

**APPENDIX A**

<b>2.2 REFERENCE NO 23/500263/REM</b>		
<b>PROPOSAL</b> Approval of Reserved Matters for Scale, Appearance, Landscaping, Layout being sought for the Sittingbourne Rugby Club and Community Hub including, 2x RFU compliant rugby pitches and associated parking, pursuant to application 17/505711/HYBRID		
<b>SITE LOCATION</b> Land At Wises Lane Borden Kent ME10 1GD		
<b>RECOMMENDATION</b> Delegate to the Head of Planning to grant reserved matters approval subject to appropriate conditions with further delegation to the Head of Planning /Head of Legal Services (as appropriate) to negotiate the precise wording of conditions, including adding or amending such conditions as may be consequently necessary and appropriate.		
<b>APPLICATION TYPE</b> <i>Large Major Other</i>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Borden Parish Council objects		
<b>Case Officer</b> Simon Dunn-Lwin		
<b>WARD</b> Borden and Grove Park	<b>PARISH/TOWN COUNCIL</b> Borden	<b>APPLICANT</b> Quinn Estates  <b>AGENT</b> None
<b>DATE REGISTERED</b> 30/01/23	<b>TARGET DATE</b> 17/04/23	<b>CASE OFFICER</b> Simon Dunn-Lwin
<b>BACKGROUND PAPERS AND INFORMATION:</b> <a href="#">23/500263/REM   Approval of Reserved Matters for Scale, Appearance, Landscaping, Layout being sought for the Sittingbourne Rugby Club and Community Hub including, 2x RFU compliant rugby pitches and associated parking, pursuant to application 17/505711/HYBRID.   Land At Wises Lane Borden Kent ME10 1GD (midkent.gov.uk)</a>		

**1. SITE LOCATION AND DESCRIPTION**

- 1.1. The application site is an open field which is square in shape and measuring approximately 3.76 hectares in area. It has a frontage of approximately 200m in length on Cryalls Lane with a depth of approximately 187m to the southern boundary. It sits behind Orchard Cottages and Wises Oast Business Centre on Wises Lane to the west. The site forms part of the larger site allocated in the Local Plan for the approved urban extension across 74 hectares of land to the southwest of Sittingbourne.
- 1.2. The site is enclosed on Cryalls Lane by hedging and bordered by woodland to the east, referred to as Borden Nature Reserve, although it has no formal designation in the Local Plan. The southern site boundary terminates approximately 40m from the enclosing hedgerow to the field. It is currently accessed from Wises Lane to the south of Orchard Cottages. In the wider context it is agricultural

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land located in the rural area approximately 132m north of Borden Village edge at the nearest point. The site is situated within Flood Zone 1 with a low probability of flooding.

1.3. As well as the MU3 allocation cited above, the site is impacted by the following Local Plan designations: -

- The northern section of the site is located in the built-up area boundary (Policy ST3).
- It is within the Kent Minerals Brickearth Area
- Wises Lane is identified as a Rural Lane under Policy DM26
- The southern section of the site is allocated as an Important Local Countryside Gap under Policy DM25.
- Grade 1 agricultural land (Policy DM31)
- The western portion of the site nearest to Wises Lane sits within an area of archaeological potential under Policy DM34

1.4. No public footpaths cross the site. The nearest public footpath is ZR121 which is located to the southwest of Orchard Cottages on the west side of Wises Lane. Footpath ZR122 is situated approximately 140m to the southeast connecting Auckland Drive in the northeast to Borden Village in the south. The nearest heritage assets are Thatch Cottage (Grade 2 Listed) to the southwest in Borden 210 metres away. Another Grade 2 Listed Building at Cryalls Farmhouse sits 235metres to the east on Cryalls Lane.

## 2. PLANNING HISTORY

2.1. **17/505711/HYBRID** - Hybrid planning application with hybrid planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.

For clarity - the total number of dwellings proposed across the site is up to 675.

Appeal Allowed          Decision Date: 29.04.2021

2.2. **21/506820/SUB** - Submission of details pursuant to condition 60 (Skylark Mitigation Strategy produced by Aspect Ecology and dates December 2021) in relation to planning reference 17/505711/HYBRID and appeal decision V2255/W/19/3233606.

Approved          Decision Date: 30.09.2022

2.3. **22/500132/SUB** - Submission of Details to Discharge Condition 53 - Contaminated Land assessment - i) A desk study, ii) Site investigation strategy, iii) An investigation -Soil, Soil gas, Surface and groundwater, iv) A site investigation report, v) Verification plan, Condition 57 - Scheme of gas protection measures and Condition 69 Soil Management strategy Phases 1A and 1B subject to 17/505711/HYBRID (V2255/W/19/3233606).

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Approved Decision Date: 23.05.2022

