023/07/01
14	Issue	2023/07/01	2023/07/01
15	Issue	2023/07/01	2023/07/01

ISSUED BY Cambridge T: 01223 368 771
 DATE July 2022 DRAWN JR
 SCALE 1:1000 CHECKED
 STATUS FINAL APPROVED JD



AMENDED