- 2.4. **22/500133/SUB** - Submission of Details to Discharge Condition 58 Ecological Report - 1) Breeding bird survey Areas of site not originally surveyed, 2) Breeding Bird Survey Proposed skylark mitigation area(s), 3) Bat activity survey, 4) Reptile survey and 5) Dormouse Survey and Condition 59 (Part Discharge Phase 1A only) - Updated badger survey subject to 17/505711/HYBRID (V2255/W/19/3233606).  
Approved Decision Date: 06.04.2022
- 2.5. **22/500134/SUB** - Submission of details pursuant to Condition 17 (measures to minimise risk of crime) of application 17/505711/HYBRID (allowed on appeal V2255/W/19/3233606).  
Approved Decision Date: 20.06.2022
- 2.6. **22/500639/SUB** - Submission of details pursuant to Condition 61 (Construction Ecological Management Plan) of Planning Application 17/505711/HYBRID Appeal reference (APP/V2255/W/19/3233606).  
Approved Decision Date: 06.05.2022
- 2.7. **22/500782/SUB** - Submission of details pursuant to condition 2 (a phasing plan for delivery of the development) in relation to planning permission 17/505711/HYBRID (allowed at appeal under reference APP/V2255/W/19/3233606) in relation to the whole site.  
Approved Decision Date: 06.05.2022
- 2.8. **22/500783/SUB** - Submission of Details to Discharge Condition 28 - Scheme to demonstrate the retention and phasing of road connections subject to 17/505711/HYBRID (V2255/W/19/3233606).  
Approved Decision Date: 14.12.2022
- 2.9. **22/500784/SUB** - Submission of Details to Discharge Condition 20 - Construction Management Plan - Measures to manage HGV movements, Loose arriving/departing are sheeted, Temporary traffic management and signage, Parking and turning areas, Loading and unloading, storage of plants and materials, Security hoarding, wheel washing facilities, measures to control emission of dust and dirt and scheme for recycling/disposing of waste subject to 17/505711/HYBRID (V2255/W/19/3233606).  
Approved Decision Date: 01.11.2022
- 2.10. **22/501634/SUB** - Submission of details pursuant to condition 41 (advance soft landscaping scheme) of application 17/505711/HYBRID (allowed on appeal APP/V2255/W/19/3233606).  
Approved Decision Date: 06.02.2023
- 2.11. **22/502221/SUB** - Submission of details pursuant to Condition 70 - (details of the scheme of air quality mitigation) in relation to planning application 17/505711/HYBRID and appeal decision (APP/V2255/W/19/3233606).  
Approved Decision Date: 06.02.2023
- 2.12. **22/502773/SUB** - Submission of details pursuant to condition 66 - (programme of archaeological field evaluation works relating to the rugby club site (Phase 2E)) in relation to planning permission 17/505711/HYBRID.  
Approved Decision Date: 05.06.2023

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- 2.13. **22/503698/NMAMD** - Non-material amendment in relation to planning permission 17/505711/HYBRID and appeal reference V2255/W/19/3233606: To change the wording of condition 66 to 'Before the approval of reserved matters for any phase (excluding Phase 1A), the applicant (or their agents or successors in title) shall secure and have reported a programme of archaeological field evaluation works for that phase, in accordance with a specification and written timetable which has been submitted to and approved by the local planning authority'.  
Approved Decision Date: 06.09.2022

Related Applications

- 2.14. **22/504823/REM** - Approval of Reserved Matters (Layout, Scale, Appearance and Landscaping being sought) for the western spine road (Phases 2B & 2C) pursuant to 17/505711/HYBRID - Hybrid planning application with hybrid planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.  
Pending Consideration
- 2.15. **22/504937/REM** - Approval of Reserved Matters (appearance, landscaping, layout and scale) for Phase 1B, 2A, 2B and 2C for the erection of 209no. dwellings including affordable, together with associated access, landscaping, equipped play, drainage, infrastructure and earthworks, pursuant to 17/505711/HYBRID - Hybrid planning application with hybrid planning permission (all matters reserved except for access) sought for up to 595 dwellings including affordable housing; a two-form entry primary school with associated outdoor space and vehicle parking; local facilities comprising a Class A1 retail store of up to 480 sq m GIA and up to 560sqm GIA of "flexible use" floorspace that can be used for one or more of the following uses - A1 (retail), A2 (financial and professional services), A3 (restaurants and cafes), D1 (non-residential institutions); a rugby clubhouse / community building of up to 375 sq m GIA, three standard RFU sports pitches and associated vehicle parking; a link road between Borden Lane and Chestnut Street / A249; allotments; and formal and informal open space incorporating SuDS, new planting / landscaping and ecological enhancement works. Full planning permission is sought for the erection of 80 dwellings including affordable housing, open space, associated access / roads, vehicle parking, associated services, infrastructure, landscaping and associated SuDS.  
Pending Consideration
3. **PROPOSED DEVELOPMENT**
- 3.1. Approval of reserved matters is sought for scale, appearance, landscaping and layout for the Sittingbourne Rugby Club and Community Hub including, 2x Rugby Football Union compliant rugby pitches and associated parking, pursuant to application 17/505711/HYBRID.

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3.2. The proposal comprises a two storey club house/community building (with single storey side wings) located to the west of the site with access from Cryalls Lane. The building provides the following internal space: -

## First Floor

- Main hall that can be subdivided -101 sqm
- Kitchen - 6.2 sqm
- Store - 6.2 sqm
- Bar Servery - 8.3 sqm
- Cellar (store) - 5.2 sqm
- Plant room - 8.1 sqm
- Cleaners store - 3.1 sqm
- WC 1&2 upstairs - 6.2 sqm
- Entrance, circulation space, lift core and stairs – 11.5 sqm

First floor total – 155.8 sqm

## Ground floor

- WC 3.6 sqm
- Official changing 1 – 6.3 sqm
- Official changing 2 – 5.9 sqm
- Physiotherapy room – 10 sqm
- Equipment store – 7 sqm
- 18-20 persons changing room with showers 76.2 sqm
- 15-16 persons changing room with showers 61.8 sqm
- Entrance, circulation, lift and stair core 43 sqm.

Ground floor total 213.8 sqm

3.3. The total floor space within the building is 370 sqm (GIA) with a 39sqm first floor external balcony to the front facing the rugby pitches. Car parking provision amounts to 65 spaces, including 4 disabled spaces located to the rear and side of the building adjacent to the on-site central access. The eastern part of the site consists of two full size rugby pitches. The entire site is enclosed by landscaping, tree and hedge planting.

**4. CONSULTATION**

4.1. One round of consultation has been undertaken, during which letters were sent to neighbouring occupiers; a notice was displayed at the application site and the application was advertised in the local newspaper. Full details of representations are available online.

4.2. A total of 52 letters of representation were received in relation to the consultation, 17 of which objected to the application. Concerns / comments were raised in relation to the following matters: -

- Significant traffic generation, particularly on match days

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- Highway safety issues in Cryalls Lane
- Cumulative impact of traffic from Playstool cricket and football matches at weekends and evenings
- Insufficient parking provision to meet demand
- Lack of facilities for disabled players
- Generate air pollution
- Increased light and noise pollution in area from club house use and cars coming and going.
- Hours of operation
- Clubhouse use will encourage anti-social behaviour
- Loss of Grade 1 agricultural land for food production
- Loss of countryside to development
- Not a suitable location for emergency vehicle access
- Negative impact on local wildlife, particularly on adjacent nature reserve
- Loss of Skylark habitat
- Impact on nocturnal fauna, including foxes, badgers, Barn Owl, Tawny Owl and Little Owl.
- Rugby ball kicked into nature reserve will damage local flora/protective fencing/netting required
- No badger proof fencing to protect the pitches/loss of wildlife corridors
- Cryalls Lane requires parking restrictions to prevent overspill parking
- Inadequate toilet facilities.
- Poor design out of keeping with rural setting
- No storage facility for grounds equipment
- Landscape management plan inadequate – no organic products mentioned particularly for weed control.
- Water supply capacity for watering programme questioned
- Conflicts with SBC Playing Pitch Strategy 2016-2026 – surplus of playing fields.

4.3. The 35 letters of representation received supporting the proposal raised the following matters which are summarised: -

- Will benefit young and old in the community to participate
- Current facilities are overcrowded and out of date
- Expand rugby facilities for wider community
- Benefit to commerce and trade in Sittingbourne
- Considerately designed and well placed
- Good for health and wellbeing (physical and mental)
- Provide modern enhanced facilities
- Access improved and reduced traffic on Borden Lane
- First opportunity in 50 years for a “home of their own”
- Offer opportunity for the disadvantaged and isolated people in the community

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- 4.4. **Borden Parish Council** objected to the application on the following grounds: -
- Estate Managing Agent should be defined
  - Badger survey out of date
  - Condition required for long term management of landscaping
  - Stop netting required to east, south and west boundaries to prevent balls entering neighbouring land
  - Restrict vehicle access to Cryalls Lane only which should be widened to 5.5m from Wises Lane junction
  - Cryalls Lane should be 20mph zone
  - Ecology Report reliance on low ecological significance of Borden Nature Reserve (BNR) is incorrect
  - Further ecological surveys required before any works and due weight should be given to BNR
  - No reference to gas leaks from BNR. Appropriate safeguards should be in place
  - Playing pitches require time to 'settle' as per RFU regulations affecting occupation usage timeline
  - Clubhouse design not in keeping with rural setting
  - Archaeological assessment required before any works with ongoing monitoring during works
  - Construction and Ecological Management plan should be approved before any works start
  - Insufficient toilet facilities for non-players which should provide separate male and female toilets
  - Insufficient storage for grounds maintenance, playing and training equipment
  - Inadequate parking provision for players/away teams with prospect of further 2 junior and 1 senior pitch likely to displace parking on nearby roads and verges
  - Inadequate space for coaches to manoeuvre within site
  - Dispute Transport Statement estimates of 75 people for match days and trips
  - Draw attention to completion trigger for rugby club facility on occupation of 180 dwellings and the completion of Wises Lane and Spine Road link.

The full response is attached as Appendix 1.

5. REPRESENTATIONS

**SBC Conservation:** - No objection subject to condition on facing materials

**SBC Tree Officer** – No objection subject to conditions

**Mid Kent Environmental Health:** - No objection subject to conditions

**KCC Archaeology** – No objection

**KCC Ecology:** - No objection

**KCC Flood and Water Management:** -No objection

**KCC Minerals –** No objection

**KCC Highways:** - No objection

**KCC PROW:** - No objection

**Natural England** - No objection

**Sport England:** - No objection subject to conditions

**Southern Water:** - No objection to the application and comment that *“The sewers services at this location are the responsibility of ICOSA There is an inset agreement/NAV agreement in place between Southern Water and ICOSA for the supply of sewerage services. The connection/ discharge points to the public network and agreed discharge flow rates must be complied with inset/NAV agreements terms.”*

**Lower Medway Internal Drainage Board –** No comments to make.

**Kent Police:** - Advise applicant to contact Designing Out Crime Officers (DOCOs) to address CPTED (Crime Prevention Through Environmental Design) and incorporate Secure by Design (SBD) as appropriate.

**SBC Greenspaces Manager:** - recognises that at peak times there is no surplus of rugby pitches in the area.

## 6. DEVELOPMENT PLAN POLICIES

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

**ST 1** (Delivering sustainable development)

**ST 5** (Sittingbourne area strategy)

**MU 3** (Land at south-west Sittingbourne)

**CP 4** (Requiring good design)

**CP 5** (Health and wellbeing)

**CP6** (Community facilities and services to meet local needs)

**CP 8** (Conserving and enhancing the historic environment)



**DM 6** (Managing transport demand and impact)

**DM 7** (Vehicle parking)

**DM 14** (General development criteria)

**DM 17** (Open space, sport and recreation provision)

**DM 19** (Sustainable design and construction)

**DM 21** (Water, flooding and drainage)

**DM 24** (landscape)

**DM 28** (Biodiversity and geological conservation)

**DM 29** (Woodland, trees and hedging)

**DM 31** (Agricultural land)

**DM 32** (Development involving listed buildings)

**DM 34** (Scheduled Monuments and archaeological sites)

## 6.2. **Supplementary Planning Guidance/Documents**

- Parking Standards (May 2020)
- Swale Landscape Character and Biodiversity Appraisal (November 2011)
- Air Quality and Planning – Technical Guidance (Updated May 2021)
- Planting on New Developments

## 7. ASSESSMENT

7.1. This application is reported to the Committee because Borden Parish Council has objected to the proposal. Considering these comments and the proposal that has been submitted, the committee is recommended to carefully consider the following points which are the main considerations of this application.

- Principle of Development
- Landscape and Visual Impact
- Heritage Impact
- Archaeology
- Design, layout and appearance
- Landscaping
- Ecology
- Transport and Highways

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- Air Quality
- Flood Risk, Drainage and Surface Water
- Contamination
- Living Conditions
- Sustainability / Energy

**7.2. Principle**

- 7.2.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that the starting point for decision making is the development plan unless material considerations indicate otherwise.
- 7.2.2. In this case, the principle of the development is established by the appeal decision dated 29<sup>th</sup> April 2021 granting hybrid planning permission for a rugby clubhouse/community building up to 375 sqm (GIA), 3 standard RFU sports pitches and associated vehicle parking within Phase 2F (the current application site) of the overall hybrid development across the MU3 allocated land to the south-west of Sittingbourne. This proposal only includes the provision of two pitches in line with the approved parameter plan. The third sports pitch is provided to the west of the site as part of the school grounds (Phase 2F) to accord with the approved parameter plans.
- 7.2.3. The National Planning Policy Framework provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this means approving development that accords with the development plan.
- 7.2.4. Representations have expressed concern about the loss of agricultural land, but members are asked to note that this issue was considered at the appeal stage for the principle of the development and the proposal is considered compliant with Policy DM31.

**7.3. Landscape and Visual Impact**

- 7.3.1. The NPPF requires decisions to ensure that development is '*sympathetic to... landscape setting.*' The landscape and visual impacts of the overall development scheme was considered at the appeal stage to be acceptable, given the site allocation under Policy MU3. The Inspector considered that the landscape impacts would be acceptable and accord with Policy DM24.
- 7.3.2. The site accords with the hybrid masterplan approved at outline stage where the impact of the proposal upon the wider landscape was carefully considered by the Planning Inspector to be acceptable. Given broad accordance with the approved masterplan and parameter

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plans any impact upon the landscape is considered to be acceptable therefore the proposal accords with Policy DM24 of the Local Plan 2017.

**7.4. Heritage Impact**

- 7.4.1. The National Planning Policy Framework states that local planning authorities should identify and assess the particular significance of any heritage asset and consider the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits that may arise and this is endorsed by the Local Plan.
- 7.4.2. The Heritage Statement submitted in support of the application concludes that the significance of the identified heritage assets potentially impacted by the proposal will be preserved. The statement has been reviewed by the Council's Conservation and Design Manager who concurs.
- 7.4.3. For clarity, the heritage assets potentially impacted by the proposal are all designated assets consisting of the following identified on the submitted heritage asset plan: -
- Borden (The Street) Conservation Area
  - Grade I listed Parish Church of SS. Peter & Paul
  - Grade II\* listed Borden Hall
  - Grade II listed Dovecote, north of Borden Hall
  - Grade II listed Cryalls Farmhouse
  - Grade II listed Thatch Cottage
  - Grade II listed Oak House
  - Grade II listed Street Farm House
  - Grade II listed Apple Tree Cottage
  - Grade II listed Forge House/Barrow House and railings
  - Grade II listed Forge (east of Forge House)
  - Grade II listed Holly Tree Cottage
  - Grade II listed Yew Tree Cottage
- 7.4.4. It is considered that the only structures of the proposed development which could have any material degree of intervisibility with some of the aforementioned heritage assets will be the upper parts of the rugby pitches goal post, so any visual impact would be minimal. However, any proposal to introduce floodlighting to the pitches could make the proposed development materially more impactful in the wider landscape. No floodlighting is proposed in the current application. The committee is asked to note that should flood lighting be required following reserved matters approval it will be subject to a standalone application for determination on the basis that condition 43 of the outline permission prevents the sports pitches from being illuminated.

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- 7.4.5. Equally, heritage impacts on listed buildings (Cryalls Farmhouse and Thatch Cottage – both included in the List of Buildings of Special Architectural or Historic Interest as Grade II) were considered in the context of the NPPF and S.66 of the Planning (Listed Buildings and Conservation Areas) Act at the appeal stage to be acceptable. The heritage impacts were considered ‘low’ and substantially outweighed by the public benefit of the scheme. Consequently, the appeal decision determined that the hybrid proposal would accord with Policy DM32. Further consideration of the heritage impact of this reserved matters proposal is considered below.
- 7.4.6. In considering the impact of this proposal on designated heritage assets, officers have had regard to the Council’s obligations pursuant to the Planning (Listed Building and Conservation Areas Act) 1990. The setting of the listed buildings nearby (Thatch Cottage and Cryalls Farmhouse) would be preserved. The overall impact on heritage assets identified would be less than substantial at the lower end in NPPF terms. Consequently, due to the public benefits of this element of the proposal in the form of dedicated sports provision the proposal would be Policy DM32 compliant.

**7.5. Archaeology**

- 7.5.1. The NPPF sets out that where development has the potential to affect heritage assets with archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation.
- 7.5.2. Policy DM 34 of the Local Plan sets out that planning applications on sites where there is or is the potential for an archaeological heritage asset, there is a preference to preserve important archaeological features in situ, however, where this is not justified suitable mitigation must be achieved.
- 7.5.3. The applicant submitted a programme of field evaluation work under Condition 66 of the hybrid permission which was part approved on 05/06/23 following KCC Archaeology consideration and confirmation (ref: 22/502773/SUB). The field evaluation has been monitored by KCC Archaeology and completed. The applicant has submitted the findings in a preliminary report which has been considered by KCC, who confirm that while some amendments to the report are needed to address it is sufficient to satisfy Condition 66 of the hybrid permission to enable the reserved matters application to be determined for this site.
- 7.5.4. In view of this, officers consider that the proposal is compliant with Policy DM 34 of the adopted Local Plan, together with Section 16 of the National Planning Policy Framework.

**7.6. Design, Layout and appearance**

- 7.6.1. The National Planning Policy Framework attaches great importance to the design of the built environment and that design should contribute positively to making places better for people. The Local Plan reinforces this requirement under Policies CP 4 and DM14.

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- 7.6.2. The proposed two storey club house building is considered appropriate in scale to the surrounding context of existing and emerging phased development under the hybrid permission on the north side of Cryalls Lane. The scale and land use proposed conforms with the approved building heights parameters plan 2574-304 Rev P and the land use parameters plan 2574-300 Rev N.
- 7.6.3. The proposed layout conforms with the approved masterplan 2574-401 rev J by locating the clubhouse/community building and car parking to the western part of the site with the remaining eastern part laid out as rugby pitches and surrounded by landscaping.
- 7.6.4. The architecture of the building presents a contemporary character as a new landmark statement. The materials proposed for the clubhouse comprise a combination of dark coloured vertical metal cladding and red stock brick. Elements of infill vertical timber cladding are also incorporated. The lift and stair core are expressed in a contrasting-coloured metal panel system. The windows and doors are proposed as dark grey finished frames. The pitched roof is finished in standing seam metal material.
- 7.6.5. The applicant has submitted details of existing and proposed site levels to discharge Condition 15 of the hybrid permission which is required at the reserved matters stage. There is no significant level change in levels around the clubhouse, parking areas or pitches and the information is considered sufficient to discharge Condition 15 of the hybrid permission.
- 7.6.6. Officers consider the design of the building is appropriate to the context. During the assessment stage minor amendments were requested to provide lean-to pitch roofs over the side single storey wings (originally flat roofs) which have been incorporated to improve the overall symmetry of the design. The appearance is considered a reflection of a high-quality contemporary design to comply with relevant policy requirements and is acceptable in the context of the hybrid scheme in an emerging semi-rural/suburban setting. Subject to details of facing materials to be reserved by condition for further approval there is no objection to the scale, layout and appearance which is considered compliant with Policies CP 4 and DM14.

**7.7. Landscaping**

- 7.7.1. The NPPF recognises the contribution of trees to the intrinsic character and beauty of the countryside. The Local Plan requirement is recognised through policy DM 29 of the Local Plan.
- 7.7.2. Extensive landscaping is proposed within the site, which forms 5-6m wide buffers along the site boundaries. The new entrance on Cryalls Lane requires removal of part of the hedging. Native planting including 111 trees of a native woodland mix, low level native shrubs and native boundary hedges are proposed to complement its setting. The site remains largely green with natural turf for the rugby pitches conforming with Sport England design guidance.

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This would also comply with Condition 43 of the hybrid permission to secure grass sports pitches.

- 7.7.3. The Council's Tree Officer has considered the landscaping proposal and planting specification, together with the Landscape Management Plan, which are considered acceptable, subject to the submitted details being secured by condition for this site, notwithstanding the indicative landscaping strategy has been approved within the hybrid permission and the requirements of Condition 62 (CEMP) as referred in the ecology section below.
- 7.7.4. Overall, officers consider that the landscaping proposal would mitigate the impact on the local landscape, including the adjacent Borden Nature Reserve, contribute to ecology and visual amenity to comply with Policy DM 14 and DM 24.

**7.8. Ecology**

- 7.8.1. 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".
- 7.8.2. In terms of the Local Plan, policy DM 28 sets out that development proposals will conserve, enhance, and extend biodiversity, provide for net gains where possible, minimise any adverse impacts and compensate where impacts cannot be mitigated. The issue of Biodiversity Net Gain has been dealt with in the appeal. Overall BNG is 12.9%.
- 7.8.3. Pre-commencement conditions in the hybrid permission relating to ecology require the following details: -
- Condition 58 – Updated baseline surveys for breeding birds, bats, reptiles and dormouse;
  - Condition 59 – Updated Badger Survey;
  - Condition 60 – Revised Skylark Mitigation Strategy;
  - Condition 61 -Construction Ecological Management Plan (CEMP); and
  - Condition 62 – Landscape and Ecological Management Plan (LEMP) to be submitted within 6 months of the commencement of development of any phase.
- 7.8.4. The above requirements are considered to address the concerns raised by local residents and Borden PC on biodiversity/habitat impact. Members are also asked to note that in response to local concerns relating to Skylarks, a mitigation strategy has been approved under Condition 60 of the hybrid permission, as referenced above on 11/04/2022 (21/506820/SUB). A legal agreement is also in place dated 15/09/2022 to fulfil the requirements of the approved Skylark mitigation strategy.

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- 7.8.5. A site wide Construction Ecological Management Plan (CEMP) pursuant to Condition 60 of the hybrid permission was also approved on 06/05/2022 under reference 22/500639/SUB as listed above. Should the application be approved, further details relating to Conditions 58, 59 and 62 require submission for approval before works start on this site.
- 7.8.6. This application is supported by an Ecology Technical Note by Aspect Ecology acknowledging the requirements under the hybrid permission as set out above.
- 7.8.7. The application and supporting information have been considered by KCC Ecology who confirm that ‘it is sufficient to determine the application.’ KCC Ecology acknowledge that with the exception of the new access creation on Cryalls Lane the hedgerows are to be retained and enhanced within the site. KCC Ecology also confirm the following:
- Measures detailed within the CEMP submitted under Condition 61 are valid for this application to avoid impact on bats, badgers, dormouse, nesting birds and reptiles;
  - The submitted plans confirm that hedgerows within the site will be enhanced by native species planting/woodland buffer and the grassland surrounding the pitches are to use flowering lawn mix which is mown more regularly but provide benefits to biodiversity;
  - A management plan has been submitted indicating that habitats will be managed sensitively. However, the management plan (Landscape Management Plan by Aspect Ecology referred above under landscaping) was written in November 2021 and recommend that on completion of all the reserved matters the management plan for the site is reviewed and takes account of any changes.
- 7.8.8. In view of the above, officers consider that there are existing conditional safeguards to protect biodiversity and the application should be supported on ecological grounds subject to the discharge of relevant safeguarding conditions referred above. Consequently, officers consider the proposal is Policy DM 28 compliant.

**7.9. Transport and Highways**

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

*“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.”*

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## 7.9.2. 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.”*

- 7.9.3. Local Plan policy promotes sustainable transport through utilising good design principles. It sets out that where highway capacity is exceeded and/ or safety standards are compromised proposals will need to mitigate harm.
- 7.9.4. The proposal should be viewed in the context of the hybrid scheme and the provision of the spinal link road from Key Street serving the overall MU3 development site including access to the proposed development. Local concerns relating to traffic congestion and highway safety were dealt with extensively at the public inquiry. The Inspector concluded on the complex transport issue that *‘subject to the implementation of mitigation measures the appeal scheme would not have an unacceptable impact on highway safety or the free flow of traffic on the local or strategic road network contrary to Policy DM 6’* (paragraph 11.11).
- 7.9.5. KCC Highways have considered the amended plan and confirm that they are satisfied with the amendments. KCC Highways also confirm that Cryalls Lane will become a residential road with a 30mph speed limit from the current 60mph national speed limit. The road will also be widened to 5.5m. The latter address local concerns albeit the speed limit is not the 20mph requested by Borden PC. Given the context of the site and surroundings and KCC’s acceptance on the speed limit change, officers consider it is acceptable (notwithstanding that this is not a matter which this reserved matters application can control). Subject to an informative KCC Highways confirm that they have no objection to the proposal.
- 7.9.6. The application is supported by a Transport Statement (TS) which has been considered by KCC Highways, who acknowledge that the highway impacts on the local road network was accepted at the appeal stage for the hybrid application.
- 7.9.7. KCC Highways initially raised concerns about coach turning areas and parking for a 12m coach within the site. In addition, minimum size of parking spaces of 2.5m by 5m and 6m by 3.7m for disabled spaces with a 0.2m extra edge to end spaces abutting landscaped edges were requested. The applicant has submitted an amended plan to address the issues in drawing number 21-100-002 Rev B.
- 7.9.8. Car parking provision at 65 spaces with 4 disabled spaces complies with the SBC Parking Standards for D2 use (outdoor sports facilities) which requires an advisory number of 25 spaces based on projected players and spectators for both pitches. One coach parking space is provided within the site. The clubhouse with D2 community use also adds a requirement of one space per 22sqm of floor space equating to a further 7 spaces if both facilities are in use. The total SPD requirement is therefore 32 car parking spaces. The



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scheme is therefore in accordance with the Council's adopted Parking Standards SPD and Officers consider the total car parking provision, including a coach parking space, complies with is SPD and Policy DM 7 compliant. However, no EV charging points are proposed which can be secured by condition to meet the 10% SPD requirement for active charging spaces or 7no.

- 7.9.9. Conditions of the hybrid permission on highway matters require submission and approval on the following matters: -

Conditions 33 (Travel Plan);

Condition 36 (covered secure cycle parking provision); and

Condition 37 (details of roads and footpath finishes, including lighting, drainage

- 7.9.10. Condition 36 (covered secure cycle parking) is satisfied by details submitted in this application for 10 spaces which complies with the SBC standard requiring at least 6 spaces and therefore this condition can be discharged. Conditions 33 requires further details for approval prior to occupation. Condition 37 requires further details for submission and approval before construction begins.

- 7.9.11. In addition to the above, the Transport Statement points out that once the western link road and local access roads in the overall MU 3 estate are completed a dedicated local bus service, cycle ways and footways will enable alternative sustainable modes of travel to access the site from surrounding residential areas.

- 7.9.12. In view of the above, the proposal is considered compliant with Policies DM 6 and DM7 and the NPPF.

## **7.10. Air Quality**

- 7.10.1. The importance of improving air quality in areas of the borough has become increasingly apparent over recent years. Legislation has been introduced at a European level and a national level in the past decade with the aim of protecting human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

- 7.10.2. The NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects to be taken into account in planning decisions.

- 7.10.3. The Planning Practice Guidance on Air Quality states that

*“whether or not air quality is relevant to a planning decision will depend on the proposed development and its location. Concerns could arise if the development is likely to generate*

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*air quality impact in an area where air quality is known to be poor. They could also arise where the development is likely to adversely impact upon the implementation of air quality strategies and action plans and/or, in particular, lead to a breach of EU legislation.....”*

- 7.10.4. The Local Plan at Policy DM 6 sets out that development proposals will integrate air quality management and environmental quality into the location and design of, and access to development and in so doing, demonstrate that proposals do not worsen air quality to an unacceptable degree.
- 7.10.5. Air quality was considered in the Public Inquiry across the whole MU3 development site. Substantive evidence and representation from all parties, including local residents (BRAD) on the issue was considered by the Planning Inspector. The LPA acknowledged at the inquiry that air quality objectives would not be breached but additional pollution is being introduced. The Inspector considered ‘that position had already been accepted in the site allocation, despite the LPA and BRAD’s approach for no-development which given the need for new housing is an unrealistic argument.’
- 7.10.6. The Inspector concluded that ‘with the link road and direct access onto the A249 it would result in reductions in traffic on the existing A2 and Key Street (roundabout which were the most sensitive receptors) with consequent decrease in congestion and improvements in air quality through reduced vehicle emission. Whilst the development would involve changes in air quality at the appeal site through vehicle emissions where no houses currently exist and traffic levels are lower, with the direct mitigation measures and conditions to reduce dwelling emissions it is reasonable to conclude that air quality levels would be well below the objective limits. Thus, while the effects of the development could, simplistically be described as redistribution, the objectives to Policy DM 6 (2d) that “....proposals do not worsen air quality to an unacceptable degree.....” is acknowledged.
- 7.10.7. Members are asked to note that details of the scheme of air quality mitigation under Condition 70 of the hybrid permission was approved on 06/02/2023 under reference 22/502221/SUB. Given the appeal consideration on this issue and subsequent approval of details officers consider that the concerns on air quality are adequately dealt with.
- 7.10.8. Notwithstanding the above local concern on air quality impacts, this matter has been mitigated through the outline permission via associated condition and Section 106 agreement. On this basis the Environmental Health have raised no objections. On this basis the proposal is considered to accord with Policy DM 6 of the Local Plan 2017.

**7.11. Flood Risk, Drainage and Surface Water**

- 7.11.1. The NPPF states that local planning authorities should ensure that flood risk is not increased elsewhere and that any residual risk can be safely managed. This is reflected in policy DM 21 of the Local Plan. The hybrid permission is supported by a Flood Risk Assessment (FRA) and Addendum to Flood Risk Assessment dated May 2018. Each phase within the overall development site is subject to a detailed drainage strategy to be submitted and approved

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before works commence (Condition 49) and ongoing maintenance (Condition 50). The applicant acknowledges this will be submitted should the reserved matters be approved.

- 7.11.2. KCC have been consulted formally on this application and comment that ‘due to the large amount of space available for infiltration features, we would have no objection to the determination of reserved matters.’
- 7.11.3. In view of the above, the proposal is considered to comply with Policy DM 21 subject to further details for approval under the hybrid permission as stated.

**7.12. Contamination**

The NPPF states that local planning authorities should ensure that the site is suitable for its new use taking account of various matters, including pollution arising from previous uses.

- 7.12.1. Condition 53 of the hybrid permission required the submission of a contaminated land assessment. The details have been submitted and approved under Condition 53 on 23/05/2022 under reference 22/500132/SUB as listed above. The assessment also considered the risk of ground gas is acceptable. The EHO however considers a contamination watching brief condition is necessary. The proposal is therefore considered compliant with Policy MU 3 (10).

**7.13. Living Conditions***Existing residents*

- 7.13.1. The Local Plan Policy DM 14 requires that new development has sufficient regard for the living conditions of neighbouring occupiers.
- 7.13.2. The nearest residential properties lie to the southwest at 1 and 2 Orchard Cottages, a semi-detached pair. No.1 Orchard Cottage is located approximately 50m in a straight line from the proposed club house. The car parking area behind the cottages are approximately 12m from the common boundary. Considering the separation distances with the nearest residential neighbours any impact of the proposal upon the living conditions including noise and light pollution is considered to be acceptable. SBC Environmental Health has raised no objection to the proposal subject to conditions relating to the submission of an operational management plan, which will include details of the hours of operation and a external lighting strategy. These conditions can be reasonably imposed upon this application avoid any undue impact upon neighbouring occupiers. The proposal is therefore considered to comply with Policy DM 14.
- 7.13.3. The committee is asked to note that the use of the clubhouse is subject to a ‘Community Uses Agreement’ (CUA) required by the existing S106 agreement covering the hybrid development. The CUA secures, among others, the opening hours to be approved by the Management Committee which includes an SBC officer, SBC Councillor and a Borden Parish Councillor.’ The CUA must be in place before the facility can be used

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- 7.14.1. Policy DM 19 of the Local Plan requires development proposals to include measures to address climate change.
- 7.14.2. The proposal has been designed to provide a sustainable development to achieve a BREEAM “very good” rating demonstrating recognised sustainability credentials in accordance with adopted policy DM19 and adheres to the requirements of Condition 14 (BREEAM ‘very good rating’) of the hybrid planning permission. The verification certificate is also required for approval under the same condition.

**7.15. Other matters**

- 7.15.1. The concerns expressed by local residents and the Borden Parish Council are largely addressed within the body of the report.
- 7.15.2. With regard to safety netting around the rugby pitches this is not a statutory or Sport England requirement and rugby pitches are generally not subject to safety netting, given the risk from bodily injury by a rugby ball is less than a cricket ball. The rugby pitches are contained within the site with wide landscaped edges to the boundaries and tree planting. In terms of the potential impact on Borden Nature Reserve (BNR) from a displaced ball, goal posts from pitch 1 (south) are approximately 36m to the BNR boundary and 42m for pitch 2 (north) and considered a minimal risk given the distances involved, notwithstanding the existing tree screening on the BNR boundary.
- 7.15.3. With regard to concerns over insufficient toilet facilities within the club house, there are 15 toilets provided. 13 on the ground floor and 2 on the first floor for dual use, including 2 disabled toilets. A lift is also provided for disabled use in the main stair core.
- 7.15.4. With regard to the concern relating to the conflict with SBC Playing Pitch Strategy 2016-2026 on the surplus of playing pitches, the Greenspaces Manager has provided the following comments: -

*“The paragraph (page 2) identifies that at the time of the study there was a theoretical surplus of rugby pitches across the Borough, however this is attributed to pitches that were not available to community use such as those within Fulston’s school field. Some surplus capacity does exist in Sittingbourne, but it goes on to identify that use at specific peak times pitches are at capacity which in reality means that there is no surplus.*”

*Further on page 25 in the Assessment Summary Section it identifies that “Sittingbourne Rugby Club confirm their number of teams is increasing at both senior and junior level. Difficulties with obtaining pitches for all teams means the club will need to look for other options in addition to their base at Gore Court Sports Ground.”*

*Further on page 60 in the Action Plan it identifies the need to address Sittingbourne’s significantly overplayed pitches”.*

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7.15.5. The committee is also asked to note that the strategy was not fully adopted due to difficulties with engagement with some of the National Governing Bodies at the time.

**7.16. Conclusion**

7.16.1. The proposal adheres to the approved parameter plans and masterplan of the hybrid permission. Its design, layout, appearance, and landscaping are considered acceptable and policy compliant, for the reasons set out in this report.

7.16.2. The proposal would provide a permanent home to Sittingbourne Rugby Club with space for community use secured by the existing S106 legal agreement tied to the hybrid permission. The facility will benefit the community and meet NPPF and local plan policy aspirations for health and wellbeing (Policy CP5) and community facilities (Policy CP 6).

7.16.3. In view of the above, the committee is recommended to grant reserved matters approval subject conditions.

**Conditions**

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

21.048-002 B Site Location Plan with existing levels  
21.048-150 -Cycle Storage Details  
21.048-010 J Proposed Site Layout Plan  
21.048-012 J – Proposed Site Plan Layout Plan with Levels  
21-100-001 B - Site Access and Tracking Diagram  
21-100-002 B - Internal Layout and Tracking Diagram  
30625A-10-P2-P3 -Proposed Floor Plans and Elevations

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

2 Prior to the construction of the development above ground details of all external finishing materials, including roofing materials and window systems, including reveals, shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details.

Reason: To secure and appropriate design and finish to the development in the interests of the visual amenities of the area.

3 The landscaping scheme and planting specification shown on drawing nos. 7796.LP.1.0 Rev A shall be carried out within 12 months of the completion of the development and maintained in accordance with the Landscape Management Plan by Aspect Landscape Planning dated November 2021 (Ref: 7796.Lan. Man.001). Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years of planting shall be

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replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory external appearance and provision for landscaping in accordance with Policy DM14 of the Local Plan 2017.

- 4 Prior to the occupation of the development, a management plan covering the entirety of the operation shall be submitted for approval to the local planning authority. The plan shall include but not be limited to hours of operation and delivery, control of noise from plant and machinery, noise from internal and external activities. The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. Once approved the plan shall be implemented to the satisfaction of the local planning authority.

Reason: To safeguard the living conditions of existing and proposed residential neighbours to comply with Policy DM 14 of the Local Plan.

- 5 No external lighting shall be installed until a detailed scheme of lighting has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of ILP Guidance Note 01/21 The Reduction of Obtrusive Light (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained, and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: To safeguard the living conditions of residential neighbours and biodiversity to comply with Policies DM 14 and DM 28 of the Local Plan.

- 6 If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

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

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7. No development shall commence [or other specified time period] until the following documents have been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
  - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

The approved scheme shall be carried out in full and in accordance with the approved programme of implementation [or other specified time frame – e.g., before first occupation of the establishment]. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Policy DM 17.

8. No development shall commence [or other specified time period] until a schedule of playing field maintenance including a programme for implementation for a minimum period of [five] years starting from the commencement of use of the development [or other specified time period] has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Following the commencement of use of the development the approved schedule shall be complied with in full.

Reason: To ensure that the playing field is first established as a functional playing field to an adequate standard and is fit for purpose and to accord with Policy DM17.

9. Prior to the use hereby permitted commencing, details of active electric vehicle charging points, to serve 7 car parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be completed prior to first public use of the building and maintained thereafter.

Reason: In the interests of sustainable development to comply with Policy DM 19.

**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 applicant amended the proposal in response to officer requests.

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The application was considered by the Planning Committee where the applicant/agent also 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.



